



RHODE ISLAND VETERANS MEMORIAL CEMETERY

RULES & REGULATIONS



State of Rhode Island and Providence Plantations
Department of Human Services
Division of Veterans Affairs
301 South County Trail (Route 2)
Exeter, Rhode Island 02822-9712

Revised: ~~December 2006~~ April 2016

Revised [April 2016](#)

INTRODUCTION

Section 14 of Rhode Island General Laws, Title 30, Chapter 25, entitled Burial of Veterans, establishes the legal base~~s~~^s for the Rhode Island Veterans Memorial Cemetery (RIVMC) located in the town of Exeter, RI. The statute places the RIVMC under the management and control of the ~~D~~irector of the Department of Human Services (DHS), and directs the Department to make all needful rules and regulations governing the operation of the cemetery and generally do all things necessary to ~~insure~~-ensure the successful operation thereof.

In compliance with the statutory charge contained in [R.I. Gen. Laws § 30-25-14](#) and the ~~38~~ Code of Federal Regulations (~~38 CFR 38~~[38 CFR Part 39](#)), the following rules and regulations have been adopted pursuant to the provisions of the Administrative Procedures Act, ~~R.I. Gen. Laws § 42-35-1, et seq.~~ [R.I. Gen. Laws § 42-35-1, et seq.](#) These rules and regulations governing the ~~R.I.~~[Rhode Island](#) Veterans Memorial Cemetery are the official policy for the administration of the RIVMC by the Department of Human Services, Division of Veterans Affairs. ~~In addition, and these regulations comply in compliance~~ with 38 CFR [Part 39](#), ~~for Aid for~~ the Establishment, Expansion, and Improvement, or Operation and Maintenance, of Veterans Cemeteries.

I. PURPOSE

The purpose of the ~~R.I.~~[Rhode Island](#) Veterans Memorial Cemetery is to allow the State of Rhode Island to provide a final resting place for ~~those~~ Rhode Island veterans who served in the Armed Services of the United States.

This ~~is a~~ military cemetery ~~of is a contemporary park or of~~ memorial design, with all grave markers placed flush with ~~the~~ ground level. Landscaping, ~~planting of~~ trees, shrubs, and floral plantings ~~planting~~ are part of the overall landscape architecture for all graves collectively, and are not ~~to be considered to be made~~ solely for any individual gravesite.

II. LOCATION

~~The cemetery is located next to the former Joseph H. Ladd School on a 420-acre site in Exeter, Rhode Island (338 surveyed acres). Its address is 301 South County Trail (Route 2), Exeter, RI 02822-9712.~~

~~III.~~ RESERVATIONS OF SPACE AND SPECIAL GRAVE SITES

The ~~Associate D~~irector ~~or his or her D~~esignee ~~or the RIVMC Administrative Leader~~ shall assign a gravesite for the eligible veteran or family member only at the time of interment. ~~Such assignments shall be approved by the cemetery administrator.~~ This policy is required for the efficient operation [of the RIVMC](#) and ~~for the site location~~ safety ~~for~~ [of](#) all personnel who may work near an open gravesite.

A. Gravesites

1. Military rank or civilian stature is given no consideration in assignment of the gravesite. All gravesites are equal; each has a uniform type of flat granite marker as authorized by the [U.S. Department of Veterans Affairs](#). [No other grave marker is permitted at the RIVMC.](#)

Revised [April 2016](#)

2. One gravesite is authorized for the interment of all eligible [dependents](#), ~~members of the family~~ except where soil conditions require more than one grave, or the number of family decedents requires more than one grave.
3. A gravesite is not reserved before it is needed for burial. The RIVMC will attempt to honor reservations made prior to ~~1~~ January 1, 2003, [unless the](#) selected site is no longer viable for [interment](#). ~~burial. When a death occurs and the eligibility for interment in the RIVMC is determined, the gravesite will then be assigned by the cemetery foreman and approved by the cemetery administrator.~~

B. Burial Niches

~~4. Burial niches will be the preferred resting place for all cremated remains. However, if an eligible veteran or an eligible family member wishes to be interred at a gravesite, then one gravesite will be utilized. An eligible family will not be able to utilize both a gravesite and a niche. Burial niches will be utilized for all cremated remains. However, if an eligible veteran of a family member who has not been cremated is currently interred, then one gravesite will be utilized. An eligible family will not be able to utilize both a gravesite and a niche since the inception of this policy.~~

C. Exceptions

~~5.~~ Any exceptions to this policy will require the approval of the ~~D~~[director](#) of the Rhode Island Department of Human Services.

