

Chapter 9: Special Needs Benefits

(ii) Burials and Funerals

Intent:	To provide an overview of the factors which determine eligibility for the payment of burials/funerals as offered by the Department.
Act: (if applicable)	N/A
Regulations:	<p>27 (1) An officer may grant to the relative of a deceased person or the representative of a deceased person an amount for the of the deceased not exceeding</p> <ul style="list-style-type: none"> (a) for an adult or dependent 12 years of age or older, an amount of \$2,229; (b) for a dependent under 12 years of age, an amount of \$1,302; (c) for a still-born child, an amount of \$744; (d) for an adult or a dependent 12 years of age or older for a traditional funeral with casket, cremation and burial, an amount of \$2,338; (e) for a dependent under 12 years of age for a traditional funeral with casket, cremation and burial, an amount of \$1,532; (f) for an adult or a dependent for a traditional funeral with no casket, but with cremation and burial, an amount of \$2,025. <p>(2) Notwithstanding subsection (1), an officer may also grant to a person referred to in subsection (1);</p> <ul style="list-style-type: none"> (a) an amount not exceeding \$195 with respect to clothing for the burial of a deceased person where no appropriate clothing is available; (b) a distance charge of \$0.95 a kilometre, where the body of a deceased person is being transported, for each kilometre in excess of 8 kilometres; (c) the amount of cemetery charges incurred in burial of a deceased person; (d) the cost of a plastic pouch for the transportation of a deceased person; and

	<p>(e) an additional sum that an officer considers reasonable for extraordinary and out-of-pocket expenses due to special circumstances.</p> <p>(3) An officer, when determining the amount for funeral expenses, shall deduct</p> <p>(a) any income to which the deceased person was entitled in the month of his or her death;</p> <p>(b) any monies held in trust for the deceased person's funeral expenses;</p> <p>(c) any money held in a bank, credit union or other financial institution by the deceased at the time of his or her death; and</p> <p>(d) a death benefit from any source to which the estate of the deceased person is entitled.</p> <p>(4) In determining an amount under subsection (3), an officer shall consider the income and assets of the deceased person's spouse or cohabiting partner.</p> <p>(5) Notwithstanding section (3), when determining the amount for funeral expenses with respect to a deceased person who was a recipient of income support at the time of his or her death, an officer shall deduct only</p> <p>(a) any monies held in trust for the deceased person's funeral expenses; and</p> <p>(b) a death benefit from any source to which the estate of the deceased person is entitled.</p>
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<p>Overview: (if applicable)</p>	<p>Recipients</p> <ul style="list-style-type: none"> The Client Services Officer (CSO) will consider only the resources available from a pre-paid funeral or a death benefit of the deceased individual in determining eligibility for burial/funeral costs in addition to determining the correct flat rate and other burial rates as per Appendix B4. Eligible beneficiaries are recipients and their family members who are receiving Income Support at the time of death. <p>Applicants</p> <ul style="list-style-type: none"> The CSO will consider all the resources of the deceased individual in determining eligibility for burial/funeral costs in
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addition to determining the correct flat rate and other burial rates as per [Appendix B4](#).

- Normally, individuals who are not in receipt of Income Support are not eligible to receive assistance with burial expenses. However, an application can be completed by family members to determine if any eligibility exists. A Rights, Responsibilities and Client Consent form must accompany the application to enable contact with any outside agencies as required. The declaration of a will or outstanding payments to an estate must also be verified.
 - In cases when offices are contacted regarding payment of funerals for individuals who were not recipients of Income Support and have no next of kin to apply for assistance with funeral costs on their behalf, the [Public Trustee of the Department of Justice](#) should be contacted. In such cases, the Public Trustee can act as the administrator of estates or executor under a will. They can also apply for assistance from the Income Support Program with funeral costs if necessary.
 - There may also be requests to have the remains of the deceased person(s) returned to this province for burial. Transportation can be approved where clients were in another province receiving medical treatment that they were unable to avail of in this province when death occurred. In the case of ex-residents of this province residing in another province who want to be returned home for burial, there is no obligation by the Department to pay for this request. Requests can be considered taking into account the length of time that the deceased person had lived outside the province, whether they were considered a resident of that area, and their financial resources, including the other jurisdiction's contribution to the deceased. The Client Service Managers (CSM) can review these requests.
 - Eligible beneficiaries are:
 - residents of personal care homes and nursing homes, subsidized by government through Regional Health Authorities, who have [liquid assets](#) within permissible amounts and do not have pre-paid funerals or monies held in trust for burials
 - adult residents of group homes, Alternate Family Care Homes and Co - Op Apartments funded by Regional Health Authorities, whose [liquid assets](#) are within
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permissible amounts and do not have pre-paid funerals or monies held in trust for burials

