



## GENERAL DECREE

### PARTICULAR LAW FOR CATHOLIC CEMETERIES

Due to the inherent dignity of the human person, the remains of all deceased persons must be interred in an appropriate place and with great respect. “Following the most ancient Christian tradition, the Church insistently recommends that the bodies of the deceased be buried in cemeteries or other sacred places.”<sup>1</sup> For this reason, Catholic churches have often established cemeteries for the burial of the faithful.

Though for many years there were only two Catholic cemeteries in the territory of this Diocese, viz., Calvary Cemetery in Memphis and Mount Calvary Cemetery in Jackson, in more recent years, another diocesan cemetery was established, All Saints Cemetery in Memphis, and several parochial columbaria have been erected.

The increasing number of requests for a parochial columbarium necessitates updated norms for columbaria. “The Church continues to prefer the practice of burying the bodies of the deceased, because this shows a greater esteem towards the deceased;”<sup>2</sup> nevertheless, she does not prohibit cremation “unless it was chosen for reasons contrary to Christian doctrine.”<sup>3</sup> Cremated remains must be shown the same respect as a body. A parish columbarium is *ipso facto* a parochial cemetery.

In light of the increased number of cemeteries and the current review of particular law that I have undertaken in the Diocese, I believe this to be an opportune time to promulgate particular law for all Catholic cemeteries in the Diocese. THEREFORE, in accordance with c. 1243, having heard those

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<sup>1</sup> CONGREGATION FOR THE DOCTRINE OF THE FAITH, Instruction regarding the burial of the deceased and the conservation of the ashes in the case of cremation *Ad resurgendum cum Christo*, 15 August 2016, n. 3, in *AAS*, 108 (2016), 1289, translation from the Vatican website at [www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_20160815\\_ad-resurgendum-cum-christo\\_en.html#\\_ftn4](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20160815_ad-resurgendum-cum-christo_en.html#_ftn4). See also *CIC*, c. 1176 §3, c. 1205; *CCEO*, c. 876 §3, c. 868.

<sup>2</sup> CDF, *Ad resurgendum cum Christo*, n. 4, 1291. “By burying the bodies of the faithful, the Church confirms her faith in the resurrection of the body and intends to show the great dignity of the human body as an integral part of the human person whose body forms part of their identity. [...] Furthermore, burial in a cemetery or another sacred place adequately corresponds to the piety and respect owed to the bodies of the faithful departed who through Baptism have become temples of the Holy Spirit and in which ‘as instruments and vessels the Spirit has carried out so many good works’” (*Ibid.*, n. 3, 1290; quote from ST. AUGUSTINE, *De cura pro mortuis gerenda*, 3, 5).

<sup>3</sup> *CIC*, 1176 §3; *CCEO*, c. 876 §3.

who will be affected by these norms, I decree the following as particular law (cf. c. 29) governing Catholic cemeteries, both diocesan and parochial, in the Diocese of Memphis in Tennessee.

**Article 1.** General Norms

- §1. The following norms apply to all Catholic cemeteries in the Diocese of Memphis in Tennessee, including parochial cemeteries.
- §2. The area where a columbarium is located is *ipso facto* a cemetery; therefore, all references to cemeteries in these norms applies also to the area where a columbarium is located, unless the very nature of the matter implies otherwise.

**Article 2.** Designation of Property for Parochial Cemeteries

Parishes can have their own parochial cemetery (c. 1241, §1); however, the designation of parochial property for a cemetery must receive the prior written approval of the local ordinary.

**Article 3.** Civil Laws

All civil laws related to interment, cemeteries, and columbaria are to be carefully observed.

**Article 4.** Definition

In these norms, references to “interment” are understood to apply to burial, entombment, and inurnment.

**Article 5.** Interment and Related Fees

- §1. The cost of the purchase of a lot, grave, crypt, or niche and all interment fees must be paid in full before burial, entombment, or inurnment can take place.
- §2. The opening and closing of graves, crypts, or niches shall be conducted only by the staff of the cemetery or those whom the cemetery staff authorizes.

**Article 6.** Interment Rights and Deeds

- §1. The purchase of interment rights is not a purchase of real estate or real property. Purchase of interment rights accords the purchaser only the right to interment of human remains and the installation of approved monuments, markers, and inscriptions.

§2. A deed of interment rights is to be issued only after a purchase contract has been completed, signed, and accepted by the cemetery director (see art. 12 below) and all fees have been paid in full.

