

**The Rules and Regulations**  
**Of the**  
**Catholic Cemeteries**  
**Of the**  
**Diocese of Springfield in Illinois**

**Approved: September 20, 2010**

**Revised: March 30, 2011**

**Revised: January 1, 2019**

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Of the  
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Diocese of Springfield in Illinois**

The Most Reverend Thomas John Paprocki, Bishop of the Diocese of Springfield in Illinois hereby adopts the following rules and regulations for the mutual protection and benefit of the Catholic Cemeteries of the Diocese of Springfield in Illinois.

The Diocese of Springfield in Illinois through the Bishop, the Office for Finance for Buildings, Property and Cemeteries and the Cemetery Advisory Board reserves the right at any time and from time to time to change, amend, alter, repeal, rescind or add to these rules and regulations or any part thereof, or to adopt any new rule or regulation with respect to its cemeteries or anything pertaining thereto.

Approved by: + Most Reverend Thomas John Paprocki, Bishop of Springfield in Illinois

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## Article I: Definitions

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- 1-A Burial:** The placement of human remains in a grave.
- 1-B Burial vault:** A casket container placed in a grave for the purpose of burying human remains.
- 1-C Cemetery:** Land used for earth burials, including mausoleum and columbarium for crypt entombment and niche inurnment.
- 1-D Cemetery Manager:** Any person designated by the Pastor/Parochial Administrator/Parish Life Coordinator (in the case of parish cemeteries) or the board of directors (in the case of regional cemeteries or Catholic cemetery associations) to manage the day-to-day operations of the cemetery, including the sale of lots, executing all applicable forms/contracts, ensuring the proper maintenance of the cemetery grounds and other duties necessary to conduct cemetery business.
- 1-E Columbarium:** A structure of vault or niches for the entombment of urns containing cremated human remains.
- 1-F Crypt:** A space in a mausoleum of sufficient size, used or intended to be used to entomb human remains.
- 1-G Entombment:** The interment of human remains in a tomb or crypt. It involves placing a casket or cremation urn in a crypt or columbarium niche within a mausoleum.
- 1-H Grave:** A space of ground in a cemetery used, or intended to be used, for the burial of human remains in a casket or cremation container.
- 1-I Human remains:** The body of a deceased person and includes the body in any stage of decomposition, as well as cremated remains.
- 1-J Income care funds:** Formerly known as perpetual care funds, income care funds are monies designated for the ongoing maintenance and operation of the cemetery grounds and buildings.
- 1-K Interment:** The disposition of human remains by inurnment, entombment or burial in a place used or intended to be used and dedicated for cemetery purposes.
- 1-L Inurnment:** Means placing cremated remains in an urn or other suitable container and placing it in a niche, crypt or vault in a place used or intended to be used and dedicated for cemetery purposes.
- 1-M Lot:** Applies to more than one adjoining grave or more than one adjoining crypt.
- 1-N Memorial:** A monument, grave markers, mausoleum, sarcophagus, or inscription on crypt for one or more deceased persons.
- 1-O Niche:** A space in a columbarium used or intended to be used for inurnment of cremated human remains.
- 1-P Retrieval container:** Any container that protects the container that the human remains are in from being crushed or damaged while being buried or retrieved at a future date

## **Article II: Introduction**

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**2-A** In accordance with Canon 1243 of the Code of Canon Law, the Diocese of Springfield in Illinois approves and publishes the Cemetery Policy of Rules and Regulations. All those involved in the administration and operation of a Catholic cemetery in the diocese are to become acquainted with these regulations and the attached appendixes.

**2-B** All Catholic cemeteries, including parish cemeteries, regional cemeteries and Catholic cemetery associations are to bring local regulations and operating practices into conformity with these diocesan cemetery regulations effective immediately. Each cemetery will have until the end of the year (2010) to fully comply. Any adaptations of these regulations by the local Pastor, Parochial Administer, Parish Life Coordinator and/or cemetery association are permissible only with the expressed written consent of the local bishop.

**2-C** These rules and regulations are not considered to be all inclusive. They cover only broad areas. Individual cases will be decided jointly by the Pastor/Parochial Administer/Parish Life Coordinator, the Cemetery Manager and a representative from the Diocesan Office for Finance for Buildings, Property and Cemeteries. If needed, the Cemetery Advisory Board will be consulted.

### **Article III. Administration and Supervision**

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**3-A** All Catholic Cemeteries in the Diocese of Springfield in Illinois, including parish cemeteries, regional cemeteries and cemeteries owned and/or operated by a Catholic cemetery association are private property, subject to the jurisdiction of the Bishop of Springfield in Illinois. In all instances his authority is superior, and his decision is final. Cemeteries that belong to a religious order do not fall under the jurisdiction of the local bishop.

**3-B** The purchase of burial easement rights does not affect ownership of the real property. Disposition rights may be purchased for burial in a grave (interment), a crypt (entombment), or a niche (inurnment) however ownership of the real property is retained by the Bishop of Springfield in Illinois and/or the Catholic cemetery association.

**3-C** Diocesan administration and supervision will be exercised through the Office for Finance for Buildings, Property and Cemeteries, assisted by the Cemetery Advisory Board (CAB). The purpose of the CAB is to develop standards for the operation and management of cemeteries, to ensure that cemeteries are in compliance with canon, state and federal law and to serve as a resource for those managing our cemeteries.

#### **Article IV. Purpose of Catholic Cemeteries**

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**4-A** Roman Catholic Cemeteries are established by the People of God and their maintenance is an ongoing sign of our love and reverence for those who die in the Lord and our commitment is one that will last until the coming of the Lord.

