

STATE OF MICHIGAN  
OAKLAND COUNTY PROBATE COURT

IN RE ALAINA GRACE HOPKINSON

PATRICIA LYNN HOPKINSON-PODINA,

Petitioner,

Case No 2019-391,589-CZ  
Judge Kathleen A. Ryan

v.

JUSTIN ALLEN HINTON,

Respondent.

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There is no other pending or resolved civil action arising out of the  
transaction or occurrence alleged in this Complaint.

**VERIFIED EMERGENCY PETITION TO RESOLVE  
DISAGREEMENT OVER DISPOSITION OF REMAINS**

Plaintiff Patricia Lynn Hopkinson-Podina, through counsel and pursuant to this Court's  
inherent authority and § 3207(1) of the Estates and Protected Individuals Code (EPIC), MCL  
700.3207(1), petitions the Court on an emergency basis to resolve a disagreement with Respondent

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Justin Allen Hinton over the disposition of the cremated remains of their minor child, Alaina Grace Hopkinson. In support, she states:

### **INTRODUCTION**

This matter arises from the tragic death of 17-year-old Alaina Hopkinson on September 28, 2019, while visiting friends at Michigan State University. At the time of Alaina's death, Ms. Hopkinson-Podina had sole legal and physical custody of her.

Alaina throughout her short life had cystic fibrosis, and in keeping with wishes she expressed in her journal, she has been cremated. Ms. Hopkinson-Podina, in accordance with the tenets of the Catholic faith she and Alaina shared and practiced, wishes to have Alaina's ashes interred in their undivided entirety at Guardian Angel Cemetery in Oakland Township, Michigan, following a funeral Mass scheduled for Friday, October 18, 2019 at her parish, Our Lady of the Lakes Catholic Church in Waterford Township. Mr. Hinton objects to that plan, and wishes to take for himself a portion of Alaina's ashes, and further divide them between members of his family. Such a division of ashes is absolutely forbidden by Catholic doctrine, as embodied in canon law and expounded on by a 2016 Vatican Instruction, and Ms. Hopkinson-Podina adamantly opposes it.

Because the parties cannot resolve their dispute, Ms. Hopkinson-Podina petitions this Court for an Order directing that Alaina's ashes be released to her in their entirety and without division, to be interred at Guardian Angel Cemetery or another suitable sacred place of burial or interment.

### **THE PARTIES, JURISDICTION AND VENUE**

1. Petitioner Patricia Hopkinson-Podina is a resident of Oakland County, Michigan. As Alaina's mother, she is a "person with priority" under MCL 700.3206(1) and (3), that is, a

person presumed to have the right and power to make decisions about funeral arrangements and cremation, and the right to retrieve from the funeral establishment and possess Alaina's cremated remains. MCL 700.3206(3)(d)(iii) and MCL 700.3206(1).

2. Respondent Justin Allen Hinton is a resident of Lapeer County, Michigan, and is Alaina's biological father.

3. Jurisdiction in this Court is appropriate under MCL 700.3207(1)(a), which allows a person with priority under MCL 700.3206(1) to petition the court to resolve a disagreement over the possession of cremated remains; *see also* MCL 700.1103(j) ("Court" means the probate court, or, when applicable, the family division of the circuit court"). Venue in this Court is appropriate under MCL 700.3207(2), which directs that this Petition be filed in the county in which Alaina was domiciled at the time of her death, Oakland County.

## **I. Background**

4. Ms. Hopkinson-Podina gave birth to Alaina on November 16, 2001. From shortly after her birth and for the rest of her life, Alaina suffered from cystic fibrosis, a hereditary disease that affects the lungs and digestive system, and which can lead to respiratory failure.

5. Ms. Hopkinson-Podina and Mr. Hinton never married nor cohabitated, and Mr. Hinton is not listed on Alaina's birth certificate.

6. When Ms. Hopkinson-Podina located Mr. Hinton shortly after Alaina's birth, he claimed not to know who Ms. Hopkinson-Podina was. A court-ordered paternity test established him as Alaina's father, though medical staff wrote a letter indicating that he was not to have visitation with Alaina until he attended parenting class, which he never did.

7. Mr. Hinton was not involved with Alaina for much of her life, and attended none of the four annual specialist appointments, more than 60 in all, necessitated by her cystic fibrosis.

8. Ms. Hopkinson-Podina at the time of Alaina's death had sole legal custody of Alaina, who never lived with Mr. Hinton and, for many years, never interacted with him.

## **II. Alaina's death and the instant dispute**

9. Alaina graduated from Clarkston High School in May 2019, and in August she matriculated at Grand Valley State University in Allendale, Michigan.

10. On Saturday, September 28, 2019, while at a tailgate party with friends at MSU in East Lansing, Alaina felt ill and left to lie down in a friend's dorm room. She was found unresponsive later that day and taken to Sparrow Hospital, where she was pronounced dead.

11. In keeping with wishes she had expressed in her journal, Alaina on October 4, 2019 was cremated through the Modetz Funeral Home and Cremation Service – Silverbell Chapel in Orion Township, Oakland County.

12. Though Mr. Hinton originally agreed to allow Alaina's ashes to remain undivided, he now opposes that and the parties have been unable to agree on the disposition of her ashes. Mr. Hinton wishes to take a portion of the ashes for himself, and further divide them among members of his family, while Ms. Hopkinson-Podina vehemently opposes that plan since it is flatly forbidden by Catholic canon law.

13. Modetz Funeral Home on October 4, 2019 was made aware of the parties' disagreement, and agreed to secure and hold Alaina's ashes until the parties reach agreement or the dispute is resolved by this Court.

## **III. Catholic doctrine on cremation and the disposition of cremated remains**

14. From its earliest days and for centuries, the Catholic Church strictly forbade cremation, which was practiced by the predominantly pagan population of Rome, whose religious beliefs included no expectation of eventual resurrection. Cathy Caridi, J.C.L., "What

Does the Church Really Say About Cremation” (Nov. 20, 2014) *available at* <https://canonlawmadeeasy.com/2014/11/20/what-does-the-church-really-say-about-cremation/> (copy attached at **Tab 1**) (accessed Oct. 10, 2019). In the Code of Canon Law in effect from 1917 to 1983, the Church continued its strict prohibition on cremation, and further provided that those who chose to be cremated were to be denied a Christian burial. *Id.*, citing Canon 1203.1 (1917) and Canon 1240.1 no. 5 (1917).

