



Disinterment Requests

Removal of Human Remains

A person may not remove or attempt to remove human remains from a burial site unless he or she has attained proper written authorization from the State's Attorney of Charles County. The State's Attorney may provide written authorization for the removal of human remains for the following reasons:

- to discover the cause of death
- to determine if the remains were placed incorrectly
- for the purpose of reburial
- for medical or scientific examination or study allowed by law

MD Ann. Code, Criminal Law Article,
Section §10-402

State's Attorney's Authorization Required

The individual(s) seeking authorization to relocate human remains is required to publish a notice of the suggested relocation in a newspaper of general circulation in Charles County. The notice only needs to be published once and paid for by the person requesting the authorization. The notice must contain:

- a statement that authorization is being sought from the State's Attorney's Office to remove human remains from a burial site
- the purpose of the removal
- the location of the burial site, including the tax map parcel number or liber and folio number
- all known pertinent information concerning the burial site, including the names of the persons who are interred in the burial site

When requesting to remove human remains from a known, but not necessarily documented, unmarked burial site, the person applying for the authorization has the responsibility of confirming the exact location and boundaries of the site.

The State's Attorney may authorize the removal of the remains only after receiving proof of the notice publication and 15 days after the publication date. In some cases, the State's Attorney may authorize temporary relocation of human remains for good cause, regardless of the previously stated publishing notice requirements.

Human remains removed from a burial site must be reinterred into a permanent cemetery that provides perpetual care or the remains must be placed in a site that either a blood relative, spouse, domestic partner, an individual sharing cultural affiliation, or an individual interested in a burial site that the Office of the State's Attorney recognizes is in the public interest, has agreed upon. Furthermore, the remains must be removed in the presence of a mortician, professional cemetarian, other individual qualified in the instrument of human remains, minister, priest, religious leader, trained anthropologist or archaeologist. The final disposition and treatment of the human remains will be entered into the local burial sites inventory. If there is no local inventory available, the final disposition and treatment of the remains will be placed into an inventory the State's Attorney or Maryland Historical Trust deems reliable.



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State's Attorney's Authorization Not Required

Human remains or remains of a decedent after cremation may be removed from one site within a permanent cemetery and reinterred in the same burial site or another burial site within the boundary of the same permanent cemetery. The only individuals allowed to arrange for reinterment without the State's Attorney's authorization are the decedent's:

- spouse
- domestic partner
- adult child
- parent
- sibling
- representative under signed authorization
- appointed guardian

Reinterment, under these circumstances, does not require authorization from the State's Attorney; however, a notice must be published in a newspaper of general circulation in Charles County within 30 days of reinterment. The notice must contain:

- a statement that reinterment has occurred
- the reason for reinterment
- the location of the site burial site from which the remains have been removed, including the tax map parcel number or liber and folio number
- the location of the burial site in which the remains have been reinterred, including the tax map parcel number or liber and folio number
- all known pertinent information, including the names of the individuals whose remains or cremated remains have been interred in the burial sites

Penalty

Anyone who violates these prerequisites will be guilty of a misdemeanor, ultimately facing a sentence no greater than 5 years and/or fined \$10,000.