- o applicants who meet the Income Support eligibility criteria; applicants will often only qualify for a portion of the eligible expenses as they have resources that help offset their need.

Non Eligible Individuals:

- Applicants or Recipients who:
 - o are eligible for Workplace, Health, Safety and Compensation benefits
 - o receive a War Veterans Allowance and therefore entitled to receive a death benefit
 - o have a private life insurance policy where the amount exceeds the burial rates offered through the Department
 - o pass away as a result of an accident and whose estate may be eligible to receive an insurance settlement
 - Applicants
 - o those whose liquid assets exceed the prescribed rates for burials as referenced in [Appendix B4](#)
 - The local office may receive requests for assistance with the cost of funerals after the burials have taken place. In these cases, requests should be received by the office within 60 days after burial. Circumstances for each individual case need to be reviewed and considered before eligibility is determined. The Department is under no obligation to pay for funerals/burials that were not prior approved. Beyond this time frame, the approval of the Regional Income Support Manager is required.
 - **Prepaid Funerals**

Prepaid funerals are not considered an asset in determining eligibility for Income Support but are considered a resource to be utilized when an individual requests burial assistance. In cases where the funeral has been fully paid, there is no eligibility for assistance from the Department. In cases where the contributions paid at the time of death are less than the amounts which can be considered under the IES Regulations, there may be eligibility for a supplement towards the cost.
 - **Death Benefit**
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[The Canada Pension Plan \(CPP\) Death Benefit](#) provides a one-time payment to, or on behalf of, the estate of a deceased contributor. If there is no estate, the person responsible for the funeral expenses, the surviving spouse or common-law partner or the next of kin may be eligible, in that order.

- Effective January 2019, the amount of the Death Benefit for all eligible contributors is a flat rate of \$2500.

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- Policy:**
- Family members may approach the Department to request assistance with a funeral and must be advised of the maximum amount for funeral expenses the Department can provide as per rates in [Appendix B4](#).
 - Sometimes the funeral home will contact the local office but they are to be advised that contact with the family must be made first.
 - In addition to the traditional funeral with casket & burial, individuals can also choose a traditional funeral with a casket, cremation and burial or a traditional funeral with no casket, but with cremation and burial. See [Appendix B4](#).
 - An additional burial cost that can be considered is mileage when the body is transported for burial within the province. Most often, the remains of an individual will be transported from the community that the individual resided in or the place of death, to the home community within the province. Mileage can only be considered for each km. in excess of eight km, and the rates are specified in [Appendix B4](#).
 - Where the deceased is to be cremated, transportation to the nearest crematorium can also be provided - a one way trip from the funeral home to the crematorium with the remains, and a one way trip from the crematorium to the funeral home, after the cremation has taken place. Mileage related to cremation can be considered for each km. in excess of eight km, paid at the rate specified in [Appendix B4](#), and cannot exceed \$850 in total. Approval of cremation transportation does not impact other transportation which can be approved for burials, and the \$850 cap only applies to the cremation portion.
 - Sometimes it is necessary for the services of two funeral homes to be involved. When a client or immediate family member dies outside of the province, the amount of total assistance available cannot exceed the flat rates as specified in [Appendix B4](#). The local funeral home will assume the responsibility for the expenses
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and will invoice the Department for the full cost. The amount owing to the out of province funeral home is the responsibility of the local funeral home. The cost of transporting the remains in a shipping container may also be provided. See [Appendix B4](#).

