

Resolution 2020-12
Burial or Cremation of Unclaimed Bodies

WHEREAS, when no person takes charge of the body of a deceased within fourteen (14) days of death, Idaho Code §31-2802 requires the Coroner to cause the body of the deceased to be decently interred or cremated; and if there is insufficient property belonging to the estate of the decedent, the necessary expenses of the burial or cremation shall be a legal charge against the County pursuant to the provisions of Idaho Code §31-3412; and

WHEREAS, Idaho Code §31-3412 requires the Board of County Commissioners to provide for the burial or cremation of indigent persons; and the Coroner, mortician, or other responsible parties may make application to the Board of County Commissioners prior to the rendering of services for payment at the established rate; and

WHEREAS, pursuant to Resolution No. 2020-11, the Board of County Commissioners has established the following rates for nonmedical indigent assistance per Idaho Code §31-3412: \$1,200.00 for direct cremation without viewing or attended rites or \$1,400.00 for direct burial without viewing or attended rites or services; and

WHEREAS, for the purpose of payment for burial or cremation of unclaimed bodies per Idaho Code §31-2802, no evidence of need, indigency, or residence contemplated by Idaho Code §31-3404 need be supplied to the County; rather, the Coroner's determination of location of the body and of initial determination of insufficiency of belongings of the estate, shall suffice for the cremation to be a legal charge against the County, and the Coroner or funeral home may make application to the Board of County Commissioners for payment; and

WHEREAS, upon the expiration of fourteen (14) days without any person taking charge of the body of a deceased, and upon the Coroner's making of the appropriate findings, i.e. location of the body in Kootenai County and initial determination of insufficiency of belongings of the estate, the Board of County Commissioners shall authorize payment for the burial or cremation of the unclaimed body; and

WHEREAS, pursuant to Idaho Code §31-3412, Kootenai County shall be free from any liability for indigent burial and cremation; and, pursuant to Idaho Code §54-1143, there shall be no liability of any funeral establishment, cemetery, or crematory establishment that disposes of human remains pursuant to authorization of the Coroner per Idaho Code §31-2802; and

WHEREAS, any burial or cremation performed pursuant to this Resolution shall be performed in a manner consistent with the standards set forth in Resolution No. 2020-11, Cremation or Burial of Indigent County Residents; and

WHEREAS, nothing in this Resolution shall preclude the Kootenai County Treasurer from securing and inventorying the assets of a decedent pursuant to Idaho Code §14-105, investigating whether heirs or a will exist pursuant to Idaho Code §14-107, and/or, in appropriate cases, seeking reimbursement for payments made by the County pursuant to this Resolution from the decedent's estate; and

WHEREAS, this Resolution shall be reviewed by the Board of County Commissioners and the Coroner every three (3) years, at least thirty (30) days before the anniversary of the date of adoption below.

NOW THEREFORE, IT IS HEREBY RESOLVED that the cremation or burial of unclaimed bodies shall be performed as set forth hereinabove and the costs thereof shall be provided for via the budget of the Kootenai County Board of Commissioners.

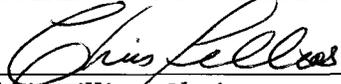
Upon a motion to adopt the text of the foregoing Resolution made by Commissioner Duncan, seconded by Commissioner Brooks, the following vote was recorded:

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| Commissioner Brooks: | Aye |
| Commissioner Duncan: | Aye |
| Chairman Fillios: | Aye |

Upon said roll call, the text of the foregoing was duly enacted as a Resolution of the Board of Commissioners of Kootenai County, Idaho on the 21st day of January, 2020.

Dated this 21st day of January, 2020

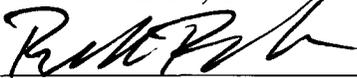
KOOTENAI COUNTY
BOARD OF COMMISSIONERS



Chris Fillios, Chairman



Leslie Duncan, Commissioner



Bill Brooks, Commissioner

