

Guidelines for Memorial Gardens in The Episcopal Diocese of Western Massachusetts

It is intended that a Memorial Garden as a whole shall be a living, perpetual memorial to the glory of God and to all those buried in it. The Diocese has adopted the following Guidelines to honor the purpose of a Memorial Garden, while safeguarding the fiduciary duties to the Parishioners in future generations. These Guidelines apply to all Memorial Gardens on Church properties throughout the Diocese. A Parish which establishes a Memorial Garden may adopt additional guidelines or policies consistent with these Guidelines. The Parish is responsible to obtain and abide by any policies, ordinances and laws established by local government.

A copy of these Diocesan Guidelines should be provided to anyone who is considering placing cremains in a Memorial Garden.

1. The Parish may develop and maintain written policies with respect to the Memorial Garden, which are consistent with and subject to the Diocesan Guidelines. The Parish policies should be available to all parishioners and should be provided to anyone considering placing cremains in a Memorial Garden. Parish or Diocesan Policies may be changed, from time to time.
2. Under Church and Diocesan Canons, Parish property cannot be encumbered, such as through a deed restriction, easement, or statement that a specific use, such as a Memorial Garden, will continue for any stated time or in perpetuity, without the prior written consent of the Bishop and the Standing Committee. In light of the impossibility of guaranteeing the continuing existence of a Memorial Garden, such approval has not been granted to date, and is unlikely in the future.
3. The Parish may not guarantee or represent that the Memorial Garden will be maintained for any specific period of time or for perpetuity. The use of the Memorial Garden is only by the revocable permission and license by the Parish.
4. Consistent with number 4 above, a fund or gift to support a Memorial Garden, by any name, is not an endowment or permanently restricted fund. It is a Vestry-designated Fund, the use of which may be changed by the Vestry.
5. The Memorial Garden is available for the human cremated remains of those who were members or former members of the congregation and their families, or who had other recognized connections with the congregation. The Rector and/or Vestry will resolve questions about use of the Memorial Garden, and may make limited exceptions to this policy.
6. Memorial Gardens are not cemeteries. For that reason, containers, including biodegradable containers, may not be buried in the Memorial Garden.

Cremated remains may be buried (without containers), scattered, or otherwise placed so that they will be permitted to return to nature over time.

7. Specific sites shall remain unmarked. The location for each placement of cremains will be determined by the Rector or Priest-in-Charge.
8. Care should be taken to record at the time of placement in the Memorial Garden, and to ask the families to maintain on a current basis, contact information for families of those whose cremains are placed in a Memorial Garden.
9. If a Memorial Garden must be closed or relocated, the decision will be made with pastoral sensitivity for those families affected. Arrangements will be made for the relocation of representative soil from the Memorial Garden to a suitable location identified by the Parish.
10. A Parish may establish a fee in exchange for the right to bury, scatter, or otherwise place cremains in the Memorial Garden. Such a fee for services is not a tax-deductible contribution, and is separate from any memorial gifts to the Church, which may be tax deductible. Parishes are encouraged to make accommodations for use of the Memorial Garden by eligible persons or families who cannot afford to pay the established fee.
11. Burial rites shall be in accordance with the worship and practice of The Episcopal Church as set forth in authorized worship resources and in consultation with the Rector or Priest-in-Charge of the Parish.