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COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE

June 27, 2022

Hon. Christopher D. Greene
Legislator – 6th District
Erie County Legislature

RE: Process for the Burial of Unclaimed Persons

Dear Legislator Greene:

Changes have been made to the burial process in response to the unfortunate situation faced by Mr. Sherman's family. A copy of the updated process has been enclosed with this letter. Timing around the publication of death notices has been changed to ensure they are booked for publication within three days of a referral to the Burial Unit and published in the next Sunday edition of the Buffalo News. In addition, the policy now indicates the specific roles responsible for making and documenting the required actions. These changes will reduce instances like this situation in the future.

Even as our Department continues to provide burial support to many hundreds of low-income families every year without incident; I recognize that even one incident is too many for a grieving family. I am glad that our staff and yours were able to bring this issue to light and work together to resolve it.

Sincerely yours,

Marie A. Cannon, MSW
Erie County Commissioner of Social Services

Enclosed:
Burial Process

MAC/ejt



DEPARTMENT OF SOCIAL SERVICES POLICY & PROCEDURE

Name:	Burial Process				
Section #:	32	Section Title:	Special Investigations Division		
Approval Authority:	2 nd Deputy Commissioner	Adopted:	10/29/19	Reviewed:	12/2/20
Responsible Official:	Assistant Director of Investigations	Revised:	6/26/2022		

1. POLICY STATEMENT

It is the policy of the Department of Social Services ("Department") that benefits are issued in accordance with State, Federal and local laws and regulations.

2. REASON FOR POLICY

The purpose of this policy is to provide guidance and instruction to Department employees when determining eligibility for indigent burials.

3. WHO SHOULD READ THIS POLICY

All employees of SID should read this policy at issuance and review as needed. This policy is applicable to all DSS permanent, part-time, contract and temporary employees who are responsible for any part therein.

4. RESOURCES

[TASB Chapter 16](#)

[18 NYCRR 311.3 \(c\)](#)

[18 NYCRR 351.1 \(b\) \(2\)](#)

[18 NYCRR 351.2\(e\)](#)

[18 NYCRR 352.23\(a\)](#)

[18 NYCRR 620.3](#)

[Social Services Law - SOS § 141](#)

[91-ADM-49](#)

[03-ADM-08](#)

[B-557](#) Affidavit of Burial

[B-2387](#) ECDSS Check Log Transmittal

[B-2805](#) Investigation Summary Part II

[B-5472](#) Burial Checklist

[B-5862](#) Burial Request Verification

[B-5864](#) Next of Kin Notice

[K-158](#) Burial Assistance Affidavit

[LDSS-2921](#) New York State Application For Certain Benefits and Services

[LDSS-4002](#) Action Taken on Your Request for Assistance to Meet an Immediate Need or Special Allowance

5. DEFINITIONS

Indigent burial – burial costs not to exceed \$900 for a claimed person; \$2,495 for an unclaimed person. (Exceptions may be made to accommodate oversized persons. Amounts may be less for a child or infant.)

Liquid Resource - cash or those assets that may readily be converted to cash, such as a life insurance policy that has a cash value, stock certificates, or a guaranteed line of credit from a financial institution.

6. THE POLICY

As a benefit of last resort, the Department is responsible for burial when a TA recipient or other indigent person dies leaving no funds or insurance sufficient to pay the cost and there are no relatives, friends or other persons liable or willing to take responsibility for the burial expense.

