



Assisted Funerals Policy **St. Thomas – Elgin Ontario Works** Effective Date June 16, 2014



Introduction:

Through St. Thomas – Elgin Ontario Works (STEOW), the City of St. Thomas administers the funeral and burials program for social assistance recipients and individuals in financial need in the City and Elgin County.

STEOW has established a local policy and procedures pertaining to the provision of financial assistance for funerals and burials to ensure that individuals who are in receipt of social assistance, indigent persons, and persons in financial need may have their remains interred or cremated in a respectful and dignified manner.

This policy outlines the local process and procedures for applying for and obtaining financial assistance for funerals and burials as well as the costs to be paid by STEOW for such services.

Legislated requirements regarding assisted funerals:

Municipalities are required by the statutes of the *Public Hospitals Act* to cover the burial expenses for persons in financial need who die in hospital. The *Public Hospitals Act* requires the municipality in which the patient was a resident at the time of the patient's admission to pay to the hospital any expenses of his or her burial that it incurs.

Further, municipalities are required by the statutes of the *Anatomy Act* to cover the burial expenses for unclaimed bodies found within the limits of a municipality. If a body has not been claimed by a relative for disposition, or by any other person who gives a bona fide undertaking to dispose of the body, it is the responsibility of the municipality where the body exists to cover the cost of burial. A municipality may recover the expense from the estate of the deceased.

Under the *Ontario Works Act, 1997* and Regulations, the Ontario Works Administrator (Director, St. Thomas – Elgin Ontario Works) has the ability to provide a discretionary benefit to residents of the Elgin and St. Thomas community who were, at the time of death, in receipt of social assistance (Ontario Works or Ontario Disability Support Program) to cover the costs of a funeral and burial or cremation.

Provincial Ontario Works Directive 7.2: Health Benefits provides an amount of \$2,250 as the recommended maximum for funeral and burial or cremation costs. Administrators have the discretion to exceed this guideline amount.

In the *Funeral, Burial and Cremation Services Act, 2002*, a cemetery operator who has an available lot or common scattering ground must provide scattering services or a plot for the interment of the remains of any person approved under the *Ontario Works Act* for an assisted burial, including grave opening and closing services. A cemetery operator may charge the lower of the actual listed price for these services and a maximum of \$1,300.

For *Ontario Works Act* approved assisted cremations, the *Funeral, Burial and Cremation Services Act* requires an operator to provide cremation services. An operator may charge the lower of the listed price and a maximum of \$500.

Costs to be paid by STEOW:

1. FUNERAL SERVICES

A maximum amount of \$3,500 plus HST (children under 10 years \$1,000 maximum plus HST) will be paid by STEOW to funeral providers for professional services and supplies approved under this policy, based on receipt of itemized invoices from funeral home operators.

STEOW will pay for basic funeral services including

- professional services and attention to all funeral arrangements and details
- Acquisition of all necessary documents and permits
- Removal from local place of death to the funeral home (within 50 km)
- Embalming and casketing of remains if requested
- Use of funeral service facilities and equipment, including maximum two-hour visitation and service (all same day)
- Use of funeral coach and Director/clergy vehicle (within 50 km) for local interment
- Provision of cloth-covered casket at lowest cost, or provision of urn at lowest cost

There is an expectation that where the applicant/family chooses less or minimal services (no visitation, graveside service only, cremation only), funeral service providers will reduce charges to reflect less service provided.

2. CEMETERY SERVICES

The lower of \$1,300 and the actual listed price plus HST will be paid by STEOW for assisted burials approved under this policy. Payments will be made directly to cemetery operators for plots and grave opening/closing costs or services provided with respect to the scattering of ashes, based on receipt of itemized invoices from cemetery operators.

3. CREMATION SERVICES

The lower of \$500 and the actual listed price plus HST will be paid by STEOW for assisted cremations approved under this policy. Payments will be made directly to crematorium operators, based on receipt of itemized invoices from crematorium operators.

Funeral and burial costs for recipients of social assistance are shared with the Province in accordance with prescribed provincial cost-sharing formulae. Currently (as of May 2014), costs are shared up to the annual capped maximum permitted by the Province under discretionary benefits. Once the maximum has been reached, additional discretionary benefit costs are paid by the municipality. For non-social assistance recipients, 100% of funeral and burial costs are paid by the municipality.

