

Frequently Asked Questions About Gravesites in Rhode Island

What is a gravesite?

Gravesites are often called cemeteries but can also be burying grounds, burial grounds, bone yards or graveyards.

Does Rhode Island have laws that protect burial sites?

1. It is against the law to disturb the ground within 25 feet of a cemetery without permission from the town.
2. It is a felony (Rhode Island General Law 11-41-32, Rhode Island General Law 23-18-11) to remove or destroy gravestones from a cemetery without the permission of the town.
3. It is a felony (Rhode Island General Law 11-41-32, the Leona Kelley Act) to remove fencing or stone walls around a cemetery without the permission of the town.
4. State cemetery laws apply to public and privately owned burial sites.
5. If you wish to subdivide a property that contains a cemetery, the 25 ft. buffer may affect any plan.
6. Guidance for subdividing property can be requested from the RI Historical Preservation and Heritage Commission. At this time the contact person is Charlotte Taylor (charlotte.taylor@preservtaion.ri.gov)

Is there a place to find out where someone is buried? *

1. The Rhode Island Historic Cemetery Commission website, rihistoriccemeteries.org, contains an online database documenting with many burials in Rhode Island.
2. ["Find A Grave"](#) has individual burial information.
3. Local historical societies may have additional information.
4. Funeral homes are a potential source of information especially if you know the date of the death or burial
5. Active cemeteries should have records of previous burials in their site.

****Not all burial information for Rhode Island is complete or accurate.***

Are there rules about visiting burial sites?

1. Yes. Active cemeteries often post rules for visitors to follow.
2. Rhode Island has many burial sites located on privately owned property. To visit these sites, you must get the permission of the owner of the land. It doesn't matter if your family is buried on the site, the current owner must grant permission for you to visit.
3. Some burial sites on private property have a public right-of-way. This allows members of the public to visit the site. Check plat maps at the Townhall to see if right of way exists; do not assume anything.
4. Always let the homeowner know that you will be planning to go on the property for the purpose of visiting the cemetery.

What should I do if the burial site gates are locked?

1. Look for contact information posted either near the gate or online as to who to contact for entrance to the site.
2. Visit your municipality office for information about the site.

Who takes care of burial sites?

1. There is no state or municipal agency responsible for maintaining historical cemeteries. Local municipalities are only responsible for maintaining burial sites that are publicly owned.
2. Burial sites are owned by companies, municipalities, religious organizations, and individuals. Some sites have no owner of record.
3. Active cemeteries are operated and maintained by companies or organizations.
4. Many historic cemeteries that are no longer active are maintained by volunteers. Contact the RI Cemetery Commission to volunteer to help. (<http://rihistoriccemeteries.org/contact.aspx>)
5. The Rhode Island Cemetery Association is an organization that promotes the best practices in operating cemeteries. They are a valuable resource for cemetery owners looking for assistance.

Can I be buried in an historic burial site?

You can be buried in an historic burial site if you or your family own unused lots in the site or if burial lots are currently being sold, or if granted permission from the owner of record. If there is no owner of record, permission generally comes from the municipality. Most of the time they ask for a familial relationship or your relationship with the land or property. Before anyone can be buried within a historic cemetery, it must be verified that there is no current occupant of that plot, using GPR, intense probing, or sub surface scraping.

What do I need to know about a cemetery on my private property?

1. You may want to examine the property deed to see if the cemetery was reserved from the sale of the property or if a public right-of-way was established.
2. Some deeds to property that include a burial site grant access to the site for the public (public right of way). Common courtesy would be for members of the public to let the owner know about a planned visit prior to arriving on the site.
3. There is no public entity, funds, or staff to help maintain the cemetery. As the property owner you might clear out vegetation, remove trees that endanger grave stones and keep grass mowed. State cemetery regulations do not require you to maintain the site.
4. If you need help or guidance in maintaining the cemetery, contact your county representative to the RI Historic Cemetery Advisory Commission (<http://rihistoriccemeteries.org/members.aspx>) or the local volunteer cemetery group.
5. Gravestone repair should only be done using approved materials and methods. For gravestone conservation, use this link- <http://rihistoriccemeteries.org/PDF/gravestones.pdf>. For information from the Association of Gravestone Studies, use this link- <https://www.gravestonestudies.org/preservation>
6. Get help or review accepted treatment before doing any of work on a gravestone. Damage to stones can be caused by something as simple as being inappropriately cleaned.

