



**Rutherford County Department of Social Services  
Information Regarding Unclaimed Bodies**

County Departments of Social Services are responsible for the disposition of bodies that are unclaimed in their county after ten days and that have been declined by the Commission of Anatomy.

According to the North Carolina General Statutes 130A-415 (Attachment 1), any person, other than a licensed funeral director or funeral service licensee in the state, including officers, employees, and agents of the State or of any unit of local government in the state, hospitals, nursing homes, or other institutions having physical possession of a dead body shall make reasonable efforts to contact relatives of the deceased or other persons who may wish to claim the body for final disposition.

A dead body shall be considered unclaimed if any of the following conditions apply: 1.) No individual notifies the person in possession of the dead body within 10 days of the date of death that the individual wishes to claim the body to arrange for final disposition; 2.) All individuals who have expressed interest in arranging for disposition of the dead body have ceased communication with the person in possession of the dead body for five days, at least 10 days have passed from the date of death, the person in possession of the dead body has used reasonable efforts to contact all individuals interested in arranging for final disposition.

Any institution/agency or long term care facility such as assisted living, family care homes, nursing homes and hospice agencies having possession of a potential unclaimed body that does not have appropriate storage facilities should contact the local hospital or other appropriate facility for storage of the body during the ten day period.

When a funeral director or funeral service licensee has possession of the body, they shall make reasonable efforts to contact relatives of the deceased or others persons who may wish to claim the body for final disposition. If the body remains unclaimed for ten days and all persons who have expressed interest in arranging for the disposition of the dead body have ceased communication with the funeral director or funeral service licensee the dead body shall be deemed abandoned. If the funeral director or funeral service licensee receives the dead body from a person or entity listed in the paragraph above, the ten day period shall run concurrently with any period imposed on that person or entity.

After reasonable efforts to contact relatives or other persons have been made and the body remains unclaimed the person having physical possession of the body must contact the Commission of Anatomy in Chapel Hill at 919-966-1134 to determine whether the body can be used for educational purposes prior to notifying the Department of Social Services and releasing the body for final disposition. Such notice to DSS from a funeral director or funeral service licensee should include a sworn statement that 1.) The body is an abandoned dead body; 2.) Reasonable efforts have been made to inform relatives and others of the death; and 3.) The Commission of Anatomy has failed to request or has declined delivery of the abandoned dead body.

Bodies should not be released to the DSS until ten days after death, reasonable efforts have been made to contact relatives or others to claim the body, and the body has been declined by the Commission of Anatomy. The ten-day period may be waived by the DSS director if there is substantial reason to believe that no one is going to claim the body.

DSS can provide assistance by checking DSS records to help identify relatives or others that may wish to claim the body, or to determine whether the decedent had assets or a life insurance policy.

The selection of funeral homes and cremation services by the DSS will be fairly distributed by rotating providers who opted to be considered to provide the service. Cremation is the department's choice for disposition of the body, and has been determined to be the most cost efficient means to dispose of the body.

If any member of the community wishes to receive the decedent's ashes, they must contact the funeral home or cremation service handling the referral to make these arrangements. The recipient will incur any and all costs associated with obtaining the ashes.

Unless the ashes are released to a recipient they will remain at and be disposed of by the funeral home.

If the decedent's body who was a resident of Rutherford County is not located in Rutherford County at the time of death, the DSS in the county in which the body is located may make plans for the disposition of the body, but Rutherford County DSS will incur the cost if the decedent's estate cannot satisfy the expense. If the decedent is not a resident of North Carolina, or the county of residence is not known, the cost will be incurred by the county in which the death occurred.

The maximum funding amount authorized by Rutherford County for cremation is **\$750.00**.

The DSS director or designee will sign all forms needed to authorize the cremation. The DSS director or designee will also sign the form authorizing waiver of the ten-day waiting period.

DSS will mail, fax or deliver in person the authorization for cremation to the funeral home or cremation service. Rutherford County Department of Social Services will reimburse the funeral home \$750 once the approved invoice is received. The invoice should be sent to:

Rutherford County Department of Social Services  
PO Box 242  
Spindale, NC 28160

A notice of claims against the estate form will be submitted by the Rutherford County Department of Social Services to the Clerk of Superior Court, Estates Division for possible reimbursement. See NC GS 28A-19-6 (Attachment 2) for order of payment of claims from a descendant's estate.

