INSTRUCTIONS FOR APPLICATION FOR ORDER TO DISINTER REMAINS

These instructions are intended as a guideline only and should not be 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 (or other appropriate agency) authorizing the disinterment.
An authorization letter that specifically states 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.
In order to obtain this authorization letter, it is necessary to contact the city in which the decedent died. You may contact these agencies at the addresses listed below:

Died Within Cincinnati City Limits
Cincinnati Health Department
Vital Statistics
1525 Elm Street
Cincinnati, Ohio 45210
(513) 352-3120

Died Within Reading City Limits
City of Reading Health Department
1000 Market Street
Reading, Ohio 45215
(513) 733-3725

Died Within Norwood City Limits
Norwood Health Center
2059 Sherman Avenue
Norwood, Ohio 45212
(513) 458-4600

Died Within St. Bernard City Limits
St. Bernard City Hall
110 Washington Street
St. Bernard, Ohio 45217
(513) 242-7772

Died Within Hamilton County but outside Cincinnati, Reading, Norwood and St. Bernard City limits
Hamilton County Department of Health
250 William Howard Taft 2nd Floor
Cincinnati, Ohio 45219
(513) 946-7800

A filing fee is required at the time of filing. Current Court Costs are posted at: https://www.probatect.org/about/general-resources.

Please confirm the amount with the Cashier since filing fees may have changed subsequent to the publication of this instruction sheet. **We accept cash, cashier's checks or all major credit/debit cards as payment for the fee. No personal checks or money orders will be accepted.**

The forms may be obtained from the Issue Desk on the 9th floor of the Probate Court, 230 East 9th Street, Cincinnati, Ohio or by downloading the forms from the web site.

PROCEDURAL STEPS

Step 1: Complete the following forms
Self-Representation Form (270.01) - Sign and Complete information if you **do not** have legal representation
Surviving Spouse and Next of Kin (Form 1.00) - List the surviving spouse, if there is one, and all *next of kin* (those people who were or would have been entitled to inherit *if* there were no will) - Be sure to specify *complete* addresses of all of those listed.
Application for Order to Disinter Remains (Form 25.00) - Complete form
Entry Setting Hearing on Application to Disinter Remains (Form 25.1)
- Fill in the name of the decedent **only**, the Court will fill in hearing date & time and sign & date the form.
Waiver of Notice of Hearing on Application to Disinter Remains (Form 25.5) Notice of Hearing to Disinter Remains (Form 25.2) - All parties who are listed on the Surviving Spouse and Next of Kin form (Form 1.00) are entitled to be notified of the hearing on the Application to Disinter Remains, at least seven(7) days prior to the Hearing to Disinter Remains. - You must either obtain a waiver from each individual (Form 25.5) or perfect certified mail notice (Form 25.2) on each individual. - If certified mail notice is used, present notice (Form 25.2) with certified mail return (green card) taped to back of form, to the Court the day of the hearing.
Affidavit of Notice to Disinter Remains Form 25.3) - Complete form and have notarized.
Order to Disinter Remains (Form 25.6) - Fill in the name of the decedent **only**, the magistrate will complete and sign the form pursuant to his order.
Step 2: Setting of Hearing and Filing of forms
When all forms have been completed, present them to the magistrate's assistant at the information desk on the 9th Floor of Probate Court for a magistrate to be assigned. All forms are then taken to the available magistrate for review and setting of hearing date. Take the forms to the cashier on the 9th floor where you will pay the deposit.

Step 3: The Hearing – What to bring with you

At the date and time of the hearing, you should report to the 9th floor information desk to inquire where the hearing will take place. At this time, the magistrate will ask for the Authorization Letter (if you did not file it with the initial paperwork) and any waivers or notices (with certified receipts attached) that were needed from the next of kin. The magistrate will ask you questions regarding the application and determine whether to grant the disinterment.

If the magistrate signs the Order to Disinter Remains you must take the original to the Cashier along with any copies to be stamped.
The copy is given to the cemetery.

