COUNTY FUNERALS

OVERVIEW OF THE RESPONSIBILITIES OF WELFARE OFFICIALS
IN REGARDS TO INDIGENT FUNERALS
STATUTES RELATED TO BURIALS

• Chapter 28-17: County Burial
• Chapter 33A-5: Burial of Veterans
• Chapter 34-26: Custody & Disposition of Bodies and Body Parts
• Chapter 34-26A: Crematories & Cremations
• Chapter 34-27: Crematories & Burial Records
FUNERALS STATUTES

• Chapter 28-17 (1-6): County Burial
  • Funeral expense paid by county of residence or where death occurred. If no residence can be determined for the deceased person, funeral expenses borne are paid by county in which the death occurred.
  • (28-17-3) county decides disposition of body in absence of next of kin.
  • If deceased was an honorably discharged veteran, expenses paid as provided in chapter 33A-5.
  • Sum paid to be established by resolution of the county board of commissioners at the annual organizational meeting.
FUNERAL STATUTES

• Chapter 33A-5: Burial of Veterans
  • Recent statutes (2018) created SD State Veterans Cemetery operating fund. City of Sioux Falls donated land to establish a state veteran’s cemetery in Minnehaha County.
  • Non-Service connected death: Up to $796 in burial allowance and up to $796 plot allowance if person passed in VA Medical facility. $300 towards funeral & burial if veteran was not in VA facility at time of death.
  • Visit w/your local VSO for assistance.
Chapter 34-26: Custody & Disposition of Bodies

- Duty of burying the body of a deceased person: 1) spouse, 2) person or persons in the same degree of nearest of kin, of adult age and residing within this state and with means to pay.

- If person first responsible fails to assist with burial “within a reasonable time” this duty devolves to the next person specified. If all omit to act, duty to bury falls to county of legal residence, or, if unknown, to the county where the deceased was found.

- Failure to make burial as misdemeanor – civil liability for treble expenses.

- Notice to medical school of unclaimed body.
UNCLAIMED BODIES

• No one can be located for the deceased – requires investigation by county staff

• Relatives or friends who are unwilling to defray expenses

• Signing cremation authorization for unclaimed remains even when county is not assisting financially (34-26-16 & 34-26A-2)
Chapter 34-26A: Crematories & Cremations

* Public official as authorizing agent in absence of any other person to order cremation (spouse, parent, child, close relative, friend).

* Cremation authorization form signed by authorizing agent.

* Unclaimed cremated remains kept for 30-day period before disposal of remains.

* Disposal of cremated remains
FUNERAL STATUTES

• Chapter 34-27: Cemeteries & Burial Records
  • MC has their own cemetery and contracts with a funeral director so he is responsible to ensure burials are done at the county cemetery in accordance with the statutes
  • MC current allowances:
    • $3000 for traditional funeral/memorial service with burial
    • $2000 for cremation with or without memorial service
Minnehaha County Human Services

Screening Tool for Funeral/Burials

We recognize that this is a difficult time for your family. As you make decisions and sort through options, it is possible that Minnehaha County may be able to provide financial assistance. This screening document is not a final determination if the County will help, but rather will assist you in determining if you should apply for assistance, and if you do apply, what documents you will need, along with your options. The funeral home director will be able to help you clarify or please call MCHS at 605-367-4217.
MINNEHAHA COUNTY PROCEDURES

- County payment must be authorized prior to the funeral home providing any service.
- County payment is considered payment in full and no supplementing may be done.
- If deceased or next of kin has resources equal to or in excess of amount county will pay, request can be denied.
- County lien placed on assets of surviving spouse or parent of a minor.
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Annual average 2008-2020: 152,520
CASE EXAMPLE/ACTIVITY