
Emergency And Special Assistance Programs

- The next of kin or any persons who may be chargeable with the **burial** expenses of the deceased, or the person taking responsibility for making the burial arrangements, and the Funeral Home Director must agree to this type of interment. The Funeral Home Director also must notify the Department prior to the burial that two or more bodies are placed in the same casket and state the reason given for this type of arrangement.

EXAMPLE: Two infants are buried in a casket. The Department will pay only the burial rate of \$1,250 and apply the maximum allowable payment of \$2,450.

6. Application Submittal Deadline

Payment for burial expenses cannot be made unless the application form, DFA-BU-1, has been completed and the applicant found eligible for payment and the date of interment or cremation did not occur more than 30 days prior to the date of application.

C. BURIAL RATE

The burial rate of \$1,250 is the maximum amount that will be paid by the Department. This rate applies to all burials. Under no circumstances is this rate negotiable regardless of the specific burial plan desired by the applicant.

D. DEVELOPMENT OF RESOURCES

The development of resources is a joint responsibility of both the Department and the Funeral Home Director. However, the Department's activity in the development of resources is limited to the estate of the deceased and only in situations when the estate is sufficiently valued to obtain up to the \$1,250 reimbursement to the Department.

The Funeral Home Director may develop resources from many different sources. Whenever the Funeral Home Director develops an amount of resources that exceeds the exempted resource amount of \$1,200 the Department will deduct this amount from the burial rate. When the Funeral Home Director receives resources which exceed the exempted resource amount after payment is received from the Department, the Department must be reimbursed by the Funeral Home Director.

Emergency And Special Assistance Programs

EXAMPLE: The Funeral Home Director receives payment of resources on a burial for \$1,450.

\$1,450	Resources
<u>-\$1,200</u>	Exempted resource amount
\$ 250	Excess
\$1,250	Burial rate
<u>-\$ 250</u>	Excess
\$1,000	Amount of payment received by the Funeral Home Director from the Department.

\$1,450	Resources
+\$1,000	Burial payment
<u>\$2,450</u>	Maximum allowable payment (total payment received by the Funeral Home Director)

EXAMPLE: The Funeral Home Director receives payment of resources on a burial for \$500.

\$ 500	Resources
<u>-\$1,200</u>	Exempted resource amount
\$ 0	Excess
\$1,250	Burial rate
<u>-\$ 0</u>	Excess
\$1,250	Amount of payment received by the Funeral Home Director from the Department.

\$ 500	Resources
<u>+\$1,250</u>	Burial payment
\$1,750	Total payment received by the Funeral Home Director

In this example, the Funeral Home Director is entitled to receive \$700 in additional resource before the maximum allowable payment of \$2,450 is reached. Assume further that the Funeral Home Director receives \$800 in additional resources after the burial payment from the Department was received. The Funeral Home Director must reimburse the Department \$100 because the maximum allowable payment was exceeded by \$100.

Emergency And Special Assistance Programs

c. Reimbursement from the Deceased's Estate

When the Financial Clerk receives reimbursement from the deceased's estate for the amount of the burial costs paid by the Department, he will make a direct deposit of this reimbursement to the burial program for the fiscal year in which the burial was paid.

d. Release of Lien against Estate

Following deposit of the reimbursement check from the deceased's estate for the amount of the burial costs paid by the Department, the Financial Clerk will forward a copy of a lien release packet. The lien release packet consists of the following:

- A copy of the DFA-67-A;
- A deposit ticket;
- A copy of the completed DFA-BU-3; and
- A copy of the warrant report.

A notarized release nullifying the lien against the estate is signed, and copies are sent to the Office of the County Clerk, the Financial Clerk, and the Office of Accounting.

3. Resources Due The Funeral Home Director

a. Types of Resources

It is the responsibility of the person who made the **burial** arrangements and the Funeral Home Director to apply for and develop the following potential resources which may be available to meet burial expenses:

(1) Statutory Death Benefit Plans

- Social Security Administration
- Veteran's Administration
- Workers' Compensation
- United Mine Worker's Association
- Other statutory death benefits

(2) Private Death Benefit Plans

- Life Insurance

Emergency And Special Assistance Programs

- Prepaid Burial Trusts
 - Other private death benefit plans
- (3) Contributions from friends and relatives
 - (4) Automobile Liability Insurance
 - (5) Other
- b. Treatment of Resources

All resources are treated the same, regardless of whether or not the deceased was a recipient of public assistance or any other type of benefit from the Department or other agencies. Please note that the treatment of resources discussed in this section is exclusive of resources received by the Department from the deceased's estate as discussed above.