III ~~V~~. SUPERVISION OF CEMETERY

Overall supervision of the cemetery is vested in the Department of Human Services, Division of Veterans Affairs. ~~His~~ [Cemetery](#) officials shall have the right to compel all persons coming into the cemetery to obey all cemetery regulations. Anyone found disobeying the regulations is subject to removal from the grounds by ~~the cemetery officials;~~ [or the Rhode Island State Police.](#)

I V. CEMETERY RESPONSIBILITIES

The ~~Associate D~~[irector](#) of the Division of Veterans Affairs, or his ~~or~~ ~~her~~ [designee](#), ~~agent~~ reserves, ~~and shall have,~~ the right to correct any errors that may be made by the RIVMC, either in making interments or ~~disinterments~~[disinterments](#), or in setting grave markers, and reserves the right to correct any errors in its official records of interments and graves.

These rules and regulations are designed ~~for the protection of~~ [to protect](#) the public and ~~ensure~~[for insuring](#) that each grave is kept inviolate. ~~These regulations are not primarily intended to restrain the public, but rather to prevent inconsiderate persons from taking unfair advantage of others.~~

Revised [April 2016](#)**VI. PERSONS ELIGIBLE FOR BURIAL****A. Veterans**

1. Any Rhode Island resident, or former resident, who served in the Army, Navy, Air Force, Coast Guard, or Marine Corps of the United States pursuant to Title 10 of the United States Code for a period of not less than two years, and was discharged under honorable conditions.

2. Any person who died in the line of duty while serving in the Army, Navy, Air Force, Coast Guard, or Marine Corps of the United States, the Rhode Island National Guard, or other Reserve Component.

3. Any person who was discharged under honorable conditions after completion of at least twenty (20) years of service in the Rhode Island National Guard. For the purpose of computing service under this section, honorable service in the active forces or reserves shall be considered toward the twenty (20) years of National Guard service.

4. Any Rhode Island resident, or former resident, who participated in an expedition or campaign as a member of the U.S. Armed Forces for which he or she received a campaign or expeditionary medal, and was discharged under honorable conditions.

5. The BURDEN OF PROOF of eligibility for burial in the Rhode Island Veterans Memorial Cemetery ~~rests~~ is the responsibility of ~~on~~ the funeral director or person listed on the ~~deceased~~ veteran's death certificate as agent or informant.

~~1. Veterans of United States Armed Forces honorably discharged, who either:~~

~~a. Entered the service while a resident of Rhode Island, or~~

~~b. Resided in Was a resident of Rhode Island for a minimum of two years.~~

~~2. Veterans who served in the Army, Navy, Air Force, or Marine Corps of the United States for a period of not less than two (2) years and whose service was terminated honorably, and who meet the requirements specified in VI, A, 1, above.~~

~~3. Veterans whose last active service terminated honorably and who served in the Army, Navy, Marine Corps, Coast Guard, Air Force, or Merchant Marines of the United States during any foreign war in which the U.S. shall have been engaged, in any expeditions or campaigns for which the U.S. Government issues a campaign medal, and who meet the requirements specified in VI, A, 1, above.~~

~~4. Members of the Armed Forces, Rhode Island or National Guard, or Rhode Island reserve components who are killed in the line of duty, and who meet the requirements specified in VI, A, 1, above.~~

~~5. Members of the Rhode Island National Guard who are honorably discharged after completion of at least twenty (20) years of service, and who meet the requirements specified in VI, A, 1, above.~~

~~6. Veterans whose last active service terminated honorably during the following dates of active war service, and who meet the requirements specified in VI, A, 1, above:~~

Revised [April 2016](#)~~Spanish American War — April 21, 1898 — November 11, 1902~~~~Philippine Insurrection~~~~Mexican Border Action — May 9, 1916 — April 5, 1917~~~~World War I — April 6, 1917 — November 11, 1918~~~~World War II — December 7, 1941 — December 31, 1946~~~~Korean Campaign — June 27, 1950 — January 31, 1955~~~~— Vietnam Conflict — February 28, 1961 — May 7, 1975~~~~— Lebanon/* — September 6, 1983 — March 30, 1984~~~~— Granada/* — October 25, 1983 — December 12, 1983~~~~— Gulf War — August 2, 1990 — November 11, 1998~~**B. Eligible Dependents**