All cemeteries, regardless of size, location or length of time in operation, share the primary goal of providing dignified burial places for the faithful departed. They must offer services and facilities in harmony with the teaching of the Church and show a degree of care that reflects the spiritual values inherent in the tradition of Catholic burial.

## **Article V. Admission to the Catholic Cemetery**

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**5-A** Catholic cemeteries are intended for the burial of Catholic Christians and catechumens who are entitled to burial according to the rules and discipline of the Roman Catholic Church. However, the burial of individuals who do not profess the Roman Catholic faith and the conduct of their burial service by a minister of religion are permitted in a Catholic cemetery.

This most frequently involves situations of interfaith marriage in which spouses choose to be buried next to each other. Other situations may arise which require the sensitivity and pastoral judgment of the local priest.

**5-B** Burials which involve notorious apostates (one who abandons one's religious faith), heretics (a person who holds religious beliefs in conflict with the teachings of the Catholic Church) or other manifest sinners which may cause public scandal to the faithful must be referred to the local ordinary for decision (Canon 1184 §1). An example would be a politician whose voting record openly opposes the teachings of the Church.

A cemetery that encounters a potentially scandalous case that might require a decision from the bishop should contact the Office for Finances for Buildings, Property and Cemeteries.

## **Article VI. Management of Parish Cemeteries**

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**6-A** The parish cemetery must be given sufficient attention to guarantee its orderly operation. Good administration of a cemetery comes from excellent control of the records and office operation. These records will provide a complete summary of all business transactions and will identify interment details, data on lot holders, proper rights of burial and the like.

The Diocese of Springfield in Illinois has developed the following directives for the administration of parish cemeteries.

### **Administration**

**6-B** The administration of the cemetery, including all properties, real and personal, and all funds intended for the benefit of the cemetery shall be exercised by the Pastor/Parochial Administrator/Parish Life Coordinator and the cemetery's board of directors.

**6-C** The Pastor/Parochial Administrator/Parish Life Coordinator, as the duly appointed director of the parish cemetery, is required to sign all Burial Easement Contracts.

**6-D** The Pastor/Parochial Administrator/Parish Life Coordinator can choose to operate the cemetery, or he/she can appoint a "Cemetery Manager" to manage the day-to-day cemetery operations, including the sale of lots, executing all applicable forms/contracts, ensuring the proper maintenance of the cemetery grounds and other duties necessary to conduct cemetery business.

**6-E** The Cemetery Manager can be any Catholic person chosen by the Pastor/Parochial Administrator/Parish Life Coordinator to manage the cemetery, including a parish staff person, a member of the cemetery board of directors, a paid cemetery manager or an unpaid volunteer. Although the Cemetery Manager may be given responsibility for managing the day-to-day operations of the cemetery, the Pastor/Parochial Administrator/Parish Life Coordinator is **ultimately responsible** for the cemetery and its operations.

**6-F** The name and contact information for the Cemetery Manager must be registered with the Office for Finance for Buildings, Properties and Cemeteries.

**6-G** The Diocese of Springfield in Illinois no longer allows funeral homes to manage our Catholic cemeteries. This includes any person directly related by profession to the interment of the human dead; particularly funeral directors, employees of funeral homes; monument, casket, vault manufacturers, dealers or salespersons.

**6-H** All actions on behalf of the cemetery must be in conformity with the laws, rules and regulations of the cemetery corporation/association, the Diocese of Springfield in Illinois Cemetery Regulations, the Roman Catholic Church, the State of Illinois and the federal government.

**6-I** In order to ensure that proper procedures are followed, all work in or upon the cemetery, including burials, is to be done only by those authorized by the Cemetery Manager with the full knowledge of the Pastor/Parochial Administrator/Parish Life Coordinator.

## **Board of Directors**

**6-J** All parish cemeteries under the jurisdiction of the Diocese of Springfield in Illinois are required to have a board of directors that consist of the Pastor/Parochial Administrator/Parish Life Coordinator and at least two other members of the parish. The Pastor/ Parochial Administrator /Parish Life Coordinator will serve as the president and he/she shall appoint the other members. The function of the board of directors is to assist the Pastor/Parochial Administrator/Parish Life Coordinator in the operation of the cemetery. They shall also assist in the planning and development of the cemetery.

**6-K** Any Catholic person who is a registered member of the parish or parishes or the particular group operating the cemetery is eligible for membership on the board of directors, including lay persons, religious or other clergy.

**6-L** Each board of directors is required to have written by-laws. The number of board members and the terms of office of those directors will be determined by the board's by-laws. Parish cemeteries that have existing by-laws must review and update the by-laws to ensure they are current with state law and this policy. A sample set of by-laws can be found at the diocesan cemetery website: [cemeteries.dio.org](http://cemeteries.dio.org).

## **Records**

**6-M** Each cemetery shall establish and maintain a complete and accurate system of records, including, but not limited to: burial/purchase contracts, index of burials and maps.

**6-N** All contracts and forms are to be perpetually retained in their original form.

**6-O** All records are to be kept in the office of the parish responsible for the cemetery or in the instance where two parishes are operated from one office, the records are to be kept at the main office. Under no circumstances are cemetery records to be kept in a private home or place of business. The only exception is those cemeteries that have paid staff with an office on the cemetery grounds.

## **Insurance**

**6-P** Every cemetery is covered under a blanket diocesan policy with \$1 million in general liability coverage with an umbrella policy to cover claims in excess of \$1 million. If the cemetery has any physical improvements on the grounds that need to be covered, i.e. maintenance sheds, fencing, monuments, etc., these improvements must be listed individually with the Office for Insurance to ensure they are covered.

