

ADMINISTRATIVE ORDER
OF THE
JEFFERSON COUNTY COMMISSION

09- 2

PURSUANT to the authority vested in the Jefferson County Commission by law, the following Administrative Order is hereby issued:

PURPOSE

To establish a uniform policy and procedure for the burial of indigent persons in the most dignified, economical method available.

I. DISCUSSION

It has long been established policy of the County to bury indigent individuals at the County cemetery located at Morris, Alabama at the County's expense. The authority to conduct indigent burials is found in Section 88 of the Alabama Constitution of 1901 which places the duty to provide for the maintenance of the poor upon the County and Code of Alabama (1975) Section 22-19-23 which states in pertinent part that if the relatives of a deceased indigent are not able to be located or unable to pay for the burial of the body in full or in part, the body must be buried at the County's expense, to wit: "[the dead body] **shall be buried at public expense** at the request of such claimant, if a relative by blood or a connection by marriage, provided he or she is financially unable to supply such body or bodies with burial. Likewise if there are no next of kin and no living relative claims the dead body of a non-resident the code provides that " ...if the deceased person was a traveler who died suddenly, in which case the dead body shall be buried [at County expense]." These constitutional and statutory commandments have been carried out by the Coroner Medical Examiner's Office (Coroner)¹, Cooper Green Mercy Hospital (CGMH) Social Services Department and the actual burial by the General Services Department (GSD), all at the County's expense. All county burials of the remains of indigents have to date been conducted by traditional means, to wit: burial of the body in a simple wood coffin in a numbered grave site in the County cemetery.

¹It should be noted that the Coroner is only responsible for compliance with § 22-19-23 concerning the provision of remains for Medical Science. Nothing herein is meant to imply that the Coroner has any responsibility for the actual burial of the remains of indigent persons.

Due to the County's recent financial crisis, neither the funds for personnel nor materials have been available to conduct the burial of the remains of indigents at the County's expense resulting in the suspension of such burials. Because of this event, the County has been forced to review its policy and find more economical methods of providing for indigent burial services, such as cremation of remains. While this Administrative Order does not change existing policy it will provide for a formal procedure for carrying out indigent burials in order to provide for both dignified and economical methods caring for indigents in Jefferson County.

II. POLICY

It shall be the policy of Jefferson County to provide for the burial or other disposition of dead bodies where there is no living next of kin or if the next of kin are financially unable to pay for the burial, cremation or other form of disposition of the remains by the most economical and dignified method available.

III. PROCEDURE

1. The CGMH shall coordinate all efforts with other federal, state, county and local entities to identify if there are any living relatives or next of kin of deceased persons that come into the possession of the CGMH or the Coroner's Office.

2. The CGMH Social Services Department (SSD) shall attempt to identify and make contact with the relatives of the deceased within 24 hours after death and determine if they have the resources to pay for a private burial of the remains or for burial at the County cemetery.

3. If the SSD verifies that the relatives of the deceased are unable to pay for burial expenses, then a determination shall be made by the GSD Director as to the most economical method for disposal of the remains. For example if it is determined that cremation of the remains is the most economical means of disposal the relatives shall be notified by the SSD that the County will pay for all cremation expenses and will either present the ashes of the deceased to them or bury the ashes at the County cemetery in Morris. The relatives shall be given the option to pay for the difference between the cost of cremation of the remains and traditional burial of the body in a wooden coffin at the County cemetery. In no event will the County be responsible for any burial expense greater than the most economical method of disposal of the remains of the indigent. The final decision as to the method of disposal shall, in all cases, be made by the GSD Director.

4. The Coroner shall be responsible for compliance with the provisions of Code of

Alabama (1975) Sections 22-19-20, et seq Distribution of Unclaimed Bodies For Scientific Study. Dead bodies not given in accordance with Section 22-19-20, et seq shall be processed pursuant to this Administrative Order.

5. The GSD shall consult with County Purchasing personnel and formulate a Request For Proposals (RFP) to obtain quotes for the cost of contracting for cremation services. GSD and Purchasing shall, after completion of the RFP process, make a recommendation to the County Commission as to the award of the cremation services contract and the County Commission may thereafter award the contract in accordance with applicable Alabama law.

6. The CEO of CGMH, Director of GSD and County Attorney shall form a committee to prescribe all appropriate forms, record keeping procedures and carry out all functions required under this Administrative Order with respect to the burial or other proper disposition of the remains of Jefferson County indigents.

IV. EFFECTIVE DATE

This Administrative Order shall be effective upon adoption.

DONE and ORDERED at the Jefferson County Courthouse, Birmingham, Alabama this the 8th day of September, 2009.

BET E FINE COLLINS, President
Jefferson County Commission

APPROVED BY THE
JEFFERSON COUNTY COMMISSION
DATE: 9/8/09
MINUTE BOOK: 158
PAGE(S): 407 - 408