

Unclaimed Bodies- Our forgotten deceased

Marty Mitchell
Funeral Director

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- Funeral director in Marshalltown, Iowa. Been in funeral service for 37 years. I absolutely love funeral service history. Only thing in life I wanted to do. I wanted to give people hope through a death and with the medical examiner community, give them closure. I also firmly believe in ministry of helping those less fortunate.
- Have taken this subject to heart over the past number of years in studying and trying to implement solutions positive for both the decedent/family and the tax payers of the county without imposing on other resources of the county. The other area I tend to study more in-depth is suicide.
- Still love funeral service, although by many afternoons I'm "peopled out."
- When I started, I watched autopsies done at Charter by Dr. Tom Bennett and the "special" ones done at Dunn's Funeral Home in the garage bay. Dr. Wooters was a plethora of stories and I loved listening to him. Until the mid-1980's Marshalltown autopsies were performed at the funeral homes. In 1990, I worked at Cook County morgue every Thursday.
- The one thing my grandmother left me when she passed away were her ears. I need your help on any questions- you might need to yell 😊

Disclaimer

- I need to disclose that I have a financial relationship with the following company (entity)- Marshall County Medical Examiner's Office- for the transport of human remains to place of autopsy and for services provided to unclaimed individuals.

Ha Ha Mr. Attorney (real cases)

- ATTORNEY: Doctor, before you performed the autopsy, did you check for a pulse?
WITNESS: No.
ATTORNEY: Did you check for blood pressure?
WITNESS: No.
ATTORNEY: Did you check for breathing?
WITNESS: No..
ATTORNEY: So, then it is possible that the patient was alive when you began the autopsy?
WITNESS: No.
ATTORNEY: How can you be so sure, Doctor?
WITNESS: Because his brain was sitting on my desk in a jar.
ATTORNEY: I see, but could the patient have still been alive, nevertheless?
WITNESS: Yes, it is possible that he could have been alive and practicing law.
- ATTORNEY: Doctor , how many of your autopsies have you performed on dead people?
WITNESS: All of them. The live ones put up too much of a fight.
- ATTORNEY: Do you recall the time that you examined the body?
WITNESS: The autopsy started around 8:30 PM
ATTORNEY: And Mr. Denton was dead at the time?
WITNESS: If not, he was by the time I finished.

Definition of “Unclaimed”

- Unclaimed bodies differ from unidentified bodies, as the morgue knows who the person is, but they have not been claimed by friends or family. So why are so many bodies unclaimed? According to the [National Funeral Directors Association](#), the average cost of a funeral in 2021 was more than \$7,800. Often marginalized people do not claim their family members due to [burden of cost](#). In fact, due to rising costs of funerals, in 1984 the Federal Trade Commission issued a [Funeral Rule](#) allowing consumers to request prices over the phone or in writing prior to making funeral arrangements. **Additionally, over the years unclaimed dead bodies have been on the rise due to the opioid crisis, the COVID-19 pandemic, natural disasters, and homelessness. *family dynamics**

