

Disinterment

Requirements

A disinterment is filed in the Probate Court in the County in which the decedent is buried.

The Process

The below documents need to be prepared and filed in our court with the filing fee as stated above. If everyone entitled to notice of the disinterment signs the waiver of notice, then a hearing should not be necessary. If that is the case, then the disinterment will be filed and the Judge will make a determination based on the paperwork. This usually takes just a few days.

If everyone entitled to notice does not waive their notice, then a hearing will be necessary. Those who did not waive notice will need to be served notice by certified mail. The hearing will be set approximately 6 to 8 weeks from the date of filing, to allow time for service. At the hearing the Judge will make a determination as to whether or not he will grant the disinterment.

Initial Filing

- ☐ Application for Order to Disinter Remains (Form 25.0)
- ☐ Surviving Spouse, Children, Next of Kin, Legatees and Devisees (Form 1.0)
- ☐ Waiver of Notice of Application to Disinter Remains (Form 25.5).
 - This must be signed by everyone on the Form 1.0 (both page 1 and page 2)
 - This must also be signed by "the board of township trustees, the trustees or directors of a cemetery association, or the other officers having control and management of the cemetery in which the remains of the decedent are interred or to the officer of a municipal corporation who has control and management of a municipal cemetery in which the remains of the decedent are interred" (*as per Ohio Revised Code Section 517.24*)
- ☐ Affidavit of Service of Notice on Hearing on Application for Disinterment (Form 25.3). *If applicable*
 - This will be used only if you do not have an address for someone who is entitled to notice.
- ☐ Order to Disinter Remains (Form 25.6)
- ☐ Verification of Reinterment (Form 25.4).
 - This needs to be completed and filed after the reinterment is complete.
 - If the disinterment is being done for a cremation, then in lieu of this form, you must provide proof that the cremation has been completed.

Hearing

A hearing is only necessary if you do not have signed Waivers from everyone who is entitled to Notice. If there is a hearing needed, then you will also need the following forms

- ☐ Judgment Entry Setting Hearing on Application for Disinterment (Form 25.1).
- ☐ Notice of Hearing on Application for Disinterment (Form 25.2).
 - You will prepare one of these for everyone who does not waive their notice. These must be brought in with the initial filing. We will then fill in the hearing date and case number, and mail these from the court.