



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive



YOU ARE NOT ALONE

HELP AND ADVICE ON COPING WITH THE DEATH OF SOMEONE CLOSE

Prepared by:

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Introduction & Acknowledgements

Although the effects of suicide on the bereaved can be similar to other forms of death, they can also differ in a number of ways. For the suicide bereaved, making sense of the death, coping with feelings of rejection, anger, guilt and disbelief can be even greater issues. Typically, suicide affects a wide circle of people, many of whom feel isolated and burdened after the event.

This booklet provides practical help and advice for those coping with a death by suicide. Others, who have lost loved ones in sudden or tragic circumstances such as road traffic accidents, may also experience some of the same feelings of loss and grief that suicide survivors can experience and may benefit from the advice provided.

Sections 1 and 2 deal with immediate reactions and natural responses to a death by suicide. The information provided may equally be of assistance to all those who have lost a loved one in traumatic circumstances or who may be experiencing a complicated level of grief. Sections 3 and 4 deal with events that follow a death and provide practical advice on dealing with such matters as the financial affairs of the deceased. Section 5 highlights where to go for further help. In particular, a related publication “Directory of Bereavement Support Services” provides a listing of general bereavement services and specific services available to those bereaved following suicide. Both publications will be available on our website www.nosp.ie.

Both this booklet and the related directory form part of the implementation of the strategy set out in “Reach Out” - the National Strategy for Action on Suicide Prevention.

The information in this publication is based on the booklet “You Are Not Alone”. This booklet was originally prepared by the Resource Officers for Suicide Prevention and the respective regional committees for suicide prevention of the former Health Boards. Further material is based on information made available by the Citizens Information Board through their website www.citizensinformation.ie.



Geoff Day *Director*

NATIONAL OFFICE FOR SUICIDE PREVENTION

*We are all
amateurs at
grief; it comes
to us all; we
must all go
through it*

JERUSA MC CORMICK (2006)

SECTION 1:

Immediate Reactions

WHY?

Death by suicide is an overwhelming loss that can leave families and friends besieged by a range of emotions and many unanswered questions. While the pattern of grief is unique to individuals, many families experience similar reactions. The need to understand why a person took his/her own life is one of the questions that a surviving family will face. Making sense of the death, trying to find an explanation and dealing with “could I have prevented the death”, or “am I to blame” are all part of the emotional turmoil that the bereaved can experience.

Unfortunately, it is not always possible to understand or to fully piece together the person’s unique story. Although a stressful event may appear to have been the trigger it will seldom have been the sole reason for death. Ultimately, the bereaved will have to live with their loss, in their own individual way, albeit without having all the answers. What is important is to grieve and to come to a state of acceptance. While grieving never completely ends, the pain will soften over time. At some stage over the course of grieving, a conscious choice may need to be made, to fully live life again. Asking “why” is important, but sometimes the answer may never be found.

Suicide is often the result of a complex combination of several significant factors. In the end, there may be no way to fully understand the deceased’s frame of mind at the time of death. Getting through the experience, moving beyond the puzzlement of why and learning to fully function again are important challenges in the grieving process.

AM I TO BLAME? COULD I HAVE PREVENTED IT?

After a suicide, family and friends often go over the pre-death circumstances and events, blaming themselves for the things they think they should or should not have done. This common experience is a natural reaction but varies in intensity within families and among the different members of the family.

No matter what justification there may seem to be to blame yourself, it is not your fault. The circumstances that result in someone taking their own life are very complex and it is often not possible to have known that a loved one might take their own life.

Often, in trying to cope with the impact of the death, family members are unable to offer one another support. Individual family members respond differently to the death depending on their relationship with the deceased.

Frequently, feelings of hostility and bitterness towards one another may surface. For others, withdrawal or excessive talking may be their way of coping. Essentially, the common denominator in such communications is the need to put things in perspective, to express feelings and to deal with inner emotional turmoil and the hunger for information.

Over time, the intensity of pain will lessen but for some, it may be important to seek help outside the family in order to make personal sense of the tragedy. For many, talking through one's feelings with a trusted friend or relative provides sufficient support in working through grief. For others, meeting people who have had a similar experience brings tremendous relief and a sense of comfort and healing. Support can also be found in talking with trained volunteers or health professionals.

SECTION 2:

Natural Responses

FEELINGS YOU MAY BE EXPERIENCING NOW OR IN THE FUTURE

The aim of this section is to describe some of the most common feelings experienced by the bereaved shortly after the death of their loved one. The intention is to reassure you that mixed emotions and complicated feelings are understandable at this difficult time.

The aftermath of a death by suicide can leave family and friends with painful emotions. The loss of a loved one is sudden and alarming. Complete shock often masks the full realisation of what has happened. Images and painful memories may intrude by night and day.

As shock gives way to painful reality, there may be feelings of guilt and great mental anguish. Unfortunately, there is much ignorance and confusion surrounding a death by suicide. It can be important to obtain reassurance and support in order to maximise one's ability to get through this very dark time. Such support could come from others who have been bereaved by a suicide death or any other good listener who is able to give time and support.

Grieving can be a long lonely road marked by times of hopelessness and despair. There is no way of avoiding this pain. Losing someone by what may appear to be a deliberate decision may heighten specific aspects of grief. It is essential that you are aware of some of these feelings and how they may manifest within yourself, in your family and friends.

It is important to remember, however, that each person will grieve in his or her own way and that not everybody will experience the same feeling. Indeed, family members can be at different stages in the grief process, potentially causing some strain and tension.

GUILT

In the face of such tragedy there may be an overwhelming sense of regret, self-doubt and deep shame characterised by a gnawing sense of persecution. These feelings may feel deeply rooted in your mind and body and may allow you little relief or personal solace. You may feel your breathing is affected and may experience waves of panic. The questions that may shape in your mind could include some or all of the following:

“WHY DIDN'T I LISTEN?”

“WHY DIDN'T I PREVENT THIS FROM HAPPENING?”

“WHY DIDN'T I GIVE HIM/HER MORE TIME?”

Such questioning usually takes the form of self-reproach and self-blame, whilst removing all responsibility from the person who has ended his or her life. Time and support are needed in order to come to the understanding that suicide is an individual act. No one person is in control of another person's fate.

ANGER

Anger is an extremely physical emotion, which grinds away at whatever strength you may be clutching on to. Anger can make you tense, extremely irritable and prone to huge swings of emotion. At times there will be feelings of rage directed at yourself, the person who has died, family and friends. You may want to blame someone and that blame may be targeted at anyone who comes across your path. In a grieving family, several members may be experiencing these emotions at the same time. Most families have their issues and conflicts. If these surface during this time it may complicate the grief response. If your relationship with the deceased was ambivalent this may lead to an anger response.

At times, the deceased person's behaviour may have caused great frustration and you may have wished for them to go away. Please remember that this is not the reason for their death. This may well be the opportunity to seek out confidential support and enable some personal healing to take place.

DEPRESSION

Depression has often been described as anger turned in on oneself. Depending on your individual make-up, you may feel greater amounts of depression than anger or alternatively you may swing widely between the two.

Depressive feelings include a sense of being pressed into a dark space, a sense of not being able to move or see any light at the end of the tunnel. Physically you may feel totally exhausted during the day and lie awake at night tossing and turning into the early hours. Your appetite may completely diminish or you may find yourself eating indiscriminately or bingeing in a self-punishing way. Alcohol abuse, gambling, drug or other compulsive behaviours may all take an upward spiral. You may be worried about yourself or other close relatives or friends of the deceased. This may be the time to visit your family doctor or contact the local Samaritans.

These are just some of the stronger emotions that characterise the early stages of mourning. There is of course a whole spectrum of feelings and actions associated with this time. Denial of what has happened is a form of self-protection and it will take time to come to terms with the reality of life without a loved one. You may wish to avoid outside communication for fear of stigma. You may feel people are avoiding you for the same reasons.

Remember you have complete control of how much information you wish to share with others. You are not expected to provide reasons or explanations as to why the person is dead. A simple statement such as "they ran out of steam or energy" should be enough.

