**Hennepin County Burial Assistance**

**Policy** March 1, 2022

## Maximum Burial Costs

In accordance with MN Statute §261.035, Hennepin County will provide for the immediate burial or direct cremation for residents of the county who are otherwise unable to pay the cost of disposition of their remains. The Burial Assistance Program has a maximum assistance level of $3,000. There is a $5,000 cap on the cost of the burial to be eligible to receive burial assistance. Additional upgrades to services and purchases can be made as long as they total $2,000 or less, **however this payment cannot be made in advance of payments from Hennepin County Burial Assistance. Any payments made prior to authorization will result in a denial of the Burial Assistance application.** The total cost of the burial/cremation cannot exceed $5,000. The rate structure is the same regardless of age, cremation or traditional services. **Exception: See Immediate Burial Policy**

Hennepin County costs are limited to and will only authorize payment for the following services:

* Burial space
* Opening and closing of grave
* Vault
* Casket (maximum payment for casket is $1200) / Urn (maximum payment for urn is $200.00)
* Cremation
* Professional services
* Weekend and Overtime cost

**Hennepin County does NOT reimburse for the cost of burials/cremations. If payments to the funeral home, cemetery or cremation services are made prior to application for Burial Assistance OR approval of a pending application, the application for services will be denied.**

A detailed invoice which includes applicants and funeral directors’ signature is required before payment can be made.

Effective March 1, 2022, the maximum invoice amount will increase from $4400 to $5000 allowing families to contribute up to $2000 for enhanced services related to specific needs. **The additional $600 is to be allocated only for cost related to upgrading of the casket to $1200 (previous $800), paying for an oversized casket, costs related to overtime/weekend charges and additional cost related to burial fees.** The additional $600 is not meant to increase professional services or to increase the overall amount of the invoice.  The HC maximum payment of $3000 will remain the same.

Effective 5/1/19 Hennepin County will no longer pay the cost of any out of state burials, cremation expenses or costs related to the transportation of remains including transportation of remains to Minnesota from another state or transportation of remains from Minnesota to another state. **There are no exceptions to this policy.** If a Hennepin County resident dies while visiting another state, the burial will be the responsibility of the next of kin or state in which the person passed away. Hennepin County will pay for transportation expenses (of the DP) within the state of Minnesota

## Funeral Homes/Crematories/Cemeteries

The service providers must include the application for burial assistance and the signed contract by the next of kin/applicant, and the funeral director showing the total charges for services. Invoices and/or contracts can be faxed to the Burial Assistance Program.

## Processing Timelines

Our intention is to process applications within 48 hours of receipt of all required documents whenever possible. This is not meant to imply that applications will be processed within 48 hours. All verifications are required before processing. Exceptions can be made on a case by case basis and with the approval of the Burial Assistance Supervisor or Manager.

## Approval

Once the decision has been made to approve the application, a system generated approval notice will be sent to the applicant. Every attempt will be made to contact the Funeral Home and the next of kin with the decision.

Once a payment has been authorized to a service provider, the HC payment stands as is. If the NOK decides to change service providers, it is the responsibility of the NOK and the service providers to negotiate/change payments. The amount charged by the “new” service provider cannot be in excess of $5000 when combined with the original payment amount.

Once an invoice is approved no changes can be made in the amount. All invoices must reflect the total charges for the burial at the time of submission.

## Receipt of Application

The application must be received within 14 calendar days as of the date of death or notification by the Medical Examiner. **Exception: See Immediate Burial Policy.**  Any exceptions require supervisor approval. If the applicant or funeral home claims to have applied earlier than we receive the application, they must provide proof (FAX time/date stamp). If unable to provide proof that application was sent, we will honor the date receipt is documented. Any outstanding verification(s) must be received within 30 days of the date the application was received.

## Residency

**To be eligible for HC Burial Assistance, the deceased person must meet Hennepin County residency requirements. Citizenship does not factor into residency.**

**Residency is met in any of the following ways;**

* If on Public Assistance, Hennepin County must be the financially responsible county, (CFR). \*\*\* Deceased could be in a nursing home in another county, but if Hennepin is financially responsible for the case, Hennepin is financially responsible for the burial assistance. The county a person moves from remains financially responsible for 2 months.
* If not on Public Assistance, the DP must have a verifiable address in Hennepin County. Verification can be a lease agreement, rent receipt, mail received, drivers license, etc.