7. PROCEDURE

A. UNCLAIMED BODY

1. The Medical Examiner's Office or Hospital makes a referral to SID for unclaimed bodies in their custody.
2. SID Examiner completes the LDSS-2921 and enters the case into the Burial Database.
3. SID Examiner investigates all sources for information to identify:
 - a. District of Responsibility
Review WMS to determine the address of any active cases for the decedent at time of death. Contact the Medical Examiner/Hospital and the County Attorney to address any dispute of jurisdiction with the other district in question. The Department will initiate the process to provide assistance for the decedent during the pendency of a dispute between the where-found and the from-district(s).
 - b. Next of Kin
Searches include but are not limited to: WMS, Google, OnBase, Real Property, eMedNY, Real Property, GoFundMe, Accurint and Facebook. All phone calls, finds and transactions are to be documented in the Burial Database under comments.
 - If kin are identified, a B-5864 is sent instructing the potential family member of their options.
 - If kin are not found after two weeks, proceed with burial.
 - c. Resources of the Unclaimed Decedent
 - i. Send a Bank Inquiry and Clearance Report (ECDSS-3506) request to the "Big 6" (M&T, KeyBank, Bank of America, Citizens, Northwest, and Evans) requesting all information concerning the decedent.
 - ii. Search Real Property and/or Erie County Clerk's website for property.
 - iii. Contact nursing home, APS, etc. to identify any accounts.
4. If the body is not claimed within the first 3 business days, the SID Examiner notifies the County contracted funeral vendor by noon on Friday. The funeral vendor will place a death notice in the Buffalo News for that Sunday. The vendor will be reimbursed by the County for any notice placed that end up being a claimed case. Example death notice:
DOE, John of Buffalo, born 5/19/49, died 6/23/22
Contact Erie County Dept. of Soc. Svcs. – Burial Unit
At 716-858-7963 for more information
5. Public Administrator Referral
 - a. If there is evidence that the decedent has liquid resources in excess of \$5,000, refer the matter to the Public Administrator for burial and estate settlement and continue to seek next of kin.
 - i. Send date of birth, date of death, social security number, last known address, any known family/relatives and contact information, type(s) of asset(s) and values, copy of death certificate, copy of bank clearances, and invoice from funeral home to the Public Administrator.
 - ii. The Public Administrator exercises their discretion whether to handle the burial and will notify SID within seven days of referral whether accepted.
 - If accepted, Public Administrator takes over as executor of the estate and burial

- If not accepted or no response within 14 calendar days, SID manages burial, addresses final disposition and collects assets.

- b. If there is no evidence that the decedent has liquid resources in excess of \$5,000, and no one has claimed the body within 14 calendar days, SID addresses final disposition.

Note: If assets in excess of \$5,000 are found after burial, refer to Public Administrator and if they accept the case, they will reimburse the County for costs.

6. SID Examiner sends the B-557 to the contracted funeral home for completion and the Notice to Release the Body to the appropriate hospital/morgue. If the decedent is in the morgue, a copy of the notice is sent to the Chief Accountant (Health), requesting waiver of storage fees.
7. The Funeral home returns the completed B-557 to SID upon burial.
8. SID Examiner:
 - a. Determines the amount of payment to be authorized, deducting any resources, opens/closes a TA case and authorizes payment up to \$2,495 to the contracted funeral home to bury the unclaimed person. If resources are identified subsequently, an affidavit is sent to the bank or holder for recovery. If the Public Administration claims responsibility after payment of burial costs have been made, a subpoena to recover the funds is issued.
 - b. Creates DSS-3209, "Screen 8" ECDSS Data Enhancement Document (B-3816) and closing TA IAD.
 - c. Once paid, sends file to supervisor for signature on DSS-3209.
 - d. Data enters case and sends DSS-3209, B-3816 & IAD to Accounting.
 - e. Once data entered, verifies payline and updates Burial Database.
 - f. Sends Verification of Vital Statistics (B-31) requesting certified death certificate.
 - g. If resources identified, sends K-158, certified death certificate and self-addressed envelope to bank branch, if known, or main bank office (Some banks will not release funds until six months from date of death, so send requests after six months).
 - h. Upon receipt of funds, makes a copy of the check for the case record, updates the Burial Database to reflect receipt of the check, and images the file as closed.
 - i. Gives the check to the Unit Supervisor who completes the Indigent Burial Upload template and the ECDSS Check Log Transmittal (B-2387). The check is then taken to the Cashier's Office for processing.

