

Date of Hearing: April 7, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 2331 (Nguyen) – As Amended March 16, 2026

PROPOSED CONSENT

SUBJECT: CEMETERIES: REMOVAL OF REMAINS

KEY ISSUE: SHOULD COURTS BE REQUIRED TO GRANT AN APPLICATION TO DISINTER THE REMAINS OF A DECEASED PERSON UPON A SHOWING OF GOOD CAUSE?

SYNOPSIS

When someone passes away and has no known next of kin, the local government typically assumes control of their remains. Occasionally, their next of kin is later identified and that individual will request to disinter their loved ones' remains for them to be buried pursuant to their family's wishes. A few years back, Mr. Gilbert Zepeda passed away in Fresno and, after multiple attempts to notify his next of kin, he was laid to rest in a county cemetery. More than a decade later, Mr. Zepeda's family discovered his passing and attempted to request that the county disinter his remains so that they could be buried closer to his family in Northern California. Unfortunately, their petition failed, a decision that was subsequently affirmed by the appellate court. In an attempt to clarify when a court should grant a petition to disinter the remains of an individual, this bill would require a court to grant an application upon a showing of good cause. There is no known support or opposition to the bill.

SUMMARY: Requires a court to grant an application to remove the remains of a deceased person from a plot in a cemetery where the required consent cannot be obtained if the court finds good cause.

EXISTING LAW:

- 1) Authorizes the remains of a deceased person to be removed from a plot in a cemetery with the consent of the cemetery authority and written consent of one of the following in the order named:
 - a) The surviving spouse;
 - b) The surviving children;
 - c) The surviving parents;
 - d) The surviving brothers or sisters.
- 2) Establishes that, where the required consent cannot be obtained, permission by the superior court of the county where the cemetery is situated is sufficient.

FISCAL EFFECT: As currently in print this bill is keyed non-fiscal.

COMMENTS: When someone passes away and has no known next of kin, the local government typically assumes control of their remains. Occasionally, their next of kin is later identified and they may request to disinter their loved one's remains for them to be buried pursuant to their family's wishes. That is precisely what happened in the case of Gilbert Zepeda, who passed in May 2006 in Fresno and was buried in the County cemetery. Years later, Mr. Zepeda's family was contacted and they requested to disinter Mr. Zepeda's remains from the Fresno County plot. Existing law grants that the remains of a deceased person can be removed from a plot with the consent of the cemetery authority and the written consent of the surviving spouse, children, parents, or brothers or sisters, in that order. (Health and Safety Code Section 7525.) Existing law further provides that where consent cannot be obtained, permission of the superior court in the county where the cemetery is located is sufficient. (Health and Safety Code Section 7526.)

In the case of Mr. Zepeda, Fresno County responded to their inquiry to disinter his remains by saying that they would require a court order, but would otherwise not interfere with their attempt to obtain the order for disinterment. The family then filed a petition for the disinterment, and expressed their desire to have Mr. Zepeda buried closer to his surviving family in Northern California. In their response, the County said it could not provide consent because Mr. Zepeda's remains were interred in a mass burial alongside the remains of 306 other individuals and that to retrieve Mr. Zepeda's remains would necessarily involve disturbing the remains of at least some of those individuals for whom consent could not be obtained. The County also stated it had not received the necessary written consent from any of Mr. Zepeda's family members. Ultimately the trial court denied the Zepeda-Lara family's petition. The family appealed and in an unpublished opinion the appellate court affirmed the trial court's decision. (*Zepeda-Lara v. County of Fresno* (2022) 2022 Cal. App. Unpub. LEXIS 576)

The circumstance surrounding the remains of Mr. Zepeda and his family's desire to have him buried closer to them is incredibly heartbreaking. It is difficult enough to lose a family member, but to be unaware of their passing for more than a decade and then be unable to bring them closer is salt in the wound.

This bill seeks, to the extent possible, to clarify that where a petition for disinterment otherwise meets the existing statutory requirements, a judge must grant the petition if the petition can show good cause. However, there are pragmatic considerations with disinterment, particularly where it may involve disturbing the remains of other individuals. *Acknowledging that there are practical considerations and existing statutory requirements that must be met in order for a local government to disinter the remains of an individual, the author may wish to consider replacing the mandate to grant a petition upon a showing of good cause with discretion for the court to do so in appropriate circumstances.*

While it is impossible for Committee staff to say whether this change in the law would have provided relief to Mr. Zepeda's family, it may serve to ease the way for families of deceased individuals in the future.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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