15. Acknowledging that economic and cultural realities had led to changed circumstances, the 1983 revision to the Code of Canon Law dropped the blanket prohibition on cremation. Under current canon law, while “[t]he Church earnestly recommends that the pious custom of burying the bodies of the deceased be observed,” it “does not prohibit cremation unless it was chosen for reasons contrary to Christian doctrine.” Canon 1176.3 (1983), *available at* [http://www.vatican.va/archive/cod-iuris-canonici/eng/documents/cic\\_lib4-cann1166-1190\\_en.html#TITLE\\_III](http://www.vatican.va/archive/cod-iuris-canonici/eng/documents/cic_lib4-cann1166-1190_en.html#TITLE_III) (copy attached at **Tab 2**) (accessed Oct. 10, 2019).

16. In April 1997, the Vatican Congregation for Divine Worship and the Discipline of the Sacraments granted a dispensation, or “indult,” allowing U.S. diocesan bishops to permit the presence of cremated remains of a body at a Funeral Mass. *See* U.S. Conference of Catholic Bishops, “Cremation and the Order of Christian Funerals” (Jan. 2012), *available at* <http://www.usccb.org/prayer-and-worship/bereavement-and-funerals/cremation-and-funerals.cfm> (accessed Oct. 9, 2019) (copy attached at **Tab 3**).

17. In an August 1997 Appendix to the Church’s Order of Christian Funerals, which contains the Rite of Christian Burial that is to be followed worldwide, the Congregation for Divine Worship and the Discipline of the Sacraments gave instructions on the proper handling of cremated remains:

The cremated remains of a body should be treated with the same respect given to the human body from which they come. This includes the use of a worthy vessel to contain the ashes, the manner in which they are carried, the care and attention to appropriate placement and transport, and the final disposition. *The cremated remains should be buried in a grave or entombed in a mausoleum or columbarium. The practice of scattering cremated remains on the sea, from the air, or on the ground, or keeping cremated remains in the home of a relative or friend of the deceased are not the reverent disposition that the Church requires.* Whenever possible, appropriate means for recording with dignity the memory of the deceased should be adopted, such as a plaque or stone which records the name of the deceased. [Appendix, No. 417, quoted in Caridi, *supra*, **Tab 2**, and U.S. Conference of Catholic Bishops, *supra*, **Tab 3** (emphasis added)].

18. In October 2016, the Vatican's Congregation for the Doctrine of the Faith issued the Instruction *Ad resurgendum cum Christo* ("To rise with Christ"), regarding burial of the deceased and the conservation of the ashes in cases of cremation. While reiterating the Church's preference for burial of the body, the Instruction nonetheless provides that when cremation has been chosen for legitimate reasons, "the ashes of the faithful *must be* laid to rest in a sacred place, that is, in a cemetery or, in certain cases, in a church or an area, which has been set aside for this purpose, and so dedicated by the competent ecclesial authority." Congregation for the Doctrine of the Faith, *Ad resurgendum cum Christo* (Oct. 25, 2016), ¶ 5, available at <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2016/10/25/161025c.html> (accessed Oct. 9, 2019), copy attached at **Tab 4** (emphasis added); *see also* Holy See Press Office, "Summary of Bulletin" (Oct. 25, 2016), available at <https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2016/10/25/161025b.html> (accessed Oct. 9, 2019), copy attached at **Tab 5**.

19. The 2016 Instruction also notes that the Church from its earliest times has desired that the faithful departed become objects of the entire Christian community's prayers and remembrance, and that their tombs "become places of prayer, remembrance and reflection." *Id*, **Tab 4**, ¶ 5. Reservation of the ashes in a sacred place ensures that the departed "are not

excluded from the prayers and remembrance of their family or the Christian community,” prevents them “from being forgotten, or their remains from being shown a lack of respect” (the risk of which increases after the present generation passes away), and prevents any superstitious or unfitting practices. *Id.*

20. In light of that, the 2016 Instruction provides that keeping ashes in a domestic residence “is not permitted,” except in “grave and exceptional cases dependent on cultural conditions of a localized nature” where proper approval from ecclesiastical Ordinaries and Councils or Synods is given. *Id.*, ¶ 6. And even where such extraordinary permission has been granted, the Instruction provides unambiguously that “the ashes may not be divided among various family members...” *Id.* (emphasis added).

**COUNT I – REQUEST FOR ORDER DIRECTING RELEASE OF ASHES IN THEIR UNDIVIDED ENTIRETY TO PETITIONER FOR BURIAL OR INTERMENT**

21. The preceding paragraphs are incorporated by reference.

22. At the time of Alaina’s death, Ms. Hopkinson-Podina had sole legal custody of her. Legal custody “is understood to mean decision-making authority as to important decisions affecting the child’s welfare.” *Varran v Granneman*, 312 Mich App 591, 604; 880 NW2d 242 (2015), citing *Grange Ins Co of Mich v Lawrence*, 494 Mich 475, 511; 835 NW2d 363 (2013).

23. Certainly a decision as to whether a child’s remains will be treated in a manner consistent with her religious beliefs is of paramount importance. By virtue of having sole legal custody, Ms. Hopkinson-Podina is fully entitled to make that decision on her own, acting in what she sincerely believes to be Alaina’s best interest. *Varran, supra; see also, Loved and Lost: Breathing Life into the Rights of Noncustodial Parents*, 40 Val U L Rev 267, 294 (2005) (“Generally, the parent who has legal custody of the child retains the right to the child’s body and to make all decisions concerning the interment”).

24. Even if this Court disregards Ms. Hopkinson-Podina's sole legal custody, it should resolve this dispute in her favor and order Alaina's ashes released to her without division.

25. Alaina was baptized and raised Catholic, and actively practiced that faith at the time of her death.

26. Ms. Hopkinson-Podina also was raised Catholic, and is an actively practicing Catholic.

27. As ¶¶ 14-20 above make clear, the Catholic faith, while now allowing cremation, strongly encourages that ashes be laid to rest in a cemetery or other suitable sacred place, and strictly prohibits any division of ashes whatsoever.

28. Consistent with the teachings of her faith and that of her daughter, Ms. Hopkinson-Podina wishes all of Alaina's ashes to remain intact, and not be divided in any way, among anyone, and has made that clear to Mr. Hinton, the funeral home, and everyone else since Alaina's death.

29. Mr. Hinton instead wants not only to take a portion of Alaina's ashes for himself, but to further divide them up and distribute portions to various family members.

30. As a result of the parties' inability to agree, Alaina's ashes remain in the custody of Modetz Funeral Home.

31. Though in her grief immediately following her daughter's sudden and unexpected death, Ms. Hopkinson-Podina expressed the desire to keep all of Alaina's ashes with her, after consulting with clergy and others, she now wants them to be laid to rest in their undivided entirety at a Catholic cemetery.