WHAT TO EXPECT - SOME COMMON EMOTIONS YOU MAY EXPERIENCE

INITIALLY

FEELING NUMB - SHOCK.

DENIAL, IT DID NOT HAPPEN, LOOKING FOR OTHER EXPLANATIONS AND BECOMING ANGRY AT OTHERS.

SHAME, GUILT AND REJECTION AND FEELING A LACK OF SOCIAL SUPPORT, WANTING TO HIDE THE TRUTH.

RELIEF IF THE DECEASED HAD BEEN VERY ILL BEFORE THE DEATH.

LATER

ENORMOUS PAIN AND PUZZLEMENT, NEEDING TO KNOW WHY IT HAPPENED.

FEELINGS OF PANIC, THAT YOU ARE LOSING YOUR SANITY.

ANGER AT SELF, THE DECEASED OR OTHERS.

DIFFICULTY RELATING TO FAMILY MEMBERS, CRISIS IN PARENTAL IDENTITY.

WORRY THAT YOU OR ANOTHER IN THE FAMILY MAY BE DOOMED TO SUICIDE.

FINDING IT HARD TO TRUST OTHERS AGAIN.

LOW MOOD, NO ENERGY.

FEELINGS OF TENSION OR ANXIETY.

FINDING IT HARD TO SLEEP.

WHAT HAS HELPED OTHER FAMILIES?

LEARNING TO MOURN.

ACKNOWLEDGING ALL FEELINGS.

TALKING HONESTLY WITH FAMILY AND FRIENDS.

HAVING A REGULAR CHAT AND CHECK-UP WITH A DOCTOR.

REVIEWING PICTURES AND MEMENTOS.

VISITING THE GRAVE.

RE-ARRANGING AND STORING THE BELONGINGS OF THE DECEASED.

WRITING A LETTER TO THE DECEASED.

BEING ABLE TO BE ANGRY BUT ACCEPTING THAT YOU LOVE THE PERSON WHO DIED.

MEETING OTHERS WITH SIMILAR EXPERIENCES.

SUGGESTIONS FOR THE BEREAVED¹

1. Know you can survive. You may not think so but you can.
2. Struggle with “why” it happened until you no longer need to know “why” or until you are satisfied with partial answers.
3. Know that you may feel overwhelmed by the intensity of your feelings but all your feelings are normal.
4. Anger, guilt, confusion and forgetfulness are common responses. You are not crazy: you are in mourning.
5. Be aware you may feel inappropriate anger at the person, at the world, at God, at yourself. It's okay to express it in a safe way.
6. You may feel guilty for what you think you did or did not do. Guilt can turn into regret through forgiveness.
7. Having suicidal thoughts is common. It does not mean that you will act on these thoughts. However, seek help if they are frequent or if you are thinking of acting on them.
8. Remember to take one moment or one day at a time.
9. Find a good listener with whom to share. Call someone if you need to talk.
10. Don't be afraid to cry. Tears are healing.
11. Give yourself time to heal.
12. Remember the choice was not yours. No one is the sole influence in another's life.
13. Expect setbacks. Emotions can return like a tidal wave but you may only be experiencing a remnant of grief, an unfinished piece.
14. Try to put off major decisions.
15. Give yourself permission to get professional help.
16. Be aware of the pain of family and friends.
17. Be patient with yourself and with others who may not understand.

18. Set your own limits and learn to say no.
19. Steer clear of people who want to tell you what or how to feel.
20. Knowing that there are support groups that can be helpful such as Samaritans, Console or Living Links. Check also for groups in your area in the Directory of Bereavement Services, published separately by the HSE.
21. Call on your personal faith to help you through.
22. It is common to experience physical reactions to your grief, e.g. headaches, loss of appetite, inability to sleep.
23. The willingness to laugh with others and at yourself is healing.
24. Wear out your questions, anger, guilt, or other feelings until you can let them go. Letting go doesn't mean forgetting.
25. Know that you will never be the same again, but you can survive and even go beyond just surviving.
26. Be kind and gentle with yourself.

¹Adapted from: Bolton, I. (1993). *My Son...My Son...A Guide to Healing After Death, Loss or Suicide*. Atlanta: Bolton Press.

BREAKING THE NEWS TO CHILDREN

The death of a sibling or a parent is a very confusing experience for a child. Often, parents feel the need to cover up or communicate only part of the truth in order to protect their children. Parents worry that the child will not be able to cope with the reality of a death by suicide in the family. However, this approach fails to consider how resilient children actually are. It is extremely important that a child's feelings and questions are acknowledged in a supportive way. Such a response will contribute to healthier emotional development in the future. Trying to hide the reality causes an unnecessary burden on adults and only postpones the resolution of grief in the child to later years.

Honest and truthful communication shared in a loving and caring way helps a child to deal with, and recover from, the traumatic experience. The key is to share the truth gradually but always with respect to the age of the child. Gradual disclosure allows the child to ask questions and talk about worries as they arise. It also enables them to embrace the sadness of never seeing their loved one again.

A very young child may be satisfied with the fact that the relative had an accident and because of it, died. However, an older child may need to know more details and will usually ask if they do. In answering, it is important to be as honest as possible by stating the facts as known.

Children initially respond to a death with shock and denial. Depending on their age, some children may react by screaming, crying or with withdrawn behaviour. Others become angry and, following a parent's death, fearful that the remaining parent might also die. Some children may blame themselves for the death. It is not unusual for small children to be seen playing or carrying on as normal at times fairly soon after the death. This should not be taken as a sign that they do not know what is going on. It may be an opportunity to allow the enormity of the event to sink in or perhaps a break from the intense feelings being experienced. Adults can help the young person by acknowledging their feelings, by listening and offering them the time and space to talk about the dead person and about themselves. However, should a child continue over a long period to exhibit ongoing outbursts, sleep disturbance or withdrawn behaviour, professional help may be required.

WHAT PARENTS HAVE SAID ABOUT TELLING THE TRUTH²

"I THINK TOO THAT WHAT HAS MADE A DIFFERENCE TO THE BOYS IS THAT IT'S NOT A CLOSED SUBJECT IN OUR HOUSE - HE IS EVERYWHERE IN OUR HOME, HE IS A PRESENCE IN OUR LIVES. MY RELATIONSHIP WITH HIM IS DIFFERENT NOW, BUT I DO STILL HAVE A RELATIONSHIP WITH HIM - AS HIS BROTHERS STILL DO. WE TALK ABOUT HIM EVERY SINGLE DAY OF OUR LIVES."

"THEY HAVE GOOD MEMORIES, OPENNESS. BECAUSE FROM WHEN I TOLD THEM WHAT HAPPENED, I JUST FELT THAT I HAD TO BE ABLE TO ANSWER THEIR QUESTIONS AS BEST AS I COULD AND BE OPEN TO THEM, AND I THINK THAT HAS MADE A DIFFERENCE."

"I TOLD MY DAUGHTER STRAIGHT AWAY AND SHE IS THE MOST STABLE LITTLE GIRL I KNOW. I BOUGHT HER A MEMORIES BOOK AND TOLD HER TO WRITE DOWN ANYTHING . . . LIKE GOING TO THE PARK AND BUTTERFLY CATCHING. SO SHE WRITES DOWN ANYTHING SHE REMEMBERS AND SHE CAN LOOK BACK WHEN SHE IS EIGHTEEN AND SAY 'WOW, I DO REMEMBER THESE THINGS'."

² These excerpts are taken from "Coping with Suicide in Childhood" Kerri Noonan, Australian Institute of Family Studies Youth Suicide Prevention Bulletin No. 4, 2000 www.aifs.gov.au/jysp/pubs/bull4noonan.pdf.

WHAT PARENTS HAVE SAID ABOUT NOT TELLING THE TRUTH

"WE DON'T TALK ABOUT MY HUSBAND. THE PEOPLE AROUND YOU DON'T TALK ABOUT IT BECAUSE THEY DON'T KNOW HOW TO APPROACH YOU. I AUTOMATICALLY DON'T TALK ABOUT IT BECAUSE THAT MAKES ME FEEL BAD AND IT REMINDS ME THAT THE CHILDREN DON'T HAVE THEIR DAD. BECAUSE THAT'S WHAT IT ALL COMES BACK TO, ALL THE TIME."

