DECREE

I, Most Reverend Michael J. Sheridan,
by the grace of God and the Apostolic See,
Bishop of the Diocese of Colorado Springs,

having seen the need to regulate the operations of the Catholic Cemeteries in the Diocese of Colorado Springs,

and having seen the attached instruction,

and in accordance with canons 1240 ff.

do hereby decree, *ad experimentum*, the above-mentioned instruction to be in effect for one (1) year effective immediately.

Given at the Chancery of the Diocese of Colorado Springs
Monday, May 7, 2018

[Signature]
Most Reverend Michael J. Sheridan, S.T.D.
Bishop of Colorado Springs

[Signature]
Rev. Msgr. Ricardo Coronado-Arrascue, J.C.D.
Chancellor
Diocese of Colorado Springs

CATHOLIC CEMETERY
POLICIES AND PROCEDURES

(Revised: 05-08-2018)
Preamble

Catholic Cemeteries will be operated according to the provisions set forth in the Canon Law of the Catholic Church and the State of Colorado Revised Statutes (C.R.S. 12-12-101 thru 12-12-116; 31-25-701 thru 708; et al).

In the laws of the Catholic Church, only two places are called “sacred”: those “designated for divine worship” and those reserved “for the burial of the faithful.” We easily recognize the sacredness of a church where the Eucharist and other liturgical functions take place. But many of the faithful have forgotten that the cemetery is equally holy, containing as it does the last remains of the saints whose bodies have been temples of the Holy Spirit.

The diocese’s mission involving Catholic Cemeteries is in the spirit of the Corporal Work of Mercy which guides us to bury the dead, along with the Spiritual Work of Mercy of bringing comfort to the grieving.

To preserve an atmosphere of peace, tranquility and holiness, it is necessary for the diocese to establish and maintain rules and regulations (in accordance with Canon 1243), which will: (1) protect the sacredness of Catholic Cemeteries within the Diocese of Colorado Springs and the blessed remains which are interred therein; and (2) provide for a safe and respected environment for our volunteers, staff, parishioners and visitors.

Restricted or Endowment Fund of the Catholic Cemetery

The respective Catholic parish church, having responsibility for the day-to-day operations of a Catholic Cemetery, shall establish an irrevocable endowment care fund for the cemetery, in accordance with Canon Law and C.R.S. 12-12-109. The endowment care fund constitutes a nonprofit, irrevocable trust fund. The Cemetery’s Restricted or Endowment Fund’s income, increments, and gains are for the sole benefit of the cemetery; and are to be used for the perpetual care and maintenance of the grasses, roads, replacement/maintenance of drainage pumps, and related property upkeep, if/as needed. The Endowment Fund does not provide for the maintenance of private property, such as individual monuments, markers, shrubbery, vases, etc. This cemetery endowment fund shall be subject to an annual audit by the diocese’s contracted auditor in conjunction with the parish’s scheduled annual audit in accord with published diocesan finance rules and regulations.

General Rules:

1. Each Catholic Cemetery should be a non-profit corporation, operated for the religious and charitable purposes of the Catholic Church through the burial and memorialization of the faithful departed. It serves as a witness for the Church’s compassion for the living and reverence for the dead. Collaboration with any existing local town, city or county cemetery organization is encouraged.
2. The Cemetery is due the honor and respect given to a church building itself. Loitering, alcoholic beverages, and unbecoming or inappropriate behavior, dress and language are not permitted on the Cemetery’s sacred grounds.

3. Receptions and celebrations will not be permitted on the cemetery grounds.

4. The Bishop of the Diocese of Colorado Springs and, as so delegated, the pastor of the responsible parish reserve the right to refuse admission to, or the use of its cemetery grounds and/or facilities at any time, to any person(s) as outlined in Canon Law.

5. The opening of a casket at the cemetery grave is strongly discouraged.

6. The respective parish having oversight of the cemetery’s operations shall maintain up-to-date lists of:
   a. Burial plots and columbarium niches sold; and
   b. Burial plots and columbarium niches currently occupied.

