



**OTERO COUNTY
HEALTHCARE SERVICES**

**INDIGENT/UNCLAIMED BODY
CREMATIONS AND BURIALS**
Serving the Residents of Otero County

Office Hours

**Monday – Friday
8:00am – 5:00pm**

Schedule may vary. Please call for appointment.

**575-437-7427
Room 222 – Ext.12628
Room 220 – Ext. 12627**

**1101 New York Avenue
Alamogordo, NM 88310**

**Otero County Healthcare Review Services
Indigent/Unclaimed Body Cremations/Burial**

MISSION:

It is our mission to provide a deserved, lawful, proper, and dignified manner of disposition for those decedent residents who are indigent or go unclaimed upon death. Otero County respects each individual in the community and will treat all with maximum regard and dignity.

PURPOSE:

Unclaimed or indigent deceased persons are the responsibility of the county of the deceased's residency. Indigent and Unclaimed deaths occurring in Otero County are governed by NMSA 1978 Chapter 24 Article 12 and 13, and Otero County Ordinance §140-13-M.

SERVICES PROVIDED:

The responsibility of Otero County is to ensure the disposition of the deceased as quickly as possible, without a funeral, graveside services, committal services, or memorial services, whether public or private, and without embalming of the body unless embalming is required by the place of disposition. (NMSA 1978-61-32-3(1)). Otero County provides for direct cremation only, except on a case-by-case basis.

The county shall ensure that the body is buried or cremated no later than thirty days after a determination has been made that the body has not been claimed, but no less than two weeks after death. If the body is cremated, the county shall ensure that the cremated remains are retained and stored for no less than two years in a manner that allows for identification of the remains. After the expiration of two years the cremated remains may be disposed of, provided the county retains a record of the place and manner of disposition for not less than five years after such disposition. (NMSA 1978-24-13-1).

RELEASING OF CREMATED REMAINS

The cremated remains may be released provided that cost of cremation has been reimbursed, in full to Otero County (NMSA 1978 §24-13-5), **no earlier than 90 days** following the date of death and no later than **two years** (NMSA 1978 §24-13-1) from the time of cremation: remains will be held by the current contracted crematory during this time.

It is Healthcare Services' practice to wait 90 days before payment can be received for unclaimed persons. The purpose is to allow any and all legal next of kin to come forward to claim the deceased.

If all family members are known and have filled out the appropriate paper work prior to cremation or burial, payment to the county can be reimbursed as soon as services have been provided.

All reimbursement to the county for cremation and burial services must be paid in full. We currently do not allow small payment installments. Payment must be in the form of Cashier's Check or Money Order.

Please Note: If the Veteran decedent qualifies for burial in the Santa Fe National Cemetery, the burial (*of cremated remains*) may occur when the New Mexico Department of Veteran's Services claims them, which may be prior to the two years after the date of death, and/or to any other party interested in reimbursement for releasing.

PROGRAM ELIGIBILITY REQUIREMENTS

Eligibility for the Indigent/Unclaimed Cremation Program is based on the deceased person, whose criteria must meet either Indigent or Unclaimed status, and the residency requirement, per New Mexico Statute at time of death.

“Indigent Status”

Deceased persons shall be considered to be indigent if the estate is insufficient to cover the cost of burial or cremation. (NMSA 1978 §24-13-2)

Unclaimed Status:

If a deceased person has not been claimed by a relative, friend, or other interested person assuming the responsibility for and expense of disposition shall be considered an unclaimed decedent (NMSA 1978 §24-13-1).

Otero County Resident

A resident is defined as someone who has lived in Otero County for a minimum of 90 days prior to the time of passing.

If the deceased person is declared indigent, cremation expenses shall become the responsibility of the County or residence of the deceased person (NMSA 1978 §24-13-3). If the decedent is not a resident of Otero County at the time of death, Otero County cannot proceed any further and will send/direct requester to the appropriate county of residence. In the event that the decedent’s primary residence is out of the State of New Mexico, but he or she passed away in Otero County, the occurrence will be handled on a case by case basis.