What do I do if I just visited a gravesite and have concerns about its condition?

1. The first place to express your concerns would be the owners of the gravesite. Many active cemeteries have offices, but they may not be staffed every day of the week. Look at the office or on the internet for contact information.
2. If you are unable to find contact information for the site you have concerns about, check with your municipality to see if they have information.
3. There is a state cemetery advisory commission. Each region of the state has a representative you could contact to share your concern. The list is linked here- <http://rihistoriccemeteries.org/members.aspx>.

4. Your local state representative or state senator has staff to respond to constituent concerns and could be another potential source of information.

If the company that operates the cemetery is uncooperative, what can be done to encourage them to take action?

1. There are laws guiding how cemeteries conduct their business but concerns about landscaping or gravestone repair are not regulated by laws.
2. If you paid for services, you did not receive, you can take action as you might for any business. Contact the [Rhode Island Attorney General Office, Department of Consumer Protection](#) with your concern.

Do veterans have a right to a free gravestone?

As a veteran benefit, the government will issue a gravestone for members of the armed services. The information is linked here-

<https://www.benefits.gov/benefit/276#:~:text=What%20is%20this%20program%3F,of%20their%20date%20of%20death.>

The Veterans cemetery in Rhode Island is located in Exeter. Their website is linked here-
<https://vets.ri.gov/i-am-find-your-benefits/world-war-ii-korean-war-veteran/ri-veterans-memorial-cemetery>

Who can I contact if a veteran's grave is not flagged for Memorial Day?

RI Veterans Memorial Cemetery
401-268-3088
301 South County Trail
Exeter, Rhode Island 02822-97

What are perpetual care funds and what should they be used for

1. Since 1992 Rhode Island has required 20% from the sale of every grave be saved for the future care of the gravesite.
2. The owner of the site may only use interest earned on these funds to maintain the cemetery.
3. There are no laws stating the proper use of perpetual care funds.

How do I know if a cemetery is financially healthy?

1. Active cemetery operators share financial information with lot owners through reports, newsletters and meetings. You can request a copy of the information from the owner.
2. Active cemeteries are required to file financial information with the IRS using Form 990. These are public records and can be accessed on the IRS Charities and non-profit tax-exempt search linked here-
<https://apps.irs.gov/app/eos/allSearch?page=5&size=25&sort=name,asc>

What is the purpose of The Rhode Island Advisory Commission on Historical Cemeteries?

The commission was created (RI General Law 23-18.3-1) as a permanent advisory commission to study the location, condition, and inventory of historical cemeteries in Rhode Island and to make recommendations relative to historical cemeteries in Rhode Island.

What are the responsibilities of an appointed member of the RIACHC?

1. Commissioners attend quarterly meetings of the commission and represents the county for which they were appointed.
2. Commissioners annually submit a list of cemeteries in the county in need of historic site signage. Assist in getting the signs to the appropriate people for installation.
3. Commissioners serve as a community resource for cemetery related questions.
4. Many members of the state commission serve on local commissions or in friends of cemetery groups. They may perform optional activities in their communities as part of these organizations.
5. Linked here are the members of the commission- <http://rihistoriccemeteries.org/members.aspx>
6. Commissioners are volunteers and are not required to undertake any optional activities. They receive no monetary compensation for their service on behalf of cemeteries.

This document was prepared by members of the RIACHC in 2022-2023.