

October 12, 1993  
93-650S.JL

Introduced by: Sims  
Proposed No.: 93-650

ORDINANCE NO. **11073**

AN ORDINANCE establishing policies and procedures for the disposition of remains of indigent persons who died in King County, adding a new Chapter to K.C.C., Title 8.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. There is hereby added to K.C.C. Title 8 a new chapter to read as follows:

SECTION 2. Definitions. The following definitions shall apply in the interpretation and enforcement of this chapter:

A. "Burial" means interment in a burial plot or an outer burial container, if required by the cemetery authority, and the recording of related documents, including the location of the remains.

B. "Cemetery Authority" means the owner or operator of a licensed cemetery.

C. "Cremation" means cremation and disposition of cremated remains, and recording of related documents including the location of the remains.

D. "Crematory Authority" means the owner or operator of a licensed crematory.

E. "Disposition of Remains" means either burial or cremation.

F. "Estate" means all real and personal property of the decedent, including cash, certificates of ownership or other tangible assets.

G. "Funeral Director" means the owner or operator of a licensed funeral home.

H. "Indigent" means a person who dies without leaving means sufficient to defray the expense of disposition of the body.

I. "Legally Responsible Representative" means the decedent's spouse, adult surviving children, surviving parents,

1 surviving siblings or a person acting as representative of the  
2 decedent under the signed authorization of the decedent,  
3 pursuant to RCW 68.50.160.

4 J. "Manager" means the designee of the manager of the  
5 regional division, Seattle-King County department of public  
6 health.

7 K. "Mortuary Functions" means first call and pick up of  
8 the decedent; transportation of the decedent from the place of  
9 death to the mortuary and from the mortuary to a cemetery or  
10 crematory; required care of the decedent for timely disposition  
11 in compliance with State and local laws regarding care of dead  
12 human bodies, (e.g. disinfecting and embalming or  
13 refrigeration); provision of a container, as prescribed by law,  
14 for the transportation and, if necessary, the burial of the  
15 decedent; retention of custody of cremated remains until  
16 disposition is determined; disposition of cremated remains, if  
17 necessary; obtainment of authorization for the disposition of  
18 remains and the use of county funds; and completion of the  
19 death certificate.

20 L. "Payment Maximum" means the limit of payment the  
21 county will authorize for cremation or burial services.

22 M. "Primary Legally Responsible Representative" means a  
23 legally responsible representative having the right to control  
24 the disposition of the remains of the decedent, pursuant to RCW  
25 68.50.160; that is, only if, after due diligence, no surviving  
26 spouse can be located may a surviving adult child of the  
27 decedent serve as the primary legally responsible  
28 representative, and so on.

29 N. "Unclaimed" means that a legally responsible person or  
30 other person, church organization or other organization does  
31 not assume financial responsibility for disposition of the  
32 body.

33 SECTION 3. Policies. The county will provide funding for  
34 the disposition of the unclaimed remains of indigent persons  
35 who died in King County.

1 Disposition of remains at county expense will be by  
2 cremation except when the decedent cannot be identified, as  
3 verified by the medical examiner, or when the medical examiner,  
4 for purposes related to the work of the medical examiner's  
5 office, authorizes burial in lieu of cremation.

6 Prior to cremation or burial, the Funeral Director shall  
7 request authorization of payment for the disposition of  
8 indigent remains from the manager, pursuant to the procedures  
9 stated in Section 4 of this ordinance. Payment shall be for  
10 actual costs, not to exceed the following:

	<u>SERVICE</u>	<u>ACTUAL COST NOT TO EXCEED</u>
12	1. Mortuary Functions Prior to Cremation	\$225.00
13	2. Cremation	75.00
14	3. Mortuary Functions Prior to Burial	325.00
15	4. Burial Only	377.00
16	5. Burial with Plot	436.00

17 These rates shall change annually on January 1, based on  
18 the local Consumer Price Index (CPI). The office of financial  
19 management shall be responsible for calculating and publishing  
20 such rate changes. Every five years the rates shall be  
21 reviewed for their appropriateness by the county council,  
22 beginning with the rates for 1998.

23 If other resources for disposition of the remains are  
24 available to the Funeral Director or become available at a  
25 later date, either from the decedent's personal effects or from  
26 some other source, the Funeral Director shall credit or  
27 reimburse the county, dollar for dollar, for payments  
28 authorized by the manager pursuant to this ordinance.

29 Disposition of the unclaimed remains will be authorized by  
30 the primary legally responsible representative(s) or, in the  
31 absence of such authorization, by the county medical examiner.

32 The manager may authorize payment after disposition has  
33 taken place only if all of the following conditions are met:

1           1. Immediate disposition of the decedent's remains was  
2 required for public health reasons;

3           2. It was not possible to apply before the cremation  
4 or burial was performed; and

5           3. It is the first working day following the cremation  
6 or burial.

7           Multiple containers (caskets) may be placed in one grave  
8 at the discretion of the cemetery authority so long as  
9 otherwise permitted by law.