Property Assets/Ownership

If the decedent is unclaimed (no known next of kin) and had assets/property of sufficient value to defray the expenses of cremation or burial, invoices for the expenses shall be forwarded to such person or official authorized by law to be appointed administrator of the estate of the deceased to pay expenses from the estate.

To the extent that the deceased person is indigent, the burial or cremation expenses shall be borne by the county of residence of the deceased person. If the county of residence of the deceased person is not known, the burial or cremation expenses shall be borne by the county in which the body was found. (NMSA 1978 §24-13-3)

FREQUENTLY ASKED QUESTIONS ABOUT INDIGENT/UNCLAIMED DEATH SERVICES OF OTERO COUNTY

The Otero County Healthcare Services and Administrators extend our deepest compassion to you at this difficult time. The Indigent/Unclaimed Program works within the geographical boundaries of Otero County. Professional Crematory Services, LLC is contracted with Otero County to provide cremation. After all information has been gathered and processed, Otero County will make the determination to cover the cost of the cremation. This document is Otero Healthcare Services' intention to provide answers to some of the most commonly asked questions.

Q. How does my family obtain a death certificate?

- A. After the attending physician signs the death certificate and returns it to the current contracted crematory, the certificate is filed with the New Mexico Department of Health Bureau of Vital Records and Health Statistics. (Timeframe: 2-6 months dependent on physicians signature and reports for cause of death). **Certified copies of the death certificate can be requested from the New Mexico Department of Health Bureau of Vital Records and Health Statistics: (505) 827-0121 or www.nmhealth.org.** Neither Otero County nor Profession Crematory Services obtain death certificates on the family's behalf.

Q. How are Veterans honored?

- A. Upon verification and qualification from the Department of Veterans Affairs, the Veteran's remains may be buried in the Santa Fe National Cemetery. Burial in the Santa Fe National Cemetery will be held upon the Veterans Services discretion.
- B. If a decedent left no written instructions regarding the disposition of the decedent's remains, died while serving in any branch of the United States armed forces, the United States reserve forces or the national guard and completed a United States department of defense record of emergency data form or its successor form, the person authorized by the decedent to determine the means of disposition on a United States department of defense record of emergency data form shall determine the means of disposition, not to be limited to cremation. (NMSA 1978 §24-12A-2)
- C. **For more information on Veteran Burials and Cremation Benefits, please visit the below website:**
http://www.cem.va.gov/burial_benefits/

Q. Are there additional services for persons who received Social Security Benefits?

- A. The Social Security Administration does not assist with the cremation or burial of persons receiving Benefits. However, the SSA may provide benefits to surviving spouses and children if certain criteria are met. Otero County Healthcare Services does not assist with this application. For more information regarding the SSA's Survivor Benefits program please visit their website at <https://www.ssa.gov/survivors/>.

Q. What about a death notice in the newspaper?

- A. It is the up to the family to place an obituary notice and cover the costs with the newspaper office.

Q. What does "indigent" mean?

- A. A deceased person shall be considered *indigent* for the purpose of Chapter 24, Article 13 NMSA 1978 Statute, if the decedent's estate is insufficient to cover the cost of cremation. (NMSA 1978 §24-13-2)

Q. What does "unclaimed" mean?

- A. A deceased person whose body has not been claimed for the expense of disposition by a family member, friend or other interested person, shall be considered an unclaimed decedent. (NMSA 1978 §24-13-3)

Q. Who can apply for this program?

- A. Anyone can inquire about the program, but eligibility can only be met by the decedent. There is an application process. All application forms must be completed by the decedent's next of kin or interested person(s). All forms are legally binding and some must be notarized.

Q. How does one qualify for the program?

- A. Qualification for this program is based solely on the decedent. The decedent must meet the indigent or unclaimed status; a resident of Otero County for a minimum of 90 days prior to time of death; and property and assets must not be sufficient to cover burial or cremation costs at time of death.