**6-Q** Anyone contracting for work with the cemetery must present a certificate of insurance coverage meeting the requirements listed:

- General liability – \$1,000,000 per occurrence/\$2,000,000 general aggregate
- Automobile liability – \$1,000,000 combined single limit
- Workers Compensation & Employers liability – \$1,000,000 each accident/each employee or \$500,000 each accident/each employee with an umbrella to cover in excess of that amount.

**6-R** Proof of insurance must be provided to the Diocese of Springfield in Illinois insurance office each renewal or when any change in coverage or policy issuer takes place.

**6-S** For those cemeteries whose general liability insurance policies are not purchased through the Diocese of Springfield in Illinois insurance office, their policy must include the following additional insured endorsement:

“The Diocese of Springfield in Illinois, and all subsidiaries, affiliates, institutions, and societies owned or operated by the Diocese and Catholic Charities are added as an additional insured on a primary and non-contributory basis on the general liability and excess liability policy.”

### **Cemetery Finances**

**6-T** All monies and assets belonging to the cemetery shall be kept separate from other funds of the parish corporation and shall be used only for cemetery purposes.

**6-U** Two separate funds are to be established for each cemetery: a cemetery operating funds and an income care fund.

- Operating fund – This fund includes: gifts to the cemetery that are not designated for permanent care, annual interest from the permanent care fund and monies from the sale of lots in excess of that designated for income care and/or monies for the opening and closing of graves, sales of monuments and markers, flowers and other memorials. The fund is to be used to defray the expenses for the general preservation, maintenance or improvement of lots, grounds, walks, roadways, boundaries and structures, sodding, cutting of grass, snow removal, salaries, contract labor/services, insurance, purchase of equipment, care of lights and other electrical needs, well and watering system, the purchase of more land and all expenses associated with operating the cemetery.
- Income care fund – This fund includes gifts designated for the permanent care of the cemetery and/or monies obtained from the sale of graves (see below). This fund is to be invested and is treated like an endowment fund from which only interest earned may be spent to ensure that cemetery property shall remain and be reasonably cared for as cemetery grounds forever.

**6-V** The minimum income care assessment per grave is to be \$250 or 25% of the grave price, whichever is higher. For example, a grave costing \$1,000 would have an income care charge of \$250 for a total of \$1,250. If a parish cemetery is selling a grave for \$200, they should add another \$250 income care charge for a total of \$450.

Any grave sold for more than \$1,000 would have a minimum of 25% income care charge. For example, a grave costing \$1,500 (multiplied by 25%) would have an income care charge of \$375 for a total of \$1,875.

**6-W** A cemetery can choose not to use the above formula. In this instance, the total sale of the grave is to be used for income care.

**6-X** The price of the grave and the price of income care should be shown separately on the contract.

In instances where a cemetery chooses to use the total sale of the grave for income care, the price of the grave should be \$0, and the amount normally charged for the grave should be entered as an income care charge.

**6-Y** Cemeteries may charge more for income care if they deem it necessary for the ongoing care of their cemetery. A guide can be found in the appendices that can assist cemeteries in determining the amount of income care needed for a particular cemetery. (See: *Appendix A: Income Care Guide*)

**6-Z** Guidelines for investing: cemeteries can either invest locally or through the Diocese. For more information, please contact the Office for Finances.

**6-AA** In order to promote management and administrative efficiency, some parish resources will be used for both general and cemetery purposes, when such common use is deemed to be prudent by the Pastor/Parochial Administrator/Parish Life Coordinator and the Finance Council. All financial transactions, including the fees for opening and closing of graves, shall be conducted through the cemetery treasury.

### **Annual Reporting**

**6-BB** Each Catholic cemetery shall submit an annual report to the Diocesan Office for Finance for Buildings, Property and Cemeteries in the form requested by the associate director for the Office of Finance for Buildings, Property and Cemeteries. Cemeteries are required to submit their published price list with the annual report (*see: Section XII Fees*).

**6-CC** Within one month after submitting an annual report to the Diocesan Office for Finance for Buildings, Property and Cemeteries, each Catholic cemetery shall submit an annual report to the parish, which includes basic information about the cemetery, including board members, number of burials and financial information. The report should be published in the parish bulletin.

## **Article VII. Cemeteries of Merged Parishes**

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**7-A** When a parish is **merged with another parish**, all property, including cemetery property, becomes the property and the responsibility of the succeeding parish. It is the responsibility of that parish to care for the cemetery according to the guidelines outlined above.

**7-B** When the **merger** of a parish results in the succeeding parish having more than one cemetery; in order to promote efficient management and administration, some parishes may choose to govern these cemeteries with one board of directors and/or Cemetery Manager. Individual cases will be decided jointly by the Pastor/Parochial Administrator/Parish Life Coordinator, the board of directors and a representative from the Diocesan Office for Finance for Buildings, Property and Cemeteries.

**7-C** Parishes responsible for a **cemetery of a merged parish** are required to keep separate funds for each cemetery, including individual operating funds and individual income care funds. Under no circumstances are the monies for one cemetery to be used for another cemetery without the written consent of the local ordinary.

## **Article VIII. Management of Regional Cemeteries / Catholic Cemetery Associations**

**8-A** Regional cemeteries and Catholic cemetery associations differ from parish cemeteries in that they are not attached to a specific parish. In some instances, the land is owned by the Diocese of Springfield in Illinois and in other cases the land for the cemetery is owned by a separate corporation. These types of cemeteries were often established to serve several parishes in a particular area.