32. After originally planning to place the ashes at Holy Sepulchre Cemetery in Southfield, Ms. Hopkinson-Podina chose Guardian Angel Cemetery in Oakland Township

because it is located between her home in Oakland County and Mr. Hinton's home in Lapeer County, and thus will facilitate visitation of Alaina's grave site both by herself and by Mr. Hinton, as well as by Alaina's other friends and family. This will ensure Alaina is memorialized by her fellow members of the Christian community, and her grave becomes a "place of prayer, remembrance and reflection." Instruction, *Ad resurgendum cum Christo*, **Tab 4, ¶ 5**.

33. On October 9, 2019, Ms. Hopkinson-Podina through a relative as well as through counsel, conveyed to Mr. Hinton (and his counsel) that she no longer wishes to keep Alaina's ashes at her home. Instead, she wishes for them to be interred at Guardian Angel, in their undivided totality.

34. Despite that, Mr. Hinton continues to insist on receiving a portion of Alaina's ashes for himself, to be further divided among others.

35. Ms. Hopkinson-Podina's position is firmly grounded in precepts of her faith, the free exercise of which is expressly protected by the U.S. and Michigan Constitutions. U.S. CONST, Am. 1; Const 1963, art I, § 4 ("[e]very person shall be at liberty to worship God according to the dictates of his own conscience").

36. Upon information and belief, there is no similar motivation for Mr. Hinton's refusal to agree to keep Alaina's ashes undivided.

37. The Court's authority is needed to resolve this impasse, in sufficient time for Alaina's Funeral Mass to occur on Friday, October 18 with her ashes present. One or the other alternatives must be chosen, and numerous reasons support a ruling keeping Alaina's ashes undivided and allowing their interment at Guardian Angel or another suitable sacred place:

- a. As noted above, Ms. Hopkinson-Podina had sole legal custody of Alaina at the time of her death. Incident to that is the right to make important decisions regarding Alaina's welfare, *Varran*, 312 Mich App at 604. No decision can possibly be of greater import than

having Alaina's remains laid to eternal rest in a manner consistent with her faith and its central tenet, which promises that Christ will raise her up on the last day. *Ad resurgendum cum Christo*, **Tab 4**, p 2.

- b. Interment of Alaina's undivided ashes also would allow both of her parents, as well as all of her other relatives and friends, to have a place to memorialize, grieve, and reflect. Mr. Hinton's proposal, in contrast, would divide Alaina's ashes up and distribute them to parts unknown, and for all time make impossible such visitation and remembrance.
- c. Ms. Hopkinson-Podina's proposal would be fully consistent with unambiguous, black-letter canon law and doctrine of the Catholic faith she shared with Alaina. Mr. Hinton's, in contrast, would be fully *inconsistent* with and in clear violation of that doctrine, and would irrevocably destroy the unity of Alaina's cremated remains for which that doctrine unequivocally calls.
- d. Completely separate and apart from such critical considerations as sole legal custody, religious beliefs, and the creation of a mourning and remembrance place where *all* of Alaina's friends and family can remember her, notions of equity also call strongly for her ashes to remain undivided. Ms. Hopkinson-Podina during Alaina's life was far more involved in her care and upbringing, including taking her on dozens of visits to specialists to deal with her cystic fibrosis. For those periods when she was unable to care for Alaina, Ms. Hopkinson-Podina's sister and family did. Mr. Hinton, in contrast, denied paternity, denied even knowing who Ms. Hopkinson-Podina was until the paternity test exposed him, and for years took almost no role in Alaina's upbringing.

38. Time is of the essence, since Alaina's Funeral Mass is set for 10 a.m. on Friday, October 18. Consistent with MCL 700.3207(3), which requires the Court to set a hearing date that is "as soon as possible, but not later than 7 business days after the date the petition is filed," Ms. Hopkinson-Podina respectfully requests that a hearing be immediately scheduled in time for the Court to rule by **Thursday, October 17, 2019**. Mr. Hinton through his counsel is being served with this Petition today.

**REQUEST FOR RELIEF**

For the foregoing reasons, Ms. Hopkinson-Podina asks this Court to enter an Order directing that that the Modetz Funeral Home and Cremation Service – Silverbell Chapel be directed to release Alaina’s ashes forthwith to her, in their entirety and without division, for interment at Guardian Angel Cemetery or another suitable sacred place.

Respectfully submitted,

THE SMITH APPELLATE LAW FIRM

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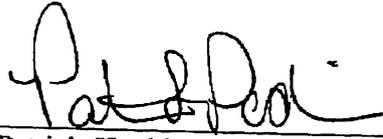
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**Patricia Hopkinson-Podina**

Dated: October 10, 2019

VERIFICATION

I have read the foregoing Emergency Petition to Resolve Disagreement over Disposition of Remains, and I hereby verify under penalty of perjury that the statements of fact contained therein are true to the best of my knowledge, information, and belief.



\_\_\_\_\_  
Patricia Hopkinson-Podina

Dated: October 10, 2019

**Tab 1**

## Canon Law Made Easy

Church Law for Normal People



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 Canonization in the Catholic and Russian Orthodox Churches  
 BY CATHY CARIDI

## What Does the Church Really Say About Cremation?

Posted on [November 20, 2014](#) by [canonlawmadeeasy](#).

Q: We would like to spread my husband's grandparents' remains and I would like to arrange to have their ashes blessed. Do you have a suggestion for making arrangements? –Kristine



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A: Very few Catholics today understand what the Church teaches about cremation of a deceased Catholic's remains and the proper way to deal with the ashes, primarily because some of the rules have changed in the relatively recent past. Before answering Kristine's specific question, let's take a look at what the Catholic Church has to say about cremation in general.

The current Code of Canon Law contains only two canons that mention cremation at all. [Canon 1176.3](#) asserts that the Church earnestly recommends that the pious custom of burial of the bodies of deceased faithful should be retained; but it adds that the Church does not forbid cremation, unless it is chosen for reasons that are contrary to Christian teaching. This is followed up by [canon 1184.1 no. 2](#), which states that those who choose to be cremated for reasons contrary to Christian faith are to be deprived of ecclesiastical funerals. The wording of these canons represents a huge sea-change in the Church's position on this subject, since the two corresponding canons on cremation found in the previous (1917) code presented a completely different position. The former canon 1203.1 asserted that cremation was strictly forbidden; and the former canon 1240.1 no. 5 stated that those Catholics who chose to be cremated were to be denied Christian burial altogether! What caused the Church to alter its stance on cremation so dramatically?

The preference of the Catholic Church for burial over cremation is grounded in theology. Since we Catholics believe in the resurrection of the dead, and the dignity of the human body as created by God, it is only logical that Catholicism also holds that the body of a deceased person should be handled with respect. Consequently, burning it has not traditionally been considered acceptable treatment.