"WE HAVEN'T TOLD THE YOUNGER ONES, I JUST SAID THEIR FATHER GOT SICK AND DIED. THE OTHER CHILDREN IN THE FAMILY KNOW BUT TIPTOE TO NOT LET THE YOUNGEST KNOW . . . IT WAS ON THE NEWS AS WELL, SO IT WAS HARD TO CONCEAL."

"I DON'T THINK MY SON KNOWS ANYTHING, BUT I AM LYING TO HIM EVERY TIME I TELL HIM HOW HIS DAD DIED AND I FEEL TERRIBLE ABOUT THAT . . . I DON'T KNOW HOW TO TELL HIM. I DON'T KNOW WHERE TO START. I DON'T WANT TO HURT HIM."

TELLING THE CHILD³

Breaking the news to children of the death of a parent, sibling, close relative, or friend can be very difficult. Whether the death is sudden or anticipated, parents and carers want to protect children and themselves from greater distress. However, children need to be told about death and helped to understand the implications of their loss.

USE SIMPLE AND PRACTICAL TERMS. TRY TO LINK THE EXPLANATION TO WHAT CHILDREN UNDERSTAND ABOUT LOSS I.E. LOSS OF A PET, CHANGE OF SCHOOL, DEATH OF A RELATIVE.

USE WORDS LIKE DEAD AND DYING. EVEN THOUGH THEY SEEM HARSH, THEY ARE LESS LIKELY TO LEAD TO MISUNDERSTANDINGS LATER.

MAKE IT CLEAR THAT WHEN SOMEONE DIES THIS MEANS THAT HIS OR HER BODY IS NO LONGER WORKING, THEIR HEART STOPS BEATING. THEY NO LONGER NEED TO EAT AND SLEEP AND THEY NO LONGER FEEL ANY PAIN.

BE CAREFUL ABOUT USING WORDS LIKE 'SHE IS GONE TO SLEEP'; 'GONE AWAY'; 'WE LOST GRANDDAD'. CHILDREN MAY GET CONFUSED BY THESE TERMS AND ABOUT THE EVERYDAY USE OF THEM.

IN THE ABSENCE OF INFORMATION CHILDREN WILL MAKE UP THEIR OWN STORIES, WHICH CAN BE MORE FRIGHTENING THAN THE ACTUAL FACTS.

WHEN TELLING THE CHILD ABOUT A LOSS, PARTICULARLY IF IT IS SOMEBODY VERY CLOSE TO THE CHILD, ENSURE THAT THEY ARE NOT ALONE.

BE PREPARED TO HAVE TO REPEAT THE STORY SEVERAL TIMES AND ANSWER REPEATED QUESTIONS. THIS IS THE CHILD'S WAY OF MAKING SENSE OF WHAT HAS HAPPENED.

CHILDREN NEED TO BE GIVEN PERMISSION TO EXPRESS THEIR FEELINGS IN THEIR OWN WAY.

CHILDREN MAY BE ANGRY OR WITHDRAWN.

LET THE CHILD KNOW THEY CAN TALK TO IMPORTANT ADULTS, RELATIVES AND FRIENDS ABOUT THE DEATH

CONTINUE TO OFFER CHILDREN REASSURANCE AND SUPPORT IN THE DAYS, WEEKS AND MONTHS AHEAD AS THEY MAKE THEIR OWN JOURNEY THROUGH THE GRIEVING PROCESS.

WHEN A CHILD DIES THE SURVIVING CHILD/CHILDREN ARE ALSO GRIEVING. THEY CAN OFTEN IDEALIZE THE CHILD WHO DIED AND FEEL UNABLE TO FILL THAT CHILD'S ROLE AND FEEL THEY MAY NOT BE GOOD ENOUGH FOR THE PARENT.

IT'S REALLY IMPORTANT THAT CHILDREN RECEIVE A MESSAGE ABOUT THEIR OWN WORTH AND PLACE IN THE FAMILY.

³ *Bereavement Information Pack, National Children's Resource Centre, Barnardos, 2003, Dublin.*

WHO SHOULD TELL THE CHILD?

When a death is sudden, the child probably feels most protected if informed by a close family member, preferably a parent. When this is extremely difficult and another adult tells the child, try as soon as possible to ensure that the child is reunited with a trusted adult, preferably a parent, who can repeat the news. Otherwise, children have greater difficulty in accepting the loss and tend to distance themselves from this reality.

HOW DO I DEAL WITH THE NEIGHBOURS?

Remember that a death by suicide happens to all sorts of families and impacts on many people. The shocked family may find it hard to face the world and talk about the death. Alternatively, friends and relatives may feel uncomfortable and unable to offer consolation. While all kinds of loss are painful, the issues can be different when dealing with a death by suicide. Generally, friends and neighbours are well meaning and want to give support but may feel uncomfortable. They may be afraid to upset the family or think it's best to leave them alone.

It may be helpful to take the initiative, by simply stating that the death has happened and ask for practical help.

If you are uncomfortable with talking about the death then you don't have to talk about it. When you are ready, talk about the things you wish to discuss with the people you feel comfortable with.

SECTION 3:

Events That Occur Following The Death

THE GARDAÍ

In any event involving an unexpected death, including a suicide, the Gardaí are notified and an inquest will be held. In such instances the Gardaí are acting as Coroner's Officers and will enquire into the circumstances surrounding the death. They will inform the Coroner of the death and send him or her a report. The fact that uniformed Gardaí visit the relatives at their home or at the hospital does not mean that the death is regarded as suspicious. It will be necessary for them to take statements and have the body formally identified by a member of the family or relative of the deceased.

THE CORONER

A Local Authority appoints a Coroner. To qualify for the position a person must be a practising Barrister, Solicitor or Registered Medical Practitioner (Doctor) of at least five years standing.

In Ireland, it is a legal requirement that deaths from unnatural causes, including suicide, are reported to the Coroner. The purpose is to determine who died and the circumstances surrounding their death. To establish this, the Coroner may request a post mortem and, at a later stage, may call an inquest into the death.

THE POSTMORTEM

A postmortem is an internal and external examination of the body of the deceased, which takes place in a hospital and is performed by a Pathologist. It is usually carried out within twenty-four hours of the arrival of the body at the hospital. It is performed in a professional and sensitive manner. There is no visible disfigurement of the body. Some people find it helpful to discuss the postmortem results with their family doctor or arrange to meet the Pathologist who performed the postmortem and discuss the findings with him or her.

FUNERAL ARRANGEMENTS

A sudden or unexpected death, by its nature, denies relatives of the deceased the opportunity to say good-bye. The funeral gives families a chance to arrange and plan a farewell. Partaking in the funeral arrangements and deciding on such issues as the clothes in which the deceased will be dressed, the type of coffin and the time at which the removal will take place can achieve this. It may be helpful to decide whether the repose will take place in the hospital mortuary, a funeral parlour, or the family home. By not rushing the funeral, taking time to come to terms with what has happened and being with the deceased, some sense of comfort may be experienced.

Other families who have experienced a death by suicide have suggested that it is very important to spend time with the body. Even if family members do not wish to view the deceased, a vigil beside the closed coffin is often helpful. Other families emphasise the benefits of and comfort in having a public funeral so that adequate tribute is given to the deceased.

Funeral arrangements should not be made until the body is released to the spouse or next of kin, which usually takes place immediately after the postmortem examination has been completed.

DEATH CERTIFICATE

The death cannot be registered until the postmortem report is received, which may take six weeks or longer. If the post-mortem examination shows that death was due to natural causes, and there is no need for an inquest, a Coroner's Certificate will be issued to the Registrar of Births and Deaths who will then register the death and issue the death certificate. If death is due to unnatural causes, the Coroner is obliged to hold an inquest. The death will be registered by means of a Coroner's Certificate when the inquest is concluded (or adjourned in some cases).