Regional cemeteries and cemeteries owned and/or operated by a Catholic cemetery association are required to operate in the same manner as parish cemeteries, except for the following:

### **Administration**

**8-B** Since the cemetery is not attached to a particular parish, the administration of the cemetery, including all properties, real and personal, and all funds intended for the benefit of the cemetery shall be exercised by cemetery board of directors.

**8-C** The board of directors can designate or hire a Cemetery Manager as defined above. The Cemetery Manager can be a member of the board of directors, a paid professional or an unpaid volunteer. The Cemetery Manager, acting as the authorized agent for the board of directors, is required to sign the Burial Easement Contracts.

**8-D** Although the Cemetery Manager is given the responsibility for managing the day-to-day operations of the cemetery, the board of directors is **ultimately responsible** for the cemetery and its operations.

**8-E** The name and contact information for the Cemetery Manager must be registered with the Office for Finance for Buildings, Properties and Cemeteries.

### **Board of Directors**

**8-F** Regional cemeteries and Catholic cemetery associations are required to have a board of directors. It is recommended that the board consists of representation from each parish located in the same city as the cemetery as well as pastoral leadership from one or more of the Priests/Parochial Administrators/Parish Life Coordinators from the parishes served by the cemetery. However, the board may choose another method for selecting its members however those rules must be clearly outlined in the cemetery's by-laws and must follow the rules listed above.

### **Records**

**8-G** All records are to be kept in the cemetery office, which should be located on the cemetery grounds.

**8-H** If no on-site office is available, all records are to be kept in the office of the parish within whose boundaries the cemetery is located. If this is not possible, exceptions can be made with the approval of the Office for Finance for Buildings, Property and Cemeteries.

## **Article IX: Historic Cemeteries**

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**9-A** Historical cemeteries are those cemeteries that have not had a burial within the last ten years and have no income care funds.

**9-B** The cemetery must receive permission for the Cemetery Advisory Board to receive the designation as “historical.”

**9-C** The parish that controls the cemetery must retain what records exist for the historical cemetery in perpetuity.

**9-E** Historical cemeteries must not have income care funds, but the parish must still maintain the cemetery, i.e. mowing the lawn, maintaining buildings, paths, walkways, etc.

**9-F** A historical marker must be erected in the cemetery stating basic historical information about the cemetery, including the name of the cemetery, the parish it was attached to, the date it opened, the date of the last burial, and any other pertinent information.

## **Article X: Churches with Interments**

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**10-A** Currently there are two churches in the Diocese of Springfield in Illinois that have human remains within the church proper, the Cathedral of the Immaculate Conception, Springfield and Ss. Peter and Paul Church, Alton.

**10-B** Under the Cemetery Oversight Act, these churches are considered cemeteries and must register with the State to receive a full exemption from the law (*see: IX Complying with State of Illinois Regulations*). Any burials that occur after March 1, 2010 will have to be registered with the state.

## **Article XI: Complying with State of Illinois Regulations**

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**11-A** Religious cemeteries can receive a partial exemption from the Cemetery Oversight Act (hereafter COA) but are still required to comply with other aspects of the bill. Religious cemeteries do not receive an automatic exemption, but must apply for them every four years, beginning in 2010.

**11-B** Historical cemeteries and churches with interments can register for a full exemption from the law however these cemeteries are also required to reapply for this designation every four years.

## **Article XII: Contracts and Forms**

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**12-A** To ensure compliance with COA requirements for contracts, the Diocese of Springfield in Illinois has developed standardized contracts and forms. Every cemetery under the jurisdiction of the Bishop of Springfield in Illinois is **required** to use these contracts and forms effective November 1, 2010. The contracts and forms can be downloaded at diocesan cemetery website: [cemeteries.dio.org](http://cemeteries.dio.org).

**12-B** The Diocese of Springfield in Illinois requires the use of the Burial Easement Contract for all burial easement purchases. The contract must be created **before** any cemetery services are rendered. Prior to signing the contract, the price for the purchased services and merchandise is to be disclosed on the contract. The Burial Easement Contract must include the exact location of the burial plot(s) being purchased. [COA 20-10; 35-15a]

**12-C** A signed copy of the Burial Easement Contract should be given to the party purchasing the lot and a second signed copy is to be permanently retained in the parish/cemetery office. [COA 20-10]

**12-E** The name, address and phone number for the Cemetery Manager must be included on every contract and form. In the case of parish cemeteries, the name, address and phone number of the Pastor/Parochial Administrator/Parish Life Coordinator must also be included the Burial Easement Contract. [COA 20-11]

**12-F** Once the Burial Easement Contract is signed the cemetery may not require the consumer, purchaser or an individual's relative to purchase any merchandise or service not included in the original contract or in the rules and regulations in existence at the time the contract was signed, unless the purchase is reasonable to make the cemetery authority compliant with applicable law. [COA 35-15d]

**12-G** Effective immediately Catholic cemeteries in the Diocese of Springfield in Illinois are not allowed to offer term burials.