## Residency and Students

When determining the county of responsibility for a college student, consider the living arrangement. If they lived in off campus, year-round housing, consider the county in which they lived to be the county of responsibility. If they lived in a dormitory, or other non- permanent housing, consider their parent’s residence to be their permanent address.

## Residency and Travelers

If individuals are vacationing/visiting/ traveling to Hennepin County, the county/state/country in which they are from is responsible for their burial, not Hennepin County. However, if someone recently moved here, and proves the intent to permanently reside in Hennepin County we would consider them to be residents. Use CFR criteria for determining HC financial responsibility.

## Reimbursement to Other Counties

Only reimbursement of up to $3,000.00 will be authorized to any county as long as Hennepin County is the county of financial responsibility (CFR).

## Denial

When an application is denied, the applicant will be informed in writing and phone call, unless the denial is due to county of financial responsibility. We will also notify the service provider of the denial.

## Appeals

The applicant has a right to an appeal hearing when an application is denied. Our denial letter informs applicants that they must appeal within 60 days. It also informs them that if they have a good reason to delay longer than 60 days, they may have 90 days. Appeals should be sent to the State.

Once the State receives an appeal, the hearing is coordinated through the Eligibility Supports Appeal process. The staff in the Appeals Office will notify the Burial Assistance staff.

## Income of Deceased Person

**Earned Income of Responsible Relative** (Spouse or parent of minor child)

If the responsible person is employed, we must request pay stubs from the last 30 days. All of their income is counted towards meeting the income limit test.

## HH Income Limits (2022):

If the responsible individual has earned income, the HH Income Limits for their HH size will determine if the income is at or below the income standard for the household size. **Do not count the deceased person (income/assets or household member) in the HH if the deceased person is residing with other relatives. If the deceased person lives alone, we count the income and assets of the deceased person in determining program eligibility**.

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| --- | --- | --- |
| **Must be at or below 275% of the federal poverty level Household Size** | **Monthly Income** | **Annual Income** |
| 1 | $2951 | $35,420 |
| 2 | $3772 | $47,905 |
| 3 | $4762 | $60,390 |
| 4 | $5752 | $72,875 |
| 5 | $6742 | $85,360 |
| **Each Additional Member** | **$1,040** | **$12,485**   |  | | --- | |  | |  | |  | |  | |  | |  | |  | |  | |  | |  | |

## Unearned Income:

Sources of countable unearned income could be unemployment benefits, worker’s compensation payments, trust payments, etc.

We do not count public assistance payments such as MFIP, GA, MSA if deceased was on public assistance. We do not count SSI or RSDI disability payments as income.

RSDI retirement and VA benefits are considered sources of unearned income and become an asset if there are remaining funds after death.

## Rental Income from property owned by the deceased

The rental income belongs to the estate and is therefore available for burial expenses.

## ASSETS

**Available assets are counted even if on public assistance.**

**Excluded Assets:**

* + Exclude $1,000.00 if there is a surviving spouse, or dependent children or both living with the deceased person. (Maximum exclusion is $1,000).
  + Exclude the 1st home, if there is a surviving spouse or dependent children living in the home.
  + Exclude the first vehicle if there is a surviving spouse as the spouse can transfer the title based on DMV policy. <https://www.dmv.org/mn-minnesota/title-transfers.php>
  + If the NOK is an adult child, other relative, significant other, etc. they may not be able to access the title for transfer. See DMV policy above. If unable to access the title, exclude the vehicle.
* Vehicles more than 15 years old will have a value of $300 per vehicle assessed as an available asset unless the next of kin can provide verification that the vehicle is worth less than $300. The verification can be NADA value, letter from a certified mechanic or car dealership. This does not apply to vehicles with Collector Plates.
* The value of all vehicles owned by the deceased, regardless of relationship to NOK will be evaluated as a possible asset.
* Exclude vehicles are jointly owned by someone outside the HH and not the responsible relative.

## Assets vs. Income

1. The income of the deceased person is considered income in the month received and an asset thereafter.
2. The income of the responsible relative is considered income and is counted for the income limit test.
3. The income of the spouse is counted for burial assistance unless there has been a legal divorce or separation. Legal separation is defined as legal paperwork outlining the income and asset division of both spouses.
4. When there is a responsible relative, and they meet the income limit test, you then look at the available assets.
5. Verification of all assets and income is required including employment, Social Security, bank accounts, life insurance, stocks/bonds, etc.