7. The Pastor of the respective parish shall:
   a. Promptly after the end-of-the-fiscal year, provide the diocese with an annual report of plots sold and revenue received during the previous fiscal year (July 1 - June 30) for the cemetery's activities.
   b. Before December 31st of each year, coordinate with the bishop's designated representative regarding the reporting requirements to the State of Colorado Secretary of State concerning the cemetery's non-profit designated incorporation status.

Rights:

1. When a person purchases a grave plot, mausoleum crypt or cremation niche, he/she is purchasing a Right of Sepulture for the grave, crypt, or niche. The actual ownership of the property however, remains with the Diocese of Colorado Springs.

2. Mausoleum crypts, urn gardens, cremation niches, lots and portions thereof may be lawfully transferred utilizing an approved burial plot/space transfer request form; available from the responsible parish or cemetery.

3. The disinterment of the dead is contrary to the Canons of the Church. It will be permitted only for the most pressing reasons and only upon written consent of the Bishop of the Diocese of Colorado Springs or other appointed official(s).
4. Unless dictated by a lawfully issued court order, once remains or cremains are interred or inurned in a burial location, the cemetery will not permit the opening of the niche or plot to remove any portion of the remains or cremains; unless the contract for services denotes a double-burial has been pre-authorized there.

Authorization to Inter:

1. The authorization to inter is exercised at the lot holder’s discretion. Those who inherit the right, do so on an equal basis with all those of the same class, as listed below. Neither the Diocese of Colorado Springs nor the responsible parish church will become an involved party to resolve ongoing family disputes.

2. Persons authorized to issue interment or inurnment authorizations are: the lot holder; party to whom plot is willed; children of decedents; father, mother, brothers, sisters or their descendants; a wife, husband, grandfather, grandmother, uncles, aunts. If none of the above persons remain, then the lawful representative of the decedent’s estate.

   A. Except as limited in #1 above, the authorized person granting interment or inurnment authorization, certifies that he/she has authority to do so and thereby holds the cemetery, the Diocese of Colorado Springs, the responsible parish church, its agents, volunteer representatives and employees harmless from any damages arising from an improper authorization. This shall include attorneys fees incurred in defense of any lawsuit based on an improper authorization to inter.

   B. In accordance with State of Colorado law (C.R.S. 12-12-116), after a period of 75 years since the last recorded activity on a burial site, if there is no expressed interest in the plot, site or space by the owner or surviving family members, after a reasonable search and inability to communicate with the owner and/or heirs, the Right of Sepulture shall revert back to the responsible cemetery.

Funerals:

1. Funerals and the interment or inurnment of the remains of deceased members of the faithful are to be conducted according to prescribed universal and particular Church rituals and norms.

2. All funerals, on reaching the cemetery, come under the jurisdiction of the responsible parish church’s pastor. It is the responsibility of the funeral director, in collaboration with the parish’s leadership or designated representative(s), to properly identify and arrive at the correct gravesite at the pre-arranged time. Parking, routing, traffic direction, graveside services and all other funeral and interment arrangements within the Cemetery boundaries are under the exclusive
jurisdiction of the responsible parish church’s pastor or designated representative(s).

3. In the event of an error in an interment or other matter:

A. If the responsible parish church erred, it reserves the right to correct its error at its own cost with no further liability to any other party.

B. If the error resulted from the order or action of a funeral director, monument dealer, or other party, the cost of rectifying the error and all other liability will be that of the one who caused the error, with no liability upon the part of the cemetery or the responsible parish church.

C. If the lot holder was in error, he/she bears the full responsibility with no liability to the Diocese of Colorado Springs, the cemetery or the responsible parish church.

D. If another person orders an erroneous interment or inurnment through error or deceit, they must bear full responsibility with no liability to the Diocese of Colorado Springs, the cemetery, or the responsible parish church.

General Cemetery Conditions:

1. Maintenance work not covered by the Endowment Fund will be done at the expense of the lot holder or surviving family member(s).