Historically, cremation was associated with the funeral practices of pagans, whose religious beliefs included no expectation of eventual resurrection. This theological distinction is what led the early Christians in Rome to bury their dead separately, in the catacombs—outside the city walls—in marked contrast to their pagan fellow-Romans.

Thus if/when a Catholic historically has chosen to have his body cremated after death, it normally implied that he had abandoned hope in the resurrection of the body, and/or was actively scoffing at it! Since burial has for centuries been the standard method of handling the remains of a deceased Catholic, anyone opting instead for cremation had to make a concerted effort to “buck the norm” and arrange for his funeral to be handled differently. Again, this was as a rule considered a theological issue. The canon of the previous code mentioned above, that forbade a Catholic funeral for those who chose cremation, was based on the assumption that any Catholic who rejected traditional burial practices was doing so because he rejected a fundamental theological tenet of our faith: the eventual resurrection of the dead, at the end of the world.

But in more recent decades, very practical, non-theological concerns began to arise with some frequency. The primary problem, when there’s been one, has generally involved money. In areas of the world with extremely dense populations, where real-estate prices are exorbitant, buying a plot of land for a burial can be prohibitively expensive for many. Catholics who could not afford the price of a burial-plot were thus caught in a quandary, since they were inadvertently being forced to choose between having a funeral and burial in accord with Church teaching, and having one they could afford (involving cremation). In certain parts of the world, many Catholics found themselves technically at odds with the Church’s official position on the matter—and yet under such circumstances, it is clear that they were not raising any theological objections at all. As the Vatican’s 2001 [Decree on Popular Piety and the Liturgy](#) noted succinctly, “Cremation is also a contemporary phenomenon in virtue of the changed circumstances of life” (254).

Back in 1966, the Vatican had already addressed another sort of burial-situation that was regularly arising, one that likewise was not grounded in theology. In the U.S. (and undoubtedly in other countries as well), when a pregnant woman suffers a miscarriage, hospitals routinely cremate the baby’s remains solely for pragmatic reasons, certainly without any intention of rejecting the Catholic doctrine on the resurrection. But on those occasions when these babies had been baptized, this meant that the bodies of Catholics were being cremated—technically in violation of the then-current law forbidding this. What were distraught Catholic parents, who had just lost their unborn child, expected to do in this type of situation?

In response, the Vatican’s Congregation for the Doctrine of the Faith [asserted publicly](#) that if there is a reasonable cause [which would include routine hospital sanitary practices] that prevented the burial of a fetus, there was no objection to cremation. We can see here that the canon governing this issue in the abstract was being overruled at a more practical level.

For reasons such as these, when the Code of Canon Law was being revised a few decades ago, the cremation-canon was revised too. The current canons reflect the Church’s continued preference for burial, in accord with Catholic teaching on the resurrection of the body—but also acknowledge that sometimes, even among faithful Catholics who are not rejecting this doctrine at all, burial is just not doable.

But if cremation of a Catholic is lawful under circumstances such as those described above, that leads us to the next question: when a Catholic’s body has been reduced to ashes, what are we supposed to do with the remains? The Church’s Order of Christian Funerals, which contains the Rite of Christian Burial that is to be followed

throughout the world, may not have originally specified the correct way to handle this situation, but [an Appendix was published in 1997](#) giving instructions on what to do when a body is cremated:

The cremated remains of a body should be treated with the same respect given to the human body from which they come. This includes the use of a worthy vessel to contain the ashes, the manner in which they are carried, the care and attention to appropriate placement and transport, and the final disposition. The cremated remains should be buried in a grave or entombed in a mausoleum or columbarium. The practice of scattering cremated remains on the sea, from the air, or on the ground, or keeping cremated remains in the home of a relative or friend of the deceased are not the reverent disposition that the Church requires. Whenever possible, appropriate means for recording with dignity the memory of the deceased should be adopted, such as a plaque or stone which records the name of the deceased ([417](#)).

Here is the answer to Kristine's question. Scattering the ashes of a loved one may sound like a beautiful thing to do, but it is not in keeping with the Catholic Church's respect for the bodies of deceased Catholic faithful—even if they have been cremated. If it is at all possible to inter them in some appropriate, respectful place, as is described in this passage, Catholics are to do so.

We see here an example of abstract Catholic teaching meeting day-to-day reality. The Church has not changed one iota of its theological understanding of the eventual resurrection of the dead, and its consequential preference for the burial of Catholics' remains when possible. But it does not deny the fact that nowadays, a fair number of Catholic faithful around the world are unable to comply for purely practical reasons—not because they don't believe what the Church teaches! Thus the Church has managed to balance its continued adherence to a basic tenet of our faith, with the understandable inability of many people, through no fault of their own, to comply.

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**Canon Law Made Easy**

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Tab 2



## **CODE OF CANON LAW**

### **BOOK IV. FUNCTION OF THE CHURCH**

- **PART II : THE OTHER ACTS OF DIVINE WORSHIP**
  - **TITLE I: SACRAMENTALS (Cann. 1166 - 1172)**
  - **TITLE II. THE LITURGY OF THE HOURS (Cann. 1173 - 1175)**
  - **TITLE III. ECCLESIASTICAL FUNERALS (Cann. 1176 - 1185)**
- **CHAPTER I. THE CELEBRATION OF FUNERALS**
- **CHAPTER II. THOSE TO WHOM ECCLESIASTICAL FUNERALS MUST BE GRANTED OR DENIED**
  - **TITLE IV. THE VENERATION OF THE SAINTS, SACRED IMAGES, AND RELICS (Cann. 1186 - 1190)**

### **PART II**

#### **THE OTHER ACTS OF DIVINE WORSHIP**

#### **TITLE I:**

#### **SACRAMENTALS (Cann. 1166 - 1172)**

Can. 1166 Sacramentals are sacred signs by which effects, especially spiritual effects, are signified in some imitation of the sacraments and are obtained through the intercession of the Church.

Can. 1167 §1. The Apostolic See alone can establish new sacramentals, authentically interpret those already received, or abolish or change any of them.

§2. In confecting or administering sacramentals, the rites and formulas approved by the authority of the Church are to be observed carefully.

Can. 1168 The minister of sacramentals is a cleric who has been provided with the requisite power. According to the norm of the liturgical books and to the judgment of the local ordinary lay persons who possess the appropriate qualities can also administer some sacramentals.

Can. 1169 §1. Those marked with the episcopal character and presbyters permitted by law or legitimate grant can perform consecrations and dedications validly.

§2. Any presbyter can impart blessings except those reserved to the Roman Pontiff or bishops.

§3. A deacon can impart only those blessings expressly permitted by law.

Can. 1170 Blessings, which are to be imparted first of all to Catholics, can also be given to catechumens and even to non-Catholics unless there is a prohibition of the Church to the contrary.