## Estate of the Deceased Person

All assets belonging to the estate of the deceased except those excluded above, are to be considered as available for the cost of the burial. This includes life insurance benefits, (see below) nursing home account balances, pre-paid burial accounts, (see below) insurance settlements, and victim’s reparations.

## Life Insurance Policies

If there is a life insurance policy, those proceeds must be used for burial expenses. If there is no specific beneficiary named or if the beneficiary is the funeral director, the proceeds must be used for the burial of the individual. Hennepin County will not approve burial assistance payments without verification of the life insurance proceeds.

## Pre-paid Burial Accounts-Counted vs Excluded Assets

If deceased has prepaid for burial services including casket, body preparation, professional services or has a burial account trust, irrevocable trust account or life insurance policy these are all considered countable assets and applied against the maximum level of burial assistance ($3,000.00).

If prior to the date of death the deceased paid for the burial plot, which may include charges for opening and closing of grave, it is considered excluded real property and is not counted as an available asset.

## Donations, Fund Raisers or Other Contributions

In some circumstances there may be community donations, fundraisers, etc. raised for the deceased or surviving family members. These assets must be considered prior to approving Burial Assistance.

Hennepin County Burial Assistance Specialists will hold the application for 30 days before processing in order to allow donations to be accepted and verified. Proceeds from fund-raising, donations and any other contributions from friends, family and/or the community are considered assets and are applied against the Hennepin County Burial Assistance Maximum Payment.

## Demand for Notice

Oftentimes, after an individual dies, their estate becomes involved in Probate Court. If the county paid the cost of burial expenses, the county has an interest in obtaining repayment from the proceeds of the estate. For example, if the deceased individual owned a house, the proceeds from the sale of the house can be sought as reimbursement for burial expenses and for some Medical Assistance payments.

# Veterans Burial Benefit

Veterans, and in some cases, their spouses, may be entitled to free burial (burial plot only) at Fort Snelling National Cemetery. The burial includes the fees for the opening and closing of the grave, as well as the headstone.

The VA is committed to ensuring that all veterans obtain the benefits they are entitled to. If the next of kin does not know if the individual is a veteran, we should refer these individuals to our Veteran’s Services Office, at 612-348-3499.

Individuals may also contact the VA directly, to determine if the deceased or the spouse of the deceased was a veteran.

Verification requests for veteran status of adult decedents should be made to VA regional offices, medical facilities, or VA national cemeteries. By calling the VA toll-free benefits number, **1-800-827-1000**, you will reach a representative who can verify if a decedent was a veteran and if VA burial benefits are in order.

Note: The VA is unable to verify veteran status of *unidentified* remains.

**What information is required for verification?** The information needed for verification is the decedent's name and VA claim number (if known). Otherwise, as much of the following information as possible will be useful: Social Security number, date of birth, branch of military service, service number, and service dates.

**What is the application process?** Contact Hennepin County Veteran’s Services office for assistance with this process.

**What is the time limit to apply for VA burial allowances?** There is no time limit for claiming reimbursement of burial expenses for a service-related death. In non- service related deaths, the claim must be filed within 2 years of the veteran's burial.

**Are there related VA benefits?** The following are additional VA benefits for eligible veterans:

* [**Burial Flag**](http://www.vba.va.gov/bln/21/Milsvc/Docs/Flageng.doc) - A United States flag is provided for veterans who served honorably. The purpose of the flag is to drape the veteran's casket. The flag should be presented to the veteran's next of kin immediately after the burial.
* [**Burial at VA National Cemeteries**](http://www.cem.va.gov/cem/bbene/eligible.asp) - Any veteran with honorable service is eligible for burial at a VA national cemetery. The [nearest cemetery](http://www.cem.va.gov/cem/cems/listcem.asp) should be contacted for arrangements. Veterans are also eligible for burial at state veteran’s cemeteries.
* [**Headstone and Marker**](http://www.cem.va.gov/CEM/hm_hm.asp) - A headstone or marker is provided for the burial of veterans who served honorably. The National Cemetery Administration arranges that for burial at its national cemeteries. **On application, VA will also provide a headstone or marker for burials at other cemeteries.**
* [**Presidential Memorial Certificate.**](http://www.cem.va.gov/CEM/pmc.asp) A certificate honoring the memory of veterans who served honorably is sent to the veteran's next of kin, and other loved ones on request. The certificate bears the President's signature.