Place of residence:

The municipality where the deceased person resided is the municipality responsible for the funeral and burial costs. Therefore, STEOW is responsible to provide coverage for the funeral and burial costs of a deceased person whose principal residence was in the City of St. Thomas or Elgin County. If an individual dies outside of the municipality where he/she is a resident, STEOW may also pay for the cost of transporting the body back to St. Thomas or Elgin County.

If the family of the deceased person wishes to have the deceased buried outside the City of St. Thomas or the County of Elgin, STEOW is not responsible for the costs associated with the transportation of the deceased's body.

A transient or homeless person is deemed to reside in the geographic area in which the person received social assistance. If the person was a transient and the family wants the body returned for burial in another geographic area from where the person died, the Ontario Works Department where the person died is responsible for the costs of preparing the body and any transportation costs. The Ontario Works Department that receives the body is responsible for funeral and burial or cremation costs.

If a body has not been claimed by a relative for disposition, or by any other person who gives a bona fide undertaking to dispose of the body, STEOW is responsible to cover the cost of burial for an unclaimed body existing in the City of St. Thomas or the County of Elgin.

The Federal government manages the cost of all funerals or burials for persons on First Nations sites who are not in receipt of social assistance. Indian and Northern Affairs Canada (INAC) compensates First Nations for funeral and burial expenses of status Indians who were not in receipt of social assistance while living on-reserve in Ontario.

If an Administrator feels that the costs of the funeral and burial are the responsibility of an Ontario Works Department in another area, he/she shall discuss the matter with the other Administrator.

Eligibility criteria:

In this Funerals Policy, STEOW provides for a dignified and affordable funeral service for the most vulnerable residents of the community, including:

- Ontario Works (OW) recipients
- Ontario Disability Support Program (ODSP) recipients
- Qualifying low-income individuals**

** Standard Ontario Works means tests are used to determine the eligibility of low-income individuals who are not in receipt of social assistance.

Responsibilities of funeral home operators:

Funeral home operators are responsible for working with families to finalize funeral arrangements at a cost that falls at or below the maximum cost limit of \$3,500. Funeral directors are not permitted to charge families extra for upgrades over and above the \$3,500 maximum paid by STEOW.

Funeral home operators are required to provide minimum standards of service, for example direct cremation or burial (if requested by the family), lowest cost container for ashes, memorial service with same-day one-hour visitation.

If applicable, funeral home operators are responsible to make arrangements with crematorium operators, and to advise crematorium operators to forward invoices to STEOW for payment.

If applicable, funeral home operators are responsible to make arrangements with cemetery operators for cemetery burials, and to advise cemetery operators to forward invoices to STEOW for payment, along with the Interment Rights Certificate.

Funeral home operators shall forward six copies of the Proof of Death Certificate to STEOW within five business days of the date of death. Copies of Death Certificates are required by STEOW for the purpose of recovering funds from any potential source. Funeral home operators are not permitted to release copies of Death Certificates to any other party unless a written request is made to STEOW and written permission to do so is granted by STEOW.

Funeral home operators shall forward the final total invoice for services rendered to STEOW for payment. Invoices must include the name of the deceased, the date, and an itemized list of services rendered including itemized costs. Invoices must not include cremation or cemetery charges.

Responsibilities of cemetery operators:

Cemetery operators are responsible for providing an interment plot as well as grave opening and closing services, as applicable, or services provided with respect to the scattering of ashes. STEOW will pay the lower of the actual listed cost plus HST and a maximum charge of \$1,300. Cemetery operators are not permitted to charge families extra for services over and above the services approved by STEOW.

Cemetery operators must forward the Interment Rights Certificate to STEOW on behalf of the Corporation of the City of St. Thomas as the plot owner.

Cemetery operators shall forward the final total invoice for the plot and opening/closing services, as applicable, or services for the scattering of ashes, to STEOW for payment. Invoices must include the name of the deceased, the date, and an itemized list of services rendered including itemized costs.

Responsibilities of crematorium operators:

Crematorium operators are responsible for forwarding the final invoice for services to STEOW for payment. STEOW will pay the lower of the actual listed cost of the service provided plus HST and a maximum charge of \$500. The invoice must include the name of the deceased, the date, and an itemized list of services rendered including itemized costs.

Recovery of Funeral, Burial or Cremation Costs:

Under the *Ontario Works Act*, STEOW is entitled to recover any amount paid for a funeral, burial, or cremation from all sources available to the deceased person. Funeral, burial or cremation expenses are payable out of the deceased person's estate in priority to any other charge on the estate.