B. UNCLAIMED UNIDENTIFIED BODY (JOHN DOE)

1. The Medical Examiner's Office or Hospital makes a referral to SID for unclaimed John Doe bodies in their custody.
2. SID Examiner completes the LDSS-2921; registers the application using John Doe as the case name, DOB 1/01/00 and SSN code of 2 to generate an APP/TAD for processing; and enters the case in the Burial Database.
3. SID Examiner sends the B-557 to the contracted funeral home for completion and the Notice to Release the Body to the appropriate hospital/morgue. A copy of the notice is sent to the Chief Accountant (Health), if the decedent is in the morgue, requesting waiver of storage fees.
4. The Funeral home returns the completed B-557 to SID upon burial.
5. SID Examiner:
 - a. Authorizes payment up to \$2,495 to the contracted funeral home to bury the unclaimed person.
 - b. Creates DSS-3209, "Screen 8" ECDSS Data Enhancement Document (B-3816) and closing TA IAD.
 - c. Once paid, sends file to supervisor for signature on DSS-3209.
 - d. Data enters case and sends APP/TAD, B-3816 & IAD to Accounting.
 - e. Once data entered, verifies payline and updates Burial Database.
 - f. Sends Verification of Vital Statistics (B-31) requesting certified death certificate.

C. CLAIMED

1. Upon receipt of the Application (LDSS-2921) for Burial Assistance, the SID clerk completes the Burial Checklist (B-5472) and prints WINQ 7s from WMS.
2. The SID Examiner:
 - a. Reviews the LDSS-2921 for completeness and enters the case into the Burial Database.
 - b. Reviews the WINQ7s for active cases. Send the Burial Checklist (B-5742) to the worker(s) of all active cases. TA is to keep the case open to issue the burial payment.
 - c. Investigates all sources for information to identify income, resources and next of kin. Enters notes on the B-5472 and B-2805, if necessary, and transfers all information into the Burial Database.
 - Income
 - Resources of the decedent
 - Sends a Bank Inquiry and Clearance Report (ECDSS-3506) request to the "Big 7" (M&T, HSBC, KeyBank, Bank of America, Citizens, Northwest, and Evans) requesting all information concerning the decedent.
 - Sends a B-5862 to the applicant, noting any needed documentation, including but not limited to: life insurance and social security direct deposits.
 - Check Go Fund Me, Obituary, OnBase (Pensions and burial funds are usually listed under the MA case), Real Property, SOLQ, Nursing Home Personal Incidental Accounts (PIA), etc.
 - Next of Kin
 - d. Sends Burial Request Verification (B-5862) to next of kin requesting any needed information within 10 days.
 - e. If information is still outstanding after 10 days, send Next of Kin Follow Up (B-5958) requesting information be returned within 10 days. If information is not received, the case is denied for failure to verify.
 - f. Files the B-5472 in the Estates Drawer.
 - g. Sends the K-158 to the funeral home for completion and the Notice to Release the Body to the appropriate hospital/morgue. A copy of the notice is sent to the Chief Accountant (Health), if the decedent is in the morgue, requesting waiver of storage fees.
 - h. Determines the amount of payment to be authorized, deducting identified resources available (ex: Nursing home, APS, agency payee accounts), . If resources are identified subsequently, an affidavit is sent to the bank or holder for recovery.

Note: If denying, update the Burial Database with amount of cost avoidance, date of denial and reason of denial and send the LDSS-4002 to the applicant and funeral home.
 - i. Opens/closes a TA case and authorizes payment up to \$900 to the contracted funeral home to bury the person. If active TA, SID forwards documentation to TA and requests the TA worker to issue payment.
 - j. Creates DSS-3209, "Screen 8" ECDSS Data Enhancement Document (B-3816) and closing TA IAD.
 - k. Once paid, sends file to supervisor for signature on DSS-3209.
 - l. Sends the LDSS-4002 to the applicant and funeral home. Retains a copy in the case file and forward copy to TA worker, if applicable.
 - m. Data enters case and sends DSS-3209, B-3816 & IAD to Accounting.
 - n. Once data entered, verifies payline and updates Burial Database.
 - o. Sends Verification of Vital Statistics (B-31) requesting certified death certificate.