## **Article XIII: Cremated Remains**

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- 13-A** Cremated remains shall be treated with the same respect as a full body burial. We believe that all earthly remains should be treated with reverence. Therefore, all of one's cremated remains should be buried or placed into a columbarium within thirty (30) days after death and not stored at home or divided among loved ones.
- 13-B** Effective January 1, 2019, cremated remains will only be accepted through a funeral home. Loved ones who were entrusted with cremated remains will not deal directly with the cemetery. They must take all cremation paperwork to a local funeral home for verification of the remains and work with the funeral home and cemetery for the proper burial.
- 13-C** Partial cremated remains will be accepted with the hopes that the other cremated remains will be added later. Cemetery managers should always educate family members about church teachings, that cremated remains are not to be divided. Cemeteries shall offer to reopen the grave or columbarium ONCE free of charge to add the other cremated remains with the proper paperwork. This will be done at the convenience of the cemetery and with the proper paperwork.
- 13-D** Cremated remains shall be presented in an individual urn/container and buried in a retrievable outer burial container\*. (Vault)
- 13-E** Cremated remains shall not be co-mingled. First this is not allowed by federal law without written permission from all parties whom cremated remains are co-mingled. Second it is not acceptable for Catholics even with written permission. Our cemeteries will not bury cremated remains that have been co-mingled. (suggest families talk with local priest to discuss a possible solution.) Each person shall have his or her own urn. Multiple urns may be buried in the same retrievable container\*. (Vault)
- 13-F** Cremated remains that are placed in a casket with a full body must have its own paperwork filled out. Failure to do this allows the cemetery to refuse memorialization of the cremated remains on the headstone until the paperwork is completed and the appropriate fees are paid.
- 13-G** Cremated remains shall not be placed within headstones. They shall only be placed within the cemeteries where they have been designated for cremated remains (a columbarium, buried in a retrievable container\* or a family columbarium if the cemetery has an area designated for them.)
- 13-H** An ossuary (an area where 100's of bags of cremated remains are placed together into the same large container) is not allowed in our cemeteries.

\*Retrievable container-Any container that protects the container that the cremated remains are in from being crushed or damaged while being buried or retrieved at a future date.

## **Article XIV: Fees**

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**14-A** Catholic cemeteries provide a needed service, but it is also important to remember that this is a business and must be operated as such. The Office for Finance for Buildings, Property and Cemeteries does not set fees for cemetery services. Instead, prices should be set by the cemetery's board of directors. The fees should reflect local conditions but should also be priced with the consideration of ongoing care of the cemetery. Charging too small of a fee will make it difficult to create funds for the ongoing care of the cemetery. If you have questions about appropriate fee schedules, please contact the Office for Finance for Buildings, Property and Cemeteries for more information.

**14-B** State law requires that each cemetery have a standardized price list that includes the prices for all services and merchandise sold by the parish and/or cemetery (memorialization pricing may be disclosed in price ranges). The price list should include the effective dates of the prices and must be easily accessible to all consumers.

**14-C** Cemeteries are required to submit their current price list with the annual report (*see: 6-CC Management of Parish Cemeteries: Annual Reporting*). However, if the price list is changed before the annual report, the cemetery is required to submit that updated list to the Office for Finance for Buildings, Property and Cemeteries [COA 35-15a].

**14-D** Parishes can provide reduced fees for parish members, but the prices for members and non-members must be included in the published price list.

**14-E** Charges for installation of markers, monuments and vaults in cemeteries must be the same without regard to where the item is purchased.

**14-F** Consumers have the right to purchase merchandise or services directly from the cemetery authority when available or through a third-party vendor of the consumer's choice without incurring a penalty or additional charge by the cemetery authority; provided, however, that consumers do not have the right to purchase types of merchandise that would violate applicable law or the cemetery authority's rules and regulations. [COA 25-120b]

**14-G** Cemeteries are not allowed to require payment by cash only. Cemeteries must accept at least one other form of payment, i.e. personal check or credit card. [COA 20-12]

## **Article XV: Records**

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**15-A** The Diocese of Springfield in Illinois requires that cemetery records be kept at the parish office. The exceptions to this rule are those cemetery associations/regional cemeteries/parish cemeteries that maintain an office on the cemetery grounds. Under no circumstances are cemetery records to be kept in a person's home or place of business.

**15-B** Cemetery records are to be permanently retained and maintained in their original form.

**15-C** Each cemetery is required to keep records of every interment, entombment and inurnment effective March 1, 2010. [COA 20-5d] The record must include the following information:

- Deceased's name;
- Deceased's age;
- Date of burial; and
- A unique parcel identification number where the human remains are interred, entombed or inurned.

**15-D** Each interred, entombed or inurned set of human remains must receive a unique parcel identification number, even in instances where a plot contains more than one set of remains. [COA 20-5d] For example:

- If an additional interment or inurnment is made to an existing burial, each set of human remains must have a unique identifier to distinguish that there are two sets of remains in one plot. For examples, if one grave contains one casket and one set of cremated remains, they must be labeled as either grave 1A/grave 1B or grave 1 upper/grave 2 lower. Regardless of the designation, the cemetery must be consistent with how they identify individual interments or inurnments in shared graves.
- In the case of shared burials of pre-born fetuses (under 20-week gestation), each infant must have its own a burial record.

**15-E** Each cemetery is also required to keep an index that associates the identity of the deceased with their respective place of interment, entombment or inurnment, effective March 1, 2010. [COA 20-5d]

**15-F** Each cemetery is required to maintain individual lot cards for each lot sold. The lot card must include the following information (See: *Appendix B: Sample Lot Card*):

- Lot ownership;
- Description of lot, including individual graves; and
- Name, date of death and parcel identification number for each interment

**15-G** Each cemetery must make available a true copy of its burial records upon written request and payment of reasonable copy costs. [COA 25-120a]

## **Article XVI: Registering Burials with the State of Illinois**

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**16-A** The Cemetery Oversight Act requires that every interment, entombment or inurnment be registered with the state. The Cemetery Manager will have 10 days after the interment, entombment or inurnment to register the burial with the state. This is also necessary for relocated human remains. If the cemetery disinters and reinters human remains, the cemetery must register that with the state. [COA 20-6]

