

CERTIFICATION PAGE
RULES REGARDING INDIGENT BURIAL
PROVIDED BY LINCOLN COUNTY, WYOMING


I certify that the attached is a true and correct copy of the rules of the County of Lincoln relating to Indigent Burials adopted in accordance with W.S. 16-3-101, et seq.

These rules supersede all other rules previously filed.

Prior to adoption these rules were made available for public inspection between January 8, 2015 and March 3, 2015 and notices of intended adoption were mailed to all persons requesting notice of proposed rules.

The attached rules are effective immediately upon filing with the County Clerk.

Signed this 19 day of March, 2015.



Jerry Harmon
Chairman, Lincoln County Commissioners

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Section 1: Authority

These rules are promulgated as required by the Wyoming Administrative Procedures Act, W.S. §16-3-101 et. seq. Pursuant to W.S. § 18-3-504(c), the Board of County Commissioners is responsible for burial or cremation of indigent persons who were not receiving certain public benefits. Pursuant to W.S. § 42-2-103(c), the State of Wyoming Department of Family Services is responsible for burial or cremation of those indigent persons receiving aid under the POWER (Personal Opportunities With Employment Responsibilities) program, SSI (Supplemental Security Income) or Medicaid. Pursuant to W.S. §7-4-104(a)(i)(K), a case involving an unanticipated death where the identity of the victim is unknown or the body is unclaimed is a coroner's case, and under W.S. §7-4-207(a), when the coroner investigates the death of a person whose body is not claimed by a friend or relative within five days of the date of discovery and whose death does not require further investigation, he shall cause the body to be decently buried. The expense of the burial shall be paid from any property found with the body. If no property is found, the expense of the burial shall be paid by the county in which the investigation occurs.

Section 2: Procedure

A. Prior to payment by the County for cremation or burial services as outlined in Section 1, a sworn application must be submitted to the County for payment. The applicant must establish that the decedent was a resident of Lincoln County and not receiving POWER assistance, SSI income, or Medicaid under the Wyoming Public Assistance and Social Services Act at the time of death, and that the decedent was without sufficient means in his own estate or other resources to provide burial or cremation.

B. If the body is claimed by a friend, relative, or other person, that person shall pay the expenses for burial or cremation.

C. If no one claims the body, or if the body remains unidentified, the expense of burial or cremation shall be paid to the funeral home from any property found with the body, as per W.S. §7-4-207(a). If the body is unclaimed, the manner of disposition of the body and any itinerant funeral services are at the discretion of the funeral home, and may not be dictated by friends, family, or other interested persons.

D. If no property is found with the body, and no other estate exists against which the funeral home may make a claim, an application for payment may be made to the County.

E. If the Board of Commissioners finds that no other means of payment are available, it may authorize payment for the burial or cremation. The total cost of such burial or cremation shall not exceed one thousand dollars (\$1,000.00).

Section 3: Claim of Remains After Burial or Cremation

If a relative or friend of the indigent or unidentified decedent wishes to claim the remains of the decedent after burial or cremation, that person must first reimburse the County for any costs incurred by the County for the burial or cremation, as well as any fees charged by the mortuary or cemetery for the cost of disinterment.

Section 4: Severability

If any provision of these rules of practice or the application thereof to any matter is held invalid, the invalidity shall not affect the other provisions or applications of these rules which can be given effect without the invalid provision or application, and for this purpose the provisions of these rules are severable.