Step 4: Filing of Verification of Reinterment

Verification of Reinterment (Form 25.4)

- This form must be completed by the Funeral Director or an employee of the cemetery and must be filed within 30 days of the date of the Order to Disinter Remains.

After you have this form completed present it to the magistrate for approval and then file the approved form with the cashier.

Ralph Winkler
JUDGE, PROBATE COURT
HAMILTON COUNTY, OH

A CITIZEN'S GUIDE TO COMMUNICATING WITH THE JUDGE AND MAGISTRATES

Why can't I communicate directly with the judge or magistrate on my case?

If the matters are contested, judges and magistrates are not allowed to communicate with individual parties. This is what the law calls an *ex-parte* communication (this is when a judge or magistrate only communicates with an individual party, on their own, without the knowledge of all parties to a case). In order to keep the court process as fair, equal and as transparent as possible, *ex-parte* communication is strictly forbidden. It is unfair for the court to share information without all of the parties present.

You cannot email the judge or magistrate, as the email is considered an *ex-parte* communication. In addition, emails are not pleadings (motions.) You cannot write a personal letter to the judge or magistrate as this may be considered an *ex-parte* communication.

How can I speak to the judge or magistrate on my case?

Typically, to speak to the judge or magistrate on your case, you must file a written motion with the court explaining what you want the court to do and all motions become part of the public record. You also have to send a copy of whatever you file to the other parties, or their attorney if they are represented by an attorney (this is called "service"). A motion is not considered an *ex-parte* communication because all parties are officially notified. You may be required to pay a filing fee when you file your written motion. Please note, there is no fee if you wish to speak to the magistrate in an uncontested matter, on their assigned walk-in days.

I've heard there's always a magistrate on duty to hear arguments immediately – what does that mean?

There is a magistrate on duty every business day. The on-duty magistrate may answer generic procedural questions. The on-duty magistrate may also discuss matters in an uncontested case. For all other matters, the on-duty magistrate is prohibited from speaking with you. To address the court for these matters, you must file a written motion. The on-duty magistrate will set the matter for hearing before the magistrate assigned on your case or the judge.

What if I need to tell the judge or magistrate something I don't want the other party to know about?

Unfortunately, you cannot withhold information from another party to your case. In order to keep the case fair to everyone involved, as soon as you tell the judge or magistrate something, you must also tell the other parties. All sides must have an opportunity to respond to the information that you have shared with the court.

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN THE MATTER OF: _____

CASE NO. _____

SELF-REPRESENTATION ACKNOWLEDGMENT

I acknowledge that I have read, understand and agree with all of the following statements:

1. The Court has recommended that I hire an attorney to represent me in this case. However, I have chosen to proceed with this case without the assistance of an attorney.

2. The Court and its Deputy Clerks are prohibited by law from providing legal advice. I will follow the instructions provided in the form packets and on the Court's website, www.probatect.org.

3. I am responsible for understanding and correctly applying any statutes, case law, rules, regulations, policies, and procedures that relate to this case, including, but not limited to, the Ohio Revised Code, Rules of Superintendence for the Courts of Ohio, Hamilton County Probate Court Local Rules of Practice, and the Ohio Rules of Civil Procedure.

4. The same standards that apply to attorneys and persons represented by attorneys in similar probate hearings will apply to myself.

5. If I do not fulfill my responsibilities in this case as required by law, I may be subject to sanctions or penalties as provided by law, which may include removal as fiduciary or being required to be represented by an attorney.

6. I may be personally liable to any person or entity that suffers damages as a result of anything I do or fail to do in this case that does not comply with the legal requirements.

_____
Fiduciary/Applicant/Guardian

_____
Typed Printed Name

_____
Address

_____
City/State/Zip

_____
Telephone Number (include area code)

_____
Email

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

ESTATE OF _____ , DECEASED

CASE NO._____

SURVIVING SPOUSE, CHILDREN, NEXT OF KIN, LEGATEES AND DEVISEES

[R.C. 2105.06, 2106.13 and 2107.19]

[Use with those applications or filings requiring some or all of the information in this form, for notice or other purposes. Update as required.]

