



COMMISSIONERS COURT  
COMMUNICATION

COURT ORDER NUMBER \_\_\_\_\_

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DATE: 10/15/2024

**SUBJECT: CONSIDERATION OF POLICY FOR THE DISPOSITION OF DECEASED PAUPERS**

**COMMISSIONERS COURT ACTION REQUESTED**

It is requested that the Commissioners Court consider a Policy for the Disposition of Deceased Paupers.

**BACKGROUND**

Per Health and Safety Code Section 694.002(a), "The commissioners court of each county shall provide for the disposition of the body of a deceased pauper. The commissioners court may adopt rules to implement this section." Tex. Health & Safety Code § 694.002(a) (emphasis added). In carrying out this statutory duty, "The Commissioners Court shall consider any information, including the religious affiliation of the deceased pauper, provided by a person" with a right to control the disposition of the decedent's remains as determined by Health and Safety Code Section 711.002(a).

Upon approval of this Policy, the Department of Human Services will implement processes and procedures to administer a program for the disposition of deceased paupers. The program will fully adhere to the Policy as approved by the Commissioners Court. This Policy supersedes any previous policy or Court Order related to the disposition of decedent paupers in Tarrant County.

This Policy has been reviewed and approved by the Criminal District Attorney's Office.

**FISCAL IMPACT**

The estimated fiscal impact of this policy is \$675,000. \$57,760 is available in 10000-2025 General Fund/5210100000 Human Services/572015 County Burials. An appropriate adjustment will be requested as additional funds are needed.

SUBMITTED BY Human Services

PREPARED BY: Kristen Camareno

APPROVED BY: Kristen Camareno



# **TARRANT COUNTY POLICY FOR THE DISPOSITION OF DECEASED PAUPERS**

## **1. Introduction and Statutory Authority**

Tarrant County Commissioners Court, acting as the governing body of Tarrant County in accordance with Section 694.002 of the Texas Health and Safety Code, has established the policies contained herein to govern the disposition of the body of a deceased pauper.

Per Health and Safety Code Section 694.002(a), "The commissioners court of each county shall provide for the disposition of the body of a deceased pauper. ***The commissioners court may adopt rules to implement this section.***" Tex. Health & Safety Code § 694.002(a) (emphasis added). In carrying out this statutory duty, "The commissioners court shall consider any information, including the religious affiliation of the deceased pauper, provided by a person" with a right to control the disposition of the decedent's remains as determined by Health and Safety Code Section 711.002(a).

Under Health and Safety Code Section 711.002(a), except as provided by Subsection (1), unless a deceased pauper has left directions in writing for the disposition of the decedent's remains, the following persons, in the priority listed, may have the right to control the disposition, including cremation, of the decedent's remains. The commissioners court shall consider any information provided by a person listed as follows:

- (1) the person designated in a written instrument signed by the decedent;
- (2) the decedent's surviving spouse;
- (3) any one of the decedent's surviving adult children;
- (4) either one of the decedent's surviving parents;
- (5) any one of the decedent's surviving adult siblings;
- (6) any one or more of the duly qualified executors or administrators of the decedent's estate; or
- (7) any adult person in the next degree of kinship in the order named by law to inherit the estate of the decedent.

As used in this policy, the term "Next-of-Kin" refers to any and all persons with the right to control the remains of a decedent as determined by Health and Safety Code Section 711.002(a).

## **2. Policy Administration**

The Tarrant County Policy for the Disposition of Deceased Paupers will be administered by the Tarrant County Department of Human Services (TCDHS). TCDHS shall establish processes and procedures to ensure full compliance and implementation of this policy.

### **3. Eligibility Requirements**

- 3.1 To be considered a pauper eligible for burial or cremation by the County under this policy, the County must determine, after reasonable assessment, that the person's death occurred in Tarrant County, and:
- a. the estate of the decedent does not have any resources that may be used to pay for disposition; and
  - b. the Next-of-Kin cannot pay for disposition because:
    - i. they do not have resources or are unwilling to pay for disposition; or
    - ii. their identities or whereabouts are unknown; or
  - c. the Next-of-Kin was unable to secure a funeral arrangement with a funeral establishment within the means of the decedent's estate whereby the funeral establishment referred the Next-of-Kin to the TCDHS. Prior to requesting assistance from TCDHS, Next-of-Kin must present quotes from a minimum of three funeral establishments for cremation, burial, and/or cemetery expenses comparable to those provided under this policy.

