

**INSTRUCTIONS FOR FILING A PETITION TO OBTAIN AN ORDER
FOR DISINTERMENT**

1. Complete and sign the Notice of Intent and Petition to Obtain an Order for Disinterment. **Be sure to sign in front of a notary public so that your signature can be notarized.**
2. Take the following forms with you to the Clerk's office at 2630 W. Mason St., Green Bay, WI 54303 along with your \$50.00 filing fee:
 - a. Signed Notice of Intent and Petition to Obtain an Order for Disinterment;
 - b. A copy of the Signed Notice of Intent and Petition to Obtain an Order for Disinterment;
 - c. Two copies of the Individuals Entitled to Notice form; and
 - d. Two copies of the Notice of Hearing form.
3. The Clerk will look over your papers and fill in the case number and Notice of Hearing.
4. After you file the Notice of Intent and Petition to Obtain an Order for Disinterment, you are responsible for serving a copy of the Notice of Intent and Petition to Obtain an Order for Disinterment and the Notice of Hearing on the Oneida Enrollment Department and all individuals of the same or a higher priority pursuant to OCL 127.6-7(a)(1)-(5).
 - a. You are responsible for making copies of the court papers to serve on those entitled to notice.
 - b. Serving a person means delivering the court papers to them in person. Service may be made by any law enforcement officer or other person, not a party, who is at least 18 years of age. **You may not deliver the court papers yourself!**
 - c. The person serving the Notice of Intent and Petition to Obtain an Order for Disinterment and the Notice of Hearing must complete an Affidavit of Service which is included in this packet (you will have to make copies of this document if multiple people are required to be noticed). The Affidavit of Service must be returned to the Clerk's office.
5. If personal service is not possible, you may mail the Notice of Intent and Petition to Obtain an Order for Disinterment and the Notice of Hearing to those entitled to notice via certified mail with return receipt requested. If you complete service by certified mail, you must file the certified return receipt (green card) showing the date of delivery with the Clerk.
6. If personal service and mail service are not possible, you may ask the Court to permit service by publication.

Any questions, call the Clerk of Court at 920-496-7200.

ONEIDA TRIAL COURT

DISINTERMENT OF _____, DECEASED

Case No. _____

**NOTICE OF INTENT AND PETITION
TO OBTAIN AN ORDER FOR DISINTERMENT**

1. Petitioner's information:

Name: _____

Address: _____

Phone: _____

2. Relationship to the deceased (In order of priority):

- 1. Surviving spouse
- 2. Adult child of the deceased
- 3. Parent of deceased
- 4. Adult sibling of the deceased
- 5. Guardian of the deceased at time of his or her death

3. Individuals of the same or higher priority entitled to notice (see attached form).

4. Reason for the request to disinter (please explain why you are making request for the body of the deceased to be disinterred):

5. What are your plans for the body for once it is disinterred? (explain if any testing, inspection, and/or transportation of the body is being requested):

6. Please address the following factors:

a. How did the deceased die?:

b. Would disinterment create a public health risk?:

c. What are the decedent's wishes, if known?:

d. Has any other order for disinterment been issued?: If yes, from where?:

e. Have any permits been obtained?:

7. Plan for reinterment (what is your plan for the body to be re-buried, cremated or otherwise disposed of):

Place of planned reinterment: _____

8. NOTICE: ANY OBJECTIONS TO THIS PROPOSED DISINTERMENT SHALL BE FILED WITHIN FIVE BUSINESS DAYS OF RECEIPT OF THIS PETITION OR AT THE HEARING ON THE PETITION.

Dated this ____ day of _____, 20__

Petitioner

Signed and sworn before me
This _____ day of _____, 20__

NOTARY PUBLIC
My commission expires: _____

ONEIDA TRIAL COURT

DISINTERMENT OF _____, DECEASED

Case No. _____

INDIVIDUALS ENTITLED TO NOTICE

Pursuant to OCL 127.6-7(b), the requestor shall notify all individuals of the same or a higher priority of his or her intent to request the Tribe’s judicial system to issue an order of disinterment. For example, if the requestor is an adult sibling of the deceased (fourth priority) he or she shall notice any other adult siblings of the deceased (fourth priority), the parents of the deceased (third priority), the adult children of the deceased (second priority), and the surviving spouse of the deceased (first priority).

The following are all persons entitled to notice of this matter pursuant to OCL 127.6-7(b):

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE NO.</u>
Enrollment Department	210 Elm Street, Oneida WI 54155	(920) 869-6200

See attached

ONEIDA TRIAL COURT

DISINTERMENT OF _____, DECEASED

Case No. _____

NOTICE OF HEARING

A request has been filed in this Court to disinter the remains of the Decedent. The request is attached to this notice. The hearing on the request will be heard as follows:

Date: _____ Time: _____ Location: 2630 W. Mason Street, Green Bay, WI 54303

- You have the right to file an objection to the request for an order of disinterment with the Oneida Judiciary within five (5) business days of this notification.
- You have the right to be present at the hearing. You may object to the request at the hearing.

BY THE CLERK:

Signature (Clerk)

Date