The following are decedent's known surviving spouse, children, and the lineal descendants of deceased children. If none, the following are the decedent's next of kin who are or would be entitled to inherit under the statutes of descent and distribution.

Name	Residence Address	Relationship to Decedent	Birthdate of Minor
		Surviving Spouse	

[Check whichever of the following is applicable]

☐ The surviving spouse is the natural or adoptive parent of all of the decedent's children.

☐ The surviving spouse is the natural or adoptive parent of at least one, but not all, of the decedent's children.

☐ The surviving spouse is not the natural or adoptive parent of any of the decedent's children.

☐ There are minor children of the decedent who are not the children of the surviving spouse.

☐ There are minor children of the decedent and no surviving spouse.

CASE NO. _____

The following are the vested beneficiaries named in the decedent's will.

Name	Residence Address	Birthdate of Minor

[Check whichever of the following is applicable]

☐ This will contains a charitable trust or a bequest or devisee to a charitable trust, subject to R.C. 109.23 and 109.41.

☐ The will is not subject to R.C. 109.23 and 109.41 relating to charitable trusts.

_____ _____

Date Applicant (or give other title)

_____

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

DISINTERMENT OF_____, DECEASED

CASE NO. _____

APPLICATION FOR ORDER TO DISINTER REMAINS
[R.C. 517.24 and 517.25, 2108.70 et seq]

The Applicant states that this Application is made to disinter the remains of the above named Decedent by Court Order. The Decedent's remains are currently located in _____ cemetery, Hamilton County.

Decedent's Date of Death _____

Applicant further states that the following information is true:

1. Applicant is an interested person of sound mind who is at least eighteen years old.

2. Applicant ☐ did or ☐ did not assume/have financial responsibility for the funeral and burial expenses of the decedent.

3. Applicant's relationship to Decedent is_____.

4. The remains will be reinterred at _____

   _____.
   (Name and Address)

5. Attached is Form 1.0 listing all persons who would have been entitled to inherit from the Decedent under R.C. Chapter 2105, and if the Decedent had a Will, all legatees and devisees named in that Will, and if applicable, the person who has been assigned the rights of disposition for the deceased person under R.C. 2108.70 to 2108.90.

6. Notice of this Application and Hearing on the Application shall be given by certified mail return receipt requested to Decedent's surviving spouse, to all persons entitled to inherit if Decedent died without a Will, to all legatees and devisees named in Decedent's Will, and to the cemetery in which the Decedent's remains are interred in accordance with R.C. Section 517.24 unless waived. If notice is not given to any person specified above, Applicant shall file an affidavit specifying which persons were not given notice and the reason for not giving notice to those persons (See R.C. 517.24(2)(d).

7. Attached to this application are any written waivers waiving the right to receive the notice stated above.

8. Applicant states that the disinterment is not against Decedent's religious beliefs.

9. Decedent's cause of death was _____.

10. The Decedent did not die of a contagious or infectious disease, or if so, a permit has been issued by the appropriate Board of Health, attached.

11. To the best of Applicant's knowledge, the Decedent

☐ Had not executed a written Declaration of Assignment of Right of Disposition pursuant to R.C. 2108.70 et seq.

☐ Had executed a written Declaration of Assignment of Right of Disposition pursuant to R.C. 2108.70et seq. and a true and correct copy is attached.

☐ The written Declaration of Assignment of Right Disposition is not available to Applicant.

_____	_____
Attorney for Applicant	Applicant
_____	_____
Typed or Printed Name	Typed or Printed Name
_____	_____
Address	Address
_____	_____
_____	_____
Telephone Number (include area code)	Telephone Number (include area code)

Attorney Registration No._____

Sworn to and subscribed in my presence this _____ day of _____,

_____.

_____
Notary Public

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

DISINTERMENT OF_____, DECEASED

CASE NO. _____

JUDGMENT ENTRY SETTING HEARING ON APPLICATION FOR DISINTERMENT

The Application for Disinterment filed by _____ is hereby set for hearing on the _____ day of _____, _____, at _____ o'clock _____.m., in Room _____. The Court is located at 230 East Ninth Street, 10th Floor, Cincinnati, Ohio 45202.