Prior to the inquest being held, the Coroner's office will, on request, provide an Interim Certificate of the fact of death, which may be acceptable to banks, insurance companies and other institutions.

THE INQUEST

An inquest is an inquiry in public by a Coroner, sitting with or without a jury, into the circumstances surrounding a death and can take place at any time from four weeks to possibly over twelve months after the death. The inquest will establish the identity of the deceased, how, when, and where the death occurred and the particulars which are required to be registered by the Registrar of Deaths. A Coroner is not permitted to consider civil or criminal liability; he or she must simply establish the facts. A verdict will be returned in relation to the means by which the death occurred. The range of verdicts open to a Coroner or Jury includes accidental death, misadventure, suicide, open verdict, and natural causes (if so found at the inquest). An inquest will not tell you why a person died by suicide.

The Coroner will decide which witnesses should attend and in what order they will be required to give evidence. The Pathologist and Gardaí always give evidence at an inquest into a death suspected to be by suicide. Any person may give evidence which is relevant to the purpose of the inquest. Likewise, any person who has a lawful interest in the inquest may ask questions or be legally represented by a Solicitor or Barrister. Such persons include:

THE FAMILY AND NEXT OF KIN OF THE DECEASED

PERSONAL REPRESENTATIVES OF THE DECEASED

REPRESENTATIVES OF INSURANCE COMPANIES

All inquests are held in public and reporters may be present. In practice, a minority of inquests are reported in the press. The Coroner is aware of the tragic circumstances and will endeavour to treat each one sympathetically. The existence of suicide notes will be acknowledged, but the contents will not be read out, except at the specific request of the next of kin and then only at the discretion of the Coroner. Every attempt is made to ensure that the inquest proceedings are not unduly intrusive on families concerned.

Further information is available from www.citizensinformation.ie

SECTION 4:

Sorting Out Your Affairs

USEFUL WEBSITES

WWW.CITIZENSINFORMATION.IE

WWW.WELFARE.IE

WWW.MABS.IE

This section aims to provide general information concerning financial and legal matters.⁴

The Citizens Information Centres in each county provide a free and confidential information service regarding all such matters. Further details and clarification can be obtained from the local Citizens Information Centres. These are listed in your local telephone directory. The information can also be accessed at; www.citizensinformation.ie.

MONEY MATTERS

When a person close to you dies, it can be difficult to deal with the many things that have to be decided and done at a time of such considerable stress. However, there are issues such as possible social welfare entitlements, tax and other money matters that may need to be addressed.

When someone in Ireland dies, it is their personal representative who distributes their money and property according to the law. Occasionally, difficulties can arise where a bereaved person may need to get access to some of the deceased person's money to pay for funeral expenses. It may also transpire for example, that a dependent spouse or children may need to get access for living expenses, at least until a social welfare payment is awarded. It is not easy to get immediate access to the deceased person's money unless it is in a joint account.

There are a range of payments provided by both the Department of Social and Family Affairs and the Health Service Executive (HSE) that are available to help out families during this difficult time.

⁴ This section is based on information provided by the Citizens Information Board. While the information in this booklet is up to date at the time of publication, the website www.citizensinformation.ie is regularly updated and should be consulted for the up to date position.

MONEY IN THE BANK OR BUILDING SOCIETY

If money in the bank/building society is in the deceased's name only, then you usually cannot get access to it until probate is taken out. If the amount of money is small, the financial institution may release it provided the personal representatives or the next of kin sign an indemnity form. In effect, this is a guarantee that the bank/building society will not be at a loss if there are other claims on the money.

If the account is held jointly with a person other than your spouse (e.g. the deceased is a brother, partner or parent) talk to your bank or building society. They may need a statement from the Revenue Commissioners' Capital Taxes Office. This will allow you to transfer money while any possible tax liability, such as Capital Acquisitions Tax (CAT), is being examined.

Spouses are not liable for CAT on inheritances from each other. You should apply to the Capital Taxes Office of the Revenue Commissioners for a letter of clearance. If you think the deceased person may have had a dormant bank account, you should contact the financial institution at which the account was held. If that financial institution no longer exists and you want to find out where to make your enquiry or claim, you should contact the Irish Bankers' Federation/Irish Mortgage Association.

POST OFFICE SAVINGS

For accounts in one name only:

If the investor had left instructions on a 'nomination form', the proceeds of the savings deposit account or Savings Certificates (i.e. the principal plus accrued interest) will be distributed according to those instructions. There are tax implications if the amount is more than €6,348.69.

If the investor had made a will, the proceeds will be distributed in accordance with the will.

If there is no will, the usual rules for inheritance will apply. Whether there is a will or not, you will need to obtain probate or Letters of Administration from the High Court if the proceeds are more than €6,348.69. If the amount involved is less than €6,348.69, you will not have to wait to take out a grant of probate. All you have to do is get a claim form from any post office and send it with the following:

DEATH CERTIFICATE

POST OFFICE DEPOSIT BOOK (Keep a record of the number)

ORIGINAL WILL or CERTIFIED COPY OF THE WILL (This will be returned by registered post) to the Post Office Savings Bank, Deceased Section.

You will be sent a form of indemnity which you will have to sign before a Peace Commissioner or Commissioner for Oaths, or GP, clergyman or member of the Garda Síochána.

INSURANCE POLICIES

If an insurance policy names you as the beneficiary, then you may claim it directly from the insurance company. You need a death certificate. If there is no named beneficiary, then the proceeds form part of the overall estate of the deceased and are distributed with the other assets.

OCCUPATIONAL AND PERSONAL PENSIONS

The rules governing occupational and personal pensions vary. If the deceased was a member of a pension scheme, you should contact the employer or former employer or the scheme administrators to find out if there is a pension for the spouse and/or children. Self-employed people may have pension arrangements which involve some of the investments becoming part of the deceased's estate.

Divorced people may have access to some part of the pension scheme depending on whether or not a pension adjustment order was made at the time of the divorce.

The Pensions Board have a series of leaflets on pension matters for scheme members.

BILLS AND LOANS

You need to make sure that all your essential ongoing bills are changed into your name (if not already so). A phone call is all that is needed for electricity, gas and telephone accounts. If you have a mortgage or other loan that was in joint names, again you will need to inform the lender of the death.

Where personal loans are concerned, you are only liable for those debts that you yourself have signed for. If you are having difficulty making the payments, you should let the company know what has happened and ask for time to work out what you can actually afford given your changed circumstances.

If you are asked to take over the payments on a loan in the sole name of the deceased, you are not legally obliged to do so as this should be paid out of the estate.

HELP WITH MONEY MATTERS

If you are experiencing financial difficulties following a bereavement, it is important to deal with these at an early stage as ignoring the problem will only lead to matters getting worse. You can get advice from your local Money Advice and Budgeting Service (MABS) as to how to go about this. Each MABS is a free, confidential, independent service staffed by trained money advisers. Contact details are available in your local telephone directory or on their website www.mabs.ie.

Financial Information Service Centres (FISC) provides free confidential advice to people unable to afford the professional services of accountants through part time clinics around the country. Details of clinics are available through your local Citizens Information Centre (CIC). There is a list of CICs in the Golden Pages telephone directory.

Free Legal Advice Centres (FLAC) runs a network of part-time, free, legal advice clinics throughout the country and a telephone information and referral line. Again, details of clinics are available through your local Citizens Information Centre.

CHECKLIST OF THINGS TO DO FOLLOWING BEREAVEMENT

LEGAL ISSUES

CONTACT A FUNERAL DIRECTOR TO ARRANGE THE FUNERAL.

REGISTER THE DEATH AND OBTAIN A DEATH CERTIFICATE.

NOTIFY THE DECEASED'S SOLICITOR IF THERE IS ONE.

NOTIFY THE EXECUTORS NAMED IN THE WILL. IF THERE IS NO WILL, DECIDE WHO TO APPOINT AS ADMINISTRATOR TO ADMINISTER THE DECEASED'S ESTATE.

