

## **Charleston County Coroner's Office Policy #17**

**Title:** Disposition of Unclaimed Decedents

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**Effective Date:** 09/29/2014

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**Authorized By:** Bobbi Jo O'Neal, Coroner

### **17.1 POLICY**

The Coroner's Office will take responsibility for the cremation of unclaimed or unidentified remains.

### **17.2 PROBATE COURT REGARDING IDENTIFIED BUT UNCLAIMED**

The Coroner's Office will take responsibility for the cremation of identified but unclaimed decedents. The case Deputy will make every effort to locate next-of-kin for identified decedents. While attempting to locate next-of-kin, Deputies will keep a record of all calls made, persons spoken to, information from search engines, and any other documentation as appropriate. The following steps shall be taken should it be necessary to petition the Probate Court for permission to cremate an identified but unclaimed decedent:

- a) After positive identification of the decedent has been made in accordance with the Decedent Identification Policy and all efforts to locate next-of-kin have failed, or if the next-of-kin has renounced their rights to handle the disposition of a decedent, the case Deputy will submit a formal letter of request to the Charleston County Probate Court to authorize cremation and to ask that a Special Administrator be assigned to handle the decedent's estate, if applicable.
- b) The request to the Probate Court shall include the name of the decedent, their date of birth, date of death, social security number, and a brief description of the circumstances surrounding the death. This request shall

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also provide a brief description of the steps taken to identify and locate next-of-kin and ask for recoupment of cremation costs from any estate assets should they be available now or in the future.

- c) The original signed request letter and a copy of the death certificate will be mailed via interoffice mail to the law clerk at the Probate Court assigned to handle these cases.
- d) If authorization has not been received within 30 days, the requesting Deputy will follow up with the Probate Court to check on the status of the request.
- e) Once written permission from the Probate Court has been received, the investigating Deputy will release the body to the cremation facility and will fax or scan and email the following documents to the cremation facility: a copy of the Probate Order of Cremation, a copy of the death certificate, a completed and signed cremation authorization form, and a signed cremation permit.
- f) If jaws, finger(s), or any other body part(s) were removed for identification purposes, the removed body parts will be returned to the body before being released to a funeral home or crematorium.
- g) Upon the completion of the cremation, the employee receiving the cremains (whether delivered or picked up) must verify that the cremains belong to Charleston County and that the cremation certificate number matches the number on the seal of the cremation container. Usually, a copy of the BRT or death certificate should accompany the cremains. The crematory may require a signature on a receipt. A copy of this form shall be uploaded to the electronic case file.
- h) Once the cremains are in the custody of the Coroner's Office, they will be entered into the evidence management software system and affixed with a barcode sticker. The cremains are then placed in the appropriate storage location within the evidence room until next-of-kin may be located or until a court-appointed Special Administrator provides instruction for the release of the cremains or they are interred in an appropriate cemetery/burial site. Documentation of the burial location must be included in the case file or

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scanned into the electronic records system. A chain of custody form from the evidence management software system will also be placed in the case file or scanned into the electronic records file.

- i) The coroner's report will be amended stating where the cremains are being stored/buried/released to the special administrator, if applicable.
- j) A copy of the cremation certificate will be placed in the decedent's file or electronic file and the original certificate stays in the box with the ashes.
- k) Prior to closing the case, all the decedent's information shall be entered into the unclaimed remains section of NamUs (National Missing and Unidentified Persons System) by the Charleston County Coroner's Office NamUs representative.
- l) If next-of-kin is found at any later date, the case status of the individual must be changed within the NamUs unclaimed database from "Unknown" to "Known". If next-of-kin are found and they take custody of the cremains, the individual must be removed from the NamUs unclaimed database.

### 17.3 PROBATE COURT REGARDING UNIDENTIFIED AND UNCLAIMED DECEDENTS

1. There are some circumstances in which the Coroner's Office will take responsibility for the cremation of unidentified decedents, in accordance with state law:

*"SC CODE OF LAWS SECTION 17-5-590 Disposition of remains of unidentified dead bodies*

*If the body of a dead person is unidentifiable, the remains may not be cremated for at least thirty days. The coroner or medical examiner must have the remains buried or interred in a cemetery in the county in which the remains were found."*

2. The following steps shall be taken:

- a) If positive identification has failed after all methods of identifying a decedent described in the Decedent Identification Policy have been

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performed, and after an appropriate investigation exhausting all resources through other investigative techniques and law enforcement sources, and with permission of the Coroner or Chief Deputy, the investigating Deputy may submit a formal letter of request for permission to cremate to the Charleston County Probate Court.

- b) The request to the Probate Court shall include the decedent's identifier (e.g. "John Doe"), a brief description of the circumstances surrounding the death, a brief description of steps taken to identify the decedent, and ask for recoupment of cremation costs from any existing estate assets should the decedent be successfully identified.
- c) The original signed request letter and a copy of the death certificate will be mailed to the Probate Court.
- d) Appropriate DNA samples will be retained, submitted to CODIS and permanently retained for future testing.
- e) If authorization has not been received within 30 days, the requesting deputy will follow up with the Probate Court to check on the status of the request.
- f) Once written permission from the Probate Court has been received, the investigating Deputy will release the decedent to the cremation facility and will send the following documents to the cremation facility: a copy of the Probate Order of Cremation, a copy of the death certificate, a completed and signed cremation authorization form, and a signed cremation permit.
- g) If jaws, finger(s), or any other body part(s) were removed for identification purposes, the removed body parts will be returned to the body before being released to a funeral home or crematorium only after all exams have been completed and reports submitted on those items i.e. dental x-ray and charting, evaluation by the forensic anthropologist, fingerprint card/file, etc
- h) Upon the completion of the cremation, the employee receiving the cremains (whether delivered or picked up) must verify that the cremains belong to Charleston County Coroner's Office and that the cremation certificate number matches the number on the seal of the cremation container. Usually, a copy of the BRT or death certificate should accompany the

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cremains. The crematory may require a signature on a receipt. A copy of this form shall be uploaded to the electronic case file.

- i) Once the cremains are in the custody of the Coroner's Office, they will be entered into the evidence management software system and affixed with a barcode sticker. The cremains are then placed in the appropriate storage location within the evidence room until identification is made and/or next-of-kin are located or until a court-appointed Special Administrator provides instruction for the release of the cremains or they are interred in an appropriate cemetery/burial site.
- j) Documentation of the burial location must be included in the case file or scanned into the electronic records system. A chain of custody form from the evidence management software system will also be placed in the case file or uploaded to the electronic records file.
- k) The coroner's report will be amended stating where the cremains are being stored/buried/released to a special administrator.
- l) A copy of the cremation certificate will be placed in the decedent's file or electronic file and the original certificate stays in the box with the ashes.
- m) Prior to closing the case, all decedent information shall be entered into the unidentified remains section of NamUs (National Missing and Unidentified Persons System) by the Charleston County Coroner's Office NamUs representative.
- n) Should the decedent be identified, NamUs shall be updated.