# Financial Help for Victims of Violent Crimes

Requirements:

Crime must have occurred in MN and the deceased is a resident of MN. There are exceptions for residents visiting other countries or states. Innocent victims of a violent crime, in other words they weren’t in the act of committing a crime or contributing to the incident through any misconduct.

The crime must have reported the crime within 30 days to the police and cooperate with the investigation. Eligible Applicant:

* Person that has paid for some of the services for the victim
* Dependents, family members or estate of the victim
* Guardian, conservator, AREP of any of these persons

What expenses are paid?

* *Burial expenses for victims of crimes are determined on a case by case basis.*
* Funeral and Burial Costs-up to the maximum amount of $6,500.00 including travel.
* They are to be the payer of last resort, making up for any amount that the family or Burial Assistance has not already paid.

People may be entitled to both Burial Assistance and funding from the Crime Victims Reparations Board.

The approval of funding from the Crime Victims Reparations Board takes on average approximately 4 months. There are however cases that pend longer depending on the length of the investigation.

We do not forward Burial Assistance applications to the Crime Victims Reparations Board. Refer families to 651-201-7300 to make application if appear to have a basis of eligibility.

**Abbreviations/Acronyms: BA-** Burial Assistance

**DP-** Deceased Person

**NOK-** Next of Kin

**RR-** Responsible Relative

**FP-** Funeral Provider

## Definitions:

**Demand for Notice -** Hennepin County must seek reimbursement whenever possible for benefits issued. When an estate comes before the Probate Court, the Probate staff must be notified, so they can determine if the county will seek reimbursement for Burial Assistance payments and/or Medical Assistance payments. Burial Assistance staff and Probate staff completes a Demand for Notice Form and files it with Probate Court in situations where the county may possibly seek reimbursement.

**Excluded Assets -** Excluded assets are assets that cannot easily be liquidated to pay for burial costs, or assets that are needed to maintain the safety and stability of surviving dependents, and spouses of the deceased.

**Liquid Assets-** Liquid assets are assets that can easily be converted into cash. They include: Cash on hand, checking accounts, savings accounts, certificates of deposit, money market accounts, stocks, bonds, life insurance accounts, prepaid burial accounts, etc.

**Responsible Relative -** If the DP was married at the time of death, their spouse is a responsible relative. If the DP was a minor child, the parents of the minor child are responsible relatives. A responsible relative is someone the county considers to be financially responsible for the funeral expenses. The responsible relative’s income and assets are considered available and must be verified. The responsible relative is required to complete the supplemental application.

**Immediate Burials**

Some religions/cultures/communities require immediate burial within 24 hours or as near to the time of death as possible. Hennepin County seeks to honor cultural traditions and as such in limited circumstances will allow reimbursement for pre-paid burial expenses as follows:

* All requests for reimbursement will be on a case by case basis. Review of all assets (deceased person, spouse and/or responsible relative) is required. Reimbursement requests must be approved by either the Burial Assistance Supervisor or Manager.
* All reimbursements will be sent to the funeral home and will be the responsibility of the funeral home/cemetery to reimburse the client/next of kin. The time frame for reimbursement will be determined by the funeral home/cemetery. Hennepin County takes no responsibility for the actual reimbursement of paid expenses.
* Burial Assistance applications that include a request for reimbursement must be made within **48 hours** of the burial **no exceptions**.
* Payments (reimbursements) will be made up to the Hennepin County maximum payment level of $3000.00.
* Hennepin County Burial Assistance will only approve an application for reimbursement related to immediate burials if the origin of the payment can be verified. Hennepin County will **NOT** reimburse for burials where a cash payment has been made.
* Example 1: $5000.00 payment loaned to NOK to pay for the Burial, but the lender does not use a bank and states the $5000.00 was kept at home. Because the payment was made in the form of cash, and the origin of the funds cannot be documented from a verifiable source, this would result in a denial of the application.
* Example 2: $5000.00 payment loaned to NOK to pay for the Burial, the funds were deducted from a personal or business account and issued to the funeral home. The lender provides a copy of the bank statement showing $5000.00 cash deducted from the bank. This is to be considered the origin of the payment being verified and (when all other terms and conditions are met) could result in the approval of the application.

**Please contact our office directly at (612) 348-7984 with any questions related to Immediate Burials.**