



Illinois Department of Corrections

Administrative Directive

Number: 02.42.107	Title: Processing Accounts of Deceased Individuals in Custody	Effective: 6/1/2022
-----------------------------	---	-------------------------------

Authorized by:	<i>[Original Authorized Copy on File]</i> Rob Jeffreys Director
Supersedes:	02.42.107 effective 11/1/2003 and amended 7/1/2009

Authority: 730 ILCS 5/3-2-2 and 3-4-3 755 ILCS 5/1-1 et seq.	Related ACA Standards: 5-ACI-1B-20-21
Referenced Policies: 01.12.111, 02.42.106	Referenced Forms:

I. **POLICY**

The balance of a deceased individual in custody's trust fund account shall be disbursed in accordance with the guidelines established in this directive.

II. **PROCEDURE**

A. **Purpose**

The purpose of this directive is to establish a procedure for the disposition of trust fund monies of a deceased individual in custody.

B. **Applicability**

This directive is applicable to all correctional facilities within the Department.

C. **Facility Reviews**

A facility review of this directive shall be conducted at least annually.

D. **Designees**

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. **General Provisions**

1. Individual in Custody deaths shall be reported in accordance with Administrative Directive 01.12.111. This includes notification to the next of kin or legal guardian.
2. The Business Office shall also be advised of the death of an individual in custody to ensure proper disposition of the individual's trust fund account.
3. The person claiming the body or remains shall be responsible for all subsequent expense such as transportation, funeral, and burial or cremation.
4. In the event the body or remains are unclaimed, all expenses incurred such as transportation, preparation, and burial or cremation shall be paid by the facility and, when possible, shall be handled in compliance with Illinois Department of Human Services rates in effect for the applicable region. Rates may be obtained from the Illinois Department of Human Services website.

	Illinois Department of Corrections Administrative Directive	Page 2 of 2
Number: 02.42.107	Title: Processing Accounts of Deceased Individuals in Custody	Effective: 6/1/2022

5. If after the Department has paid the expenses, the next of kin or legal guardian requests to claim the body or remains they may be required to reimburse the Department for the costs incurred in Paragraph II.E.4.

F. Requirements

Upon notification of the death of an individual in custody, the Business Office shall:

1. Obtain the name and address of the individual's next of kin or legal guardian from the Record Office. If not known, the name and address of the person claiming the body or remains shall be obtained.
2. Audit the individual's trust fund account to ensure all appropriate entries have been made and verify the balance available for liquidation.
3. Within 10 days of the individual's death, prepare and forward a letter signed by the Chief Administrative Officer to the next of kin, legal guardian, or if not known, to the person claiming the body or remains. The letter shall include:
 - a. The individual's account balance;
 - b. The appropriate instructions for claiming the funds.
 - (1) Estates of \$100,000 or Less.

A complete and properly certified Small Estate Affidavit substantially in the form set forth in 755 ILCS 5/25-1, a copy of the death certificate, and if it exists, a certified copy of the will which has been filed in the appropriate court must be submitted to the facility Business Office for processing. Copies of the Small Estates Affidavit are available from local county offices.

- (2) Estates Over \$100,000.

A properly certified copy of Letters of Office or Letters of Administration must be submitted by the court-authorized representative of the estate for the funds to be released. Small Estate Affidavits are not acceptable.

NOTE: A properly certified document is one having an official seal or stamp, such as a Notary Public or County Registrar seal or a Registrar's stamp.

4. The Business Office shall ensure appropriate documents are received prior to releasing any funds.
5. When appropriate documents have been verified, the Business Office shall prepare and process a check to release the balance of the individual's trust fund account.
6. In the event no claim is submitted for the individual's trust fund account, the monies shall remain in the trust fund bank account until the account reaches a dormant status. Refer to Administrative Directive 02.42.106 for information on dormant account balances.