10           Beginning in 1995 and each year thereafter, King County  
11 will purchase, at the price of a "Burial with Plot" as  
12 identified in this ordinance, a cemetery plot to be used for  
13 the burial of remains whose cremation was funded by King County  
14 and for which no alternative instructions for disposition have  
15 been made, pursuant to WAC 98-40-080 or WAC 308-48-760. Each  
16 plot shall be purchased from a cemetery within King County  
17 chosen at random by the manager from a list of interested  
18 cemeteries.

19           SECTION 4. Procedures. A. Responsibilities of Funeral  
20 Director. The Funeral Director shall:

21           1. Determine that the decedent was indigent;

22           2. Attempt, with due diligence as determined by the  
23 manager, to locate a legally responsible representative of the  
24 decedent to claim the remains;

25           3. If one or more legally responsible representatives  
26 of the decedent are located but are unable to bear the costs of  
27 the disposition of the remains, request that an affidavit be  
28 signed by the primary legally responsible representative(s)  
29 stating that the cost of the disposition of the remains cannot  
30 be borne by the legally responsible representatives and  
31 authorizing the county's procedure for disposition;

32           4. If one or more legally responsible representatives  
33 are located, or are known to exist, but they refuse, either  
34 outright or by evasion, to assume responsibility for  
35 disposition of the remains and any of the primary legally

1 responsible representatives refuses, either outright or by  
2 evasion, to sign the affidavit described in Section 4.A.3. of  
3 this ordinance, the Funeral Director shall submit an affidavit  
4 attesting to this;

5         5. Submit to the manager all documentation required by  
6 this ordinance or by the Seattle-King County department of  
7 public health, including documentation of the inability of  
8 legally responsible representatives to bear the cost of  
9 disposition of the remains, in form satisfactory to the  
10 manager. This documentation must be submitted either prior to  
11 disposition or with further documentation to support  
12 authorization of payment after disposition, pursuant to Section  
13 3 of this ordinance. The form and documentation may be  
14 submitted by facsimile transmission if such transmission is  
15 followed by signed originals;

16         6. Perform mortuary functions and provide for  
17 cremation or burial, as approved for payment by the manager;

18         7. Submit an itemized request for payment (invoice) to  
19 the manager.

20         B. Responsibilities of the Crematory Authority. The  
21 Crematory Authority shall:

22             1. Receive the remains for cremation, as requested by  
23 the Funeral Director and as authorized by the primarily legally  
24 responsible representative(s) or the Medical Examiner;

25             2. Perform the cremation and related services;

26             3. Submit an itemized request for payment (invoice) to  
27 the manager.

28         C. Responsibilities of the Cemetery Authority. The  
29 Cemetery Authority shall:

30             1. Receive the remains for burial, as requested by the  
31 Funeral Director and as authorized by the Medical Examiner;

32             2. Perform the burial and related services;

33             3. Submit an itemized request for payment (invoice) to  
34 the manager.

1 D. Responsibilities of the medical examiner. The King  
2 County medical examiner shall:

3 1. In the absence of authorization of the county's  
4 procedure by the primary legally responsible representative(s),  
5 authorize disposition of the unclaimed indigent remains by  
6 either cremation or burial;

7 2. Forward authorization to the manager.

8 E. Responsibilities of the regional division of the  
9 Seattle-King County department of public health. The manager  
10 shall:

11 1. Secure authorization from the medical examiner for  
12 disposition of unclaimed remains;

13 2. Authorize or deny payment for services on the  
14 Disposition of Indigent Remains Record Form as soon as  
15 possible, determining the amount of county funds to be  
16 approved, pursuant to Section 3 of this ordinance;

17 3. Process invoices for payment within three working  
18 days of their receipt;

19 4. Distribute copies of the completed Disposition of  
20 Unclaimed Indigent Remains Record Form to the Funeral Director,  
21 Crematory Authority (if applicable), Cemetery Authority (if  
22 applicable), client file in the vital statistics office and to  
23 the department of public health fiscal section.

11073

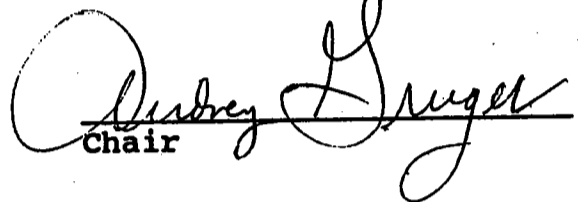
1        SECTION 5. Right of Appeal. If payment to the Funeral  
2 Director or the Cemetery Authority is denied by the manager,  
3 the Funeral Director, Crematory Authority or Cemetery Authority  
4 may appeal to the manager of the regional division of the  
5 Seattle-King County department of public health.

6        INTRODUCED AND READ for the first time this 7<sup>th</sup> day  
7 of September, 1993.

8        PASSED this 18<sup>th</sup> day of October, 1993

9  
10

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON


  
Chair

11  
12

13

ATTEST:


14  
15

  
Clerk of the Council

16

APPROVED this 29<sup>th</sup> day of OCTOBER, 1993.

17  
18

  
King County Executive

19        Attachments: None