

Disinterment Timeline (procedure defined in OCL 127.6-7):

Request is made to the Oneida Judiciary to issue an order for disinterment from a tribal cemetery by one of the following persons: surviving spouse of the deceased, adult child of the deceased, parent of the deceased, adult sibling of the deceased, or guardian of the person of the deceased at the time of the deceased's death.



Requestor shall notify the Oneida Enrollment Department and all individuals of the same or a higher priority of the request to issue an order of disinterment.



Individuals provided notice may file an objection with the Oneida Judiciary within five (5) business days of the notification or may present an objection at the hearing.



The court shall issue an order within ten (10) calendar days after the hearing. The court may, for good cause, extend the time for an order to be issued for an additional ten (10) calendar days.



An appeal of an order issued shall be filed with the Clerk of the Appellate Court within five (5) business days after the order is issued.



If no appeal of an order issued is filed, disinterment shall take place within sixty (60) days after the deadline for filing an appeal has passed.



If an appeal is filed, disinterment shall take place within sixty (60) days after the final judgment has been issued.



Following disinterment, the remains of the deceased person shall be reinterred or cremated within forty-eight (48) hours of disinterment.



Petitioner shall file Verification of Reinterment/Cremation with the Oneida Judiciary.