The Court Orders that notice of hearing be given to the surviving spouse and next of kin and, if applicable, all legatees and devisees named in the decedent's Will, by the person requesting the hearing, and that proof of services be filed.

_____
Ralph Winkler, Probate Judge

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

DISINTERMENT OF_____, DECEASED

CASE NO. _____

NOTICE OF HEARING ON APPLICATION FOR DISINTERMENT

To: _____

_____

_____

_____

An Application has been filed in this Court to disinter the remains of the Decedent. The Application is attached to this Notice. The hearing on the Application will be heard on the _____ day of _____, _____, at _____ o'clock _____.m., in this Court. The Court is located at 230 East Ninth Street, Cincinnati, Ohio 45202.

_____
Applicant

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

DISINTERMENT OF_____, DECEASED

CASE NO. _____

AFFIDAVIT OF SERVICE OF NOTICE ON HEARING ON APPLICATION FOR DISINTERMENT

The undersigned Applicant states that all persons interested in the Application, as described by R.C. Section 517.24(B)(2)(a), have been notified according by law; or have waived notice of the hearing on the Application; or their names and addresses are unknown to Applicant and cannot with reasonable diligence by ascertained.

The following persons for the following reasons were not notified:

Name	Reason
_____	_____
_____	_____
_____	_____

_____
Applicant

Sworn to and subscribed in my presence this _____ day of _____,

_____.

_____
Notary Public

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

DISINTERMENT OF_____, DECEASED

CASE NO. _____

VERIFICATION OF REINTERMENT

The undersigned _____
(Name and Title)

of the _____ cemetery, states that the remains of the above-named Decedent were reinterred on the _____ day of _____, 20_____, pursuant to the Order of this Court.

_____
Signature

_____
Typed or Printed Name

_____
Cemetery

_____

_____
Address

_____
Telephone (include area code)

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

DISINTERMENT OF_____, DECEASED

CASE NO. _____

WAIVER OF NOTICE OF APPLICATION TO DISINTER REMAINS
(R.C. 517.24 and 517.25)

The undersigned, being persons entitled to notice of the disinterment of the Decedent, waive such notice and consent to the disinterment and reinterment of the Decedent as stated in said application, and hereby acknowledge receipt of a copy of said application:

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

DISINTERMENT OF_____, DECEASED

CASE NO. _____

ORDER TO DISINTER REMAINS

An application for Order to Disinter Remains came on for hearing on the _____ day of _____, _____.

The Court finds that all interested parties, whose names and addresses are known, have been notified according to law or have waived notice of hearing on the application.

The Court further finds that the statements contained in the application are true and that no testimony was adduced to establish that disinterment would be against the decedent's religious beliefs.

The Court further finds that a permit ☐ has ☐ has not been issued pursuant to R.C. 517.23(B) by the Board of Health (or other authorized agency) and that if issued, has been filed herein.

It is the Order of this Court that:

(1) Applicant is hereby authorized to disinter the remains of the decedent from

_____ Cemetery;

(2) Applicant is hereby authorized to reinter the remains of the decedent at

_____ Cemetery;

(3) Unless the grave stone or marker is relocated to the site of reinterment, Applicant shall cause said grave stone or marker to remain at the site of original interment;

(4) Applicant shall file a Verification of Reinterment within thirty (30) days that the remains of the decedent have been reinterred.

and

(5) The board of township trustees, the trustees or board of the cemetery association, or other officers having control and management of the municipal cemetery shall have a period of at least thirty days from the receipt of the order to perform the ordered disinterment.

_____
Judge

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN THE MATTER OF _____

CASE NO. _____

ENTRY DISPENSING WITH SETTING OF HEARING ON APPLICATION TO DISINTER REMAINS

The Court orders that the setting of a hearing be dispensed with in this matter.

_____
Ralph Winkler, Probate Judge