

## **DISINTERMENT**

Any person wishing to disinter a decedent's remains, other than a surviving spouse, must obtain an order to disinter from the Probate Court in the county where the decedent's remains are interred. For disinterment requests, in Montgomery County, Ohio, sample disinterment forms may be obtained from the Montgomery County Probate Court. These forms have been adopted for use by an order of the local Probate Court. These forms may not address all situations. If questions arise the applicant should consult competent legal counsel for legal advice as to how to proceed. The personnel of the Probate Court are not allowed to give legal advice or to assist the applicant in the completion of any forms.

The sample disinterment forms issued by the Montgomery County Probate Court consist of the following forms:

### **Application for Disinterment:**

An Applicant seeking the disinterment of a decedent's remains must complete the application for disinterment. The application must be submitted to the Probate Court with a completed Form 1.0, Surviving Spouse, Next of Kin, Legatees and Devisees form. A certified copy of the decedent's death certificate must also be submitted. If the decedent died of a contagious or infectious disease a permit from the Board of Health is required.

Waiver of Notice of Application for Disinterment:

The Applicant should submit a waiver form signed by any person who is entitled to notice of hearing on the application for disinterment. If a person signs the waiver form it is not necessary for the Applicant to serve this person with notice of hearing on the application.

Notice of Hearing on Application for Disinterment:

Notice of hearing on the Application for Disinterment must be given to the decedent's surviving spouse, to all persons who would inherit from the decedent under Chapter 2105 of the Revised Code if the decedent died without a Will or to all persons named to inherit in the decedent's Will.

Affidavit of Service:

If the Applicant submits an Application for Disinterment and does not have signed waivers from all persons entitled to notice of hearing on the application the Applicant must give notice to those persons who have not signed waivers by certified mail and file an Affidavit of Service with this Court.

Entry Ordering Disinterment:

The Applicant shall prepare and submit a proposed Entry Ordering Disinterment with any application. If the Probate Court approves the disinterment the court costs of \$60.00 to \$75.00 and the disinterment costs will be the responsibility of the Applicant.