1. Lawful spouses of eligible veterans, provided that the veteran agrees to the reservation.
2. Unmarried, minor children (under the age of 18 years) of eligible veterans, provided ~~that~~ the veteran is interred, or if living, agrees to the reservation requirements.
3. Unmarried, [dependent](#) children ~~who are under from the age of 21~~ [18 years of age, or 23 to the age of 22 years of age, if they are a full time student who are pursuing a full time course of instruction](#) at an approved educational institution, provided ~~that~~ the veteran is interred, or if living, agrees to the reservation requirements.
4. [Unmarried, adult children who are incapable of self-support because of a physical or mental disability, provided the veteran is interred, or if living, agrees to the reservation requirements.](#) ~~Such other persons or classes of persons as may be designated by the Department of Human Services Division of Veterans Affairs. Proper supporting documentation must be provided, preferably the Social Security Administration's Supplemental Security Income (SSI) yearly award letter.~~
5. [Common law spouses of eligible veterans, provided the veteran is interred, or if living, agrees to the reservation.](#)

[a. For the spouse of a common law marriage to be eligible for burial, evidence that the relationship comported with the legal requirements for common law marriage must be submitted.](#)

[b. Rhode Island law provides a couple must:](#)

[i. Intend to be married;](#)

[ii. Hold themselves out as a married couple to the public;](#)

Revised [April 2016](#)

[iii. Be co-habitants or live together; and](#)

[iv. Sign an "Affidavit of Common Law Marriage" that outlines the requirements of common law marriage and affirms the eligible veteran's intention to have his or her common law spouse interred at the RIVMC.](#)

[c. If the eligible veteran's death occurs before an affidavit is executed, proof of veterans benefits received by the common law spouse from the U.S. Department of Veterans Affairs \(VA\) may be used as a substitute for the affidavit.](#)

[d. In accordance with 38 USC § 103\(c\), the VA may recognize a veteran's marriage for VA purposes if the marriage was legal in the place where the veteran or veteran's spouse lived at the time of the marriage or when the veteran or eligible spouse filed a VA claim or application.](#)

[e. Evidence that establishes a common law marriage includes, but is not limited to:](#)

[i. Jointly owned property;](#)

[ii. Joint bank account; and/or](#)

[iii. Sharing of last name.](#)

[6. Certain parents of servicemembers may be eligible for burial in the RIVMC with their child if the son or daughter died as a result of hostile activity, or from combat training-related injuries. The biological or adoptive parents of a servicemember who died in combat, or while performing training in preparation for a combat mission, who leaves no surviving spouse, or dependent child, may be buried with the deceased servicemember if there is space available. Eligibility is limited to servicemembers who died on or after October 7, 2001, and biological or adoptive parents who died on or after October 13, 2010.](#)

C. Ineligible Persons

1. [Unless otherwise eligible in Section B above, A](#) father, mother, brother, sister, or in-law of an eligible veteran is not entitled to interment at the RIVMC even if he or she ~~was dependent~~ [relied](#) on the veteran for support and/or was a member of the veteran's household.

2. Former or subsequent ~~wives or husbands~~ [spouses](#) of the eligible veteran [are ineligible](#) if ~~one~~ [another spouse](#) of the veteran ~~has been~~ [is already](#) interred at the RIVMC.

[3. Any former spouse that has been lawfully divorced from the veteran is ineligible, despite sharing a common domicile after the divorce is final.](#)

~~3-4.~~ Any person convicted of a crime ~~which~~ [that](#) results in [the](#) loss of U.S. [citizenship](#) ~~nationality~~ or who is convicted in a federal, state, or United States military court of a crime, the maximum penalty for which, in the jurisdiction in which convicted, is death, or which equals or exceeds a 15-~~years~~ sentence, (imprisonment or other [wise](#)) is not eligible for burial in [the](#) Rhode Island Veterans Memorial Cemetery. However, any person who, subsequent to such a conviction, served in the Armed Forces of the United States and whose service therein

Revised [April 2016](#)

is terminated honorably by death or [under honorable conditions](#) ~~by honorable discharge~~ becomes eligible for burial at the RIVMC.

