



**OTERO COUNTY  
HEALTHCARE SERVICES**

**INDIGENT/UNCLAIMED  
DISPOSITION PROGRAM**  
Serving the Residents of Otero County

**Office Hours**

**Monday – Friday  
8:00am – 5:00pm**

Schedule may vary. Please call for appointment.

**1101 New York Avenue  
Alamogordo, NM 88310  
575-434-4902**

**OTERO COUNTY HEALTHCARE REVIEW SERVICE  
INDIGENT/UNCLAIMED DISPOSITION PROGRAM**

**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 Fort Bliss 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 Department and Administrators extend our deepest compassion to you at this difficult time. The Indigent/Unclaimed Disposition 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 the Healthcare Service Department's 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](http://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 Fort Bliss National Cemetery. Burial in the Fort Bliss 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/](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 in the perpetual care section of Monte Vista Cemetery. Each person will have an individual plot with a temporary 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 regularly.

**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. <b>Must provide a 90 day reflection of Residency in Otero County.</b>
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. <b>Must prove the identity of decedent AND your relationship to decedent.</b>
Relationship	
Age	
U.S. Citizen	U.S Citizenship is not required.
Income	<b>Earned Income:</b> Check-stubs, a letter from the employer with the hours worked and the pay. If decedent was <b>self employed</b> , you may provide a copy of income tax forms, business records or personal wage records. <b>Unearned Income:</b> 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.  <b>Required:</b> 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. <b>Assets (estate) must not be sufficient to cover cremation or burial costs</b>

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





**Assets/Resources**

Check all of the assets owned by the decedent.

- |  |   |   |  |
|--|---|---|--|
| <input type="checkbox"/> Cash on Hand    | <input type="checkbox"/> Checking Account   | <input type="checkbox"/> Livestock                | <input type="checkbox"/> CD – Certificate of Deposit |
| <input type="checkbox"/> Stocks or Bonds | <input type="checkbox"/> Retirement Account | <input type="checkbox"/> Recreation Vehicles      | <input type="checkbox"/> House/Land – Not Occupying  |
| <input type="checkbox"/> Savings Account | <input type="checkbox"/> Trust(s)           | <input type="checkbox"/> Life or Burial Insurance |  |
| <input type="checkbox"/> Other: -        |   | <input type="checkbox"/> Other -                  |  |

**Describe all of the items from above that were owned by the decedent**

Item	Who Owns Them?	\$ Value	Bank or Company Name?
		\$	
		\$	
		\$	
		\$	
		\$	

**IMPORTANT HEALTH INFORMATION:**

Does the Decedent's remains have a pacemaker, or any radiation producing implant device, or other life-sustaining device that could be explosive? Yes No

**NEXT OF KIN INFORMATION**

**Marital Status: Check one (Copy of marriage license may be required)** Married Single Divorced Widowed Unknown

<b>Spouse's Name and Address (Include Maiden)</b>	<b>Status (Check One)</b> <input type="checkbox"/> Alive <input type="checkbox"/> Deceased
<b>Father's Full Name and Address</b>	<b>Status (Check One)</b> <input type="checkbox"/> Alive <input type="checkbox"/> Deceased
<b>Mother's Full Name and Address</b>	<b>Status (Check One)</b> <input type="checkbox"/> Alive <input type="checkbox"/> Deceased

**List ALL other known legal next of kin with relationship and any known contact information**

1.	2.
3.	4.
5.	6.

**ATTEMPTS TO LOCATE NEXT OF KIN:**

Name	Phone Number	Relationship	Date & Time

**PERSON(S) PROVIDING INFORMATION FOR DESCENDENT:**

<b>Full Name (Last, First Middle):</b>	<b>Relationship to Decedent</b>
<b>Address:</b>	
<b>Phone Number:</b> <input type="checkbox"/> Home <input type="checkbox"/> Cell <input type="checkbox"/> Work	<b>Email Address</b>
<b>Full Name (Last, First Middle):</b>	<b>Relationship to Decedent</b>
<b>Address:</b>	
<b>Phone Number:</b> <input type="checkbox"/> Home <input type="checkbox"/> Cell <input type="checkbox"/> Work	<b>Email Address</b>

**STATEMENT OF DISPOSITION**

This form must **ONLY** be signed by those given priority to decide disposition for the Decedent per NMSA 1978 §24-12A-2. A copy of a valid photo ID of all legal next of kin who have signed this form **must** be submitted with this form.

**Unclaimed Bodies of Indigent Persons; Cremation Permitted**

*The body of an unclaimed decedent or an indigent person, the disposition of which is the responsibility of the County pursuant to the provisions of Chapter 24, Article 13 NMSA 1978, may be **cremated** upon the order of the County official responsible for ensuring the disposition of the body or the order of any other Government Official authorized to order the cremation. NMSA 1978 §24-12A-3*

I, \_\_\_\_\_, \_\_\_\_\_ of  
 (Print FULL LEGAL Name) (Relationship to Decedent)

\_\_\_\_\_ Deceased on \_\_\_\_\_,  
 (Print FULL LEGAL Name of Decedent) (Date Deceased)

**Do not wish to financially claim** the body of the Decedent. I understand that if I do not financially claim the body of the decedent he/she will be disposed of in accordance with NMSA 1978 §24-12A-3. ***If Decedent is a Veteran, burial of the cremated remains may occur at the Fort Bliss National Cemetery, when New Mexico Department of Veteran's Services claims the remains which may be prior to two years after the date of death.***

**Wish to financially claim** the body of the decedent and ask that the decedent's body be delivered to the following address: \_\_\_\_\_ Where I understand that Otero County will have **NO** further responsibility for disposition of the decedent (Only if Decedent is in County custody).

_____ Signature	_____ Date
_____ Address	_____ Phone Number
_____ Signature	_____ Date
_____ Address	_____ Phone Number
_____ Signature	_____ Date
_____ Address	_____ Phone Number

STATE OF NEW MEXICO  
 COUNTY OF OTERO

I certify the following person(s) appeared before me this day, \_\_\_\_\_, \_\_\_\_\_ 20\_\_\_\_, acknowledging to me that he/she signed the forgoing document.

\_\_\_\_\_  
 Signature of Notary Public Date

SEAL

\_\_\_\_\_  
 My Commission Expires

**\*NOTE\* Only those given priority to decide disposition for the decedent per NMSA 1978 §24-12A-2 may sign; acknowledging and adhering to the termination of rights of disposition, having no further injunction. Any unlawful signing of this form may result in legal action. Signing this form does not grant precedence in the reimbursement or release of cremated remains.** This form needs to be notarize only if person(s) filing for cremation of decedent is/are out of County or State. A copy of a state issued Identification card is required to be attached to the document.

