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Expertise

Funeral Law. Having written a 640-page book on funeral law for consumers with state-by-state information, I am very conversant with consumer rights in this regard: What are the laws on disposition of cremated remains? Is embalming required? Do I have to use a funeral home? Can I have a home wake? Is it a state law to buy a vault? I prepaid for a funeral but changed my mind. They won't give me all my money back. What can I do? . . . etc.

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Topic: [Funerals](#)

Expert: [Lisa Carlson](#)

Date: 1/1/2008

Subject: Ohio Law & Burial on Private Property

Question

I am in Stark County Ohio, Paris Township, basically in the country. Due to cancer at 37 years old I am having to make arrangements now. My wishes are to be buried either in a shroud or a pine box on the property that we live on. I do not want to be embalmed but would like the 3 day wake where I reside at the house (Jewish custom of sorts) then am buried in a shroud - basically in the back yard. We have an option consideration with the owners of the property and my husband will eventually get a loan and buy. The landlords are fine with my wishes. I need to make sure that there will be no problems from police, coroner, etc. I plan on having hospice involved as well. What advice can you give me about my wishes and Ohio Burial Laws and how can I make sure my wishes are acted out as I have stated?

Answer

Certainly the home funeral and wake should be easily managed. Go to the library and get my book, "Caring for the Dead: Your Final Act of Love." There's an Ohio chapter plus other practical information. Be sure that doctors and hospice know of your wishes and plans ahead of time. If this hasn't happened in your area before, you may have to educate them about the laws and your rights.

As for the actual burial, you say you are in the "country" but you also mention "back yard." If this is suburban property of say less than an acre, the township is not likely to look too kindly on a family cemetery. If the property is larger than that and outside the village area, then there should be no problem. Draw a map of the land showing where the family cemetery will be. Make sure it's 150 feet from any water supply and 25 ft. from a power line or neighbor's boundary. These are just good guidelines, not Ohio law. Then have your landlord pay to have it recorded with the deed. Should be only a modest fee, maybe \$20. That should "establish" the cemetery. This is not dictated in the statutes, but is simply a practical way to set it up.

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