2. Maintenance and repair of all monuments (markers, headstones, etc.) or other adornment on a lot shall be the responsibility of the lot holder and is not a part of the Endowment Fund.

Parish-level Cemetery Policies and Procedures:

The responsible parish church overseeing the cemetery’s day-to-day operations shall establish written procedures, which identify (as a minimum):

1. The burial plot or columbarium niche cost and the location of plot purchases and cemetery related business.

2. The issuance of a service contract and an interment/inurnment certificate or “deed” to a purchaser, granting rights to occupy in the identified Catholic Cemetery, to be provided the purchaser, who agrees to the rules and regulations in force at the time of purchase and which may be amended thereafter as needed.
3. Cemetery visiting and business hours.

4. A maximum number of burials permitted in each plot or niche.

5. Grave opening and closing procedures and responsibilities.

6. Suitable materials and procedures for grave memorial work (e.g., headstone installation; lawn level markers; columbarium stone niche engravings, etc.).

7. Guidelines for flowers and graveside decorations.

8. Requirements and necessary form(s) for Cemetery Lot Transfer Requests.

9. The establishment of and policy and procedures for a parish church’s Cemetery Advisory Committee to advise and assist the pastor and, as appropriate, the cemetery’s representative(s).

The responsible parish church overseeing the cemetery’s day-to-day operations, in accordance with State of Colorado Revised Statute (CRS) 12-12-110, shall keep on file annually (and submit to the diocese’s General Counsel), within three months after the end of its fiscal year, a written report setting forth:

1. The total amount deposited in the endowment care fund, listed separately the total amounts paid for endowment of grace spaces, for niches, and for crypts, in accordance with the provisions of CRS 12-12-109;

2. The total amount of endowment care funds invested in each of the investments authorized by law and the amount of cash on hand not invested;

3. Any other facts necessary to show the actual financial condition of the fund; and

4. The total number of interments and entombments for the preceding year.
CATHOLIC CEMETERY DEFINITIONS

Burial: Interment of human remains in the earth.

Catholic Cemetery: A place dedicated by the Bishop for the burial of the faithful and others for the religious and charitable purposes of the Catholic Church.

Cemetery Authority: A lawfully established Cemetery Corporation and the responsible parish church’s pastor and any appointed representative(s) who assist him with the day-to-day operations and maintenance of the cemetery. Ultimately, the Bishop of the Diocese of Colorado Springs (or his appointed representative(s)) remains the sole authority and decision maker of any question of interpretation of application of Canon Law and these Cemetery Policy and Procedures. Additionally, the Pastor of the responsible parish is the sole authority of any question or interpretation of the application of the parish-level procedures.

Columbarium: A vault with niches for urns containing ashes of the dead.

Cremation: The reduction of human remains by fire.

Double Burial: An interment or inurnment, which contains two remains in one space.

Endowed Care: A Restricted or Endowment Fund is to be established by the responsible parish solely for the Catholic Cemetery to which the lot holders’ purchase monies is to be “held-in-trust” and used for the cemetery’s general care and upkeep. The funds in this account are to be “restricted” and cannot be used for purposes outside the parish’s responsibilities for the cemetery’s maintenance upkeep and care operations.

Interment: The committal of human remains in their final resting place by casket in the ground, cremains in the ground, or cremains above the ground in a columbarium niche.

Inurnment: Placing cremated remains in a below ground lot or a columbarium niche.

Lot or Plot: A burial space of one or more plots.

Lot Holder: The person(s) who were the original plot(s) purchaser or their heirs who have a legal right to authorize an interment or inurnment.

Marker: A small memorial for one or more graves. A lawn level marker is set between 1-2 inches with the level of the ground.

Niche: A small crypt for the inurnment of human cremated remains.

Right of Sepulture (or “deed”): An issued document bestowing to a plot purchaser at the time of sale; the authority to inter the remains or inurn cremated cremains of a deceased human person in a particular burial place, so named/identified in the document to the plot purchaser (so named on the “deed”) or their surviving heirs.