

# **Brown County Pauper Burial Policy**

## **Introduction and Purpose:**

The policies contained herein have been established to govern the disposition of the remains of a Pauper by Brown County, Texas in accordance with Title 8 Sections 692A.009 and 694.002 of the Texas Health and Safety Code.

## **Sec. 1 - Definitions & Use of Terms:**

**Pauper** - A person who owned no property and who received no means of support, whether from family, friends, or Government assistance and 1) who were homeless, 2) who have no family within the third degree of consanguinity or third degree of affinity, or 3) whose body is claimed by no person.

**Remains** - human remains or cremated human remains.

**Cremated remains** - the ashes and bone fragments remaining after the cremation process, which may include the residue of any foreign materials that were cremated with the human remains.

**Cremation** - the irreversible process of reducing human remains to ashes and bone fragments through extreme heat and evaporation, which may also include the processing and pulverization of bone fragments.

**Crematory** - a structure containing a furnace utilized for the cremation of human remains.

**Columbarium** - a durable, fireproof structure, or a room or other space in a durable, fireproof structure, containing niches and used or intended to be used to contain cremated remains.

**Niche** - a space in a columbarium used or intended to be used for the placement of cremated remains in an urn or other container.

**Cemetery** - a place that is used or intended to be used for interment, and includes a graveyard, burial park, or mausoleum.

**Interment** - the permanent disposition of remains by entombment, burial, or placement in a niche.

**Grave** - a space of ground located in a cemetery or burial park and that is used or intended to be used for interment in the ground.

**Plot** - space in a cemetery or burial park owned by an individual or organization that is used or intended to be used for interment, including a grave or adjoining graves, a crypt or adjoining crypts, a lawn crypt or adjoining lawn crypts, or a niche or adjoining niches.

**Mausoleum** - a durable, fireproof structure used or intended to be used for entombment.

**Entombment** - interment in a crypt.

**Crypt** - a chamber in a mausoleum of sufficient size to inter human remains.

**Funeral Home** - a place of business used in the care and preparation for interment or transportation of human remains, or any place where one or more persons, either as sole owner, in co-partnership, or through corporate status, are engaged or represent themselves to be engaged in the business of embalming or funeral directing.

**Next of Kin** - a person designated in Title 8 Section 711.002(a) of the Texas Health and Safety Code and Section 38(a) of the Texas Probate Code.

**Anatomical gift** - donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education

October 24, 2016  
(Exhibit #2)

**Sec. 2 - General Provisions:**

- a. All Pauper remains accepted by Brown County will be cremated unless there is positive verification that cremation conflicts with the beliefs and practices of the decedent's religious affiliation. (Title 8, Section 711.002(a) of the Texas Health & Safety Code.)
- b. Brown County will pay a total of \$650.00 for the disposition of a pauper's body, and, if necessary, an additional \$250.00 for the opening and closing of a grave, and burial at Greenleaf Cemetery. Brown County will not pay for a part of a funeral expense, and will not supplement privately paid funeral or burial expenses. Brown County will not participate in the payment for a funeral and/or burial.
- c. A funeral home may take possession of the remains of such a person and keep them in refrigeration until Brown County determines and approves of Pauper status. Brown County will have sole authority regarding whether the decedent meets the Pauper criteria **prior to any** preparations and/or arrangements of/for the decedent. A funeral home that foregoes the authorization of the Office of the Brown County Commissioners Court Administrative Assistant, shall have assumed all responsibility for that person's final arrangements.
- d. All Funeral Homes must make application to Brown County through the office of the Commissioners Court Administrative Assistant (CCAA) for pauper burial expense **BEFORE** burial of the decedent. **Family or friends may not make application to Brown County for pauper burial stipend. Family and/or friends are responsible for burial expenses.**
- e. Decedent must have died within the boundaries of Brown County, Texas.
- f. Decedent must have been domiciled and/or resided within the boundaries of Brown County, Texas for a minimum of one year before his or her death.
- g. If the remains are to be cremated, the cremation shall conform with all applicable state and federal regulations.
- h. The actual cremation and/or interment of Pauper remains shall be performed by a licensed Funeral Director at a facility designed and licensed for the purpose.
- i. If a service is conducted and paid for by third parties after Brown County approves payment for a pauper body disposition, Brown County will reject any invoices submitted by the funeral home for the pauper body disposition and burial fee.