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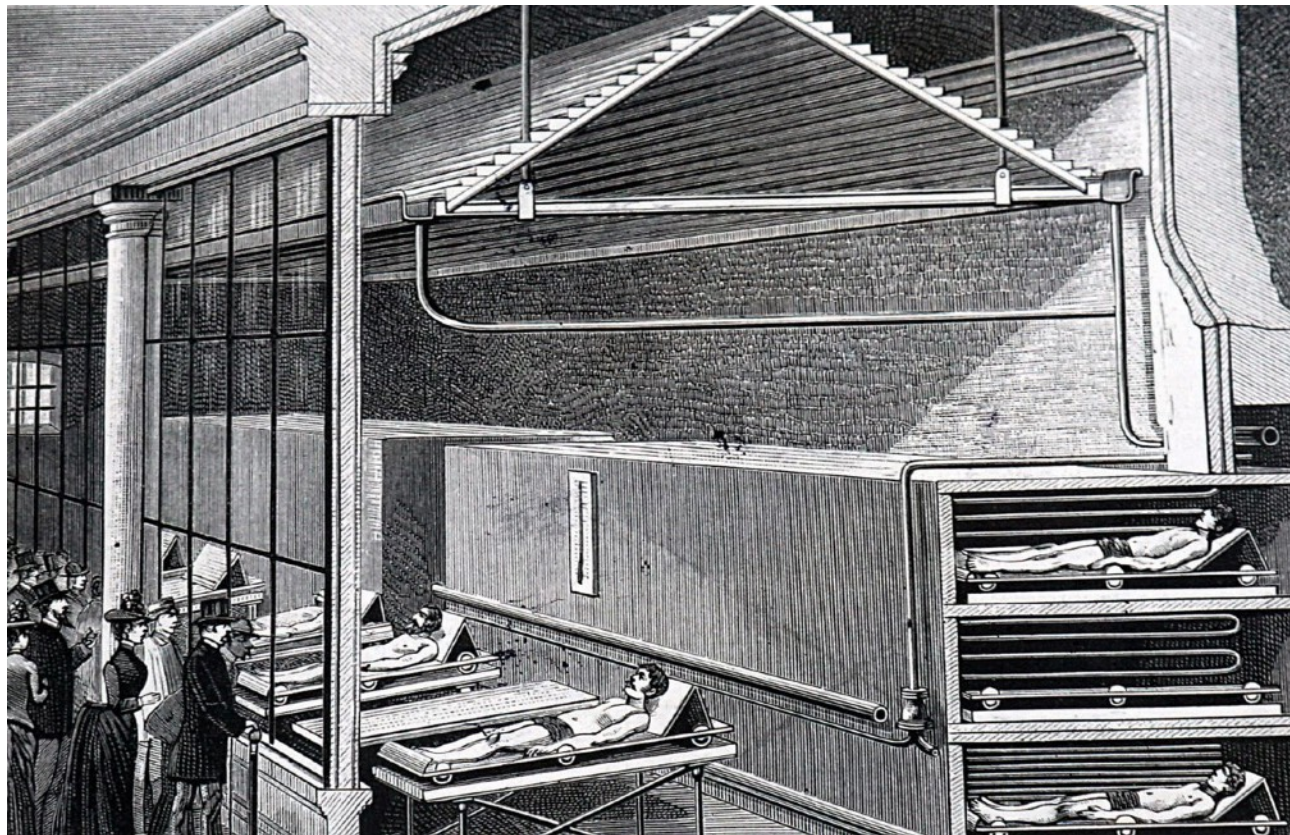
Statistics...

- 34,000 bodies
- Conservative estimates are that 1 percent of all deaths result in an unclaimed body, which would mean that last year, when 3.4 million Americans died, there were 34,000 bodies left for local governments to bury.
- [*www.washingtonpost.com › nation › 2021/09/17*](https://www.washingtonpost.com/nation/2021/09/17/)

What did society do before now?

- Donation (Iowa code when speaker was first in funeral service-use telegraph; funeral home donation/county funding; church/societal claim of body.
- So where does the law stand with unclaimed dead bodies today? In most states, unclaimed dead bodies are still used for medical research. **Human cadavers are needed for research and medical training**, and with a shortage of bodies being donated, institutions rely on unclaimed bodies. In New York State, however, unclaimed bodies **cannot be used as a cadaver** without consent from the spouse, next of kin, or an organ donation registration. Within the city, the Department of Corrections **pays their inmates to bury the unclaimed dead**. Hart's Field on Hart's Island- over one-million interred. To give you a comparison, Arlington has 400,000 interred.

A social function? Take your date out tomorrow night!



Donations today...

- University of Iowa and Des Moines University:
 - 1. Des Moines University- will no longer accept due to liability. Probably number one reason schools are declining.
 - 2. What liabilities exist? Unknown status (Michael Jordan's father), religious (Muslim, Islamic), medical history of decedent, and publicity.
- 3. Publicity- **Cut up and leased out, the bodies of the poor suffer a final indignity in Texas**
- The University of North Texas Health Science Center built a flourishing business using hundreds of unclaimed corpses. It suspended the program after **NBC News** exposed failures to treat the dead and their families with respect.

How to find state laws/options

- National Survey of State Laws
- HeinOnline has a few different resources for researching the law of unclaimed dead bodies across the United States. In fact, we have a dedicated resource for this exact topic! [National Survey of State Laws](#) is a print and online resource that provides an overall view of some of the most asked-about and controversial legal topics in the United States. Presented in an interactive chart format, NSSL allows users to make basic state-by-state comparisons of current state laws. From the database [homepage](#), locate the [Unclaimed Dead Bodies](#) topic from the alphabetical listing. Then select the states you want to compare. For example, let's take a look at Alabama, Indiana, Ohio, and Rhode Island. Simply check the boxes next to these four states and select "Show only checked states."