Q. How is the process started?

- A. Each case varies. In general, the next of kin, or interested party, fills out the application on behalf of the decedent. An appointment is made with the Otero County Healthcare office to review the application to determine eligibility. Upon approval, the crematory will be notified of Otero County's responsibility over the decedent's remains.
- B. If you are concerned whether or not your loved one meets the program's criteria; please consult a Healthcare Review Specialist for further information.

Q. I signed an agreement with the funeral home but I cannot afford the services.

- A. Any signed agreement or contract with the funeral home or crematory may disqualify the decedent from program eligibility. A signed agreement or contract indicates financial responsibility has been asserted for the decedent's remains.
- B. **DO NOT** sign any agreement or contract for services with a funeral home or crematory unless you are confident you are able to be financially responsible for the decedent's remains. If you signed an agreement for services, then determine you are unable to handle the financial responsibility, **YOU MUST** cancel the agreement with the funeral home prior to any burial or cremation services have been rendered. If services have been rendered, then you must confer with the funeral home or crematory, as per the signed agreement – Otero County no longer has authority to assist.

Q. Who is considered next of kin?

- A. According to NMSA 1978 §24-12A-2 in the State of New Mexico, legal next of kin, **in order of precedence**, is as follows:
 - 1. Surviving spouse;
 - 2. Majority of surviving children over the age of 18;
 - 3. Parent(s) or legal Guardian(s);
 - 4. A majority of the surviving siblings of the decedent;
 - 5. An adult who has exhibited special care and concern for the decedent, who is aware of the decedent's views and desires regarding the disposition of the decedent's body and who is willing and able to make a decision about the disposition of the decedent's body, or
 - 6. Adult person of the next degree of kinship in the order named by New Mexico Law as stated in NMSA 1978 §45-2-103.

*Only the legal next of kin may make decisions on behalf of the decedent's disposition, and sign documentation agreeing and adhering to the program's policies and procedures.

Q. How long does the program's process take?

- A. It varies on a case to case basis. The Program Administrator and the Otero County Healthcare Review Specialists will perform due diligence to ensure the qualifications are met. The Healthcare Service off will conduct extensive research through collaborative efforts with the Otero County Assessor's office, Legal Department, Office of the County Clerk, and other outside agencies such as; Office of Medical Investigator, New Mexico Department of Veterans' Services' & Veteran's Affairs, etc. Every case is dealt with as accurately and lawfully as possible.

Q. May the family hold a funeral/memorial service?

- A. The Otero County Indigent/Unclaimed Program will assume custody of the body for disposition, so a funeral service or viewing with the body is not possible. Family and friends may have a memorial service conducted at their own expense. The cremated remains will not be released until Otero County Healthcare Services has been reimbursed.
- B. The program is administrated utilizing county funding, which does not cover any other services outside of a dignified and lawful disposition of the body.

Q. What happens to the cremated/unclaimed remains?

- A. It is the duty of the Board of Commissioners of each county in New Mexico to decently inter *or* cremate the body of any unclaimed decedent person. The county shall ensure that the body is cremated no later than **30 days** after a determination has been made that the body has not been claimed; but no less than **2 weeks** after death. Cremated remains will be held by the contracted funeral home for a period of no more than 2 years from the time of cremation in a manner that allows for identification of cremated remains. Once the 2 years has ended, the

cremated remains may be lawfully disposed of (interment entombment, enrichment-niche) by the funeral home, provided the funeral home provides Otero County with a record of the place and manner of disposition for no less than 5 years. (NMSA 1978 §24-13-1).

- B.** After the two years, all indigent cremated remains are buried at the Monte Vista Cemetery in an indigent plot with an unmarked marker.

