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LUBBOCK COUNTY COURTHOUSE
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Office of the Criminal District Attorney

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DEC 28 1999

Opinion Committee

December 20, 1999

RQ-0167-JC

FILE # ML-41193-99

I.D. # 41193

Opinions Committee
Office of the Attorney General
Supreme Court Building
Austin, Texas 78711

Dear Sirs:

We would like to request an opinion from your office to determine whether it is Lubbock County's or a surviving relatives' duty to bury indigent decedents. We would also ask for clarification on other related issues. Our questions are as follows.

- I. Whether it is the Commissioners' responsibility under section 694.002 of the Texas Health & Safety code or that of the persons listed in section 711.002 to provide for the burial of indigent persons dying in Lubbock County?
- II. Whether the Lubbock County General Assistance Agency may seize an indigent decedent's assets to cover the cost of burial?
- III. Whether relatives, if it is determined that they do not bear primary responsibility for the costs of the decedent's burial under section 711.002, may donate funds toward the burial expense?
- IV. Whether any funds received toward the cost of burial should be deposited with the General Assistance Agency of Lubbock County or into the Lubbock County General Fund?

Chief Administrator
George White

Chief Deputy District Atty.
Crimes Against Persons
Kenneth R. Hawk, II

Chief Deputy District Atty.
Property Crimes/Drugs/DWI
W. Clay Abbott

Chief Investigator
Dusty Dowgar

Appellate Division Chief
Chad Meacham

Special Prosecution Unit
Rusty Ladd
Homicide
Matt Powell
Crimes Against Children/
Sexual Offenses
John E. Hill, III
Grand Jury
Marty Gonzalez
Domestic Violence
Victim Assistance Coord.

Juvenile Prosecution Unit
Wade Jackson
Division Chief
Paul Cromoe

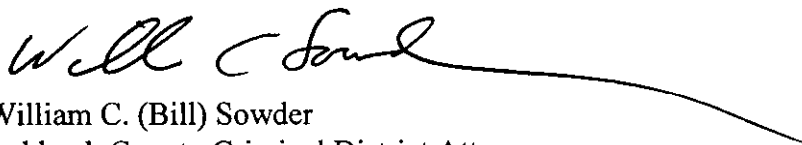
Civil Division
Beni Hemmeline
Division Chief
Tanya Harvey
Richard Koenig
Carolyn F. Moore

Felony Prosecution Unit
Roy Carper 99th
Melissa Hubbard 140th
George Leal 137th
Trey McClendon 237th
Robert Kennich 72nd
Dub Wade 364th

Misdemeanor Prosecution Unit
Drue Farmer
Division Chief
Anne Potts
Domestic Violence
Brenda Cantu CCAL #1
Kelly Clark Floater
Cameron Cowan CCAL #2
Tom Stanfield CCAL #3

We would appreciate an expedited opinion in this matter as we do not have any guidelines with which to work. Enclosed please find a memorandum brief on this matter. If you have an questions please feel free to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Will C Sowder". The signature is written in a cursive style and extends across the width of the page with a long, sweeping underline.

William C. (Bill) Sowder
Lubbock County Criminal District Attorney

Enclosure: