

Final Disposition Options and Disinterment



Cemeteries may provide a number of different types of final resting places, such as a grave where remains (bodies or cremated remains) are buried in the ground, a mausoleum for above-ground entombment of full-body remains, a columbarium for above-ground inurnment of cremated remains. Not every cemetery has all of these options. If cremated remains are commingled by being placed in an ossuary or scattered in a scattering garden, there is typically no lot owner.

When a cemetery sells a final resting place it is not selling real estate. Instead, it is selling the right of interment (which refers here to either below-ground or above-ground placement of remains) and the right to have a memorial.

When you purchase a final resting place, it is important to know how many remains and what type (full body or cremated) may be placed in it. This will depend on the cemetery's rules and regulations, the contract of sale, and the deed for the final resting place.

Some other important things to know:

- cemeteries must be open for interments at least six days per week.
- a cemetery is not required to perform a burial during severe weather. If there is severe weather, the body will be placed in storage until weather permits the burial to take place.
- if a request is made for interment on a day that the cemetery and its staff recognize as a holiday, the cemetery must make every effort to conduct the interment on that day but may charge extra for holiday burials.
- some human cemeteries allow for the interment of pet cremated remains along with the remains of the pet owner. Cemeteries that allow this will have specific rules and fees for this service.
- a cemetery may refuse a request to inter remains if there is an unpaid balance or if the interment would violate the cemetery's rules.

Disinterment or removal is the process by which remains that are in their final resting place in a cemetery are moved. Before remains can be moved, everyone who has the legal right to either consent or object must consent in writing. This includes the lot owner or owners and certain close family members. Also, the cemetery where the remains are located must consent. If anyone whose consent is required does not consent, then the person seeking to move the remains must start a court proceeding. There are very specific requirements for such a proceeding; you should consider consulting a lawyer. Remains that have been placed in an ossuary or scattered in a scattering garden cannot be disinterred or removed.