VI+. GENERAL CEMETERY RULES

- ~~1. The cemetery will be open to the public each day of the week from sunrise to sunset.~~
- ~~2. All visitors within the cemetery will conduct themselves in a manner keeping with the sacredness of the place, or they will be subject to removal from the grounds.~~
- ~~3. All visitors will enter or leave the cemetery according to posted directions. Any person found on the grounds other than during authorized hours will be considered a trespasser.~~
- ~~4. Visitors will use only the walkways and roads therein for travel within the cemetery.~~
- ~~5. Motor vehicles will be kept to the right side of the roadways, driven at a speed no greater than 15 miles per hour, and will not be driven on the lawns.~~
- ~~6. Snowmobiles, dirt bikes, four-wheel all-terrain vehicles are prohibited within the cemetery.~~
- ~~7. No visitor will discard any article in the cemetery except in disposal containers furnished by the cemetery.~~
- ~~8. Consumption of alcoholic beverages within the cemetery is prohibited.~~
- ~~9. Visitors, except a military escort, are prohibited from bringing firearms or explosives into the cemetery and all hunting and fishing within the cemetery is prohibited.~~
- ~~10. Cut natural flowers, living plants, or silk flowers may be placed on a grave any time the grounds are open to the public. Inexpensive floral containers are recommended because all containers and their contents will be removed by cemetery staff as they fade and wither.~~
- ~~11. Funeral pieces will be placed on racks in the area of the gravesite on the day of the interment and will be removed the following day.~~
- ~~12. Planting of trees and shrubs is prohibited. All planting of this type must be done by cemetery personnel and in areas designated by the cemetery.~~
- ~~13. No plastic flowers, glass/pottery containers, or decorative items of any kind are allowed at the grave site or in planting areas. These items will be removed.~~
- ~~14. Cemetery staff is responsible for placing U.S. flags at the end of each row of graves. No other flags are allowed.~~
- ~~15. Memorial observances and ceremonies on the cemetery grounds will be held only by arrangement and with the approval of the cemetery official.1. The cemetery will be open to the public each day of the week from sunrise to sunset.~~

A. Visiting hours.

Visiting hours shall be established by the director (or his or her designee), and posted in conspicuous places. Unless otherwise posted or announced by the director, visitors will be admitted during the following hours:

October 1 through March 31, 7:00 a.m. through 5:00 p.m.

April 1 through September 30, 7:00 a.m. through 7:00 p.m.

B. Conduct within the Cemetery.

The Rhode Island Veterans Memorial Cemetery is a shrine to the honored dead of the Armed Forces of the United States. As such, certain acts that may be appropriate elsewhere are not appropriate or permitted in the cemetery. All visitors, including persons attending or taking part in memorial services and ceremonies, shall observe proper standards of decorum and decency while on the cemetery grounds. Specifically, NO PERSON SHALL:

Revised [April 2016](#)

1. Conduct any memorial service or ceremony within the cemetery, except private memorial services, without the prior approval of the director of Veterans Affairs. All memorial services and ceremonies shall be conducted in accordance with guidance and procedures established by the director.
2. Engage in any picketing, demonstration, or similar conduct within the cemetery grounds.
3. Engage in orations, speeches, or similar conduct to assembled groups of people, unless the oration is part of a memorial service or ceremony authorized by this section.
4. Display any placards, banners, flags, or similar devices within the cemetery grounds, unless, in the case of a flag, use of the same is approved by the director, and is part of a memorial service or ceremony authorized by the same.
5. Distribute any handbill, pamphlet, leaflet, or other written or printed material within the cemetery grounds, except that a program may be distributed if approved by the director, and such distribution is part of a memorial service or ceremony authorized by the director.
6. Willfully destroy, damage, mutilate or remove any monument, gravestone, structure, tree, shrub, plant, or other property located within the cemetery grounds.
7. Bring a domestic animal on the grounds of the RIVMC, whether at large or under restraint, except for seeing-eye guide dogs, hearing dogs, or any other service animal as defined by R.I. Gen. Laws § 40-9.1-1.1 and the Code of Federal Regulations, 38 C.F.R. § 1.218(a)(11), unless otherwise authorized by the director (or his or her designee).
8. Use the cemetery grounds for organized recreational activities such as sports, athletics, or picnics.
9. Deposit or throw litter on cemetery grounds.
10. Play any radio, tape recorder, or musical instruments, or use any loudspeaker within the cemetery grounds unless use of the same is approved by the director, and is part of a memorial service or ceremony approved by the same.
11. Drive any motor vehicle within the RIVMC in excess of posted speed limits or such lesser speed limit as the director (or his or her designee) posts.
12. Use private snowmobiles, dirt bikes, or four-wheel all-terrain vehicles within the cemetery.
13. Park any motor vehicle in any area on the cemetery grounds designated by the director as a no parking area.
14. Engage in any disorderly conduct within the cemetery grounds, including persons exhibiting disruptive behavior with purpose to cause, or with knowledge that he/she is likely to cause, public inconvenience, annoyance, or alarm.
15. Engage in, promote, instigate, encourage, or aid and abet fighting, or threatening, violent, or tumultuous behavior.