Can. 1171 Sacred objects, which are designated for divine worship by dedication or blessing, are to be treated reverently and are not to be employed for profane or inappropriate use even if they are owned by private persons.

Can. 1172 §1. No one can perform exorcisms legitimately upon the possessed unless he has obtained special and express permission from the local ordinary.

§2. The local ordinary is to give this permission only to a presbyter who has piety, knowledge, prudence, and integrity of life.

#### **TITLE II.**

#### **THE LITURGY OF THE HOURS (Cann. 1173 - 1175)**

Can. 1173 Fulfilling the priestly function of Christ, the Church celebrates the liturgy of the hours. In the liturgy of the hours, the Church, hearing God speaking to his people and recalling the mystery of salvation, praises him without ceasing by song and prayer and intercedes for the salvation of the whole world.

Can. 1174 §1. Clerics are obliged to carry out the liturgy of the hours according to the norm of can. 276, §2, n. 3; members of institutes of consecrated life and societies of apostolic life, however, are bound according to the norm of their constitutions.

§2. Other members of the Christian faithful, according to circumstances, are also earnestly invited to participate in the liturgy of the hours as an action of the Church.

Can. 1175 In carrying out the liturgy of the hours, the true time for each hour is to be observed insofar as possible.

### **TITLE III.**

#### **ECCLESIASTICAL FUNERALS (Cann. 1176 - 1185)**

Can. 1176 §1. Deceased members of the Christian faithful must be given ecclesiastical funerals according to the norm of law.

§2. Ecclesiastical funerals, by which the Church seeks spiritual support for the deceased, honors their bodies, and at the same time brings the solace of hope to the living, must be celebrated according to the norm of the liturgical laws.

§3. The Church earnestly recommends that the pious custom of burying the bodies of the deceased be observed; nevertheless, the Church does not prohibit cremation unless it was chosen for reasons contrary to Christian doctrine.

#### CHAPTER I.

##### THE CELEBRATION OF FUNERALS

Can. 1177 §1. A funeral for any deceased member of the faithful must generally be celebrated in his or her parish church.

§2. Any member of the faithful or those competent to take care of the funeral of a deceased member of the faithful are permitted to choose another church for the funeral rite with the consent of the person who governs it and after notification of the proper pastor of the deceased.

§3. If a death occurred outside the person's own parish, and the body was not transferred to it nor another church legitimately chosen for the funeral rite, the funeral is to be celebrated in the church of the parish where the death occurred unless particular law has designated another church.

Can. 1178 The funeral of a diocesan bishop is to be celebrated in his own cathedral church unless he has chosen another church.

Can. 1179 The funerals of religious or members of a society of apostolic life are generally to be celebrated in their own church or oratory by the superior if the institute or society is clerical; otherwise by the chaplain.

Can. 1180 §1. If a parish has its own cemetery, the deceased members of the faithful must be buried in it unless the deceased or those competent to take care of the burial of the deceased have chosen another cemetery legitimately. §2. Everyone, however, is permitted to choose the cemetery of burial unless prohibited by law.

Can. 1181 Regarding offerings on the occasion of funeral rites, the prescripts of can. 1264 are to be observed, with the caution, however, that there is to be no favoritism toward persons in funerals and that the poor are not deprived of fitting funerals.

Can. 1182 When the burial has been completed, a record is to be made in the register of deaths according to the norm of particular law.

#### CHAPTER II.

##### THOSE TO WHOM ECCLESIASTICAL FUNERALS MUST BE GRANTED OR DENIED

Can. 1183 §1. When it concerns funerals, catechumens must be counted among the Christian faithful.

§2. The local ordinary can permit children whom the parents intended to baptize but who died before baptism to be given ecclesiastical funerals.

§3. In the prudent judgment of the local ordinary, ecclesiastical funerals can be granted to baptized persons who are enrolled in a non-Catholic Church or ecclesial community unless their intention is evidently to the contrary and provided that their own minister is not available.

Can. 1184 §1. Unless they gave some signs of repentance before death, the following must be deprived of ecclesiastical funerals:

1/ notorious apostates, heretics, and schismatics;

2/ those who chose the cremation of their bodies for reasons contrary to Christian faith;

3/ other manifest sinners who cannot be granted ecclesiastical funerals without public scandal of the faithful.

§2. If any doubt occurs, the local ordinary is to be consulted, and his judgment must be followed.

Can. 1185 Any funeral Mass must also be denied a person who is excluded from ecclesiastical funerals.

#### **TITLE IV.**

##### **THE VENERATION OF THE SAINTS, SACRED IMAGES, AND RELICS (Cann. 1186 - 1190)**

Can. 1186 To foster the sanctification of the people of God, the Church commends to the special and filial reverence of the Christian faithful the Blessed Mary ever Virgin, Mother of God, whom Christ established as the mother of all people, and promotes the true and authentic veneration of the other saints whose example instructs the Christian faithful and whose intercession sustains them.

Can. 1187 It is permitted to reverence through public veneration only those servants of God whom the authority of the Church has recorded in the list of the saints or the blessed.

Can. 1188 The practice of displaying sacred images in churches for the reverence of the faithful is to remain in effect. Nevertheless, they are to be exhibited in moderate number and in suitable order so that the Christian people are not confused nor occasion given for inappropriate devotion.

Can. 1189 If they are in need of repair, precious images, that is, those distinguished by age, art, or veneration, which are exhibited in churches or oratories for the reverence of the faithful are never to be restored without the written permission of the ordinary; he is to consult experts before he grants permission.

Can. 1190 §1. It is absolutely forbidden to sell sacred relics.

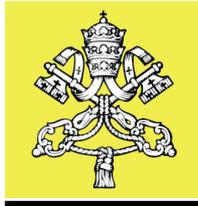
§2. Relics of great significance and other relics honored with great reverence by the people cannot be alienated validly in any manner or transferred permanently without the permission of the Apostolic See.

§3. The prescript of §2 is valid also for images which are honored in some church with great reverence by the people.

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**Tab 3**

HOLY SEE PRESS OFFICE  
OFICINA DE PRENSA DE LA SANTA SEDE



BUREAU DE PRESSE DU SAINT-SIEGE  
PRESSEAMT DES HEILIGEN STUHLS

# BOLLETTINO

SALA STAMPA DELLA SANTA SEDE

## Instruction Ad resurgendum cum Christo regarding the burial of the deceased and the conservation of the ashes in the case of cremation, 25.10.2016

The following is the full text of the Instruction of the Congregation for the Doctrine of the Faith, "*Ad resurgendum cum Christo*", regarding the burial of the deceased and the conservation of the ashes in the case of cremation, published today and signed by Cardinal Gerhard Ludwig Müller and Archbishop Luis Francisco Ladaria Ferrer, respectively prefect and secretary of the dicastery.