- In Labrador, it is sometimes necessary to have remains transported to the home community by air cargo. In extenuating cases, where cargo shipment cannot be arranged in a reasonable period of time (i.e. two business days), planes may be chartered to return the bodies to the applicable home community. The authority for approval of a charter would be at the Regional Director level.

Insurance Settlements

- When an applicant or client passes away and the Department pays any portion of the burial expenses, and it is determined that there may be a pending insurance settlement, the family or estate will be required to complete a Repayment Agreement form.
- If no Agreement was signed and it was later determined that an insurance settlement was received, an overpayment must be set up.

Procedure: Client Services Officers must:

- Determine eligibility for assistance with funeral/burial costs by including only the services/items from the list in [Appendix B4](#) and the corresponding costs in the requirements for clients making applications for burial.
- When determining eligibility, all eligible expenses can be used in calculating the payment amount; however only services rendered at the time are eligible for immediate payment. For example, if a cremation has taken place and a burial planned for a later date, the expenses for that burial cannot be made until the burial is about to occur. The approved amount for these services are valid for a 12 month period from when eligibility was determined. Any exceptions to this time period must be considered on a case by case basis and discussed with the CSM.
- Consult with a CSM where they cannot verify eligibility for burial expenses because death occurred outside of regular business hours such as a weekend. There may be no Rights, Responsibilities and Client Consent form signed but arrangements have to be made immediately. The CSM may

authorize the funeral/burial up to the prescribed rates in [Appendix B4](#). The funeral home will be asked to submit the invoice to the local office for payment and the family will be advised that the Department will be applying for the CPP Death Benefit. If the estate is eligible for any other benefit, then they will be required to repay this amount or the full amount to be paid to the funeral home by the Department, whichever is lesser amount.

- Consider all the resources for deceased applicants such as: private pension, private income from such resources as Canada Pension Death Benefits, Old Age Security, Private Life Insurance; funds held in trust for a prepaid funeral; liquid assets in excess of the permissible amounts and any other resources which may be available at the time of death.
 - Determine whether Income Support clients have a pre-paid funeral or eligibility for Canada Pension Plan Death Benefits, at the time of death.
 - Determine if a single person, who is not in receipt of Income Support, has a source of income such as OAS, CPP or a private pension. The CSO must advise the family that the value of the last cheque will be applied toward the cost of the funeral expenses. However, if this person has well documented current bills (i.e. NL Power, rent) the CSM may consider them in relation to determining net income available to offset the funeral costs.
 - Determine whether the deceased person who was not in receipt of Income Support is a parent with a dependent child or has a spouse living with him/her. In these cases, the last cheque will be assessed as income in determining eligibility for burial, taking into account the family composition for regular family and shelter benefits.
 - Verify the existence of **any** liquid assets for a deceased single applicant as they would have to be applied to the cost of the burial. However, if the deceased individual has a spouse and/or dependent children, only the liquid asset amount in excess of the applicable maximum amounts based on family composition must be applied to the cost of the funeral expenses.
 - Notify the family that the Department will pay the eligible amount towards the cost of the burial but will be making an application for the Canada Pension Plan Death Benefit.
 - Provide a Service Authorization for the eligible amount towards the cost of the burial directly to the funeral home (Service
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Provider) responsible, once all income sources have been determined and the flat rates and other burial costs are assessed as per [Appendix B4](#).

- If there are any questions or discrepancies in the invoice amount, the CSO should make contact with the family of the deceased to verify the actual services provided.

Authority Level: **Client Services Officer** - approval of burial costs other than the exceptions noted below.

Client Service Manager – requests for assistance when death occurred outside the province and emergency out of hours requests for burials for non-clients.

Regional Manager – requests for assistance which exceed 60 days from the date of burial.

Regional Director– Requests for a charter plane to return remains to coastal Labrador.

Date revised: May 15, 2019