Revised [April 2016](#)

- [16. Yell loud and boisterous language or make other unreasonably loud noise.](#)
- [17. Interrupt or disturb a memorial service or ceremony.](#)
- [18. Utter to any person present abusive, insulting, profane, indecent, or otherwise provocative language or gesture that, which by its very utterance, tends to incite an immediate breach of peace.](#)
- [19. Obstruct movement on streets, sidewalks, or pathways of the cemetery grounds without prior authorization by competent authority.](#)
- [20. Disobey a proper request or order by the director \(or his or her designee\) to disperse or to leave the cemetery grounds.](#)
- [21. Create a hazardous or physically offensive condition by an act not authorized by competent authority.](#)
- [22. Consume alcoholic beverages on the cemetery grounds.](#)
- [23. Display or distribute commercial advertising or solicit business while within the cemetery grounds.](#)

C. Third Parties.

[Authorization to conduct business with or at the RIVMC is contingent upon compliance with these rules and any instructions provided by RIVMC staff. Refusal by third-party customers \(e.g., contractors, funeral directors, etc.\) to comply will result in the following:](#)

[1st Offense: Verbal warning provided to individual or organization of noncompliance.](#)

[2nd Offense: Written warning provided to individual or organization of noncompliance, and complaint filed with the appropriate state licensing authority.](#)

[3rd Offense: Written warning provided to individual or organization of noncompliance; complaint filed with the appropriate state licensing authority; and suspension of authorization to conduct business at the Rhode Island Veterans Memorial Cemetery for up to 30 days.](#)

[Subsequent Offenses: Written warning provided to individual or organization of noncompliance; complaint filed with the appropriate state licensing authority; and suspension of authorization to conduct business at the Rhode Island Veterans Memorial Cemetery for up to one year.](#)

D. Requests to Conduct Memorial Services and Ceremonies.

- [1. Requests by members of the public to conduct memorial services or ceremonies shall be submitted to the Rhode Island Veterans Memorial Cemetery, 301 South County Trail, Exeter](#)

Revised April 2016

RI 02822. Memorial services or ceremonies other than private memorial services may be conducted only after permission has been received from the director (or his or her designee).

2. Such request shall describe the proposed memorial services or ceremony in detail to include the type service, its proposed location, the name of the individual or organization sponsoring the service, the names of all key individuals participating in the services, the estimated number of persons expected to attend the service, the expected length of the service, the service's format and content, whether permission to use loudspeaker systems or musical instruments or flags during the service is requested and, if so, the number, type, and how they are planned to be used, whether permission to distribute printed programs during the service is requested, and, if so, a description of the programs, and whether military support is requested.

3. Individuals and organizations sponsoring memorial services or ceremonies shall provide written assurance that the services or ceremonies are not partisan in nature, and that members of the party will comply with RIVMC rules and act in a dignified and proper manner at all times while on the cemetery grounds.

E. Conduct of Memorial Services and Ceremonies.

All memorial services and ceremonies in Rhode Island Veterans Memorial Cemetery, other than official ceremonies, shall be conducted in accordance with the following rules:

1. Memorial services and ceremonies shall be purely memorial in purpose and dedicated only to the memory of all those interred in the cemetery, to all those who have died in the military service of the United States, to all those who have died in the United States while serving during a particular conflict or while serving in a particular military unit or units, or to the memory of the individual or individuals interred or to be interred at the particular gravesite at which the services or ceremony is held.

2. Partisan activities are inappropriate in Rhode Island Veterans Memorial Cemetery, due to its role as a shrine to all the honored dead of the Armed Forces of the United States and the State of Rhode Island, and out of respect for the men and women buried there and their families. Services or any activities inside the cemetery connected therewith shall not be partisan in nature.

3. A service is partisan, and therefore inappropriate, if it includes commentary in support of, or in opposition to, or attempts to influence any current policy of the Armed Forces, the Government of the United States, or the State of Rhode Island; or, if it espouses the cause of a political party; or, if it has as a primary purpose to gain publicity or engender support for any group or cause.

4. If a service is closely related, both in time and location, to partisan activities or demonstrations being conducted outside the cemetery, it may be determined to be partisan and therefore inappropriate.