1. To rise with Christ, we must die with Christ: we must "be away from the body and at home with the Lord". With the Instruction *Piam et Constantem* of 5 July 1963, the then Holy Office established that "all necessary measures must be taken to preserve the practice of reverently burying the faithful departed", adding however that cremation is not "opposed per se to the Christian religion" and that no longer should the sacraments and funeral rites be denied to those who have asked that they be cremated, under the condition that this choice has not been made through "a denial of Christian dogmas, the animosity of a secret society, or hatred of the Catholic religion and the Church". Later this change in ecclesiastical discipline was incorporated into the Code of Canon Law (1983) and the Code of Canons of Oriental Churches (1990).

During the intervening years, the practice of cremation has notably increased in many countries, but simultaneously new ideas contrary to the Church's faith have also become widespread. Having consulted the Congregation for Divine Worship and the Discipline of the Sacraments, the Pontifical Council for Legislative Texts and numerous Episcopal Conferences and Synods of Bishops of the Oriental Churches, the Congregation for the Doctrine of the Faith has deemed opportune the publication of a new Instruction, with the intention of underlining the doctrinal and pastoral reasons for the preference of the burial of the remains of the faithful and to set out norms pertaining to the conservation of ashes in the case of cremation.

2. The resurrection of Jesus is the culminating truth of the Christian faith, preached as an essential part of the Paschal Mystery from the very beginnings of Christianity: "For I handed on to you as of first importance what I also received: that Christ died for our sins in accordance with the scriptures; that he was buried; that he was raised on the third day in accordance with the scriptures; that he appeared to Cephas, then to the Twelve".

Through his death and resurrection, Christ freed us from sin and gave us access to a new life, "so that as Christ was raised from the dead by the glory of the Father, we too might walk in newness of life". Furthermore, the risen Christ is the principle and source of our future resurrection: "Christ has been raised from the dead, the first fruits of those who have fallen asleep [...] For as in Adam all die, so also in Christ shall all be made alive".

It is true that Christ will raise us up on the last day; but it is also true that, in a certain way, we have already risen with Christ. In Baptism, actually, we are immersed in the death and resurrection of Christ and sacramentally assimilated to him: "You were buried with him in baptism, in which you were also raised with him through faith in the power of God, who raised him from the dead". United with Christ by Baptism, we already truly participate in the life of the risen Christ.

Because of Christ, Christian death has a positive meaning. The Christian vision of death receives privileged expression in the liturgy of the Church: "Indeed for your faithful, Lord, life is changed not ended, and, when this earthly dwelling turns to dust, an eternal dwelling is made ready for them in heaven". By death the soul is separated from the body, but in the resurrection God will give incorruptible life to our body, transformed by reunion with our soul. In our own day also, the Church is called to proclaim her faith in the resurrection: "The confidence of Christians is the resurrection of the dead; believing this we live".

3. Following the most ancient Christian tradition, the Church insistently recommends that the bodies of the deceased be buried in cemeteries or other sacred places.

In memory of the death, burial and resurrection of the Lord, the mystery that illumines the Christian meaning of death, burial is above all the most fitting way to express faith and hope in the resurrection of the body.

The Church who, as Mother, has accompanied the Christian during his earthly pilgrimage, offers to the Father, in Christ, the child of her grace, and she commits to the earth, in hope, the seed of the body that will rise in glory.

By burying the bodies of the faithful, the Church confirms her faith in the resurrection of the body, and intends to show the great dignity of the human body as an integral part of the human person whose body forms part of their identity. She cannot, therefore, condone attitudes or permit rites that involve erroneous ideas about death, such as considering death as the definitive annihilation of the person, or the moment of fusion with Mother Nature or the universe, or as a stage in the cycle of regeneration, or as the definitive liberation from the "prison" of the body.

Furthermore, burial in a cemetery or another sacred place adequately corresponds to the piety and respect owed to the bodies of the faithful departed who through Baptism have become temples of the Holy Spirit and in which "as instruments and vessels the Spirit has carried out so many good works".

Tobias, the just, was praised for the merits he acquired in the sight of God for having buried the dead, and the Church considers the burial of dead one of the corporal works of mercy.

Finally, the burial of the faithful departed in cemeteries or other sacred places encourages family members and the whole Christian community to pray for and remember the dead, while at the same time fostering the veneration of martyrs and saints.

Through the practice of burying the dead in cemeteries, in churches or their environs, Christian tradition has upheld the relationship between the living and the dead and has opposed any tendency to minimise, or relegate to the purely private sphere, the event of death and the meaning it has for Christians.

4. In circumstances when cremation is chosen because of sanitary, economic or social considerations, this choice must never violate the explicitly-stated or the reasonably inferable wishes of the deceased faithful. The Church raises no doctrinal objections to this practice, since cremation of the deceased's body does not affect his or her soul, nor does it prevent God, in his omnipotence, from raising up the deceased body to new life. Thus cremation, in and of itself, objectively negates neither the Christian doctrine of the soul's immortality nor that of the resurrection of the body.

The Church continues to prefer the practice of burying the bodies of the deceased, because this shows a greater esteem towards the deceased. Nevertheless, cremation is not prohibited, "unless it

was chosen for reasons contrary to Christian doctrine”.

In the absence of motives contrary to Christian doctrine, the Church, after the celebration of the funeral rite, accompanies the choice of cremation, providing the relevant liturgical and pastoral directives, and taking particular care to avoid every form of scandal or the appearance of religious indifferentism.

5. When, for legitimate motives, cremation of the body has been chosen, the ashes of the faithful must be laid to rest in a sacred place, that is, in a cemetery or, in certain cases, in a church or an area, which has been set aside for this purpose, and so dedicated by the competent ecclesial authority.

From the earliest times, Christians have desired that the faithful departed become the objects of the Christian community's prayers and remembrance. Their tombs have become places of prayer, remembrance and reflection. The faithful departed remain part of the Church who believes “in the communion of all the faithful of Christ, those who are pilgrims on earth, the dead who are being purified, and the blessed in heaven, all together forming one Church”.

The reservation of the ashes of the departed in a sacred place ensures that they are not excluded from the prayers and remembrance of their family or the Christian community. It prevents the faithful departed from being forgotten, or their remains from being shown a lack of respect, which eventuality is possible, most especially once the immediately subsequent generation has too passed away. Also it prevents any unfitting or superstitious practices.