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State Name	Code Section	State's Minimum Holding Period	Burden to Notify Potential Claimants	Medical School Minimum Holding Period before Dissection	Penalty for Violation	Edition
ALABAMA	22-19-24; 22-19-26; 22-19-30	1 day, 22-19-24	Notice of death posted at courthouse door of county where body is held, 22-19-24	60 days; state must bury body at own expense if claimant requests during holding period, 22-19-26	\$100 to \$500 fine and possible imprisonment up to 6 mos. in county jail or hard labor, 22-19-30	2022 (9th Ed.)
INDIANA	36-2-14-16	Not specified; coroner may order burial or cremation of any unclaimed body if person cannot be located to take custody or person is located but cannot or will not assume financial responsibility for disposition of body	Not specified	Not applicable	None specified	2022 (9th Ed.)
OHIO	1713.34 to 1713.42	1.5 days, 1713.34	Must notify relatives in writing, 1713.37	Not specified; body must be released to relative or other person for burial at their expense if subsequently claimed, 1713.35; body of stranger or traveler may not be delivered to medical school unless part of class commonly known as tramps, 1713.38	Unlawful possession of body by person, association, or company: \$500 to \$5,000 civil liability to be recovered at suit of personal representative of deceased for benefit of next of kin of deceased	2022 (9th Ed.)
RHODE ISLAND	11-20-1.1; 23-18-1-1	2.25 days; body must be decently buried if unclaimed within reasonable time thereafter, 23-18-1-1	Reasonable efforts to locate relative or friend who will assume responsibility for burial at own expense; after 2.25 days, issue public	Not applicable	Unlawfully dissect or mutilate dead human body: felony punishable by imprisonment up to 3 yrs. and/or fine up to \$500, 11-20-1.1	2022 (9th Ed.)

Veterans

- Indigent Veterans and Unclaimed Remains
- Reimbursement may be available for indigent Veterans and unclaimed remains. Indigent Veterans are those who do not have enough resources available in their estate to cover the burial and funeral expenses when they pass away. Unclaimed remains occur when Veterans pass away and are not claimed by relatives, friends, and/or a legal representative.
- Iowa- benefit of the Iowa Veterans Cemetery, passing in a VA Hospital, IVH or under VA care in hospice/nursing home/private home.

Understanding unclaimed...

- My little history in funeral service is 37 years long- here are some of the issues related to unclaimed I have seen in those years.
- 1. AIDS epidemic. Many family members in charge as of the order of survivorship would not claim the body because of the cause of death. This left partners in limbo with the ability to give the decedent last wishes, but perhaps were not able to because family issues. Especially with cremation. Parents not signing cremation authorizations, etc. Some family members would not claim the urns. This is one huge reason the Iowa form Declaration of Designee has been so successful. This was an episode of combined lack of education on the disease and struggles of the moral bounds. Lutheran General Chicago had two morgues in the late 1980s- one traditional death, one AIDS. 8 deaths per day.

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- 2. Cook County Morgue- 500 bodies in house at all times. End of the month, approximately 250 bodies taken to Indiana for burial. Copper wires with ID tags placed on inverted burials in case of identification. Who do you think is the number one party in Cook County to report unclaimed or unidentified human remains?
- 3. New Chicago area County- some bodies will be released to mortuary school that will handle embalming followed by cremation in-house. Prior all burial.

Challenges now...

- The fact that entering into these types of deaths knowing that they will be exhausting, time-consuming and emotionally draining.
- 1. Hospital morgues and periodically medical examiner morgues. One thing hospitals don't like to invest in is a morgue cooler because they can't bill anyone for that service. The capacity of the hospital morgue is dwindling for many reasons:
 - A. Smaller towns limiting services and transferring to larger towns for medical care when death occurs.
 - B. Distance from performing funeral home.
 - C. Family cannot be contacted.
 - D. No commitment to the funeral home by the family for services and/or financial agreement. Once decedent is in care of the funeral home, very hard to discuss these details.

Challenges...continued

- 2. Who is the legal next of kin- and finding them? Falsification of status. (Our people-search policy).
- 3. Information that can be accessed about insurance, finances, etc.
- 4. Responsible party steps forward but not the LEGAL responsible party.
- 5. Attorney telling family not to sign anything- funeral homes are required by Federal requirements and state requirements to have certain documents.
- 6. Due diligence- making sure we are reaching out to everyone in a group that should be- all children, etc. Social media (Facebook) does help with this and with small town Iowa, calling the local funeral home there to see if they know them has worked.

What do we do to fix this?