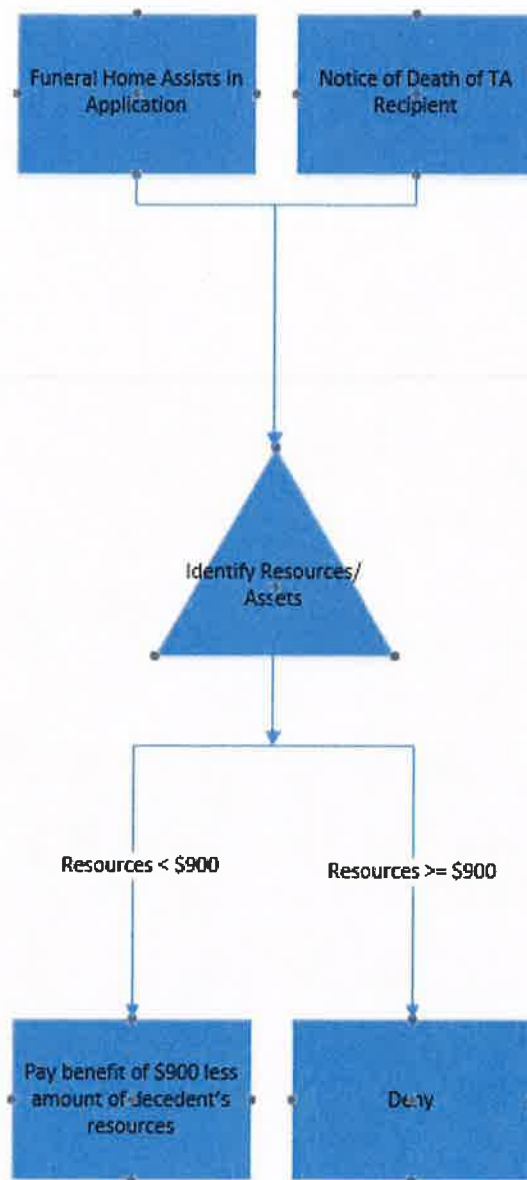
- p. Checks Surrogates for an estate. If there is an estate, work with the estate rather than the banks to obtain monies.
- 3. The Funeral home returns the completed K-158 to SID upon burial.
- 4. SID Examiner:
 - a. Sends K-158, certified death certificate and self-addressed envelope to bank branch, if known, or main bank office (Some banks will not release funds until six months from date of death, so send requests after six months).
 - b. Upon receipt of funds, makes a copy of the check for the case record, updates the Burial Database to reflect receipt of the check, and images the file as closed.
 - c. Gives the check to the Unit Supervisor who completes the Indigent Burial Upload template and the ECDSS Check Log Transmittal (B-2387). The check is then taken to the Cashier's Office for processing.
 - d. Images file as closed.

D. VETERANS AFFAIRS

- 1. Eligible
 - a. The SID Examiner:
 - i. Processes as above (unclaimed or claimed), without registering or data entering into WMS.

Note: a DD214 Certificate of Release or Discharge/Separation Document is required to process as a veteran.
 - ii. Note that the decedent was a vet in the Burial Database.
 - iii. Emails the Veteran's Office advising that a burial case is being processed for a veteran and provide the name, date of birth and date of death.
 - iv. Once processed and eligibility determined, emails the VA office to let them know of the outcome.
 - b. VA issues payment.
- 2. Ineligible
 - a. SID Examiner processes as claimed or unclaimed, as appropriate.
- 3. If Veteran status cannot be determined, process as a claimed or unclaimed as outlined above.

CLAIMED



UNCLAIMED