**Article 7. Sale, Transfer, and Return of Deeds**

§1. If a lot or niche has not yet been used, the deed holder has the option of selling the deed, transferring the deed to another, or returning the deed to the cemetery.

§2. Resale, transfer, or return of a deed is to be accomplished only in accordance with the rules/procedure established in the cemetery's handbook and/or the Columbarium Inurnment Agreement.

**Article 8. Disinterment**

The disinterment of human remains must be done only for serious reasons and always in accordance with the requirements of civil law.

**Article 9. Monuments, Headstone, and Memorials**

§1. Monuments, headstones, markers, and memorials of any kind shall not be placed on a lot or grave until all fees have been paid and their design expressly approved by the cemetery director.

§2. Monuments, headstones, markers, and memorials of any kind shall not be altered without the prior express consent of the cemetery director.

**Article 10. Contractors**

§1. Contractors who perform work in a Catholic cemetery must have proof of liability insurance and a workman's compensation certificate on file with the cemetery before work commences.

**Article 11. Perpetual Care Fund/Endowment**

§1. Every cemetery must have a separate account and/or endowment, called the Perpetual Care Fund/Endowment, for the sake of cemetery maintenance.

§2. The perpetual care fund is subject to the same regulations as other parish accounts.

§3. A percentage of every sale of rights of interment shall be deposited in the Perpetual Care Fund/Endowment.

§4. The funds in the Perpetual Care Fund and/or the interest earned from a Perpetual Care Endowment may be used for:

- 1° routine maintenance of the cemetery;
- 2° floral arrangements and seasonal decorations, as deemed appropriate;
- 3° inscription and installation of engraved plaques on columbarium niches following inurnment;
- 4° insurance, as required;
- 5° future additions, modifications, and repairs to the cemetery and columbaria; and
- 6° other uses at the trustees' discretion (see Article 15), subject to the approval of the pastor.

§5. The care of a parochial cemetery shall not be dependent on parochial funds except for the cemetery's Perpetual Care Fund and funds raised specifically for the cemetery.

§6. A report on the Perpetual Care Fund is to be submitted to the diocesan chief financial officer at the end of every fiscal year.

**Article 12. Cemetery Directors**

§1. The Director of Diocesan Cemeteries is appointed by the diocesan bishop to oversee and maintain all diocesan cemeteries.

§2. The director of a parochial cemetery is understood to be the pastor of the parish, unless he has designated someone else for this office.

**Article 13. Cemetery Visitation**

§1. The Director of Diocesan Cemeteries also has the authority to visit and inspect parochial cemeteries and their records.

§2. The Director should visit each parochial cemetery about once a year to verify the cemetery is properly cared for and that ecclesiastical laws are properly observed.

§3. Any deficiencies in care for a cemetery or the observance of ecclesiastical laws are to be reported to the local ordinary.

**Article 14. Cemetery Trustees**

§1. Every parish that has a parish cemetery/columbarium must have trustees who assist the pastor and are responsible for the care and administration of the cemetery.

§2. The trustees shall be at least three, but no more than five, registered parishioners.

§3. The finance council chair is an *ex officio* member.

§4. Other members are appointed by the pastor.

## **Article 15. Responsibilities of the Cemetery Trustees**

The cemetery trustees are responsible for the following:

- 1° assisting the pastor in the formulation and emendation of any policies, rules, and instructions for a cemetery/columbarium;
- 2° assisting the pastor in composing and publishing the cemetery handbook;
- 3° assisting the pastor in ensuring the observance of the provisions in the Columbarium Inurnment Agreement;
- 4° maintaining administrative records for the cemetery;
- 5° maintaining the Perpetual Care Fund/Endowment;
- 6° overseeing future additions, modifications, and repairs of cemetery property and columbaria and their environs;
- 7° making recommendations to the parish Pastor on the proper care and management of the cemetery/columbarium and its environs; and
- 8° preparing a yearly financial report to be submitted to the diocesan chief financial officer and the Director of Cemeteries.

## **Article 16. Cemetery Regulations and Handbooks**

§1. Cemetery directors are to establish policies, procedures, and instructions for a cemetery and its operation. Any rule, procedure, or instruction that is contrary to ecclesiastical law is invalid and does not bind.

§2. The Director of Diocesan Cemeteries shall publish a handbook for diocesan cemeteries that includes all policies, procedures, and instructions for the cemetery and its operation.

