



Changes since the 2nd 15-day comment period are noted in the following manner: proposed red underlined, deleted red strikethrough

VSD-003 - REQUEST FOR DISINTERMENT INSTRUCTIONS

As required under the California Code of Regulations, Title 12, Section 464, disinterment will be permitted only for cogent reasons, for example when families move and want their loved one close by and when the next of kin was not aware that the person had purchased a plot in a different cemetery. Disinterment from a state veterans cemetery will be approved only when all living immediate family members of the decedent, and the person who initiated the interment (whether or not he or she is a member of the immediate family), give their written consent, or when a court order directs the disinterment.

For purposes of this section, “immediate family members” are defined as surviving spouse, whether or not he or she is remarried; all adult children of the decedent; the appointed guardian(s) of minor children; and the appointed guardian(s) of the surviving spouse or of the adult child(ren) of the decedent. If the surviving spouse and all of the children of the decedent are deceased, the decedent's parents will be considered “immediate family members.”

Requests for disinterment must be submitted on Form VSD-003, Request for Disinterment and shall include the following information:

- (1) A full statement of reasons for the proposed disinterment.
- (2) Notarized statement(s) by all living immediate family members of the decedent, and the person who initiated the interment (whether or not he or she is a member of the immediate family), that they consent to the proposed disinterment.
- (3) A notarized statement, by the person requesting the disinterment that those who supplied affidavits comprise all the living immediate family members of the deceased.

The state veterans cemetery shall charge a disinterment fee for an in-ground cremation that is equivalent to 50% of the current federal burial reimbursement rate, and a disinterment for caskets that is equivalent to 75% of the current federal burial reimbursement rate. The state veterans cemetery may not charge a disinterment fee for the reopening of a niche.

Please complete this Request for Disinterment, as instructed ~~below~~above, and return to the appropriate state cemetery. This form, when properly completed, notarized and affixed with a Notary Public’s official seal, constitutes a valid affidavit for requesting a disinterment. Your Request for Disinterment request will be reviewed for completeness and compliance, and then you will be notified of approval of the disinterment contacted. If you have any questions or require further assistance please do not hesitate to contact a state veterans cemetery.

If you have any questions or require further assistance, please contact the State Veterans Cemetery office.

12-CCR § 464. Disinterments

~~(a) Interments of eligible decedents in state veterans cemeteries are considered permanent and final. Disinterment will be permitted only for cogent reasons and with the prior written authorization of the Cemetery Director responsible for the cemetery involved. Disinterment from a state veterans cemetery will be approved only when all living immediate family members of the decedent, and the person who initiated the interment (whether or not he or she is a member of the immediate family), give their written consent, or when a court order or State instrumentality of competent jurisdiction directs the disinterment. For purposes of this section, "immediate family members" are defined as surviving spouse, whether or not he or she is remarried; all adult children of the decedent; the appointed guardian(s) of minor children; and the appointed guardian(s) of the surviving spouse or of the adult child(ren) of the decedent. If the surviving spouse and all of the children of the decedent are deceased, the decedent's parents will be considered "immediate family members."~~

~~(b) Requests for disinterment must be submitted on Form VSD-003, Request for Disinterment (dated February 2016), which is hereby incorporated by reference in its entirety, and will include the following information:~~

~~(1) A full statement of reasons for the proposed disinterment.~~

~~(2) Notarized statement(s) by all living immediate family members of the decedent, and the person who initiated the interment (whether or not he or she is a member of the immediate family), that they consent to the proposed disinterment.~~

~~(3) A notarized statement, by the person requesting the disinterment that those who supplied affidavits comprise all the living immediate family members of the deceased.~~

~~(c) In lieu of the documents required in paragraph (b) of this section, an order of a court of competent jurisdiction will be considered.~~

~~(d) Any disinterment that may be authorized under this section must be accomplished without expense to the State.~~

~~(e) The state veterans cemetery shall charge a disinterment fee for an in-ground cremation that is equivalent to 50% of the current federal burial reimbursement rate, and a disinterment for caskets that is equivalent to 75% of the current federal burial reimbursement rate. The state veterans cemetery may not charge a disinterment fee for the reopening of a niche.~~

~~Note: Authority cited: Military and Veterans Code: Section 1455. References: Military and Veterans Code: Sections 1400, 1410, 1455.~~