### **4. Referral and Assessment of Resources**

- 4.1 A referral to TCDHS for a determination of pauper status for a decedent whose death occurred in and whose remains are located within the boundaries of Tarrant County must come from a funeral home, medical facility, nursing home, or the Office of the Tarrant County Medical Examiner's (TCME). The referral may only be submitted after:
- a. the earlier of:
    - i. 6 days since Next-of-Kin received notice of decedent's death; or
    - ii. 10 days since date of decedent's death; and
  - b. the referring agency has, using all information and means available, made and documented due effort to locate and notify any and all Next-of-Kin as outlined in Section 711.002(a) of the Texas Health and Safety Code; and one of the following applies:
    - i. the referring agency cannot identify Next-of-Kin and has filed an affidavit with the County Clerk per Section 691.025(b) of the Texas Health and Safety Code; or
    - ii. Next-of-Kin will not return a minimum of 3 documented attempts at contact (including but not limited to phone calls, emails, text messages, door knocks, etc.), each attempt having been made a minimum of 24 hours apart, by the referring agency; or

- iii. Next-of-Kin refuses to accept responsibility for the decedent;  
or
  - iv. the qualifications in section 3.1 have been met.
- 4.2 Upon accepting a referral for determination of pauper status, TCDHS will attempt to contact the Next-of-Kin as identified by the referring agency, whose identity and whereabouts are known, and investigate the resources available to the decedent's estate.
- 4.3 The assessment of resources may include determination of eligibility for disposition benefits from the following resources:
  - a. Private funeral establishment;
  - b. Veterans Affairs;
  - c. Red Cross, for spouses and dependents of current members of the armed forces;
  - d. U. S. Government, for military personnel;
  - e. Private insurance companies if benefits are payable to the decedent's estate;
  - f. Private trusts;
  - g. Nonprofit organizations; and
  - h. Crime Victim's Compensation Fund for victims of violent crimes.

## **5. Determination of Eligibility**

- 5.1 Upon receipt of a referral, TCDHS shall contact the Next-of-Kin whose identity and whereabouts are known (the Applicant), to request information that may be necessary for TCDHS to determine eligibility of the decedent. TCDHS may use information obtained from the referring entity in determining eligibility. Any information obtained by TCME in the course of a death investigation may be considered by TCDHS. This includes any refusals by Next-of-Kin to accept responsibility for the disposition of the decedent. TCDHS may accept the findings of the TCME relating to such refusal by Next-of-Kin to accept responsibility for the decedent's remains.
- 5.2 The Applicant will be required to sign a notarized affidavit certifying the inability of the decedent's estate to cover the cost of cremation or burial, and that no other sources will cover said cost.
- 5.3 TCDHS will notify Applicant of decision within seven (7) business days of receipt of referral.
- 5.3 If TCDHS determines the decedent is not eligible for services under this Policy, TCDHS will give the Applicant written notice stating the reasons for the denial.
- 5.5 Under this Policy, applicants requesting deceased pauper services have the right to appeal eligibility determination decisions made by TCDHS. Written notice of such appeals must be made within five (5) business days of the

rendered decision. To pursue an appeal, the Applicant must complete the Appeal Form and file with the County Administrator's Office. A final decision will be rendered within three (3) business days of receipt of the Appeal Form. The decision of the County Administrator's office is final.

## **6. Method of Disposition**

All proceedings relating to the final arrangements for pauper remains shall be conducted with the utmost solemnity and respect for the decedent and Next-of-Kin.

- 6.1 TCDHS will approve cremation of any identified decedent, pursuant to Health and Safety Code Section 694.002 with due consideration of the religious affiliation of the decedent, if any such affiliation is claimed or known.
- 6.2 The customary method of disposition will be cremation by fire unless:
  - a. the identity of the decedent is unknown as required in Texas Health and Safety Code Section 716.101; or
  - b. cremation is expressly prohibited by decedent's will or significant evidence **exists** of decedent's objection to cremation; or
  - c. written objection to cremation is submitted by Next-of-Kin within 10 days of date of death; or
  - d. the decedent is an honorably discharged Veteran of the United States Armed Forces and eligible for a traditional disposition at the Dallas-Fort Worth National Cemetery
- 6.3 If an exception listed in section 6.2 applies, the method of disposition will be county burial.
  - a. County burial includes only the following: transportation of the decedent to funeral home and cemetery, refrigeration, pauper casket, grave opening, burial, and grave closing.
  - b. County burial does not include the following: viewing, funeral or burial service, flowers, officiant, or next of kin transportation.
- 6.4 In no circumstance shall a county cremation or burial take place without prior written authorization by TCDHS.
- 6.5 In no circumstance shall county cremation or burial take place sooner than eleven (11) days after the date of death of the decedent.

## **7. Vendors**

Vendors authorized to perform cremations or county burials under this policy will be selected through a competitive bidding process conducted by the Tarrant County Purchasing department or another process approved by the Commissioners Court. All vendors must have a current contract approved by Tarrant County Commissioners Court before operating under this policy. Vendors must adhere to this policy as well as

the terms of their approved contract. Should any portion of this policy conflict with the terms of an approved vendor contract, the vendor must contact the Tarrant County Purchasing department for clarification and direction.