STEOW may obtain an assignment of benefits from Canada Pension Plan (CPP) or Old Age Security (OAS) for which the deceased is eligible, or STEOW may make a claim against the estate. Recovery sources include monies in bank accounts, RRSP's, last assistance from Ontario Disability Support Program, Canada Pension Plan Death Benefits, life insurance, and other sources. This recovery of costs is sought from the person responsible for administering the estate (i.e. the executor if one is appointed under a will or a court-appointed administrator).

A complete record of monies received from the estate will be maintained by STEOW. Any monies received in excess of the costs associated with a funeral, burial or cremation will be returned to the estate of the deceased.

Authority to accept responsibility for the funeral/burial:

An estate trustee, also called an executor or executrix, of the deceased person's estate may initiate the funeral arrangements. An executor/executrix is named in the deceased person's will. In some cases, an administrator is appointed by the court to have authority to decide what will happen to the deceased person's body.

A person who dies without a will in Ontario is referred to as an "intestate deceased person". In these situations, next of kin may act as legal representatives to make decisions. Ontario law defines the "next of kin" of an intestate deceased person as follows in descending ranking order:

1. The spouse of the deceased, if living
2. Adult children of the deceased including those born outside marriage and adopted ones
3. Adult descendants of the deceased (i.e. grandchildren)
4. Parents of the deceased
5. Siblings of the deceased
6. Nieces or nephews of the deceased
7. Remote relatives who are able to establish their blood relation to the deceased.

The person making the arrangements may seek funeral services directly from the funeral home of their choice. However, before making funeral arrangements, the person must advise the funeral home operator that he/she will be seeking financial assistance to pay for the funeral and burial services from STEOW.

STEOW will provide a laminated info-sheet which funeral home operators may display to help direct applicants to STEOW for financial assistance.

The funeral home operator may contact STEOW to arrange an appointment for financial assistance, however the person authorized to make the funeral arrangements must attend the STEOW appointment in person to process the application.

Applying for funeral assistance:

The person applying for financial assistance should be the person making the arrangements at the funeral home, as the death certificate will include the name of the person who arranged the funeral.

Prior to funeral services being finalized and provided, applications for financial assistance are received, processed, and approved by STEOW staff as follows:

1. The person (the "Applicant") who is arranging the funeral on behalf of a deceased person contacts STEOW for financial assistance. (An appointment may also be arranged by the funeral home operator, at the Applicant's request.) Requests for funeral assistance are treated as urgent and are addressed immediately.
2. An appointment is made with the Applicant to complete the application at the STEOW office.

3. The Applicant is advised to bring the deceased person's will (if available), birth certificate, social insurance number, and asset/income statements (i.e. bank book, etc.) to the appointment.
4. At the appointment, the Applicant is required to sign:
 - (a) Consent to Disclose Information forms
 - (b) assignment form(s) as required
 - (c) the application for funeral assistance form.
5. Once an application for funeral assistance has been processed, a decision notice is given or sent to the Applicant, whether the Applicant is found to be eligible for assistance or ineligible for assistance. A copy of the decision letter is faxed to the funeral home.
6. STEOW staff notifies the named crematorium operator and cemetery operator, as applicable, by fax of the approved assisted cremation or assisted burial, with instructions to submit invoices to STEOW for payment.
7. STEOW staff files all information including notes regarding communication/ attempts at communication, application form, and copies of documents in the client file. Notes are made, as appropriate, in the provincial social assistance database.
8. Action is taken, as appropriate, by STEOW staff to recover costs as soon as possible.
9. Invoices are received at the STEOW office from the funeral home, the crematorium, and the cemetery as applicable. Invoices are reviewed and approved by the STEOW supervisor and are processed for payment.

Confidentiality:

No information may be released by STEOW staff to any party regarding the deceased person with the exception of the following persons:

- The next of kin, executor/executrix of the will or the person who has taken responsibility for the funeral and burial arrangements of the deceased and who has completed the application for funeral assistance.
- ODSP staff, if the deceased was in receipt of ODSP. The appropriate ODSP form must be completed to authorize communications with STEOW who are administering the discretionary benefit.
- Staff at the funeral home, the crematorium, and the cemetery, as identified in the application form received by STEOW.
- Agencies (i.e. banks, insurance companies, etc.) which will be assisting with establishing assets/income of the deceased or with the recovery of funeral/burial costs (i.e. CPP, Veterans Affairs, pension plans, etc.). A copy of a signed Consent to Disclose form is to be provided to the agencies.
- Persons to whom information must be disclosed by court order.