VSD-003 - REQUEST FOR DISINTERMENT

PRIVACY ACT NOTICE: The Information Practices Act of 1977 (Civil Code Section 1798.17) and the Federal Privacy Act (Public Law 93-579) require that this notice be provided when collecting personal information from individuals. The California Department of Veterans Affairs, Veterans Services Division, is requesting the information for the purposes of identification, and to determine eligibility for benefits under the provisions of California Code of Regulations, Title 12, §464. Individuals may visit the cemetery in which a person has been interred (location and contact information shown above) to review their personal records during normal business hours. Providing the requested information is mandatory for disinterment from a State Veterans Cemetery. Failure to provide the requested information may result in the delay or denial of disinterment.

Information required to authorize disinterment of remains from a California State Veterans Cemetery is authorized under the Privacy Act of 1974. Information obtained may not be disclosed outside the California Department of Veterans Affairs (CalVet) unless permitted by law. The disinterment will not be permitted without the required data or a court order is substituted in lieu of this form.

~~**RESPONDENT BURDEN:** Public reporting burden for this collection of information is estimated to average ten minutes per response including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collected information. This form, when completed in accordance with CalVet disinterment regulations, will permit California State Veterans Cemeteries to consider and/or authorize disinterment.~~

TO: _____ . (Name of California State Veterans Cemetery)

I hereby request authority for the disinterment of the remains of my:

(Relationship ~~of~~ deceased)

(Name of deceased)

from the _____ cemetery. I understand that any disinterment must be accomplished without expense to the State of California, and that all costs associated with the disinterment will be borne by the requestor/s, and that all arrangements for the removal of the remains are also the responsibility of the requestor/s. Interested parties acknowledge that remains are buried in containers that degrade over time, and that the forces of nature will cause deterioration of the container and compromise the condition of the remains.

This disinterment is requested for the following reason (Attach additional pages as necessary) :

I hereby certify that the individuals shown on Page 2 of this form constitute all the living immediate family members of the deceased as follows: Surviving spouse (whether or not remarried), all adult children of the decedent, appointed guardian(s) of minor children, the appointed guardian of the surviving spouse or of the adult child(ren) of the decedent. In the absence of a surviving spouse and children, the decedent’s parents will be considered “immediate family members”. *Affidavit(s) (page 2 of this form) must be attached from all living immediate family members (must include the person who initiated the interment, if living, even if not a member of the immediate family).*

Witness my signature this _____ day of _____, 20____

(Signature)

Sworn to and subscribed before me this _____ day of _____, 20____

[Seal]

Notary Public

My commission expires _____

VSD-003 – DISINTERMENT AFFIDAVIT

PRIVACY ACT NOTICE: The Information Practices Act of 1977 (Civil Code Section 1798.17) and the Federal Privacy Act (Public Law 93-579) require that this notice be provided when collecting personal information from individuals. The California Department of Veterans Affairs, Veterans Services Division, is requesting the information for the purposes of identification, and to determine eligibility for benefits under the provisions of California Code of Regulations, Title 12, §464. Individuals may visit the cemetery in which a person has been interred (location and contact information shown above) to review their personal records during normal business hours. Providing the requested information is mandatory for disinterment from a State Veterans Cemetery. Failure to provide the requested information may result in the delay or denial of disinterment.

~~The information requested is required to authorize disinterment of remains from a California State Veterans Cemetery as required under Chapter 24, Title 38, United States Code. The information may be disclosed outside VA as permitted by law, or as stated in the “Notices of Systems of VA Records” which have been published in the Federal Register in accordance with the Privacy Act of 1974. The disinterment will not be permitted unless the data or a court order is submitted.~~

~~**RESPONDENT BURDEN:** Public reporting burden for this collection of information is estimated to average ten minutes per response including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed completing and reviewing the collection information. This form, when completed in accordance with VA disinterment regulations, will permit CalVet to authorize disinterment.~~

TO WHOM IT MAY CONCERN:

I (we) the undersigned hereby signify my (our) Agreement for the disinterment of the

remains of _____

from _____. (Enter name of cemetery)

±

SIGNATURE	RELATIONSHIP TO DECEASED	ADDRESS
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Sworn to and subscribed before me this _____ day of _____, 20_____

[SEAL] _____
Notary Public

My commission expires: _____