FINANCIAL

NOTIFY BANKS, BUILDING SOCIETY, CREDIT UNION, POST OFFICE, COMPANIES IN WHICH SHARES ARE HELD, ETC.

CANCEL DIRECT DEBITS/STANDING ORDERS IN THE DECEASED'S BANK OR BUILDING SOCIETY.

CANCEL SUBSCRIPTIONS TO CLUBS/GROUPS/MAGAZINES, ETC.

CANCEL INSURANCE POLICIES, HEALTH INSURANCE ETC.

CONTACT THE DEPARTMENT OF SOCIAL AND FAMILY AFFAIRS IF THE DECEASED WAS RECEIVING A PAYMENT.

CONTACT ANY HIRE PURCHASE/LOAN COMPANIES.

CONTACT THE TAX OFFICE ABOUT POSSIBLE TAX REFUNDS/CREDITS.

HOUSING

IF THE DECEASED HELD A MORTGAGE, CHANGE THE NAME ON THE MORTGAGE.

CHANGE THE NAME ON THE HOUSE DEEDS.

IF LIVING IN RENTED ACCOMMODATION, ARRANGE TO HAVE THE NAME ON THE TENANCY AGREEMENT CHANGED.

CHANGE THE NAME ON HOUSEHOLD UTILITY BILLS.

CONTACT AN POST TO RE-DIRECT POST TO THE EXECUTOR OR ADMINISTRATOR OF THE ESTATE.

MISCELLANEOUS

NOTIFY THE DECEASED'S EMPLOYER IF AN EMPLOYEE OR THE SCHOOL/COLLEGE IF IN EDUCATION.

CONTACT THE LOCAL HEALTH OFFICE OF THE DECEASED OR VOLUNTARY ORGANISATION IF THEY WERE GETTING COMMUNITY CARE HEALTH SERVICES.

CONTACT THE DOCTOR/HOSPITAL IF THE DECEASED WAS AWAITING ANY APPOINTMENTS.

CONTACT THE TRAVEL AGENCY, HOTEL, AIRLINE ETC., IF THE DECEASED HAD MADE RESERVATIONS, TO ENQUIRE ABOUT ANY REFUNDS.

REGISTERING THE DEATH

All deaths must be registered with the Registrar of Deaths in the area where the death occurred (not necessarily where the deceased used to live). There are Registrars of Deaths in every county.

The person responsible for registering the death is the nearest relative present at the death. If the death occurs in a hospital, the hospital authorities normally carry out the registration. If you are registering the death you must get a medical certificate showing the cause of death and this must be signed by a doctor who has treated the deceased in the 28 days before the death (or by the Coroner if applicable). In the case of a Coroner's postmortem, the Coroner will register the death.

If you are the parent of a stillborn child, there is no legal obligation on you to register the death. However, you may do so within forty-two days of the birth. The doctor who attended the birth or examined the child must provide, free of charge, a signed medical certificate which states the weight and gestational age of the child. You can then register the birth with the local Registrar of Births. If you do not do so, the hospital registers the birth at the end of the forty-two day period, and within 4 months of the birth.

Stillborn children born before 1st January 1995 may have their births registered by a parent at any time. Evidence of the birth will be needed, for example, a statement from the hospital or the attending doctor. You, the parent(s) must personally attend the Registrar's Office.

DEATH OF A SPOUSE/PARTNER

If your spouse/partner dies while getting a social welfare payment, the same rate of payment will continue for six weeks provided your late spouse/partner was getting one of the payments listed below when he/she died, and if this amount included a payment for you.

RETIREMENT PENSION OR OLD AGE (CONTRIBUTORY/NON-CONTRIBUTORY)
PENSION OR PRE-RETIREMENT ALLOWANCE
SUPPLEMENTARY WELFARE ALLOWANCE
UNEMPLOYMENT BENEFIT OR ASSISTANCE OR FARM ASSIST
DISABILITY BENEFIT OR ALLOWANCE OR INVALIDITY PENSION OR BLIND PENSION
INJURY BENEFIT OR UNEMPLOYABILITY SUPPLEMENT.
BACK TO WORK OR BACK TO WORK ENTERPRISE ALLOWANCE

Alternatively, if you are getting Retirement Pension, Old Age (Contributory) Pension, Old Age (Non-Contributory) Pension, Blind Pension or Carer's Allowance and your spouse/partner was getting one of the payments listed above; you will be paid 6 weeks of whatever payment he/she was receiving plus your own payment.

If you are getting a social welfare payment that included a payment for your late spouse/partner, you will continue to receive the same rate of payment for 6 weeks after his/her death.

From June 2003 the six week payment after death will be extended to most of the remaining social welfare payments. This will include short term payments such as Unemployment Benefit/Assistance as well as long term schemes such as Disability Allowance and Invalidity Pension.

The six week payment is normally paid in a lump sum by cheque - the deceased person's pension book should not be cashed, but should be returned to the Department of Social and Family Affairs.

DEATH OF A CHILD DEPENDENT

If your child dies, payment of a Child Dependent Increase on your social welfare payment will usually continue for six weeks if the child was included in your payment. Contact the section of the Department of Social and Family Affairs responsible for your payment.

You should also notify the Child Benefit Section of the death of a child.

WHERE THE PERSON BEING CARED FOR DIES

If you are receiving a Carer's Allowance/Benefit and the person you are caring for dies, the following applies:

IF THE PERSON BEING CARED FOR WAS YOUR SPOUSE OR PARTNER, YOUR CARER'S ALLOWANCE/BENEFIT WILL CEASE FROM THE DATE OF HIS/HER DEATH. HOWEVER, YOUR LATE SPOUSE OR PARTNER'S SOCIAL WELFARE PAYMENT, IF APPLICABLE, WILL BE PAID TO YOU AT THE MARRIED RATE FOR 6 WEEKS AFTER HIS/HER DEATH.

IF YOUR SPOUSE WAS NOT GETTING A SOCIAL WELFARE PAYMENT, YOUR CARER'S ALLOWANCE/BENEFIT WILL CONTINUE FOR 6 WEEKS AFTER HIS/HER DEATH.

IF THE PERSON BEING CARED FOR WAS NOT YOUR SPOUSE OR PARTNER, CARER'S ALLOWANCE/BENEFIT CONTINUES TO BE PAID FOR SIX WEEKS AFTER HIS/HER DEATH.

WHAT HAPPENS WITH THE DECEASED'S ESTATE?

When a person dies, his/her property passes to his/her personal representative. The personal representative then has the duty to distribute the deceased's money and property in accordance with the law, the will - if there is one - or the laws of intestacy if there is no will.

A Testator is a person who has made a will. If you die without making a will, you are said to die intestate. If that happens, your money and property is distributed in accordance with the rules set out in the Succession Act, 1965.

There are some restrictions on what you can do in a will. In general, you may not completely disinherit a spouse and, if you do, your spouse may claim his/her legal right share. You are not obliged to leave any assets to your children but if you do not, they may be able to make a claim on the basis that you have not fulfilled your obligations towards them. Apart from that, you may dispose of your estate (estate is the term used to describe all of your assets, your money, property, etc.) in whatever way you like.

The personal representative is either:

AN EXECUTOR OR EXECUTORS - THIS IS A PERSON OR PEOPLE APPOINTED BY THE DECEASED PERSON IN HIS/HER WILL.

AN ADMINISTRATOR(S) - THIS IS USUALLY THE NEXT OF KIN OR A LAWYER. AN ADMINISTRATOR IS APPOINTED WHERE THERE IS NO WILL, OR WHERE NO EXECUTOR IS NOMINATED IN THE WILL OR WHERE THE EXECUTOR HAS PREDECEASED THE TESTATOR OR IS UNWILLING OR UNABLE TO ACT AS EXECUTOR.

It is the personal representative's responsibility to distribute the estate in accordance with the will of the deceased and/or the law.

THE LEGAL RIGHT SHARE

If there is a will and the spouse has never renounced his/her rights and is not “unworthy to succeed”, then that spouse has a right to what is called a “legal right share” of the deceased’s estate.