Q. Who do I Pay for the Cremated Remains?

- A.** Although PCS, LLC is allowed to receive payment for the cremated remains, pursuant to NMSA 1978 §24-13-6, Otero County Healthcare Service prefers to directly receive payment via **Check or Money Order**. The crematory is not permitted to release the cremated remains until receipt of approval from Otero County Healthcare Services.

Q. Is this information up-to-date?

- A.** Otero County's Healthcare Services updates this information as often as possible. The information contained herein may be updated or new information added. Please contact Otero County's Healthcare Services to find out the most up-to-date information and policies regarding this program.



HEALTHCARE REVIEW SERVICES
APPLICATION INSTRUCTIONS FOR INDIGENT/UNCLAIMED CREMATION OF DECEDENT
OTERO COUNTY, NEW MEXICO

APPLICATION INSTRUCTIONS:

A relative or friend authorized to complete forms for the decedent must completely fill-out the Otero County Indigent/Unclaimed Cremation Packet and provide any and all additional supplemental documentation. Identity, income, and residency will be verified by the Otero County Healthcare Review Specialists. Please provide ALL supporting documentation of the deceased. The entire approval process may take two weeks to complete – depending on the cooperation of all parties involved.

Upon approval of the Cremation Process, a Healthcare Review Specialist will send to Professional Crematory Services, LLC, an approval form. PCS, LLC will then send Health Care Services the cremation confirmation form and invoice for cremation and storage. A Healthcare Review Specialist will contact the relative/friend or concerned person(s) representing the deceased, and disclose the cost to Otero County of the cremation.

Examples of Proof			
Residency	Decedent's driver License, State Issued Identification Card, Utility bills, Rent agreement, Property taxes, and/or current voter registration. Must provide a 90 day reflection of Residency in Otero County.		
Social Security Number	Social Security card or letter from the Social Security Administration (SSA) with decedent's name & number		
Identity	You may give any of these if they prove identity, relationship, or age: Driver's License, State Issued Identification card, Social Security card, Birth or baptism certificate(s), Marriage Certificate, Citizenship/naturalization records, Indian census records, certificate of Indian Blood (CIB), government records, court records, voter registration card, divorce papers, U.S. Passport, school or day care records, insurance policies, church records, or someone who knows you, the child's relationship to you and knows the child's date of birth. Must prove the identity of decedent AND your relationship to decedent.		
Relationship			
Age			
U.S. Citizen	U.S Citizenship is not required. For cremation and burial assistance, the county government requires that all individuals give certain ORIGINAL documents (not copies) that verify Citizenship, Identity or proof of Legal Permanent Status. Original documents will be copied and returned. <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; vertical-align: top;"> Proof of Citizenship and ID together A Passport A certificate of naturalization (Form 550 or N-570) A certificate of U.S. Citizenship (N-560 or N-561) A certificate of Indian Blood (CIB) </td> <td style="width: 50%; vertical-align: top;"> Proof of Citizenship Alone U.S. birth certificate If the decedent was born in New Mexico, Otero County Healthcare Services may be able to help by checking with the Department of Health, Vital Records. Please give the caseworker the name, date of birth, county of birth, sex, decedent's mother's first and maiden name to get this help. </td> </tr> </table>	Proof of Citizenship and ID together A Passport A certificate of naturalization (Form 550 or N-570) A certificate of U.S. Citizenship (N-560 or N-561) A certificate of Indian Blood (CIB)	Proof of Citizenship Alone U.S. birth certificate If the decedent was born in New Mexico, Otero County Healthcare Services may be able to help by checking with the Department of Health, Vital Records. Please give the caseworker the name, date of birth, county of birth, sex, decedent's mother's first and maiden name to get this help.
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Income	Earned Income: Check-stubs, a letter from the employer with the hours worked and the pay. If decedent was self employed , you may provide a copy of income tax forms, business records or personal wage records. Unearned Income: Copies of check, or a letter from Social Security, Unemployment Compensation, Worker's Compensation, Veterans Administration, Bureau of Indian Affairs, Public Employees Retirement, IRAs, Student Loans, Scholarships, etc. Required: Earned and Unearned income must reflect a 30-day period or all from the last month. Please also provide last year's Federal and State tax returns with all W-2s. If decedent did not file a return contact the Review Specialist for further instructions.		
Resources/Assets/Debts	Checking/Savings account statements, other investments such as stocks, bonds, any and all insurance policies, CDs, escrow accounts, settlements, inheritance, divorce petitions and/or decrees, Last Will and Testament, etc. Assets (estate) must not be sufficient to cover cremation or burial costs		

