

## **INSTRUCTIONS FOR APPLICATION FOR ORDER TO DISINTER REMAINS**

These instructions are intended as a guideline only and should not be considered legal advice or relied upon as a comprehensive list when filing an application to disinter remains.

Prior to the Hearing on the Application for Order to Disinter Remains, the Applicant must obtain a permit from the Board of Health who issued the original death certificate authorizing the disinterment. The authorization letter shall specifically state that it has been issued in compliance with R.C. 517.23(B) and that the decedent did not die of a contagious or infectious disease will suffice.

For death certificates issued by occurring in Clermont County Health District, to obtain the authorization letter, you will contact:

Clermont County Health District  
2275 Bauer Rd  
Batavia, OH 45103

The current filing fees for the Application is \$25. Applicants must pay this fee in cash, check, money order, or certified check. Checks or money orders will be payable to the Clermont County Treasurer. The Clermont County Probate Court does not accept credit or debit cards.

Applicants must apply in person and may obtain the forms from the Court at 2379 Clermont Center Drive Batavia, Ohio or by downloading the forms from the website <https://probatejuvenile.clermontcountyohio.gov/>.

### **STEP 1:**

<b>COMPLETE THE FOLLOWING FORMS FOR THE INITIAL FILING</b>
<b>Application for Order to Disinter Remains (Form 25.00)</b> Complete the form.
<b>Surviving Spouse, Children, Next of Kin, Legatees, and Devisees (Form 1.0)</b> List all next of kin. Next of kin generally will consist of spouse, children, children of deceased children, or parents. Be sure to specify the complete home address of all those listed and the mailing address, if different, from the home address. Special rules apply to minors, where date of birth will be listed and the names of parent(s) with whom the minor resides. If the minor is living with custodians, a copy of the custody paperwork will need to be presented to the Court upon filing. If the decedent died leaving a will, the second page of the form should list the names and addresses of the beneficiaries of the will. Sometimes the names on the first and second page are the same. Sometimes the beneficiaries of the will are different than the next of kin. Make sure that both the next of kin and the beneficiaries of the will are listed on this form.
<b>Entry Setting Hearing on Application to Disinter Remains (Form 25.1)</b> Fill in the name of the decedent only. The Court will fill in hearing date & time and sign & date the form.
<b>Waiver of Notice of Hearing on Application to Disinter Remains (Form 25.5)</b> All parties who are required to be served may waive notice of the hearing by signing Form 25.5.

You must either obtain a waiver from each individual (Form 25.5) or send the notice of hearing by certified mail (Form 25.2).

**Notice of Hearing to Disinter Remains (Form 25.2)**

Upon the filing of an Application for an Order to Disinter Remains, the Applicant shall give notice to the decedent's surviving spouse; to all persons who would have been entitled to inherit from the decedent under Chapter 2105 of the Revised Code if the decedent had died intestate; to all beneficiaries, legatees and devisees named in the decedent's will; and to 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. The Applicant will be required to serve the notice by certified mail on those individuals who do not waive. Special rules apply to minors. Minors under the age of 16 may have a parent and/or guardian waive service on behalf of the minor. Minors, age 16 or 17 must be served personally or by certified mail.

**STEP 2: FILING OF FORMS WITH DEPUTY CLERK**

Applicants must apply in person. When the forms are complete, please present to the Deputy Clerk's desk. The Deputy Clerk will review the forms to determine that they are complete and will assign a case number. The Deputy Clerk will set the application for hearing with sufficient time to serve those parties who have not otherwise waived service.

**STEP 3: SERVICE OF NOTICE**

The Applicant is responsible for ensuring service of Notice of Hearing on Application For Disinterment, Form 25.2. Special rules apply to minors. Minors under the age of 16 may have a parent and/or guardian waive service on behalf of the minor. Minors, age 16 or 17 must be served personally or by certified mail. Prior to the hearing, the Applicant must complete and present to the Court for filing an Affidavit of Service of Notice on Hearing on Application For Disinterment, Form 25.3 and attach a copy of the Notice of Application to Disinter Remains. If any of the names or places or residences of any persons entitled to notice are unknown and cannot with reasonable diligence be ascertained, the Applicant shall specify any persons who were not given notice and the reason for not giving notice to those persons on Form 25.3.

**STEP 4: THE HEARING – WHAT TO EXPECT**

**A HEARING CANNOT GO FORWARD WITHOUT SERVICE OR WAIVERS**

At the hearing, the Court will review the Application and service and may take evidence. If all the documents are properly completed; and service is valid; then the Court will issue the Entry to Disinter the Remains (Form 25.6). A copy is given to the cemetery.

## **STEP 5: FILING OF VERIFICATION OF REINTERMENT**

The Verification of Reinterment (Form 25.4) form must be completed by the Funeral Director or an employee of the cemetery and must be filed with the Clerk within 30 days of the date of the Entry to Disinter Remains.