IF THERE ARE NO CHILDREN, THE SPOUSE IS ENTITLED TO ONE-HALF OF THE ESTATE.

IF THERE ARE CHILDREN, THE SPOUSE IS ENTITLED TO ONE-THIRD OF THE ESTATE.

The children are not necessarily entitled to the rest. If you find that your spouse has made a will that does not recognise your legal right share, you may still claim your right. You do not have to go to court; the executor or administrator is obliged to grant you your share.

RIGHTS OF CHILDREN UNDER A WILL

Unlike a spouse, children have no absolute right to inherit their parent’s estate if the parent has made a will. However, if a child considers that he/she has not been adequately provided for, he/she may make an application to court. The child need not be a minor or be dependent in order to use this procedure. The court has to decide if the parent has “failed in his moral duty to make proper provision for the child in accordance with his means”. Each case is decided on its merits and the court looks at the situation from the point of view of a “prudent and just” parent. Anyone considering challenging a will on these grounds should get legal opinion before applying to the court. Children born within or outside marriage have the same rights.

INTESTACY

If a person dies without having made a will or if the will is invalid for whatever reason, that person is said to have died “intestate”. If there is a valid will, but part of it is invalid, then that part is dealt with as if there was intestacy. The rules for division of property on intestacy are as set out below.

If the deceased is survived by:

SPOUSE BUT NO CHILDREN - SPOUSE GETS ENTIRE ESTATE.

SPOUSE AND CHILDREN - SPOUSE GETS TWO-THIRDS, ONE-THIRD IS DIVIDED EQUALLY BETWEEN CHILDREN (IF A CHILD HAS ALREADY DIED HIS/HER CHILDREN TAKE A SHARE).

PARENTS, NO SPOUSE OR CHILDREN - DIVIDED EQUALLY OR ENTIRELY TO ONE PARENT IF ONLY ONE SURVIVES.

CHILDREN, NO SPOUSE - DIVIDED EQUALLY BETWEEN CHILDREN (AS ABOVE).

BROTHERS AND SISTERS ONLY - SHARED EQUALLY, THE CHILDREN OF A DECEASED BROTHER OR SISTER TAKE THE SHARE.

NIECES AND NEPHEWS ONLY - DIVIDED EQUALLY BETWEEN THOSE SURVIVING.

OTHER RELATIVES - DIVIDED EQUALLY BETWEEN NEAREST EQUAL RELATIONSHIP.

NO RELATIVES - THE STATE.

DEALING WITH THE DECEASED PERSON’S ESTATE IN IRELAND

If there is a will and an executor has been appointed, then the executor deals with the estate. This means that they make sure that the spouse is aware of the right to a legal right share and distributes the estate in accordance with the will and the law.

If there is no will, or, if there is a will but there is no executor, an administrator is appointed - usually the next of kin or a solicitor.

In order to get authority to administer the estate a legal document called a Grant of Representation is required of which there are three types. If there is a will, then the executor needs to take out probate. If there is no will, or, if no executor has been appointed or the appointed person cannot act, an administrator may be appointed and he/she takes out a Letter of Administration (or a Letter of Administration with Will Annexed if there is a will).

The duties of the executor and administrator are broadly the same. If the estate is complex, it may be advisable to appoint a solicitor to do the job. He/she will be paid out of the estate. If matters are fairly straightforward, the executor/administrator may decide to make a personal application.

TAKING OUT PROBATE

Taking out probate basically means having Probate office or appropriate district Probate Registry certify that the will is valid and that all legal, financial and tax matters are in order so that the executor or administrator can be allowed to get on with the job of distributing the estate.

“Proving” the will is the process by which the Probate Office accepts that the will is valid and may be put into effect. The Office may carry out some enquiries, e.g., it may ask to see the witnesses to the will but this does not always happen.

APPOINTING AN ADMINISTRATOR

If you don’t make a will, an administrator must be appointed. An administrator is also appointed where an executor is not named in the will, dies before the testator or is unwilling or unable to act. The next of kin may apply for a grant of administration. Priority is given in the following order:

THE SPOUSE

CHILD

PARENT

BROTHER OR SISTER

MORE DISTANT RELATIVE

If there is doubt about who is entitled to be the administrator, the issue will be decided by the Probate Register. Usually, an administrator is required to give an administration bond to the Probate Office - this is a sort of guarantee that you will carry out your duties properly.

A PERSONAL APPLICATION

To make a personal application you must attend in person. The Probate Office has discretion to refuse to allow a personal applicant to be attended by an adviser. It may also refuse to allow an applicant to personally continue an application if it had been initiated by a solicitor. Where an application is made in connection with a case that has already been before the courts, that application must be made by a solicitor unless a special direction is received from the Probate Office. The Probate Office will help an executor/administrator who is acting personally.

A personal applicant for probate or for administration of the estate **must** take the following steps:

DOWNLOAD THE APPLICATION FORM OR OBTAIN THE FORM FOR PERSONAL APPLICANTS FROM THE PROBATE OFFICE OR ONE OF THE 14 LOCAL PROBATE OFFICES.

FILL OUT THE FORM AS BEST YOU CAN BY ENTERING DETAILS OF BANK, POST OFFICE, BUILDING SOCIETY ACCOUNTS, PROPERTY, ASSETS, STOCKS, SHARES, DEBTS, ETC., OF THE DECEASED.

RETURN THE COMPLETED FORM TO THE PROBATE OFFICE. YOU WILL THEN GET AN ACKNOWLEDGEMENT AND BE GIVEN AN APPOINTMENT FOR A PRELIMINARY INTERVIEW (MORE THAN ONE APPOINTMENT MAY BE NECESSARY).

Attend the interview in person and bring the following required items:

A DEATH CERTIFICATE.

ORIGINAL WILL AND CODICILL(S) (IF ANY).

FUNERAL BILLS/RECEIPTS.

STATEMENTS UP TO THE TIME OF DEATH OF DEPOSITS IN BANKS, POST OFFICES, CREDIT UNIONS, BUILDING SOCIETIES, ETC.

DETAILS OF OTHER ASSETS (FOR EXAMPLE, ASSURANCE POLICIES, GRATUITIES, SUPERANNUATION SCHEMES, STOCKS, SHARES, CASH, PRIZE BONDS, ETC.).

DETAILS OF ANY LIABILITIES, DEBTS (OUTSTANDING MORTGAGES, LOANS, WAGES DUE TO STAFF, ETC. - YOU MAY HAVE TO PUT AN ADVERTISEMENT IN THE PAPERS ASKING CREDITORS TO SEND IN THEIR CLAIMS WITHIN A CERTAIN PERIOD).

DETAILS OF ANY DEBTS OWING TO THE DECEASED'S ESTATE (WAGES, HOLIDAY PAY, COURT CASE SETTLEMENTS, ETC).

DETAILS ABOUT PROPERTY (ESTIMATED VALUE) TOGETHER WITH TITLE DEEDS OR LAND CERTIFICATES.

If an administrator, rather than an executor, is applying for a grant, a surety (guarantor) must attend the interview also so that the administration bond can be completed. The surety must reside in Ireland and must be worth the gross value of the estate.

SIGN THE DOCUMENTS AND SWEAR THE EXECUTOR'S OATH. THIS IS AN OATH SWEARING THAT HE/SHE BELIEVES THAT THE WILL IN QUESTION IS THE LAST WILL OF THE DECEASED, THAT HE/SHE IS THE PERSON APPOINTED AS EXECUTOR AND THAT HE/SHE WILL ADMINISTER THE WILL IN ACCORDANCE WITH THE LAW. AN ADMINISTRATOR SWEARS A SIMILAR OATH.

TAKE THE COMPLETED REVENUE AFFIDAVIT TO THE REVENUE COMMISSIONERS FOR CLEARANCE FOR CAPITAL ACQUISITIONS TAX PURPOSES.

PAY THE FEE FOR PROBATE.

GET PERMISSION FROM PROBATE OFFICE TO ADMINISTER THE ESTATE.

