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ORDINANCE: Create Section 5.08 of the General Code for Winnebago County: Disposal of Unclaimed Bodies

TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:

WHEREAS, Winnebago County has not officially established a policy regarding the disposition of unclaimed bodies; and

WHEREAS, the Winnebago County Coroner has identified a need for such a policy to be established by Ordinance; and

WHEREAS, § 979.09, Wis Stats, provides the county with the authority to establish such a policy.

NOW, THEREFORE, BE IT ORDAINED by the Winnebago County Board of Supervisors that Section 5.08 of the General Code for Winnebago County: Disposal of Unclaimed Bodies, be created to read as follows:

5.08 DISPOSAL OF UNCLAIMED BODIES

(1) **AUTHORITY:** This Ordinance is created pursuant to that authority provided under § 979.09, Wis Stats.

(2) **DISPOSAL BY CREMATION:**

(a) The Winnebago County Coroner shall cause the body of an unclaimed deceased person to be cremated upon his written authorization. Cremation of an unclaimed body shall occur no earlier than seven (7) days subsequent to the pronounced date of death of the deceased person.

(3) **COSTS:**

(a) The Winnebago County Coroner shall request the assistance of the Winnebago County Department of Human Services to determine the Medical Assistance eligibility of the deceased. Should the deceased individual be eligible for Medical Assistance, any Medical Assistance payments made on behalf of the deceased shall be used to offset cremation costs of the deceased individual's unclaimed body.

(b) Family members of deceased individuals who refuse to claim the deceased individual's body shall not have any input into the decision regarding the means of disposition of the unclaimed body. Winnebago County shall have no obligation to pay for visitation or other funeral arrangements relating to any deceased individual whose body remains unclaimed.

(c) Cremation costs shall not exceed \$500 unless otherwise authorized by the Personnel and Finance Committee of the Winnebago County Board of Supervisors.

(d) The Winnebago County Coroner, within his discretion, may dispose of an unclaimed body by burial or by other means when it is in the interests of law enforcement or Winnebago County.

(e) Nothing contained within this Ordinance shall prevent the Winnebago County Coroner or Winnebago County from filing a claim against the estate of the deceased, or using other legal means, to recover the costs of disposition of the deceased individual should it appear that assets are available within the estate of the deceased individual or otherwise to cover said disposition costs.

(4) **EFFECTIVE DATE:** This Ordinance shall take effect upon the date following the date of publication.

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Submitted by:

JUDICIARY AND PUBLIC SAFETY COMMITTEE

Committee Vote: **5-0**

Vote Required for Passage: **Majority of Those Present**

Approved by the Winnebago County Executive this _____ day of _____, 2013.

Mark L Harris
Winnebago County Executive