#### **When the Deceased is a Migrant Agricultural Worker or Worker's Dependent**

According to NC GS 130A-418 (Attachment 3) any person having knowledge of the death of a migrant agricultural worker or a worker's dependent shall report the death to the department of social services in the county in which the body is located and include information regarding the deceased including identity, place of employment, permanent residence, and the name, address and telephone number of any relative and any interested person.

The county department of social services shall, within a reasonable time of receiving the report, transmit to the Department of Health and Human Services (DHHS) notice of the death and information received.

DHHS shall make reasonable efforts to inform the next-of-kin and any interested person of the death. If the identity of the person cannot be determined within a reasonable period of time, or the body is unclaimed ten days after death, the body shall be offered to the Commission of Anatomy. If the Commission of Anatomy does not accept the body DHHS shall arrange for the final disposition of the decedent.

If the estate, relatives or interested persons are able to provide for final disposition, but unable to provide transportation to the decedent's legal residence or the legal residence of the person claiming the body DHHS shall provide \$200 to defray the cost of transportation expenses.

## ATTACHMENT 1

### Part 5. Disposition of Unclaimed Bodies.

#### **§ 130A-415. Unclaimed bodies; bodies claimed by the Lifeguardianship Council of The Arc of North Carolina, Inc.; disposition.**

(a) Any person, other than a person licensed as a funeral director or funeral service licensee in this State, including officers, employees, and agents of the State or of any unit of local government in the State, hospitals, nursing homes, or other institutions, having physical possession of a dead body shall make reasonable efforts to contact relatives of the deceased or other persons who may wish to claim the body for final disposition. If the body remains unclaimed for final disposition, the person having possession shall notify the Commission of Anatomy. Upon request of the Commission of Anatomy, the person having possession shall deliver the dead body to the Commission of Anatomy at a time and place specified by the Commission of Anatomy or shall permit the Commission of Anatomy to take and remove the body.

(a1) A dead body shall be deemed unclaimed if either of the following conditions apply:

- (1) No individual notifies the person in possession of the dead body within 10 days of the date of death that the individual wishes to dispose of the dead body.
- (2) All individuals who have expressed interest in arranging for disposition of the dead body have (i) ceased communicating with the person in possession of the dead body for five days, (ii) at least 10 days have passed from the date of death, and (iii) the person in possession of the dead body has used reasonable efforts to contact all individuals interested in arranging for final disposition.

(b) Unless the provisions of subsection (j) of this section apply, all dead bodies not claimed for final disposition within 10 days of the decedent's death may be received and delivered by the Commission of Anatomy pursuant to the authority contained in G.S. 130A-33.30 and this Part and in accordance with the rules of the Commission of Anatomy. Upon receipt of a body by the Commission of Anatomy all interests in and rights to the unclaimed dead body shall vest in the Commission of Anatomy. The recipient to which the Commission of Anatomy delivers the body shall pay all expenses for the embalming and delivery of the body and for the reasonable expenses arising from efforts to notify relatives or others.

(b1) The 10-day periods referenced in subdivisions (1) and (2) of subsection (a1) of this section may be shortened by the county director of social services upon determination that a dead body will not be claimed for final disposition within the 10-day period.

(c) Unless the provisions of subsection (j) of this section apply, if the Commission of Anatomy declines to receive a dead body, the person with possession shall inform the director of social services of the county that is responsible for the expense of the final disposition of the decedent. Upon notification, all interests in and rights to the abandoned dead body shall vest in the director of social services of that county, who then shall arrange for prompt final disposition of the body, either by cremation, hydrolysis, or burial.

(c1) Reasonable costs of disposition and of efforts made to notify relatives and others shall be considered funeral expenses and shall be paid in accordance with G.S. 28A-19-6 and G.S. 28A-19-8. If those expenses cannot be satisfied from the decedent's estate, they shall be borne by the decedent's county of residence. If the deceased is not a resident of this State, or if the county of residence is unknown, those expenses shall be borne by the county in which the death occurred or, if the county of residence and death of the decedent are unknown, the county where the deceased was located.