## **Article XVII: Maps**

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**17-A** The Diocese of Springfield in Illinois, in compliance with the Cemetery Oversight Act, requires that each cemetery must have an accurate map(s) of the overall cemetery property that shows the entire cemetery, including the boundaries (streets or other landmarks that border the cemetery) and all buildings, walkways, paths, roads, blocks, etc. The cemetery must also have map(s) that documents individual sections, blocks, lots and plots. The map(s) must be signed by the Pastor/Parochial Administrator/Parish Life Coordinator, or in the case of regional cemeteries and Catholic cemetery associations, the Cemetery Manager, to authenticate that it is a true representation of the cemetery. [COA 20-5b]

**17-B** Any unsold lots, plots, etc. may be resurveyed and altered in shape and size and properly designated on the map, however, sold lots in which there are human remains may not be renumbered or renamed. [COA 20-5c]

**17-C** The map must be available for the public's inspection. Copies should be made available when possible upon payment of reasonable photocopy fees. [COA 20-5c]

**Article XVIII: Maintenance**

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**18-A** Cemeteries must be reasonably maintained, i.e. grass mowed, trees trimmed, garbage cleaned up, etc. The grave must be seeded as soon as possible, weather permitting. [COA 20-5a]

**18-B** Cemeteries must use its best efforts to ensure funeral processions entering and exiting cemetery grounds do not obstruct traffic on any street for a period in excess of 10 minutes. 20-8]

## **Article XIX: Signage and Complaints**

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**19-A** The Cemetery Oversight Act requires that each cemetery conspicuously post signs supplied by the Illinois Department of Financial and Professional Regulations in English and Spanish. The signs can be found on the diocesan cemetery website: [cemeteries.dio.org](http://cemeteries.dio.org). [COA 20-30]

**19-B** Consumers have the right to complain to the cemetery authority or to the Illinois Department of Financial and Professional Regulations regarding cemetery-related products and services as well as issues with customer service, maintenance, or other cemetery activities. [COA 25-120c]

**19-C** All cemeteries are required to comply with the Whistleblower Protection Clause (COA 25-120) and the Consumer Bill of Rights (COA 35-10). These can be found at diocesan cemetery website: [cemeteries.dio.org](http://cemeteries.dio.org).

## **Article XX: Fines and Fees**

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**20-A** Every cemetery is expected to fully comply with this policy and applicable state law. Any fees incurred for noncompliance with state law will be paid by the violating cemetery immediately upon receipt of the fine.

**20-B** If the cemetery receives a complaint from a consumer, the Cemetery Manager is required to contact the consumer within 24 hours to discuss the situation. The Cemetery Manager is then required to consult the Pastor/Parochial Administrator/Parish Life Coordinator or in the case of regional cemeteries and cemetery associations, the board of directors and to resolve the issue in a timely manner.

**20-C** If the cemetery receives a complaint from the state through the Office for Buildings, Property and Cemeteries, a representative from the diocese will contact the Priest/Parochial Administrator/ Parish Life Coordinator and/or Cemetery Manager. In the event that a complaint is received on a regional cemetery or Catholic cemetery association, the representative from the diocese will contact the member of the board of directors that is registered with the diocese. In both instances, the cemetery is expected to fully cooperate in immediately resolving the issue.

## **Article XXI: Instructions for Holders of Cemetery Rights**

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**21-A** The use of a grave and/or lot is for the grave/lot owner or the grave/lot owner's relatives for interment purposes only. The easement or interment right granted therein is not transferable, except with the prior written consent of the Pastor/Parochial Administrator/Parish Life Coordinator, or in the case of regional cemeteries or cemetery associations, the Cemetery Manager.

By specific written authorization of the Pastor/Parochial Administrator/Parish Life Coordinator or Cemetery Manager and the blood heirs, a person who is not a member of the grave or lot owner's family may be interred in said grave or lot.

**21-B** In the event of the death of a grave/lot owner any and all rights of the grave/lot holder shall pass to the grave/lot owner's family in the following manner:

**1.** In all cases the surviving spouse of the original owner(s) of the grave/lot has an unconditional dower right of interment in the grave/lot. This right maybe waived at any time but is not transferable and terminates with the burial elsewhere or remarriage.

As a general principle, when a selection is made by a husband and wife, it is desirable to designate both spouses as owners on the Burial Easement Contract. However, the desire of the purchaser should be ascertained in all cases.

**2.** In instances where burial privileges in the grave/lot are held in the name of one person only: the rights of interment in the remainder of the lot or in the grave may be disposed of by specific bequest in a will. In the absence of a specific bequest such rights of interment descend from the original holder of record in the following order: (See: *Appendix C: Easement Rights in a Single Name*)

- a. To the children of the holder of record and to the children of deceased children;
- b. If none of the children of the original holder are living, then to the grandchildren;
- c. If no children or grandchildren, then to the parents or parent and brothers and sisters and children of deceased brothers and sisters of the original holder of record;
- d. If no child or grandchild, parent or brother or sister is living, then to the nieces and nephews of the original holder;
- e. To the next of kin of the original holder of record.

**3.** In instances where burial privileges in the grave/lot are held in the name of more than one person with the right of survivorship provided: the rights of interment in the remainder of the lot or in the grave may be disposed of by specific bequest in a will. In the absence of a specific bequest such rights of interment descend from the original holders of record as follows: (See: *Appendix D: Easement Rights by Joint Tenants*)

- a. Upon the death of one of the joint holders of record, right of interment passes to the surviving joint holder or holders;
- b. Upon the death of the last surviving joint holder, right of interment descends in the order set forth in number 1. (a.-e.) above.