5. If a service is determined to be partisan by the cemetery staff, the permission to conduct memorial services or ceremonies at the cemetery will be denied.

6. Participants in public wreath laying ceremonies shall remain silent during the ceremony. Participants in public memorial services at the WWII Monument shall remain silent during the

Revised [April 2016](#)

[service.](#)

[7. Public memorial services and public wreath laying ceremonies shall be open to all members of the public to observe.](#)

F. Monuments.

[Monuments \(other than private monuments or markers\) to commemorate an individual, group, or event may be erected following final approval of the Department of Human Services and Division of Veterans Affairs. Specifications shall be communicated to the director, including a scale drawing, or model, showing the exact inscription and other details of the proposed tribute, and a copy of the constitution and bylaws of the organization desiring to make the presentation.](#)

G. No Firearms.

[Visitors, except a military escort, are prohibited from bringing firearms or explosives into the cemetery. All hunting and fishing within the cemetery is prohibited.](#)

H. Graveside Adornments.

[1. During mild weather months \(April 1 to October 31\), cut natural flowers and living plants may be placed on a grave any time the grounds are open to the public.](#)

[2. During cold weather months \(November 1 to March 31\), artificial/silk floral adornments may be placed on grave sites during public visiting hours. Inexpensive floral containers are recommended because all containers and their contents will be removed by cemetery staff as the contents fade and wither.](#)

[3. Twice a year, the cemetery grounds will be cleared of adornments for the aeration and fertilization of the burial grounds and common areas.](#)

[4. Funeral pieces will be placed on racks in the area of the gravesite on the day of the interment and will be removed the following day.](#)

[5. Planting of plants, trees, and shrubs is prohibited.](#)

[6. No glass/pottery containers, or decorative items of any kind are allowed at the grave site or in planting areas. These items will be removed for safety reasons and to preserve the dignity of these hallowed grounds.](#)

I. Flags.

[Cemetery staff is solely responsible for placing U.S. flags on cemetery grounds. No other flags are allowed. Unauthorized flags will be removed and retired.](#)

VII+. POLICIES FOR ARRANGING AN INTERMENT

A. General Policies

Revised [April 2016](#)

1. The FUNERAL DIRECTOR is responsible for making interment arrangements for an eligible decedent. Rhode Island funeral directors have been provided with specific information and necessary forms to accomplish authorized interments.
2. Gravesites prepared for caskets will be of uniform size. Gravesites prepared for cremated remains may be of a lesser uniform size.
3. The State of Rhode Island requires a cemetery grave liner for each interment. The RIVMC shall charge and collect a grave liner fee per interment, equal to the cost for the grave liner. All burials of caskets and ashes not in a permanent type of container will be in gravesites that shall have a vault or grave liner. The RIVMC allows the next of kin to provide the grave liner if he or she elects to purchase one either indirectly through the funeral director or directly from a commercial source. Graveside burial services are allowed [from April 1 to December 1](#), provided [the grounds are free of safety hazards \(snow, ice, construction, etc.\)](#) and the funeral director makes prior arrangements with the RIVMC.
4. The only permissible grave marker is the United States Government flat granite marker. Installation of the grave marker is performed by the cemetery official or by his [or her](#) agents. The federal "Application for Headstone or Marker" form will be processed through the RIVMC office. Funeral directors should attach the completed "Application for Headstone or Marker" form to the other interment forms and deliver them to the RIVMC office.
5. The RIVMC will furnish a gravesite, open and close the grave, and provide perpetual care of the gravesite. Title to all lots will be retained by the RIVMC. All other charges in connection with any funeral or burial in the cemetery shall not be at the expense of the RIVMC.
6. A deceased eligible dependent may be interred prior to the death of a veteran only when the veteran certifies [he or she](#) ~~that the veteran~~ will be buried in [the same](#) ~~an~~-assigned gravesite. Conversely, reservations for the burial of eligible [living](#) dependent(s) will be made at the time of the burial of the veteran. Forms for this type of reservation are available at the RIVMC.
7. [Subject to staffing availability](#), ~~†~~interments are scheduled from 9:00 a.m. to ~~12~~:00 p.m. [on](#) Monday through Friday, and 9:00 a.m. to 11:00 a.m. [on](#) Saturday. All interments are scheduled through the RIVMC office.
8. Holiday interments are not permitted.
9. Sunday interments may be scheduled when required by the religious faith of the eligible veteran or dependent.
10. [RIVMC reserves the right to move graveside interments to an alternate location when inclement weather or other safety considerations so require.](#)

~~A. Saturday Interments:~~ **[B. Saturday Interments.](#)**

[Subject to staffing availability](#), ~~†~~there will be no more than four (4) interments in the Rhode Island Veterans Memorial Cemetery on any given Saturday except as set forth below and in ~~subrule-subsection I~~~~(E)~~[VIII\(E\)](#) under exclusions and limits of this [Regulation Policy](#).