6. For the reasons given above, the conservation of the ashes of the departed in a domestic residence is not permitted. Only in grave and exceptional cases dependent on cultural conditions of a localized nature, may the Ordinary, in agreement with the Episcopal Conference or the Synod of Bishops of the Oriental Churches, concede permission for the conservation of the ashes of the departed in a domestic residence. Nonetheless, the ashes may not be divided among various family members and due respect must be maintained regarding the circumstances of such a conservation.

7. In order that every appearance of pantheism, naturalism or nihilism be avoided, it is not permitted to scatter the ashes of the faithful departed in the air, on land, at sea or in some other way, nor may they be preserved in mementos, pieces of jewellery or other objects. These courses of action cannot be legitimised by an appeal to the sanitary, social, or economic motives that may have occasioned the choice of cremation.

8. When the deceased notoriously has requested cremation and the scattering of their ashes for reasons contrary to the Christian faith, a Christian funeral must be denied to that person according to the norms of the law.

The Sovereign Pontiff Francis, in the Audience granted to the undersigned Cardinal Prefect on 18 March 2016, approved the present Instruction, adopted in the Ordinary Session of this Congregation on 2 March 2016, and ordered its publication.

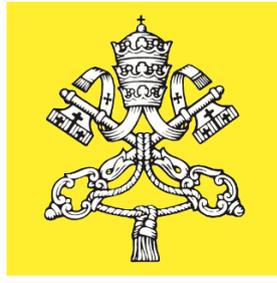
Rome, from the Offices of the Congregation for the Doctrine of the Faith, 15 August 2016, the Solemnity of the Assumption of the Blessed Virgin Mary.

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[Joint Press Release of the Argentine Episcopal Conference and the Holy See](#)  
[Presentation of the Instruction Ad resurgendum cum Christo regarding the burial of the deceased and the conservation of the ashes in the case of cremation](#)  
[Christians and Hindus: Promoting hope among families](#)  
[Other Pontifical Acts](#)

Tab 4

HOLY SEE PRESS OFFICE  
OFICINA DE PRENSA DE LA SANTA SEDE



BUREAU DE PRESSE DU SAINT-SIÈGE  
PRESSEAMT DES HEILIGEN STUHLs

# BOLLETTINO

SALA STAMPA DELLA SANTA SEDE

N. 161025b

Tuesday 25.10.2016

## **Presentation of the Instruction *Ad resurgendum cum Christo* regarding the burial of the deceased and the conservation of the ashes in the case of cremation**

This morning a press conference was held in the Holy See Press Office to present the Instruction from the Congregation for the Doctrine of the Faith entitled *Ad resurgendum cum Christo*, regarding the burial of the deceased and the conservation of the ashes in the case of cremation. The panel was composed of Cardinal Gerhard Ludwig Müller, prefect of the Congregation for the Doctrine of the Faith; Fr. Serge-Thomas Bonino, O.P., secretary of the International Theological Commission; and Msgr. Angel Rodríguez Luño, consultant of the Congregation for the Doctrine of the Faith.

The document, as Cardinal Müller noted, is addressed to the bishops of the Catholic Church, but directly regards the life of all faithful, in part since in many countries there has been a continual increase in the number of requests for cremation rather than burial, and it is likely that in the near future cremation will be considered a commonplace practice. This development is accompanied by another phenomenon: the conservation of ashes in domestic environments, as commemorative items or their dispersal in nature.

The ecclesiastical legislation on the cremation of cadavers is regulated by the Code of Canon Law, which states: "The Church earnestly recommends that the pious custom of burying the bodies of the deceased be observed; nevertheless, the Church does not prohibit cremation unless it was chosen for reasons contrary to Christian doctrine". "Here it is necessary to reveal that, despite this rule, the practice of cremation is significantly widespread also within the Catholic Church. With regard to the practice of conserving ashes, no specific canon law exists. For this reason, some episcopal conferences have addressed the Congregation for the Doctrine of the Faith, raising troubling questions regarding the practices of conserving a funerary urn in the home or in places other than the cemetery, and especially that of dispersing ashes in nature".

"After consultation with the Congregation for Divine Worship and the Discipline of the Sacraments, the Pontifical Council for Legislative Texts and numerous episcopal conferences and Synods of bishops of the Eastern Churches, the Congregation for the Doctrine of the Faith considered it appropriate to publish a new Instruction with a dual aim: to reiterate the doctrinal and pastoral reasons for the preference for the burial of the dead, and secondly, to issue rules for guidance on the conservation of ashes in the case of cremation".

“The Church, first of all, continues to recommend strongly that the bodies of the deceased be buried in the cemetery or in another sacred place. In the remembrance of the death, burial and resurrection of the Lord, inhumation continues to be the most suitable form for expressing faith and the hope in bodily resurrection. Furthermore, the burial in cemeteries or other sacred places responds adequately to the piety and respect due to the bodies of the deceased faithful. Taking care of the bodies of the departed, the Church confirms her faith in resurrection and distances herself from attitudes and rites that see death as the definitive annulment of the person, a phase in the process of reincarnation or as a fusion of the soul with the universe”.

“If for legitimate reasons the decision is made to cremate a cadaver, the ashes of the faithful must be conserved in a sacred place, that is, in a cemetery or in a church, or in an area specifically dedicated for the purpose. The conservation of ashes in the home is not permitted. Only in the case of grave and exceptional circumstances, in agreement with the episcopal conference or the Synod of bishops, may permission be granted for the conservation of ashes in the domestic environment. To avoid any form of pantheistic, naturalistic or nihilistic misunderstanding, it is not permitted to scatter ashes in the air, on earth, in water or in any other way, or to convert the cremated ashes into any form of commemorative item”.

“It is hoped that this new Instruction may contribute to making Christian faithful more aware of their dignity as children of God. We are faced with a new challenge for the evangelisation of death. Acceptance on the part of the human person of being a creature, not destined for disappearance, demands that God is recognised as the origin and destiny of human existence: from the earth we come and to the earth we return, awaiting resurrection. It is therefore necessary to evangelise the meaning of death in the light of faith in the Risen Christ, ardent furnace of love, that purifies and recreates, awaiting the resurrection of the dead and the life of the world to come. As Tertullian wrote, ‘The resurrection of the dead is Christian men’s confidence: by believing it we are what we claim to be’”.

Fr. Bonino, in his presentation, emphasised that the practice of burial, on account of its high anthropological and symbolic meaning, harmonises on the one hand with the mystery of resurrection and, on the other, with Christian teaching on the dignity of the human body.