**4.** Where burial privileges in the grave or lot are held in the name of more than one person without the right of survivorship provided: the rights of interment in the remainder of the

lot or in the grave may be disposed of by specific bequest in a will. In the absence of a specific bequest such rights of interment descend from the original holders of records as follows: (See: *Appendix E: Ownership by Tenants in Common*)

- a. Upon the death of each of the joint holders descends in the order set forth in number 1. (a.-e.) above.

**21-C** When no one included in the classifications as set forth above is living, burial rights will have terminated.

**21-D** Transfer of a grave or lot or any portion of a lot may be made by the original owner or heirs of the original owner and then only with the approval of the Pastor/Parochial Administrator/Parish Life Coordinator or the Cemetery Manager. All heirs must agree, in writing, to the transfer.

**21-E** The intent of the grave reservation is for interment of the person designated. In the event it is not used for this purpose, the use and control of the aforementioned grave shall revert to the owners or their heirs.

**21-F** Each heir shares equally and jointly in the burial rights in the grave or lot as long as a vacant grave remains. Written authorization for interment or entombment shall be obtained from all surviving heirs.

An heir may release or designate his/her right at any time, but only with the permission of other heirs.

**21-G** The spouse of an heir or any non-heir may not be interred in the grave, lot or crypt except upon the written authorization of heirs. If one heir withholds his/her permission, the burial may be allowed by the Cemetery Manager.

**21-H** All heirs must give permission for burial to each other and for any non-heir burial. Previous burial designation will be scrutinized for proper authorization by Cemetery Manager.

## Appendix A: Income Care Guide

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Catholic cemeteries are responsible for the ongoing maintenance and operation of cemetery grounds and buildings. This is accomplished through the use and investment of income care funds. Below are formulas parish cemeteries/regional cemeteries/Catholic cemetery associations can use to determine the amount of investment needed in an income care fund for a cemetery according to the costs associated with the operation of the cemetery.

To calculate the amount of investment needed to permanently care for a cemetery, use the following formula:

- Current cost of maintaining the cemetery **divided** by the rate of return on the investment **minus** the rate of inflation

Example:

The current cost of managing a cemetery is \$100,000 per year. The rate of return on the investment is 5% and the rate of inflation is 3%.

$\$100,000 / .03$  (rate of investment, **.05 minus** the rate of inflation, **.02**) = \$5,000,000 needed for investment.

### Cost per Grave

To determine the cost per grave, use the following formula:

- Divide the required investment by the total number of graves in the cemetery

Example:

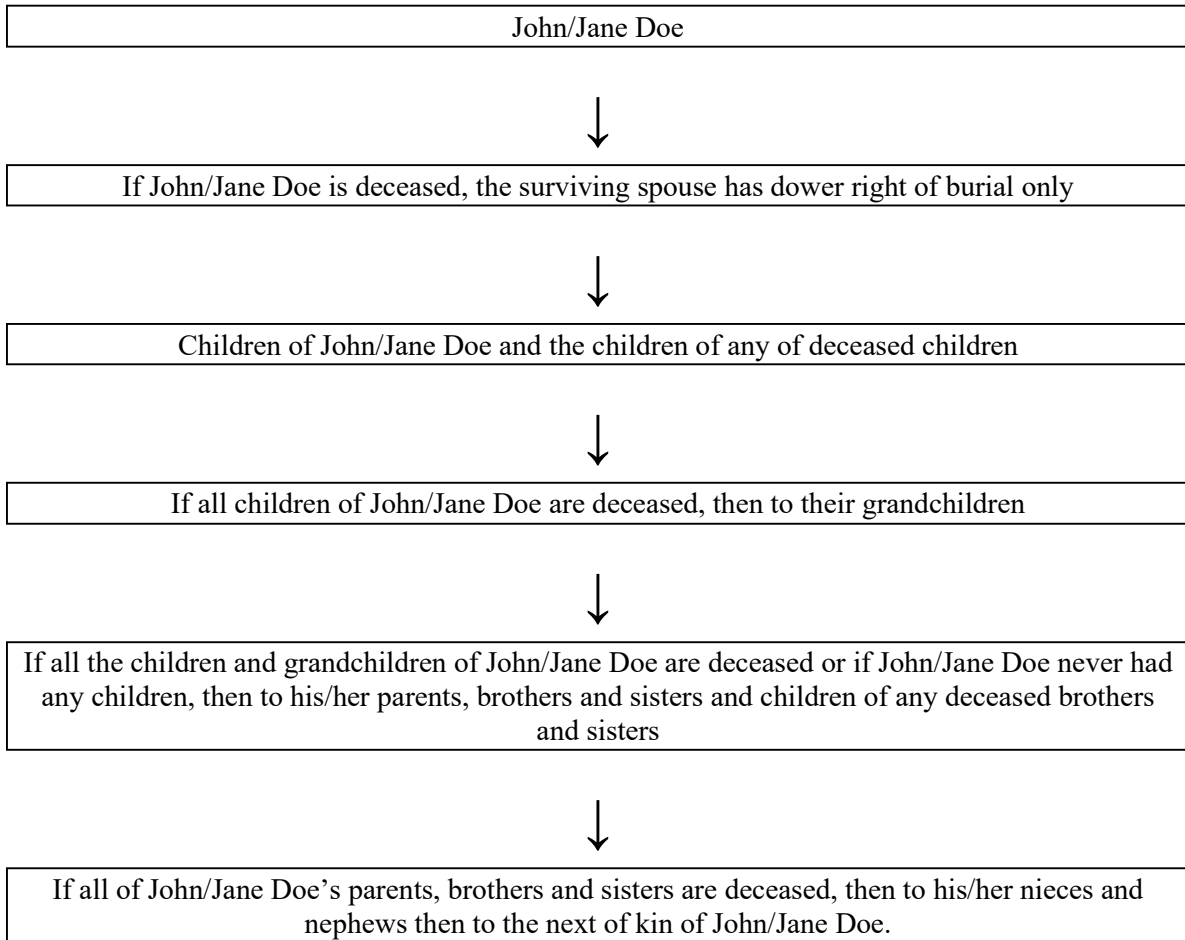
The cemetery has 10 acres, which equals 10,000 graves. Using the example above, the cemetery needs \$5,000,000 for investment.

