

Funeral and Burial or Cremation Expenses for Indigent Individuals

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Issue

This report compares Connecticut's payments for funeral and burial or cremation expenses for indigent individuals to those in surrounding states. It also provides recent utilization and expenditure data and summarizes recent related legislation. It updates OLR Report [2017-R-0263](#).

Summary

Burial Expenses for an Indigent Person in Connecticut

By law, when an individual dies in Connecticut and does not leave a sufficient estate to cover funeral and burial or cremation costs or have a legally liable relative able to cover the costs, the Department of Social Services (DSS) must provide a payment toward funeral and burial or cremation expenses. DSS must also provide this payment for recipients of certain state benefit programs (e.g., State Administered General Assistance, State Supplement Program, or Temporary Family Assistance). By law, in both cases, the maximum amount of the payment is \$1,350. The law requires DSS to reduce this maximum payment dollar-for-dollar by certain funds from other sources:

1. the amount in any revocable or irrevocable funeral fund or any prepaid funeral contract;
2. the face value of the decedent's life insurance policy, if any, provided the policy names a funeral home, cemetery, or crematory as a beneficiary;
3. the net value of all liquid assets in the decedent's estate; and

4. contributions over \$3,400 towards the funeral and burial costs from all other sources, including friends, relatives, other persons, organizations, agencies, veteran’s programs, and other benefit programs ([CGS §§ 17b-84](#) and [-131](#) as amended by [PA 19-117](#), §§ 312 & 313).

For individuals without a sufficient estate or a legally liable relative able to cover the costs, the law requires DSS to make this burial payment to the funeral director, cemetery, or crematory.

Table 1 shows the number of beneficiaries, associated expenditures, and a comparison of average benefit costs and maximum benefit limits for FY 14 to FY 17. As shown in the table, the maximum benefit DSS pays has decreased multiple times over the past five years. The maximum benefit increased from \$1,200 to \$1,350 on July 1, 2019.

Table 1: Indigent Funeral and Burial or Cremation Benefits: FY 14 - FY 17

<i>Year</i>	<i>Number of Decedent Beneficiaries</i>	<i>Total Expenditures</i>	<i>Average Benefit Cost per Decedent</i>	<i>Maximum Benefit</i>
FY 14	2,530	\$4,297,282	\$1,699	\$1,800
FY 15	2,758	\$4,712,104	\$1,709	\$1,800
FY 16	2,940	\$3,994,488	\$1,359	\$1,400
FY 17	2,586	\$2,586,604	\$1,000	\$1,200
Source: Department of Social Services				

The benefit may be used toward funeral and burial or cremation expenses; however, DSS does not track how the benefit is used.

Related Recent Legislation

[PA 19-117](#), §§ 312 & 313, increased the maximum benefit payment by \$150 to \$1,350 starting in FY 20.

[PA 17-2 June Special Session](#), §§ 185 & 186, prevents DSS from subtracting the face value of a life insurance policy from the funeral benefit unless that policy names a funeral home, cemetery, or crematory as a beneficiary. It also allows the commissioner to disclose asset information to the funeral director, cemetery, or crematory providing services for the decedent when the payment is reduced due to liquid assets in the decedent's estate.

[PA 16-3, May Special Session](#), §§ 44 & 45 reduced the maximum burial benefit from \$1,400 to \$1,200 and broadened the type of deductions DSS makes from the maximum to calculate burial benefits.

[PA 16-20](#) increased, from \$5,400 to \$8,000, the maximum allowable amount of an irrevocable funeral service contract. As explained above, DSS must subtract, among other things, the amount in any such contract from the maximum burial benefit when calculating its payment.

Burial Expenses for an Indigent Person in Surrounding States

Table 2 compares how funeral and burial expenses for indigent individuals are paid for in the New England states, New York, and New Jersey.