Revised [April 2016](#)

~~1. The limitation applies irrespective of whether any or all of the interments scheduled for a given Saturday are cremains interments.~~ 2. Requests for Saturday interment will only be considered if all the information and documentation required for burial in the RIVMC has been submitted in proper order at the time interments are ~~being~~ scheduled.

~~2.3. Exceptions:~~

~~a. The cap on interments does not apply to Saturdays that fall on a weekend immediately before a Monday, or after a Friday when a federal or state holiday is observed.~~

~~b. When a casualty of war is presented for interment, the RIVMC shall authorize additional burial provisions regardless of the limitations of this section. cap will not apply on that Saturday. Four interments may be scheduled as regularly planned, and the war casualty may be scheduled as an additional interment.~~

~~IX~~VIII. GENERAL PROCEDURES ON DISINTERMENTS

~~Except as provided for in this section, D~~isinterment and removal of remains in the RIVMC for reinterment in another location within the cemetery or to be transferred for reinterment in another cemetery is not permitted. ~~except as provided for in the section.~~

A. Procedures for making requests

1. Requests for disinterment and removal of remains shall be made to the ~~Director of the Department of Human Services (DHS), or the Director's associate director (or his or her~~ designee), using an application approved for such purposes by ~~RIVMC/DHS~~. As specified in section C below, ~~IX(C)~~, the nature of the request and the responsibilities of both ~~RIVM/DHS~~ and the person(s) making application will vary depending on whether the decedent's remains are to be re-interred in another location in RIVMC or transferred to a different cemetery.

2. Any person who wishes to remove the remains of a person from the RIVMC shall cause their funeral director to present the required legal permit to the RIVMC. The individual making such request shall pay all charges associated with the disinterment.

3. The next of kin desiring to have the remains of a person disinterred from one gravesite in the RIVMC for reinterment to another gravesite at the RIVMC shall be required to sign the request for reinterment forms.

B. General Requirements

All requests for disinterment and removal of remains shall only be considered for approval when the following conditions are met:

1. *Application.* The person(s) requesting disinterment and removal of the remains shall submit a completed and signed RIVMC Form #1.10.050A that contains the following:

a. Identifying information about the deceased and the specific purposes to be served by the disinterment and removal of the remains;

Revised [April 2016](#)

- b. Written consent of the decedent's next of kin, or representatives thereof, to the disinterment and removal of remains as specified below in ~~subsections B(2); X(C);~~
- c. The location of the reinterment of the decedent's remains, whether in the RIVMC or another cemetery; and
- d. A sworn affidavit from the person(s) making the request indicating the information provided in the application is true and correct.

2. *Consent.* All ~~living,~~ immediate family members of the decedent, and the person(s) who initiated the decedent's interment in the RIVMC, shall provide written consent for the disinterment and removal of the remains. Such consent is not necessary if so ordered by a State or Federal court or State instrumentality of competent jurisdiction.

- a. For the purposes of this section, ~~living-an~~ immediate family members means a person related by blood or marriage including any spouse, children, siblings, and parents.
- b. The ~~Department-RIVMC~~ reserves the discretion to consider an order from a court of competent jurisdiction if the required consent of ~~living,~~ immediate relatives cannot be obtained for reasons the court deems to be both reasonable and legitimate. Any person(s) seeking such a court order shall not include the Department of Human Services, the RIVMC or any officials thereof to be party when requesting court action.

C. Requirements Pertaining to Reinterment Location

The person(s) making the request must indicate clearly on the application whether the decedent's remains are to be removed and reinterred by ~~RIVMC~~DHS in another location of the RIVMC, or are to be disinterred for removal and transfer to a different cemetery. Depending on the location selected, the respective responsibilities of ~~RIVMC~~DHS and the applicant shall vary in accordance with this ~~sub~~section.