$5,000,000 / 10,000 = \$500$  per grave.



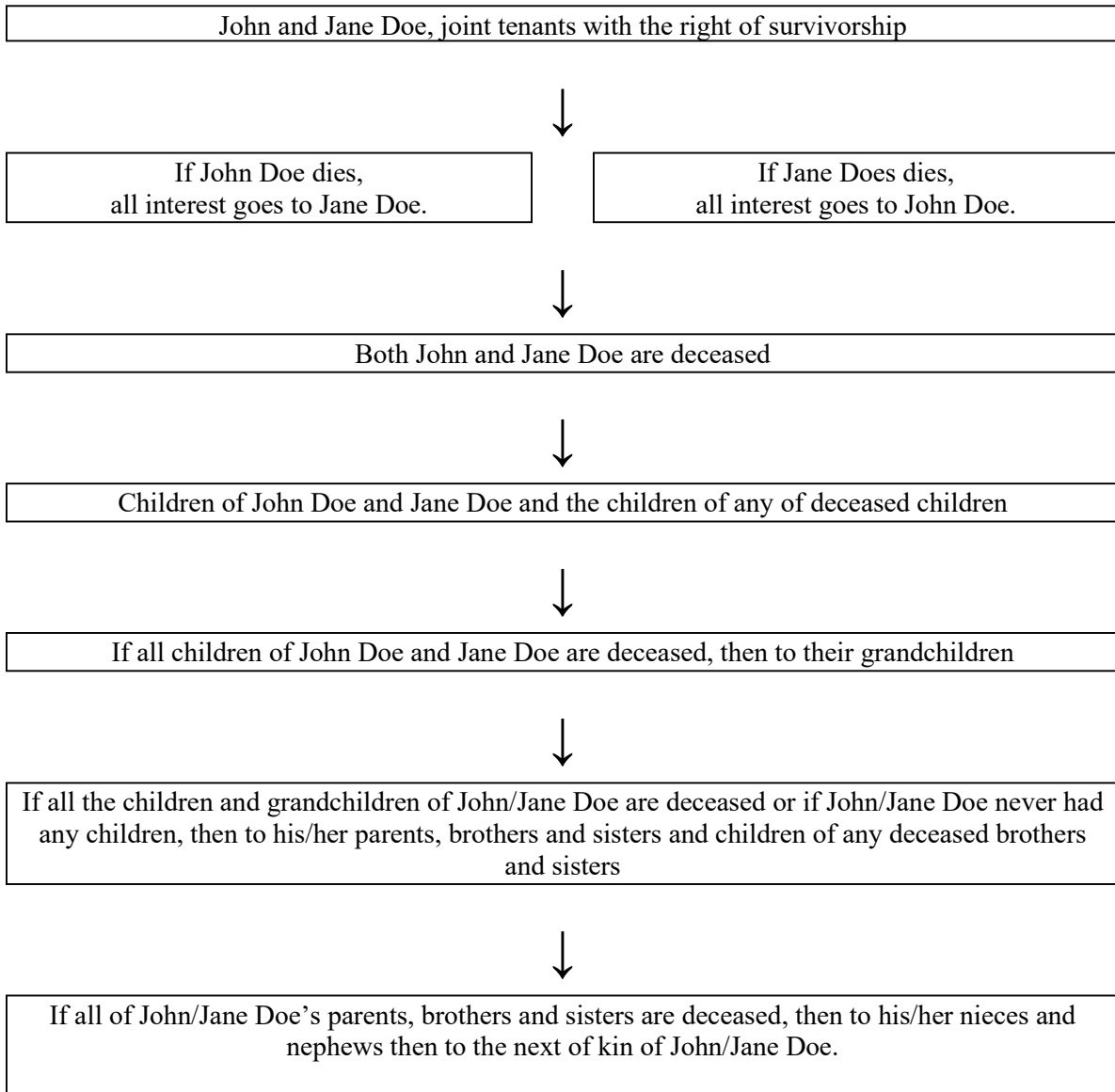
## Appendix C: Easement Rights in a Single Name

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## Appendix D: Easement Rights by Joint Tenants

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## **Appendix E: Ownership of Tenants in Common**

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John Doe and Harry Brown, tenants in common



Upon the death of each or either lot holder (John Doe or Harry Brown) their interest in the lot goes to:



Surviving spouse of both (John Doe and Harry Brown) have burial rights only.



All the children of the deceased lot holder(s) and the children of any deceased children



If all the children and grandchildren of John Doe and Harry Brown are deceased or if either never had any children, then to the parents, brothers and sisters and children of any deceased brothers and sisters



If all of John Doe and Harry Brown's parents, brothers and sisters are deceased, then to the nieces and nephews then to the next of kin of John Doe and Harry Brown.