### Sec. 3 - Specific Provisions

- a. Brown County shall be the sole authority regarding its responsibility for disposition of the remains of a pauper. (See Exhibit A)
- b. Brown County will assume responsibility for disposition of the remains of a pauper **only** when all other avenues of accountability, including the responsibilities of a person and/or persons listed in (see 3a above), have been thoroughly exhausted and it has been conclusively established that the decedent is indeed defined in Section 3a above, and is a pauper as legally entitled.
- c. Brown County shall be the sole authority to determine whether the decedent meets the Pauper criteria.
- d. Brown County will not act on behalf of anyone including, but not limited to, social agencies, medical facilities, funeral homes, their employees and/or individuals, concerning the disposition of the remains of a Pauper.
- e. Brown County will not offer or give legal advice or opinions to anyone including, but not limited to, social agencies, medical facilities, funeral homes, their employees and/or individuals, nor family/friends concerning the disposition of the remains of a Pauper.
- f. Brown County will not participate jointly with anyone including, but not limited to, social agencies, medical facilities, funeral homes, their employees and/or individuals, family or friends concerning the disposition of the remains of a Pauper.
- g. Brown County may, at its option, relinquish its authority over the disposition of the remains of a Pauper.
- h. Brown County shall be the sole authority regarding the method of disposition of the remains of a Pauper.
- i. Brown County shall be the sole authority regarding the facility utilized for disposition of the remains of a Pauper.
- J. Brown County reserves the right to witness the disposition of the remains of a Pauper.
- k. Brown County shall be the sole authority regarding the location of the final resting place of the remains of a Pauper.
- l. Documentation as to the whereabouts of the remains shall be kept in the records of the attending Funeral Home in accordance with Title 8, Section 71 1.003 of the Texas Health & Safety Code.
- m. Proper documentation must accompany the entire process at all times and copies shall be furnished in a timely manner to the Office of the Brown County CCAA.
- n. Next of Kin desiring to claim the remains of a Pauper, will be required to reimburse Brown County for its associated costs **before** Brown County relinquishes its authority over, and possession of, the remains.

**Conclusion:**

All policies contained herein are in strict compliance with Title 8 Sections 692A.009 and 694.002 of the Texas Health and Safety Code. These policies are subject to change at any time. All questions relating to the aforementioned policies should be directed to the Office of the Brown County Commissioners Court Administrative Assistant.

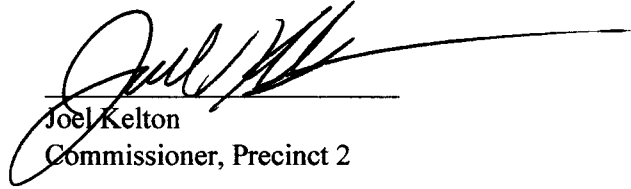
SIGNED AND APPROVED this the 24 day of October, 2016.



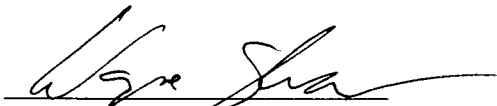
E. Ray West  
Brown County Judge



Gary Worley  
Commissioner, Precinct 1



Joel Kelton  
Commissioner, Precinct 2



Wayne Shaw  
Commissioner, Precinct 3



Larry Traweck  
Commissioner, Precinct 4

**Exhibit A:**

Texas Health and Safety Code 692A.009:

**692A.009. Who May Make Anatomical Gift of Decedent's Body or Part**

- (a) Subject to Subsections (b) and (c) and unless barred by Section 692A.007 or Section 692A.008, an anatomical gift of a decedent's body or part for the purpose of transplantation, therapy, research, or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:
- (1) An agent of the decedent at the time of death who could have made an anatomical gift under Section 692A.004(2) immediately before the decedent's death;
  - (2) The spouse of the decedent;
  - (3) Adult children of the decedent;
  - (4) Parents of the decedent;
  - (5) Adult siblings of the decedent;
  - (6) Adult grandchildren of the decedent;
  - (7) Grandparents of the decedent;
  - (8) An adult who exhibited special care and concern for the decedent;
  - (9) The persons who were acting as the guardians of the person of the decedent at the time of death;
  - (10) The hospital administrator; and
  - (11) **Any other person having the authority to dispose of the decedent's body.**

Title 8 Section 694.002 of the Texas Health and Safety Code.

**§ 694.002. DUTY OF COMMISSIONERS COURT CONCERNING DISPOSITION OF BODY OF DECEASED PAUPERS.**

The Commissioners Court of each county shall provide for the disposition of the body of a deceased pauper. **The Commissioners Court may adopt rules to implement this section.**

- (a) The Commissioners Court shall consider any information, including the religious affiliation of the deceased pauper, provided by a person listed in Section 711.002(a).
- (b) If a county discovers cash in the possession of a deceased pauper, a county may use the cash to pay the actual costs incurred by the county in disposing of the pauper's body.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 14, § 211, eff. Sept. 1, 1991; Acts 1999, 76th Leg., ch. 929, § 1, eff. Sept. 1, 1999