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Blanchard Township  
Elwanda Hastings, Fiscal Officer  
Attn: Steve Wykes  
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RE: Issues on Indigent Burials

You asked two questions regarding indigent burials. The first question: who determines they are indigent and how to go about getting their information or is there already someone in place that does this? The answer is the township. First of all, a township's obligation to bury someone who may be indigent is found in Ohio Revised Code §9.15. The first issue is where was the dead body found? This is what triggers your responsibility. Was there a dead body found in the township or was it found in a municipal corporation located in the township? If the body was found in the township outside a municipal corporation, it is clearly a township responsibility. If it is found inside a municipal corporation inside a township, it is a municipal corporation responsibility. Second, once you determine whether the dead body is found in or outside the township limits and whether it is inside or outside a municipal corporation you have to determine was the body claimed by any person for private internment or cremation at that person's expense or was the body also delivered to the township for purposes of medical or surgical study under the Ohio Revised Code. This medical use option probably does not and will not occur so I will not discuss it further.

For the second issue, the township must ask further whether this body was claimed by anyone for private internment or cremation and at their private expense. You can probably get these questions answered from the funeral home. The third issue, once it is determined that the body is found outside of the municipal corporation limits in your township and no one has claimed the body, then your analysis still must determine where was this person from, where was he a legal resident? Is he a legal resident of Hardin County or was he a legal resident of another county? If your determination finds that this dead body that no one claims was a legal resident of another county, then that legal residence and address must be turned over to the proper parties. Under the 9.15(B) if a person is a legal resident of any other county of the state at the time of his death, the superintendent of the county home of the county of which such body was found shall cause the body to be buried or cremated at the expense of the township or municipal corporation in which the person had a legal residence at the time of death. In other words, if the body was a person found to be a legal resident of Allen County but no one claimed the body and he was found in your township we'll say outside a municipal corporation limits, the Hardin County Superintendent of County Homes shall cause the body to be buried or cremated, however, he shall seek the expense of this from the township government or municipal government of the Allen County where this person legally resided. See 9.15(B).

Additionally, the besides burying the body you also under 9.15 have a duty to erect a metal, stone, or concrete marker on which the person's name and age, if known, and the date of death shall be inscribed. Another scenario may happen if a body is claimed by some relative but they are indigent or do not claim the body at their expense, then the township government (or appropriate municipal government) still has the duty to bury or cremate the person at its expense. It is only when a dead person is found and the body is claimed by a person for private internment or cremation at that person's own expense that the township government is relieved of its duty to bury the body at its expense.

The Ohio Revised Code is silent as to the amount of expense. In other words, whatever it takes to get the job done is the limit of the township's responsibility. The code implies that you can bury the body as well as have cremation. Whether you cremate the body or you place the remains in a cemetery

you still have to erect a marker if you bury the body. If you do not put it in a cemetery but do cremation you still have to erect something which has inscribed the name, age (if known), and date of death, possibly by placing this information on the urn.

Your second question asked about the amount allotted, are we allowed to change that set amount? Again, the law is silent on the amount that you spend to bury the body. You have to spend whatever is necessary to carry out your duty. At a previous township association meeting, I recommended that the township governments as a whole contract with the local funeral homes and determine if you could arrive at a negotiated set price for these types of funerals that would carry out your duties but for a set price. Therefore, you would have some idea how to budget for this concern. However, that is a private arrangement that must be worked out with the township association or individual townships with the individual funeral homes. The law is very clear, you have to pay the entire expense, whether it is burial or cremation, and you have to pay for the marker with the proper inscriptions on it. The law does not put a ceiling on it. I have attached for your reading Ohio Revised Code §9.15. 9.15 O.R.C. used to be cited under 5101.521 of the Ohio Revised Code. However, effective September 29, 2007 that statute was repealed and all this current law is not found under §9.15 Ohio Revised Code.

Sincerely,

Bradford W. Bailey  
Hardin County Prosecuting Attorney

BWB/jp

### ***9.15 Burial or cremation of body at expense of township or municipal corporation.***

When the body of a dead person is found in a township or municipal corporation, and such person was not an inmate of a correctional, benevolent, or charitable institution of this state, and the body is not claimed by any person for private interment or cremation at the person's own expense, or delivered for the purpose of medical or surgical study or dissection in accordance with section 1713.34 of the Revised Code, it shall be disposed of as follows:

(A) If the person was a legal resident of the county, the proper officers of the township or municipal corporation in which the person's body was found shall cause it to be buried or cremated at the expense of the township or municipal corporation in which the person had a legal residence at the time of death.

(B) If the person had a legal residence in any other county of the state at the time of death, the superintendent of the county home of the county in which such body was found shall cause it to be buried or cremated at the expense of the township or municipal corporation in which the person had a legal residence at the time of death.

(C) If the person was an inmate of a correctional institution of the county or a patient or resident of a benevolent institution of the county, the person had no legal residence in the state, or the person's legal residence is unknown, the superintendent shall cause the person to be buried or cremated at the expense of the county.

Such officials shall provide, at the grave of the person or, if the person's cremated remains are buried, at the grave of the person's cremated remains, a metal, stone, or concrete marker on which the person's name and age, if known, and date of death shall be inscribed.

A political subdivision is not relieved of its duty to bury or cremate a person at its expense under this section when the body is claimed by an indigent person. As used in this section, "indigent person" means a person whose income does not exceed one hundred fifty per cent of the federal poverty line, as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the person's family.

Amended by 130th General Assembly File No. 25, HB 59, §101.01, eff. 9/29/2013.

Effective Date: 2007 HB119 09-29-2007