- 142.1 Delivery of bodies. The body of every person dying in a public asylum, hospital, county care facility, penitentiary, or reformatory in this state, or found dead within the state, or which is to be buried at public expense in this state, except those buried under the provisions of chapter 144C or 249, and which is suitable for scientific purposes, shall be delivered to the medical college of the state university, or some osteopathic or chiropractic college or school located in this state, which has been approved under the law regulating the practice of osteopathic medicine or chiropractic; but no such body shall be delivered to any such college or school if the deceased person expressed a desire during the person's last illness that the person's body should be buried or cremated, nor if such is the desire of the person's relatives. Such bodies shall be equitably distributed among said colleges and schools according to their needs for teaching anatomy in accordance with such rules as may be adopted by the department of health and human services. The expense of transporting said bodies to such college or school shall be paid by the college or school receiving the same. If the deceased person has not expressed a desire during the person's last illness that the person's body should be buried or cremated and no person authorized to control the deceased person's remains under section 144C.5 requests the person's body for burial or cremation, and if a friend objects to the use of the deceased person's body for scientific purposes, said deceased person's body shall be forthwith delivered to such friend for burial or cremation at no expense to the state or county. Unless such friend provides for burial and burial expenses within five days, the body shall be used for scientific purposes under this chapter. [C73, §4018; C97, §4946; S13, §4946-b; C24, 27, 31, 35, 39, §2351; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §142.1] 2008 Acts, ch 1051, §1, 22; 2009 Acts, ch 133, §41; 2023 Acts, ch 19, §229

Speaker's thoughts....

- 1. I never thought we would be having this discussion on the needs of unclaimed individuals. That is New York, California, etc. But now, it's also Marshalltown, Iowa. Late finds were the "bad" calls, but they are a breeze now- it's the unclaimed/family dynamic ones.
- 2. If you have a relationship with the funeral homes in your area, can you network with them? Here is our network with Dr. Bethel and Marshall County Board of Supervisors....
- 3. Understanding needs vs. wants in family dynamics.
- 4. Firm, black and white regulations on unclaimed.
- 5. These tend to be the most exhausting, labor intensive and emotionally draining of deaths. It is because you and I still believe in the dignity of death we take care of the deceased as our own family. That is one thing that will never change for me.

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- 6. Metropolitan funeral homes and request for deposit/credit card on file BEFORE and removal of body from institution to avoid mass problem of abandoning body.
- 7. No state will allow human remains to be held until payment is made. The family still has the right to change funeral home preference in the midst of planning and the funeral provider must release remains in full or cremated state. Many funeral homes are leaning towards full payment for any or all services so they do not have to incur these issues. This is when the hospital morgue facility will reach maximum capacities.
- And some of the following due to unclaimed individuals...
- 8. There are a huge amount of funeral homes closing due to financial needs, lack of staff, community changes and cost of operation as well as no new ownership.

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- 9. 50% of ownership of funeral homes in the United States is forecast to change in the next five years. Iowa is accurate with 50% of funeral home owners turning 60 in the next five years. This will create consolidation, corporations and alternative means to a community. It will minimize multi-generational firms. I am one-generation. With cost of consolidation, will funeral homes have ability to serve underprivileged communities?
- 10. Two concerns of speaker moving forward- no permanent placement or violation of permanent burial space. Right now, approximately 80K urns are turned in every year being found or unclaimed. The two most often reporters on this are realtors and rental truck companies. For Marshalltown, we have had several reported by police (in dumpster), Greyhound in Omaha, Goodwill store (now four for sale), the auction house, storage shed contacting medical examiner, found in cemetery, etc.

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- 11. The State of Iowa and allowing Medical Examiner approval for disposition if no family will claim.
- Finally, removal of urn from niche for sale of said property to benefit seller. For example- Mr. and Mrs. Jones have been cremated and placed in glass front niches in mausoleum spaces in said cemetery. The children pass and now we are down to grandson as survivor. He has financial challenges or perhaps additions and signs to have ashes removed from niches. He sells such property for fraction of today's price of the cemetery- even with disinterment fees involved, and has the financial means. Now, what happens to Mr. and Mrs. Jones?

The future

- As much as I would love to say we resolved everything today and it's going to be a sunny pathway of flowers moving ahead, we all know we are going to have more challenges. With economic needs of families, failure to prepare for events in life that are guaranteed, unraveling of family threads and other reasons that will affect all of us, we need to create the balance of dignified care and minimized impact on authorities and taxpayers. What that balance is may be determined by all of us with planning on the local county level.

In closing....

- Questions?

Thank You!!

- More than you might know, this has been such an honor to be with you today. You are truly a group of people I hold in high esteem. It was touching to have your invitation and I do hope you could gain some information. Sincere wishes for a wonderful (and uneventful) Holiday Season!