E. APPLICATION PROCESS

1. General Instructions

Although it is preferable that the application for payment of burial expenses be made by the surviving spouse or other close relative, the application may be made by the person who has accepted responsibility for making burial arrangements. This includes, but is not limited to, the Funeral Home Director, friends, and neighbors. All applicants must be at least the age of 18.

Form DFA-BU-1, Application for Burial Expenses, will be used in taking applications for payment of burial expenses.

Form DFA-BU-2, Affidavit of Responsible Relative, is used to determine whether certain relatives, who are designated under State Law as liable for burial expenses, are financially able to make payment of all or part of the maximum payment allowed by the Department. In order to maintain the Department's policy of developing all possible resources, other relatives who are not designated under State Law as liable for burial expenses are also evaluated as to their ability and willingness to pay all or part of the appropriate burial rate.

2. Liability Of Responsible Relatives

As indicated in the Public Welfare Law §9-5-9, liability of relatives for support, certain relatives of the deceased who are financially able shall be

Emergency And Special Assistance Programs

responsible to pay the expenses of burial. These relatives are listed in the order of priority:

- The children
- The father
- The brothers and sisters
- The mother

"Financially able" is defined as the responsible relative's financial ability to make payment toward or the entire maximum payment allowed by the Department.

NOTE: A spouse is not considered under state law a responsible relative liable to pay the burial costs.

In many situations, other relatives (spouse, nephew, niece, etc.) who are not legally liable for payment of burial costs will take the responsibility for arranging the burial and make applications for burial expenses.

3. Completion Of Form DFA-BU-1, Application For Burial Benefits

Form DFA-BU-1 must be completed when an individual is applying for burial assistance. Payment for burial expenses cannot be made unless this form has been completed, the applicant found eligible for payment, and the date of interment or cremation did not occur more than 30 days prior to the date of application.

Generally, the county in which the individual resided at the time of death will assume the responsibility for accepting the application and making payment for eligible individuals. When the individual did not die in the county of his residence, the following instructions will apply:

- When the deceased dies in another county or state while visiting or receiving medical treatment, the county of residence will assume responsibility for accepting the application and making payment.
- When the deceased dies in a state institution or nursing home, that facility will contact relatives who will take charge of the burial arrangements. In most situations, the relatives will have the deceased returned to the county in which he resided prior to his death. When this occurs, the county in which the deceased has been returned will accept the application and process payment.
- Situations may occur, however, when the person who has taken charge of the **burial** arrangements, including the institution or nursing home administration, may wish to inter the deceased within the county in which the institution or nursing home is located. When this occurs, that county will accept the application and process payment.

Emergency And Special Assistance Programs

- When a non-resident of West Virginia dies while visiting or traveling through the state, the county in which he dies will assume the responsibility for accepting the application and, if eligible, process payment. This procedure applies only when the deceased's interment will take place in West Virginia.
- However, situations may occur when someone from another county has taken responsibility for the **burial** arrangements and wishes to have the deceased interred in that other county. When this occurs, the other county will accept the application and process payment.
- If so desired by the applicant, a burial application can be received via the mail. If the applicant wants to apply through the mail, the Worker will mail the application forms with an accompanying letter of instructions that includes a deadline for returning the completed application through the mail. The instructions will also request a copy of the death certificate and the deceased's social security number if not included on the certificate. After the application is received through the mail, the Worker will carefully review the completed application form and make a decision regarding eligibility or request the applicant to supply additional information.

The following instructions must be followed when completing Form DFA-BU-1.

- Section A and B, Identifying Information: The required identifying information in these two sections is self-explanatory. If the deceased was a non-resident of West Virginia at the time of death, the applicant must explain why the deceased is to be buried in West Virginia. This explanation is needed in order to assure that family and relatives have been notified and are aware that the deceased will be buried in West Virginia.
- Section C, Your Relationship to the Deceased: If the applicant indicates that he is a child, father, brother or sister, or mother of the deceased (liable relative), he must complete Form DFA-BU-2, Affidavit of Responsible Relative. If the applicant indicates that he is not a liable relative, he will be requested to complete Form DFA-BU-2 for the purpose of developing potential resources.
- Section D, Need and Estate of the Deceased: The applicant must place an "X" on the line next to the statement which indicates his knowledge of whether the deceased's estate had sufficient resources equal to the maximum allowable payment. When the applicant indicates the estate has at least \$2,450 in resources to pay for the burial costs, the case will be found ineligible for a burial assistance.