(d) No autopsy shall be performed on an unclaimed body without the written consent of the Commission of Anatomy except that written consent is not required for an autopsy performed pursuant to Part 2 of this Article.

(e) Due caution shall be taken to shield the unclaimed body from public view.

(f) Notwithstanding this section, an unclaimed body does not mean a dead body for which the deceased has made a gift pursuant to Part 3A of this Article.

(g) Nothing in this Part requires the officers, employees, or agents of a county to notify the Commission of Anatomy regarding the bodies of minors who were in the custody of the county at the time of death and whose final disposition will be arranged by the county. In the absence of notification, the expenses of the final disposition shall be a charge upon the county having custody.

(h) This Part does not apply to bodies within the jurisdiction of the medical examiner under G.S. 130A-383 or G.S. 130A-384.

(i) In addition to the other duties of the Commission of Anatomy, when the Commission of Anatomy is notified by the Lifeguardianship Council of The Arc of North Carolina, Inc. that the Council intends to claim a body, the

Commission shall release the body to the Council. The Lifeguardianship Council shall notify the Commission of Anatomy within 24 hours after death of its intent to claim a body for burial or other humane and caring disposition.

(j) Any funeral director or funeral service licensee doing business within the State having physical possession of a dead body shall make reasonable efforts to contact relatives of the deceased or other persons who may wish to claim the body for final disposition. If the body remains unclaimed for final disposition for 10 days, or if the right to authorize the type, method, place, and disposition, of the dead body is waived under G.S. 130A-420(b1) or G.S. 90-210.124(b), and if all persons who have expressed interest in arranging for the disposition for the dead body have ceased communication with the person in possession of the dead body for five days, the dead body shall be deemed abandoned. If the funeral director or funeral service licensee receives the dead body from a person or entity listed in subsection (a) of this section, the 10-day period shall run concurrently with any period imposed on that person or entity. Any person having possession of an abandoned dead body shall notify the Commission of Anatomy. Upon request of the Commission of Anatomy, the person having possession of the abandoned dead body shall deliver the abandoned dead body to the Commission of Anatomy at a time and place specified by the Commission of Anatomy or shall permit the Commission of Anatomy to take and remove the abandoned dead body.

(k) If the Commissioner of Anatomy fails to request delivery of the abandoned dead body within two days of receipt of the notification required by subsection (j) of this section, or if the Commissioner of Anatomy declines delivery of the abandoned dead body, the funeral director or funeral services licensee shall notify the director of social services of the county where the abandoned dead body is located. The notice to the director of social services shall contain a sworn statement that (i) the body is an abandoned dead body, (ii) reasonable efforts have been made to inform relatives and others of the death, and (iii) the Commission of Anatomy has failed to request or has declined delivery of the abandoned dead body. Upon receipt of the sworn statement, the director of social services shall arrange for final disposition of the abandoned dead body and all interests in and rights to the abandoned dead body shall vest in the director of social services, who shall then arrange for prompt final disposition of the abandoned dead body by cremation, hydrolysis, or burial. Upon payment by the director of social services for final disposition of the abandoned dead body, the director shall have a claim of reasonable funeral expenses which shall be paid in accordance with G.S. 28A-19-6 and G.S. 28A-19-8. If those expenses cannot be satisfied from the decedent's estate, they shall be borne by the decedent's county of residence. If the decedent is not a resident of this State, or if the county of residence is unknown, those expenses shall be borne by the county in which the death occurred, or if the county of residence and death of the decedent is unknown, the county where the deceased was located. (1975, c. 694, s. 3; 1977, c. 458; 1983, c. 891, s. 2; 1987, c. 470; 1989, c. 222; c. 770, s. 75; 2008-153, s. 7; 2018-47, s. 10(b); 2018-78, s. 21.)

## ATTACHMENT 2

### **§ 130A-418. Deceased migrant agricultural workers and their dependents.**

(a) Notwithstanding any other provisions of law, a person having knowledge of the death of a migrant agricultural worker or a worker's dependent shall without delay report the death to the department of social services in the county in which the body is located together with any information regarding the deceased including identity, place of employment, permanent residence, and the name, address and telephone number of any relative and any interested person. The county department of social services shall, within a reasonable time of receiving this report, transmit to the Department notice of the death and information received upon notification. The Department shall make reasonable effort to inform the next-of-kin and any interested person of the death.

