

Trustees address burial rules

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HOLLIS – Years back, burying a family member was as easy as calling the cemetery trustees.

It didn't matter if cemetery records were incomplete or if family relationships had changed following remarriage or the addition of stepchildren.

Nor were there other concerns, such as a shortage of space.

It's different today.

Under a 2002 state law, RSA 290:24, towns and cities must require proof of ownership of a plot, whenever ownership is in question.

That means if John Doe owns a lot with two spaces but decides before his death not to be buried there, one of his five children needs legal permission to have the plot.

"If there are five kids, two marriages, and one of the kids wants to bury a sister there, now we have a problem," said Terry Knowles, assistant director of the attorney general's Charitable Trust unit.

Knowles and retired probate Judge John Maher helped write the law which states that if cemetery records don't support ownership of a burial space, the family must provide a will or other notarized document showing who gets to be buried where.

The state Legislature passed the law in response to constituent complaints.

"There were literally anecdotes of family members screaming over open graves about who owned the plot while the casket was sitting there," said Terry Knowles.

It didn't appear to be a problem in Hollis, however, and until two years ago, cemetery trustees were unaware of the law.

"The town relied on, 'This is the way it's always been,'" said Administrative Assistant Kim Dogherty.

Dogherty, who joined the cemetery trustees in January 2010, said the issue might have surfaced sooner were it not for the relatively few burials that take place in the town's cemeteries every year.

"We have roughly eight a year and we're not running out of space in Hollis," Dogherty said.

Still, officials worried that unless they informed the community, the law could force a bereaved family to wait to bury a loved one until after making a trip to probate court.

"We're trying to get the word out there so we never have to deny a burial at the time of need," Dogherty said. "It's going to be devastating to the first family we do it to."

Recently, officials asked the town's attorney to draft a document that explains how the law works, and Dogherty said she's been informing everyone who calls her "for other reasons" such as an address change or to check a plot number.

"You have to have the conversation before that moment," she said.

Knowles, of the Attorney General's office, said the message to the public is this: When cemetery records don't support a claim, a family member must obtain a legal document.

"We're a small town and it's not always the best way to handle matters in a small town," Dogherty added. But "the town's hands are tied, and it affects a lot of people."

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