“As affirmed in the Gospel accounts, between the pre-Paschal Jesus and the risen Jesus, there are simultaneously discontinuity and continuity. Discontinuity, because the body of Jesus after resurrection is in a new state and has properties that are no longer those of the body in its earthly condition, to the point that neither Mary Magdalene nor the disciples recognise Him. But at the same, the body of the risen Jesus is that body that was born of the Virgin Mary, crucified and buried, and bears the traces. ... Therefore, it is impossible to deny the real continuity between the buried body and the risen body, a sign that historical existence, both that of Jesus and our own, is not a game; it is not abolished by eschatology, but rather is transfigured. Christian resurrection is not therefore a reincarnation of the soul in an indifferent body; nor is it an *ex nihilo* recreation. The Church has never ceased to affirm that it is precisely the body in which we live and die that will be revived on the final day. Besides, it is the reason why the Christian people, guided by the *sensus fidei*, likes to venerate the relics of saints. These are not a simple memorial kept on a shelf, but are instead linked to the identity of the saint, once the Temple of the Holy Spirit, and await resurrection. Certainly, we are aware that even if the material continuity should be interrupted, as is the case in cremation, God is powerful enough to reconstitute our body precisely from our immortal soul alone, which guarantees the continuity of our identity between the moment of death and the moment of resurrection. But it remains that, at the symbolic level – and man is a symbolic animal – continuity is expressed in the most appropriate way by means of burial, ‘a grain of wheat [that] falls in to the earth’, rather than by cremation, which destroys the body brutally”.

“Christianity, religion of incarnation and resurrection, promotes what the Instruction calls ‘the great dignity of the human body as an integral part of the human person whose body forms part of their identity’. ... For Christian faith, the body is not all the person but it is an integral and essential part of his or her identity. Indeed, the body is like the sacrament of the soul that is expressed in it and by means of it. As such, the body forms part of the intrinsic dignity of the human person and the respect due to it. This is why burying the dead is, already in the Old Testament, one of the works of mercy with regard to one’s neighbour. The integral ecology that the contemporary world yearns for should therefore begin with respecting the body, which is not an object for manipulation according to our will for power, but rather our humble companion for eternity”.

Msgr. Angel Rodríguez Luño, referring to the question of the scattering of ashes, remarked that it is a decision that “often depends on the idea that with death the human being is completely annihilated, as if it were its final destiny. At times it may even proceed from mere superficiality, from the desire to obscure or privatise that which refers to death, or from the spread of more than questionable tastes. It may be objected that in some case the decision to conserve in one’s own home the ashes of a dear departed relative (parent, wife, husband, child) is inspired by the desire for closeness and piety, that it facilitates memory and prayer. It is not the most frequent reason, but in some case it may be this way. There is, however, the risk that it may produce forgetfulness or lack of respect, especially once the first generation has passed, or may give rise to unhealthy forms of mourning. But above all it must be observed that the departed faithful form part of the Church, they are the object of prayer and commemoration by the living, and it is right that their remains be received by the Church and conserved with respect throughout the centuries in the places that the Church blesses for the purpose, without being removed from the memory and prayer of other relatives and the community”.

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Tab 5



## UNITED STATES CONFERENCE OF CATHOLIC BISHOPS

USCCB > Prayer And Worship

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### CREMATION AND THE ORDER OF CHRISTIAN FUNERALS

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**From the January 2012 Newsletter of the  
Committee on Divine Worship  
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In April 1997, the Congregation for Divine Worship and the Discipline of the Sacraments granted an indult for the United States to allow the diocesan bishop to permit the presence of the cremated remains of a body at a Funeral Mass. Later that year, the Congregation confirmed the special texts and ritual directives (Prot. n. 1589/96/L for both indult and texts), which were then published as an appendix to the *Order of Christian Funerals*. Frequently the Secretariat of Divine Worship receives requests for clarification or suggestions for best practices regarding the presence of cremated remains and funerals and their appropriate final disposition or committal.

The practice of cremation has grown and become more commonplace in the United States, and it is often presented as a more affordable alternative to traditional burial. What is often overlooked is the Church's teaching regarding the respect and honor due to the human body. The *Order of Christian Funerals' Appendix on Cremation* states: "Although cremation is now permitted by the Church, it does not enjoy the same value as burial of the body. The Church clearly prefers and urges that the body of the deceased be present for the funeral rites, since the presence of the human body better expresses the values which the Church affirms in those rites" (no. 413).

Ideally, if a family chooses cremation, the cremation would take place at some time after the Funeral Mass, so that there can be an opportunity for the Vigil for the Deceased in the presence of the body (during "visitation" or "viewing" at a church or funeral home). This allows for the appropriate reverence for the sacredness of the body at the Funeral Mass: sprinkling with holy water, the placing of the pall, and honoring it with incense. The Rite of Committal then takes place after cremation (see Appendix, nos. 418-421). Funeral homes offer several options in this case. One is the use of "cremation caskets," which is essentially a rental casket with a cardboard liner that is cremated with the body. Another is a complete casket that is cremated (this casket contains minimal amounts of non-combustible material such as metal handles or latches).

When cremation takes place before the Funeral Mass, and the diocesan bishop permits the presence of cremated remains at the Funeral Mass, the Appendix provides adapted texts for the Sprinkling with Holy Water, the Dismissal for use at the Funeral Mass (or the Funeral Liturgy outside Mass), and the Committal of Cremated Remains. The introduction provides further specific details about how the funeral rites are adapted. In all, the rite notes:

The cremated remains of a body should be treated with the same respect given to the human body from which they come. This includes the use of a worthy vessel to contain the ashes, the manner in which they are carried, and the care and attention to appropriate placement and transport, and the final disposition. The cremated remains should be buried in a grave or entombed in a mausoleum or columbarium. The practice of scattering cremated remains on the sea, from the air, or on the ground, or keeping cremated remains on the home of a relative or friend of the deceased are not the reverent disposition that the Church requires. (no. 417)

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For some families, the choice of cremation is based on financial hardship, so this choice often means also that there is no plan for committal or burial of the cremated remains. As a means of providing pastoral support and an acceptable respectful solution to the problem of uninterred cremated remains, one diocese offered on All Souls' Day in 2011 an opportunity for any family who desired it the interment of cremated remains. The diocese offered a Mass and committal service at one of its Catholic cemeteries and provided, free of charge, a common vault in a mausoleum for the interment of the cremated remains. The names of the deceased interred there were kept on file, though in this case they were not individually inscribed on the vault.

As cremation is chosen more frequently, there will be many who are unaware of the Church's teaching regarding this practice. It is important for bishops and pastors not only to catechize the faithful, but to collaborate with funeral directors in providing helpful and accurate information to families planning the funeral of loved ones. Offering opportunities to family members for the respectful burial of their loved ones, who were not interred after funeral services and cremation, would give effective witness to the importance of Christian burial and our belief in the resurrection. In all, pastors are encouraged to show pastoral sensitivity, especially to those for whom cremation is the only feasible choice (see Appendix, no. 415).