(b) If the identity of the person cannot be determined within a reasonable period of time, or if the body is unclaimed 10 days after death, the body shall be offered to the Commission of Anatomy and, upon its request, shall be delivered to the Commission of Anatomy. If the Commission of Anatomy does not request an unclaimed body offered it or the estate, and if the relatives or other interested persons claiming the body are unable to provide for the final disposition of the migrant agricultural worker or dependent, the Department is authorized and directed to arrange for the final disposition of the decedent.

(c) If the estate, relatives or interested persons are able to provide for final disposition but are unable to effect the transportation of the decedent to the decedent's legal residence or the legal residence of the relatives or interested persons, the Department is authorized and directed to allocate a sum of not more than two hundred dollars (\$200.00) to defray the transportation expenses.

(d) The Secretary is authorized to adopt rules necessary to implement this section. (1975, c. 891; 1977, c. 648; 1983, c. 891, s. 2.)

## ATTACHMENT 3

### § 28A-19-6. Order of payment of claims.

(a) After payment of costs and expenses of administration, the claims against the estate of a decedent must be paid in the following order:

First class. Claims which by law have a specific lien on property to an amount not exceeding the value of such property.

Second class. Funeral expenses to the extent of three thousand five hundred dollars (\$3,500). This limitation shall not include burial place or gravestone. The preferential limitation herein granted shall be construed to be only a limit with respect to preference of payment and shall not be construed to be a limitation on reasonable funeral expenses which may be incurred; nor shall the preferential limitation of payment in the amount of three thousand five hundred dollars (\$3,500) be diminished by any Veterans Administration, social security or other federal governmental benefits awarded to the estate of the decedent or to the decedent's beneficiaries.

Third class. Costs associated with gravestones and reasonable costs for the purchase of a suitable burial place as provided in G.S. 28A-19-9 to the extent of one thousand five hundred dollars (\$1,500). The preferential limitation herein granted shall be construed to be only a limit with respect to preference of payment and shall not be construed to be a limitation on reasonable gravestone or burial place expenses which may be incurred; nor shall the preferential limitation of payment in the amount of one thousand five hundred dollars (\$1,500) be diminished by any Veterans Administration, social security or other federal governmental benefits awarded to the estate of the decedent or to the decedent's beneficiaries.

Fourth class. All dues, taxes, and other claims with preference under the laws of the United States.

Fifth class. All dues, taxes, and other claims with preference under the laws of the State of North Carolina and its subdivisions.

Sixth class. Judgments of any court of competent jurisdiction within the State, docketed and in force, to the extent to which they are a lien on the property of the decedent at the decedent's death. The Department of Health and Human Services is a sixth-class creditor for purposes of determining the order of claims against the estate; provided, however, that judgments in favor of other sixth-class creditors docketed and in force before the Department seeks recovery for medical assistance shall be paid prior to recovery by the Department.

Seventh class. Wages due to any employee employed by the decedent, which claim for wages shall not extend to a period of more than 12 months next preceding the death; or if such employee was employed for the year current at the decease, then from the time of such employment; for medical services within the 12 months preceding the decease; for drugs and all other medical supplies necessary for the treatment of such decedent during the last illness of such decedent, said period of last illness not to exceed 12 months.

Eighth class. A claim for equitable distribution.

Ninth class. All other claims.

(b) Notwithstanding subsection (a) of this section, if payment of the commissions of the personal representative under G.S. 28A-23-3(g) would cause the estate to be unable to pay all claims against the estate of a decedent, then the commissions shall be limited to the amount allowed under G.S. 28A-23-3(a). (1868-9, c. 113, s. 24; Code, s. 1416; Rev., s. 87; C.S., s. 93; 1941, c. 271; 1955, c. 641, s. 1; 1967, c. 1066; 1973, c. 1329, s. 3; 1981, c. 383, ss. 1, 2; 1987, c. 286; 1995, c. 262, s. 8; 2005-180, s. 1; 2005-388, s. 2; 2009-288, s. 1; 2011-344, s. 4; 2013-378, s. 4.)