1. *Reinterment in the RIVMC.* When a request is approved to move a decedent's remains to another location in the ~~cemetery, the~~ RIVMC ~~the DHS is~~shall be responsible for providing only those services required to disinter, remove and re-inter the decedent's remains in accordance with applicable procedures and safety standards. Upon making the request, the applicant, the decedent's next of kin, or a representative thereof must agree to accept the responsibility for:

- a. Arranging and paying for any ancillary services that the ~~RIMVC~~DHS is not bound to provide by law, regulation, or established procedures. Inquiries as to whether a particular service falls into this category should be made directly to the ~~associate-director (or his or her designee); -Administrator of the RIVMC;~~ and
- b. Cooperating with the RIVMC, to the extent necessary, in complying with any applicable regulations set by the ~~RIMVC~~DHS or any other federal, state, or local governing authority.

2. *Disinterment and Transfer.* When the decedent's remains are to be transferred for reinterment in a cemetery other than the RIVMC, the ~~RIMVC~~DHS is responsible only for opening the grave to two feet below the ground surface. Upon making the request for

Revised [April 2016](#)

disinterment of remains for transfer, the applicant, the decedent's next of kin, or a representative thereof must agree to accept responsibility for:

- a. Arranging and paying for all services required to disinter, remove, and transfer the decedent's remains for burial in another cemetery; and
- b. Assuring that any individual/firm selected to disinter, remove, and transfer the decedent's remains complies fully with the applicable safety regulations, established by the Rhode Island Department of Health.

D. Review and Written Decision

Within 14 days from the receipt of the required forms, the ~~Associate~~ [director \(or his or her designee\)](#), shall review the application requesting the disinterment and removal of the decedent's remains and render a decision either approving or denying the request.

E. Exclusions and Limits

In fulfilling an approved request, the following exclusions and limits apply:

1. *Liability.* The [RIMVC](#)~~DHS~~ shall not be held liable in any way for the condition of the decedent's remains once disinterred. In addition, the [RIMVC](#)~~DHS~~ is not responsible for scope, quality, timeliness, or cost of services rendered by an individual/firm acting on the behalf of some other person or entity for the purposes of providing any ancillary services, as indicated in ~~subsection~~ ~~XVIII~~(C)(1), or such services that may be required to transfer the decedent's remains for reinterment in another cemetery other than as specified explicitly in ~~subsection~~ ~~XVIII~~ (C)(2)(b) of this rule.
2. *Scheduling.* RIMVC retains sole discretion to determine when any of the services associated with an approved request are provided, irrespective of whether such services are the responsibility of the [RIMVC](#)~~DHS~~ or its authorized agent, or an individual or firm acting on behalf of the person(s) making the request.

~~3. *Costs.* To the extent that State annual budget appropriations allow, the DHS shall bear the expense for the services authorized in accordance with subsection 1.1(2) of this rule. Under no circumstance shall the Department assume the responsibility for arranging or paying for any services, other than those specified in subsection 1.1(2) b, related to the disinterment and removal of the deceased's remains for re-interment in another cemetery.~~

F. Gifts and Memorials

As ~~is~~ specified in R.I. Gen. Laws § 30-24-6, the ~~D~~irector of the Department of Human Services is authorized to accept grants, donations, and bequests made to the State that may be in anyway of benefit to Rhode Island veterans and their families eligible for services such as those provided for in this rule. Any monies received under these auspices shall be maintained by the Treasurer of the State of Rhode Island in a restricted account, and shall only be used for purposes of expanding, ensuring the continuation of, or enhancing the range of services in accordance with the provisions of § 30-24-6.

~~XI~~. MEMORIALS AND MONUMENTS

Revised [April 2016](#)

~~A. The gravesite of each interred veteran or eligible dependent will be marked by the United States Government flat granite marker. No other grave marker is permitted at the RIVMC.~~

~~A.B.~~ The names of the interred veterans may be inscribed on the [Memorial Wall and Memorial Walkway](#). ~~Ceremonial and Commemorative Plaza~~. Fees for the inscription of names are available at the RIVMC office.

~~B.C.~~ Monuments to commemorate veterans of specific campaigns must be planned in advance of construction with the [RIVMC associate director or his or her designee](#). ~~Assistant Administrator~~. ~~The complete policy and procedures are found in RIVMC Policy No: 1.10.030.~~

ALL INQUIRIES AND COMPLAINTS SHOULD BE DIRECTED TO THE ADMINISTRATIVE OFFICE ON THE RIVMC GROUNDS.

For further information, please call the administrative offices.
TELEPHONE: (401) 268-3088
Monday – Friday, 8:30 AM – 4:00 PM