

223 – Inadvertent Discovery of Human Remains

The intent of the investigations outlined in other sections of Chapter 2 of this manual is to identify any cultural or historic issues including any possibility of the existence of Human Remains prior to the start of construction. **In the event Human Remains are inadvertently discovered during construction**, all work in the area of the discovery shall immediately cease. The following procedure shall be implemented:

Contact the following Offices for an investigation:

- The County Coroner
- A Qualified Archaeologist with ECU, the Kentucky Heritage Council in Frankfort, the University of Kentucky Department of Anthropology, or the Kentucky Archaeological Survey.
- A Qualified Anthropologist or Archeologist with the Kentucky Archeological Survey, University of Kentucky Department of Anthropology, and/or the Kentucky Heritage Council.
- State Medical Examiner

After consultation with **all of the listed offices** above, and if it has been determined that the remains are antiquities and should be preserved for their scientific, educational, cultural or historical value, then, as allowed under 901 KAR 5:090, an **Application for Permit to Remove Human Remains** shall be submitted to the Registrar of Vital Statistics. See **Section 223.1** for the referenced application.

Office of Vital Statistics
275 E. Main St., 1E-A
Frankfort, KY 40621
(502) 564-4212

<https://www.chfs.ky.gov/agencies/dph/dehp/vsb/Pages/default.aspx>

Letters from the County Coroner, a qualified archaeologist and the state Medical Examiner confirming that the remains are antiquities and should be preserved for their scientific, educational, cultural or historical value, are to be included as a part of the Application for Permit to Remove Human Remains.

An **Application for Permit to Move Human Remains** is also required. This typically is the responsibility of the County Coroner or the Anthropologist or Archeologist who would be the responsible party performing the work.

These two permits allow the Remains to be transported to the Archaeological Research Facility at the University of Kentucky.

After the remains have been studied and results documented they shall be reinterred at a location appropriate to their original location. 1'-0" x 1'-0" x 3'-0" wood boxes are to be utilized to hold the remains of one body.

This application is to certify that all work done shall be in accordance with applicable sections of KRS chapter 72,164,213,311 and 525.

Procedures for Relocating a Known Grave Site or Cemetery

PROCEDURE FOR MOVING A GRAVE OR CEMETERY WHEN THE MOVE IS NOT REQUESTED BY THE NEXT OF KIN

1. Select reinternment site.

If remains are discovered during archaeological research, stop excavating, issue a public notice, and take the following steps:

2. A public notice is to be published in accordance with KRS 424.130 (b). Describing location of Cemetery or property, asking next of kin or persons with information identity of bodies to contact you. State your intention of petitioning the court for permission to remove the remains and contents of graves and where the remains and contents will be researched and/or the reinternment site, approximate date of removal, name, address and telephone number of persons to contact.
3. Obtain consent and authorization for move from next of kin who responded to public notice.
4. After 60 days from the date of first publication of notice, obtain from fiscal court a court order declaring the cemetery to be abandoned and authorizing disinterment of those bodies which are unidentified or for which no response to the notice was received. (KRS 381.755)
5. Make plat of cemetery that shows location of each grave and identifies them by name or number. Add to the plat graves which are discovered later through trenching or other exploratory methods.
6. Select Funeral Director, Coroner to open graves and reinter the contents. (See KRS.765)
7. Obtain necessary permit from Office of Vital Statistics, 275 East Main Street Frankfort, KY 40621. (Submit application with a copy of court order to The Office of Vital Statistics Attention: Quality Assurance section)
8. Take steps to insure all human remains, artifacts, jewelry, prosthetic device, items of clothing, coffin, or any parts thereof, etc., are removed from the grave and kept together. Reburial shall be depth-specified in 901 KAR 5:090.
9. Prepare plat that shows name and number of grave(s) and the location of the new grave(s).
10. Notify the Office of Vital Statistics when the work is complete by filing copies of both plats (item 5 and 9).

For further information contact:

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275 East Main Street
Frankfort, KY 40621