If the Registrar of the Probate Office is satisfied that the will is valid and there are no caveats (objections) entered, then probate will be granted (or Letter of Administration).

If there are problems, for example, if the original will cannot be found or there is doubt about signatures, then the Registrar may require sworn statements from witnesses.

If there are no problems, the Grant of Probate or Administration is issued on the oath of the executor or administrator.

The Probate Office or the District Probate Office will make a standard form of grant unless there is a contentious aspect to the application. Where a contentious issue arises, the matter must be decided by the High Court judge in charge of probate matters although the High Court can direct that the matter be resolved by the Circuit Court in certain circumstances.

DUTIES OF EXECUTOR/ADMINISTRATORS

Generally, you are obliged to distribute the assets as soon as possible after the death (within a year if possible - you may be sued by the beneficiaries if you do not distribute the estate within a year). This may not be possible if there are legal issues to be decided.

You are under a duty to preserve the assets of the deceased until they are distributed and to protect the assets from devaluation. For example, you should make sure that all assets required to be insured are insured for their market value.

You have power to:

DEAL WITH THE ESTATE (FOR EXAMPLE, TO SELL IT TO PAY DEBTS OR DISTRIBUTE AMONGST BENEFICIARIES).

REPRESENT THE DECEASED IN LEGAL ACTIONS AND TO SETTLE LEGAL ACTIONS AGAINST THE DECEASED'S ESTATE.

You must:

GATHER TOGETHER AND PROTECT ALL THE DECEASED'S ASSETS (MONEY, SHARES, PROPERTY, ETC.) AND FIND OUT THEIR COMBINED VALUE.

CALL IN ANY OUTSTANDING FUNDS DUE (MONEY OWING TO THE DECEASED).

PAY ANY DEBTS OR TAXES OWED.

PAY THE FUNERAL EXPENSES.

MAKE SURE THAT THE SPOUSE AND CHILDREN KNOW ABOUT THEIR LEGAL RIGHT SHARE.

MAKE SURE THE ENTITLED BENEFICIARIES OR NEXT OF KIN GET WHAT THEY ARE ENTITLED TO, AND THAT OWNERSHIP OF PROPERTY IS PASSED ON CORRECTLY.

SOCIAL WELFARE RECIPIENTS

If the deceased was receiving a social welfare payment, you must inform the Minister for Social and Family Affairs of the death before distributing the estate. This is to allow the Minister to reclaim any overpayment of pension that may have been made.

The Department has 6 months to decide whether or not an overpayment was made.

If you fail to do this, you may be made personally liable to repay the overpaid amounts.

TRANSFERRING LAND

You transfer land by way of an “Assent” to the beneficiary under the will or under the Succession Act. An assent must be in writing. If you are the beneficiary, it is not absolutely necessary for you to vest the property in yourself by way of an assent (as technically the property already vests in you). However, it is recommended practice that you do so in order to facilitate any future selling of that land.

It is the executor/administrator's responsibility to pay the Probate Tax from the estate (if the deceased died before 6 December 2000). Even though the Capital Acquisitions Tax (CAT) is due from the beneficiaries, the executor/administrator will be held legally liable if they (the beneficiaries) do not pay it. Therefore, if you are the executor/administrator, it is very much in your interest to deduct and pay CAT before passing on the bequest. You are also responsible for paying any income or capital gains tax on income from the estate during the administration period. The Revenue Commissioners can give you advice on this complex area and there is a comprehensive and well-laid-out explanatory booklet available.

IF THE DECEASED DIES IN DEBT

If the deceased dies insolvent or there isn't enough money to meet the bequests made, payments from the estate are prioritised in the following order:

FUNERAL, TESTAMENTARY AND ADMINISTRATION EXPENSES.

CREDITORS WHO HAVE SECURITY AGAINST THE PROPERTY OF THE DECEASED IN THE FORM OF A MORTGAGE, CHARGE OR LIEN (THESE ARE DIFFERENT WAYS OF SECURING LOANS).

RATES AND TAXES DUE AT THE TESTATOR'S DEATH, WAGES AND SALARY FOR WORK DONE FOR THE DECEASED WITHIN FOUR MONTHS OF DEATH AND SUMS PAYABLE BY THE ESTATE IN RESPECT OF CONTRIBUTIONS PAYABLE BY THE DECEASED IN THE TWELVE MONTHS PRIOR TO DEATH UNDER SOCIAL WELFARE LEGISLATION (HIS/HER OWN PRSI CONTRIBUTIONS AS WELL AS PRSI CONTRIBUTIONS FOR EMPLOYEES).

ALL OTHER CREDITORS.

Where the deceased dies in debt, creditors can only bring a claim against the estate of the deceased. Even if there is not enough money in the estate to meet all the debts, the relatives of the deceased are not personally responsible or liable for the deceased's debts, unless they had guaranteed them.

FREQUENTLY ASKED QUESTIONS

This section deals briefly with some of your more immediate concerns.

Q. WHO SHOULD I INFORM OF THE DEATH?

A. The next of kin, GP and the Registrar of Births, Deaths and Marriages should be informed immediately. Most people die of natural causes, however if the death is sudden and unexpected, the Gardaí and the Coroner may need to be informed. At a later stage you will need to inform the Department of Social and Family Affairs, if the person who died was getting a social welfare payment, or was a dependent on another person's payment. You should also inform relevant insurance companies.

Q. WHO HAS TO REGISTER THE DEATH?

A. If the death occurred at home, the next of kin or nearest relative present at the death must register the death by bringing a Medical Certificate of cause of death to the appropriate Registrar of Births, Deaths and Marriages, usually within 5 days. The appropriate Registrar is determined by where the death took place, not where the deceased lived.

The deceased's family doctor (GP) normally issues the medical certificate, but it can be any doctor. The hospital usually registers the death if the death happened in hospital. Deaths referred to the County or City Coroner are registered when the Registrar receives a certificate of the post-mortem examination or inquest from the Coroner.

Q. WHERE CAN I GET A COPY OF THE DEATH CERTIFICATE?

A. The Death Certificate can be obtained from the local Registrar of Births, Deaths and Marriages for the district where the person died. If you are registering the death, it is useful to get several copies of the Death Certificate at the same time.

Q. WHAT IS THE ROLE OF THE FUNERAL DIRECTOR/UNDERTAKER?

A. They will deal with all arrangements regarding the burial or cremation, including organising the burial plot, newspaper notices and religious services, if you wish. They can also organise transport of the deceased and mourners, help with arrangements for the church service, liaising with those involved in these arrangements, e.g. florists etc.

They will also assist you to obtain any documentation necessary both before and after the funeral.

Q. WHAT IS A POST MORTEM?

A. A post mortem (sometimes called an autopsy) is an examination carried out by a pathologist after a death where it is necessary to establish the medical cause of death. The majority of deaths do not require any post mortem because the medical cause of death can be certified by a doctor who has been treating the deceased in the months prior to the death, i.e. a GP or hospital doctor.

Q. IS THERE ANY HELP AVAILABLE TOWARDS THE FUNERAL COSTS?

A. You may be entitled to a Bereavement Grant from the Department of Social and Family Affairs where the person who died has paid the relevant social insurance contributions. If you are the insured person, it is also payable if the person who died is your spouse or dependent child. Employees, including civil and public servants, and self-employed are covered by this scheme.

If the death happened because of an accident at work or while travelling to or from work or as a result of a prescribed disease, you may be entitled to a Funeral Grant under the Occupational Injuries Scheme, instead of the Bereavement Grant.

Q. HOW DO I CLAIM A BEREAVEMENT GRANT?

A. You can get the application forms by phoning LoCall 1890 202325 or LoCall 1890 500000 or you can get one at your Social Welfare Local Office, local Post Office or Citizens Information Centre. The forms can also be downloaded from the internet at www.welfare.ie.

Q. WHAT IF I DON'T QUALIFY FOR A BEREAVEMENT GRANT?

A. If you do not qualify for a Bereavement Grant you may get assistance towards the funeral expenses under the Supplementary Welfare Allowance (SWA) scheme, which is operated by the HSE. No social insurance contributions are required as payment is based on the means of the person responsible for paying the funeral bill. You should apply to your local Community Welfare Officer at your local Health Centre before you pay the funeral bill, as the cheque will be issued to the undertaker/funeral director.

