

**R.I. DEPARTMENT OF HUMAN SERVICES
VETERANS AFFAIRS**

Veterans Memorial Cemetery

**General
Rules and Regulations**

January 2001

(Revised December, 2002)

Section 14 of Rhode Island General Law, Title 30, Chapter 25, entitled Burial of Veterans establishes the legal base 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 director 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 the successful operation thereof.

In compliance with the statutory charge contained in 30-25-14, the following rules and regulations have been adopted pursuant to the provisions of the Administrative Procedures Act, RIGL 42-35-1 et seq. These rules and regulations governing the R.I. Veterans Memorial Cemetery are the official policy for the administration of the RIVMC by the Department of Human Services, Division of Veterans Affairs.

I. PURPOSE

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

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

II. LOCATION

The cemetery is located next to the former Joseph H. Ladd School on a 346-acre site in Exeter, Rhode Island. Its address is 301 South County Trail (Route 2), Exeter, R.I. 02822-9712.

III. RESERVATIONS OF SPACE AND SPECIAL GRAVE SITES

The administrator for the Rhode Island Veterans Memorial Cemetery shall assign a gravesite for the eligible veteran or family member only at the time of interment. This policy is required for the efficient operation of the cemetery and for the safety of all personnel who may work near an open gravesite.

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- 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 Department of Veteran's Affairs. The selection of gravesites is made by the cemetery officials.
- 2) One gravesite is authorized for the interment of all eligible 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 continue to honor reservations made prior to 1 January 2003. When a death occurs and the eligibility for interment in the RIVMC is determined, the gravesite will then be assigned by the cemetery administrator.
- 4) Burial niches will be utilized for all cremated remains. However, if an eligible veteran of 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.
- 5) Any exceptions to this policy will require the approval of the Director of the Rhode Island Department of Human Services.

IV. SUPERVISION OF CEMETERY

Overall supervision of the cemetery is vested in the Department of Human Services, Division of Veterans Affairs. Its 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.

V. CEMETERY RESPONSIBILITIES

The Associate Director of the Division of Veterans Affairs or his/her agent reserves, and shall have, the right to correct any errors that may be made by the RIVMC, either in making interments or disinterments, or in setting grave markers, and reserves the right to correct any errors in its official records of interments and graves.

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These rules and regulations are designed for the protection of the public and 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.

VI. PERSONS ELIGIBLE FOR BURIAL

A. VETERANS

1. Veterans of United States Armed Forces honorably discharged, who either:
 - a. Entered the service while a resident of Rhode Island, or
 - b. Was a resident of Rhode Island for a minimum of two years.

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.

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.

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.

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.

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:

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Spanish American War Philippine Insurrection	April 21, 1898 - November 11, 1902
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 22, 1961 - May 7, 1975
Persian Gulf War	August 2, 1990

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

B. ELIGIBLE DEPENDENTS

1. Lawful spouses of eligible veterans, provided that the veteran agrees to reservation requirements.

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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 children, from the age of 18 years up to the age of 22 years, 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. Such other persons or classes of persons as may be designated by the Department of Human Services Division of Veterans Services.

C. INELIGIBLE PERSONS

1. A father, mother, brother, sister, or in-law of an eligible veteran is not entitled to interment at the RIVMC, even though he or she was dependent upon the veteran for support and/or was a member of the veteran's household.
2. Former or subsequent wives or husbands of the eligible veteran if one wife or husband of the veterans has been interred at the RIVMC.
3. Any person convicted of a crime which results in loss of U.S. 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 15 years imprisonment, is not eligible for burial in 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 is terminated honorably by death by honorable discharge becomes eligible for burial at the RIVMC.

VII. GENERAL CEMETERY RULES

1. The cemetery will be open to the public each day of the week from sunrise to sunset.

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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.

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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.

VIII. POLICIES FOR ARRANGING AN INTERMENT

A) GENERAL POLICIES:

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. Grave side burial services are allowed, provided 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 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

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only when the veteran certifies that the veteran will be buried in an assigned grave site. Conversely, reservations for the burial of eligible 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. Interments are scheduled from 9:00 a.m. to 2:00 p.m., Monday through Friday and Saturday, 9:00 a.m. to 11:00 a.m. All interments are scheduled through the RIVMC office.

a) Saturday Interments:

There will be no more than four (4) interments in the Rhode Island Veterans Memorial Cemetery on any given Saturday except as set forth in subrule IX (E) under Exclusions and Limits of this Policy.

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.
3. Exceptions: 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.

8. Holiday interments are not permitted.

9. Sunday interments may be scheduled when required by the religious faith of the eligible veteran or dependent

IX. GENERAL PROCEDURES ON DISINTERMENTS

Disinterment and removal of remains in the RIVMC for re-interment in another location within the cemetery or to be transferred for re-interment in another cemetery, is not permitted except as provided for in this section.

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A) Procedures for making requests. Requests for disinterment and removal of remains shall be made to the Director of the Department of Human Services (DHS), or the director's designee, using an application approved for such purposes by DHS. As specified in section IX (C), the nature of the request and the responsibilities of both 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.

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;
 - 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 IX (C);
 - c) The location of the re-interment of the decedent's remains, whether in the RIVMC or another cemetery in accordance with subsection IX(C) of this section; 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 immediate family members means a person related by blood or marriage including any spouse, children, siblings and parents.
 - b) The Department reserves the discretion to consider an order from a court of competent jurisdiction if the required consent of living immediate relatives

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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 Re-Interment Location:

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

- 1) Re-interment in the RIVMC. When a request is approved to move a decedent's remains to another location in the RIVMC, the DHS is 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, or 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 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 administrator of the RIVMC; and
 - b) Cooperating with the RIVMC, to the extent necessary, in complying with any applicable regulations set by the DHS or any other federal, state, or local governing authority.
- 2) Disinterment and Transfer. When the decedent's remains are to be transferred for re-interment in a cemetery other than the RIVMC, the DHS is responsible only for opening the grave to two feet below the ground surface. Upon making the request for disinterment of remains for transfer, the applicant, or 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

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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 60 days from the receipt of the required forms, the Director or 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 DHS shall not be held liable in anyway for the condition of the decedent's remains once disinterred. In addition, the 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 IX(C) (1), or such services that may be required to transfer the decedent's remains for re-interment in another cemetery other than as specified explicitly in subsection IX (C) (2) b of this rule.

2) Scheduling:

RIVMC 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 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.

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F) Gifts and Memorials:

As is specified in R.I.G.L Chapter 30-24-6, the Director 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 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.

X. PROCEDURES TO ARRANGE A DISINTERMENT

1. Any person desiring 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.
2. The next of kin desiring to have the remains of a person disinterred from one grave site in the RIVMC for reinterment in another grave site at the RIVMC shall be required to sign the request of reinterment forms.

XI. MEMORIALS AND MONUMENTS

1. 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.
2. The names of the interred veterans may be inscribed on the Ceremonial and Commemorative Plaza. Fees for the inscription of names are available at the RIVMC office.
3. Monuments to commemorate veterans of specific campaigns must be planned in advance of construction with the RIVMC. The complete policy and procedures are found in RIVMC Policy No: 1.10.030.

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

For further information, call the administrative offices

TELEPHONE: (401) 884--7482

Monday-Friday 8:30 a.m. - 4:00 p.m.

Revised December, 2002