Table 2: Funeral and Burial Expenses for Indigent Individuals in Surrounding States (NE, NY, & NJ)

State	Maximum Amount	Paid By	Restrictions	Source
Maine	The ordinance maximum varies by municipality	Payment by the municipality where the decedent resided at time of death	Payment is reduced by: 1. the estate of the deceased; 2. the financial capacity of legally liable relatives; 3. any available burial benefits; and 4. actual financial contribution from any other source, (e.g. friends, church). Available to anyone who dies leaving no money or assets to pay the burial or cremation expenses and who does not have a liable relative who is financially able to pay these costs. State law requires the funeral director to notify the General Assistance administrator prior to the burial or cremation or within 3 business days following receipt of the body, whichever is earlier.	22 Me. Rev. Stat. § 4313 Maine Department of Health and Human Services Frequently Asked Questions
Massachusetts	\$1,100 paid directly to the funeral home	State (Department of Transitional Assistance (DTA))	State must deduct any assets available from the decedent or a legally liable relative and then pay the balance, up to \$1,100, provided the total funeral and disposition expense does not exceed \$3,500. Decedent did not need to be a recipient of public assistance. The request must be made within six months from the date of death.	Mass. Gen. Laws Title XVII Chapter 117a § 9 106 Code Mass. Regs. 705.700 and 705.710 Mass. DTA Operations Memo 2014-54

Table 2 (continued)

State	Maximum Amount	Paid By	Restrictions	Source
New Hampshire	Amounts vary by municipality	Municipality where the individual died. If the decedent died in a county nursing home, his or her town of residence is responsible for the burial costs.	Except when an assisted person has arranged for a prepaid funeral, a funeral director or the person who paid for the funeral and burial or cremation is automatically assigned up to \$2,000 of the decedent's total liquid assets, if any.	N.H. Rev. Stat. § 165:3 N.H. Rev. Stat. § 165:27-a
New Jersey	For public assistance recipients: Generally \$2,770 for combined funeral and burial For all others: Amounts vary by county	For public assistance recipients: State (Department of Human Services) For all others: The county where the decedent resided prior to death	For public assistance recipients: Family and friends (other than legally liable relatives) may contribute to funeral and/or burial, subject to a cap. A deceased's assets cannot supplement their funeral, but are collected by the state. For all others: The county is responsible for the burial if the costs are not covered by another state or federal program.	N.J. Rev Stat § 40A:9-49 N.J. Rev Stat. § 40A:9-49.1 NJ State Funeral Directors Association
New York	Amounts vary by municipality	Public welfare district, or municipality where the decedent resided prior to death	Expense cannot exceed amount fixed by the public welfare district, town or city. Public welfare official is prohibited from expending more than \$500 for the burial of a public assistance recipient from assets transferred or assigned by or on behalf of the recipient. Public welfare official may seek recovery of expenses from legally liable relatives.	N.Y. Soc. Serv. Law § 141
Rhode Island	\$900 for funeral and an additional \$150 for cremation or \$450 for burial	State (Department of Human Services (DHS))	Application for assistance must be made within 30 days of the date of death. To determine the amount the state will pay for funeral and burial or cremation expenses, DHS subtracts the deceased's resources and legally liable relatives' income, minus certain asset exclusions and income disregards; the state may recoup the costs if additional resources are discovered after the funeral and burial or cremation. The Department makes payment only to service providers.	R.I. DHS Policy Manual §§ 218-R.I. Code R. 20-00-3.22.1 et seq.

Table 2 (continued)

<i>State</i>	<i>Maximum Amount</i>	<i>Paid By</i>	<i>Restrictions</i>	<i>Source</i>
Vermont	\$1,100	State (Department of Children and Families) or municipality	The state pays if the decedent was indigent and either an honorably discharged veteran or receiving certain forms of public assistance. The department may approve eligibility when available resources of the deceased and surviving spouse are less than the maximum payment of \$1,100.	VT GA Procedures § P-2690 33 Vt. Stat. § 2301

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