The SWA scheme also provides for Exceptional Needs Payments in particular situations.

Q. IF THERE IS MONEY IN A JOINT ACCOUNT CAN I DRAW OUT THIS MONEY?

A. Yes, if the money is held jointly with your spouse. If the account is held jointly with a person other than your spouse (e.g. the deceased is a brother, parent or partner), talk to your bank or building society. They may need a statement from the Revenue Commissioners, Capital Taxes Office, Dublin Castle, Dublin 2, LoCall 1890 201 104. This will allow you to transfer the money while any possible tax liability, such as Capital Acquisitions Tax (CAT), is being checked out.

If money in the bank/building society is in the deceased's name only, then you usually cannot get access to it until probate is taken out. If the amount of money is small, the financial institution may release it in certain circumstances.

Q. CAN I CASH SOCIAL WELFARE CHEQUES OR PENSION ORDERS AFTER DEATH?

A. No. In the case of a pension, return the deceased person's pension book or cheque to the relevant section of the Department, as soon as possible after the last payment before the date of death. You should include a note about the death and the Death Certificate or Death Notice from the newspapers. (Keep a note of the pension claim number). If the deceased person's Social Welfare payment was paid into a Bank/Building Society Account by electronic transfer you should advise the relevant section of the Department to stop the payment.

In most cases the deceased person's social welfare payment is paid for six weeks after death if you were the dependant spouse, partner or carer of the deceased. this is normally paid by cheque, issued when the payment book is returned or the electronic transfer is stopped

Q. HOW DO I CLAIM THIS SIX WEEK PAYMENT?

A. You should contact the office that paid the Social welfare payment for more information, e.g. the Pension Services office in Sligo for old age pensions or the Social welfare Local office if it was Unemployment Benefit or assistance. A cheque will be sent to you for this payment within a short space of time.

Q. IS THERE A PENSION FOR WIDOWS AND WIDOWERS?

A. Social welfare pensions are available to widowed men and women. A Widow/Widower's (Contributory) Pension is based on the social insurance contributions of you or your late spouse. However, both social insurance records cannot be combined. this payment is not affected by any other income you may have. It includes an increase for any dependant children.

Q. WHAT HAPPENS IF I DO NOT HAVE ENOUGH PRSI PAID TO QUALIFY FOR A WIDOW/ WIDOWERS CONTRIBUTORY PENSION?

A. If you do not qualify for a Widow/Widower's (Contributory) pension you may qualify for one of the following means-tested payments instead:

ONE-PARENT FAMILY PAYMENT - IF YOU HAVE DEPENDENT CHILDREN.

WIDOW/WIDOWER'S (NON-CONTRIBUTORY) PENSION - IF YOU DON'T HAVE DEPENDENT CHILDREN.

Q. HOW DO I APPLY FOR A WIDOW/WIDOWER'S PENSION?

A. Application forms are available by phoning LoCall 1890 202325 or LoCall 1890 500000 or you can get one at your social welfare office, local Post office or Citizens Information Centre. They are also available on the internet at www.welfare.ie. you should send it to the address shown on the form, as soon as possible after the death. If you don't have the necessary certificates, you can forward them later with a covering letter.

If you have any queries about Widow/Widower's Pensions or One-Parent Family Allowance, you can also contact:

PENSION SERVICE OFFICE

Department of Social and Family Affairs, College Road, Sligo. Lo Call 1890 500000.

Q. DOES OTHER INCOME OR EARNINGS AFFECT A WIDOW/WIDOWER'S PENSION?

A. Widow/Widower's (Contributory) Pension is not affected by income from any other source. The Widow/Widower's (Non-Contributory) Pension and One-Parent Family Payment are means-tested payments. Therefore, any other income you may have e.g. earnings, savings etc. can affect the rate of payment.

Q. IS THE WIDOW/WIDOWER'S PENSION TAXABLE?

A. All social welfare pensions are taxable. However, if your income is below a certain limit you will be exempt from tax.

Q. ARE WIDOW/WIDOWER'S PENSION RECIPIENTS ENTITLED TO THE FREE SCHEMES?

A. Everyone over the age of 66 who is resident in the State is entitled to Free Travel and some people under age 66 on specified payments also qualify.

You will qualify for the other free schemes, i.e. electricity or gas allowance, telephone rental allowance and free TV licence if you are over 70 or if you are receiving Carer's Allowance.

You may also qualify for these allowances if you are age 66 or over or getting a long term disability payment and satisfy other qualifying conditions.

The free schemes were amalgamated into a new Household Benefits Package in May 2002. Now, if you are eligible for one of the benefits, you are eligible for them all.

Q. THE DECEASED HAD A MEDICAL CARD - WHAT SHOULD I DO WITH IT?

A. You should return it to the Health Board which issued it. If you are the spouse of a medical card holder, you may be entitled to a card in your own right.

Q. WHO DEALS WITH THE WILL?

A. Generally, the person named in a will as executor has the job of dealing with the terms of the will and taking out probate. There may be more than one executor. If no executor has been appointed, or if the named executor does not wish to act, an administrator may be appointed.

Q. WHAT IS THE PROCEDURE IF THE DECEASED DIDN'T MAKE A WILL?

A. If there is no will the next of kin can apply to the Probate Office for a grant of representation.

Q. HOW DO I TAKE OUT A GRANT OF PROBATE?

A. If you are the executor or have been appointed an administrator and the estate is not complicated, you can make a personal application to the Probate Personal Application Section in the Probate Office, First Floor, 15-24 Phoenix St. North, Smithfield, Dublin 7. Telephone (01) 8886174, or to one of the 14 District Probate Offices. Enquire about these at your local courthouse. If the estate is complex, you should consult a solicitor.

Q. WHAT HAPPENS TO THE FAMILY HOME AFTER THE DEATH OF A SPOUSE?

A. If the two of you jointly own the house, then you automatically become the owner. If your spouse was the legal owner then you may require that it be given to you as part of your share of your spouse's estate. If the family home is worth more than this share, then you may have to pay the difference. However, you may apply to the court to have the house given to you either without paying the difference or by paying an amount that the court thinks reasonable. The court may make such an order if it thinks that hardship would otherwise be caused either to you or to a dependent child.

SECTION 5:

Getting Help For You And Your Family

Many people experiencing loss through death find comfort and additional support by sharing their story with others. Often, people feel better if they can talk to somebody outside the immediate family, while others may benefit from formal counselling or peer support.

Throughout Ireland there are a number of support services available to individuals and families who are bereaved. These include (suicide) bereavement support groups, voluntary listening and support services, local parish support groups, child and adolescence support programmes/groups, and professional counselling services. If you are unsure of what type of support might best suit you or your family, discuss your needs with your local doctor who will be able to advise you.

Mental health services provided by the HSE are organised on a geographical basis divided into different areas called sectors. Within each consultant-led sector, a multi-disciplinary team provides assessment, treatment, and follow-up care for referred persons. Services offered include adult mental health care for 18 year olds and over; child psychological and psychiatric services, psychiatry of older age and social work services. Referral to these free services is through your local general practitioner or family doctor. These services may be of use to you if you are experiencing significant difficulty in dealing with the loss of your loved one.

If you are in a supporting role it is important to be extremely sensitive to the needs of the bereaved person. It is also important to know that if you are in a supportive role, there may come a time when you find that you can no longer offer the level or standard of support that is needed.

Along with this booklet there is a “Directory of Bereavement Support Services” with contact information about organisations that provide assistance to the bereaved.

Grieving expressed openly and honestly, can be one of the most liberating experiences of life

JERUSHA MC CORMICK (2006)

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NATIONAL OFFICE FOR SUICIDE PREVENTION

Population Health Directorate, Health Service Executive, Dr Steevens' Hospital, Dublin 8.

Telephone: 01-6352139 E-mail: info@nosp.ie

www.nosp.ie