§3. The handbook for diocesan cemeteries shall serve as a model for the handbooks of parochial cemeteries.

§4. The director of a parochial cemetery, having heard the trustees, shall publish a handbook containing the policies, procedures, and instructions for the parochial cemetery.

**Article 17.** Interment Records

All Catholic cemeteries must forward to the Office of Catholic Cemeteries a list of all persons interred in the cemetery every quarter. The list should include names, dates of birth, dates of death, dates of interment, and location in the cemetery.

**Article 18.** Cremated Remains

The scattering of cremated remains is forbidden on the grounds of a Catholic cemetery.

**Article 19.** Columbaria

- §1. No Catholic institution that is subject to the local ordinary may build or operate a columbarium for the interment of cremated human remains except a parish, a religious institute, or a diocesan cemetery.
- §2. A columbarium shall not be located within a church (see c. 1242).
- §3. A columbarium shall not be moved or relocated without the written permission of the local ordinary.
- §4. Those parishes that have a parish cemetery that can only accommodate cremated remains shall not expand a columbarium or build additional columbaria without the written consent of the local ordinary.

**Article 20.** Inurnment

- §1. No cremated remains may be inurned in any niche except for persons listed on a valid Columbarium Inurnment Agreement, unless otherwise approved by the cemetery director.
- §2. Ordinarily, the cremains of only one person may be inurned in a niche.
- §3. The cremated remains of a married couple may be inurned in the same niche only if their marriage was contracted in accord with the law of the Catholic Church; however, the inurnment of the cremated remains of one spouse may not be delayed so that both inurnments occur simultaneously. Furthermore, their remains may not be commingled in one urn.
- §4. Placing the cremated remains of an animal in a columbarium is prohibited.

**Article 21. Inurnment Fees**

- §1. A reasonable fee is to be charged for the purchase of inurnment rights. Such a fee should include the costs directly associated with inurnment, the inscription of names and dates on the niche, and the perpetual care of the cemetery.
- §2. Having heard the trustees, the director may change the inurnment fee.
- §3. In particular cases, having heard the trustees, the pastor may waive the fee for inurnment rights in whole or in part.

**Article 22. Removal of Cremated Remains**

- §1. Cremated remains remain the property of the family or estate of the deceased.
- §2. If the survivors wish to remove any cremated remains, the written approval of the cemetery director shall be required.
- §3. In the case of removal, the rights to the niche will revert to the cemetery, and there shall be no refund or other compensation due to the family or estate.

**Article 23. Columbarium Inurnment Agreements**

- §1. No cremated remains may be inurned in a columbarium unless a Columbarium Inurnment Agreement has been signed by the responsible party.
- §2. To avoid potential civil litigation, all parochial cemeteries must use the approved Columbarium Inurnment Agreement provided by the Director of Catholic Cemeteries. Changes to the approved Agreement or use of a different agreement for a particular parish must be approved in writing by the local ordinary for validity.
- §3. A Columbarium Inurnment Agreement is invalid if not signed by the pastor, a trustee, or another cleric assigned to the parish.

**Article 24. Relocating a Columbarium**

If there are serious reasons for relocating a parochial columbarium, the cemetery director and trustees shall undertake all reasonable efforts to inform niche holders in advance and make all necessary arrangements for the temporary and respectful removal and safekeeping of cremated remains until the columbarium is re-established in its new location.

**Article 25.****Closing of a Church with a Parochial Cemetery**

If a columbarium is located near a parish church (or the subsidiary church of a parish) and the church is permanently closed and relegated to profane but not sordid use (see cc. 1212, 1222), the cremated remains inurned in the columbarium may be (in order of priority):

- 1º moved to another columbarium owned by the parish; or
- 2º returned to those who purchased the right of inurnment (or their family or legal representative) for burial elsewhere; or
- 3º moved to a columbarium at a diocesan cemetery.

This decree is to be published on the diocesan website and enters into force on July 1, 2026.

All contrary diocesan laws and customs are hereby revoked.

Given at the Chancery in Memphis, under my sign and seal and the countersignature of my Chancellor, on the 19<sup>th</sup> of February 2026



Most Rev. David P. Talley, M.S.W., J.C.D.  
Bishop of Memphis in Tennessee

Very Rev. James M. Clark, J.C.D, Ph.D., J.V.  
Chancellor