(Any information that is provided to determine eligibility will be held confidential, except as allowed by law.)



Otero County Healthcare Assistance
 1101 New York Avenue
 Alamogordo, NM 88310

HEALTHCARE REVIEW SERVICES APPLICATION INDIGENT/UNCLAIMED CREMATION OF DECEDENT OTERO COUNTY, NEW MEXICO

The information provided on this form **must** be of the *deceased* person **ONLY**. This form is to be filled out as complete as possible and to the best of your knowledge. If you do not know the information being asked, please leave that section blank.

DECEDENT INFORMATION				<i>Internal Use:</i> Date Received:		Case Type: <input type="checkbox"/> Unclaimed <input type="checkbox"/> Indigent	
Case Number:							
Date:		Legal Name: (Last, First Middle)				Weight: <input type="checkbox"/> 0-299 lbs <input type="checkbox"/> 300+lbs	
SSN:		Date of Birth:	Age:	Gender: <input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Other – Specify:		Served in the U.S. Armed Forces: <input type="checkbox"/> No <input type="checkbox"/> Yes, branch -	
Ethnicity: (Check One) - optional <input type="checkbox"/> White <input type="checkbox"/> Hispanic/Latin – Spanish/Mexican/Cuban/Other <input type="checkbox"/> Other – Specify: <input type="checkbox"/> African-American <input type="checkbox"/> Native American – Specify Tribe:							
Place of Birth (City, State)				Current Physical Address:			
How long had the decedent lived at the above physical address? <input type="checkbox"/> Less than 90 days <input type="checkbox"/> Greater than 90 days							
Has a copy of the decedent's Driver License or other I.D. been provided? If not, Explain.							
INFORMATION OF DEATH							
Date of Death:		Pronouncement Time:	Place of Death: <input type="checkbox"/> Hospital <input type="checkbox"/> Nursing Home <input type="checkbox"/> Residence <input type="checkbox"/> Other (specify) -			Decedent's Current Location:	
EDUCATION - optional							
		Elementary School		High School		College	
Year Completed: (Check One)		<input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8		<input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12		<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5+	
Degrees/Diploma: (Check One)				<input type="checkbox"/> HS Diploma <input type="checkbox"/> GED		<input type="checkbox"/> Some College (No Degree) <input type="checkbox"/> Degree	
Specify College Degree (if Applicable)							
FINANCIAL INFORMATION							
Previous year's tax documents may be required for verification of yearly income. Proof may be required							
Did Decedent have Income? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Don't Know							
List All Sources of earned income (i.e. Occupation, employer,)				How much was received?		Total Monthly Income	
				\$			
				\$		Total Annual Income	
				\$			
				\$		Previous Year's Income Tax:	
				\$		Year: Amount:	
Additional Income: Examples of unearned income include, but are not limited to: Unemployment, Social Security, pensions, retirement, rental income, veteran's payments, child support, Indian monies, capital gains, dividends/interest, and per capita payments. Proof may be required							
List All Sources of unearned income				How much did they receive?		Total unearned monthly income:	
				\$			
				\$			
				\$		Total unearned yearly income:	
				\$			
Did Decedent Own a Life Insurance Policy? <input type="checkbox"/> Yes <input type="checkbox"/> No							
Beneficiary Name				Address		Amount	
						\$	
						\$	
						\$	
						\$	

