



WHEN SOMEONE DIES SUDDENLY

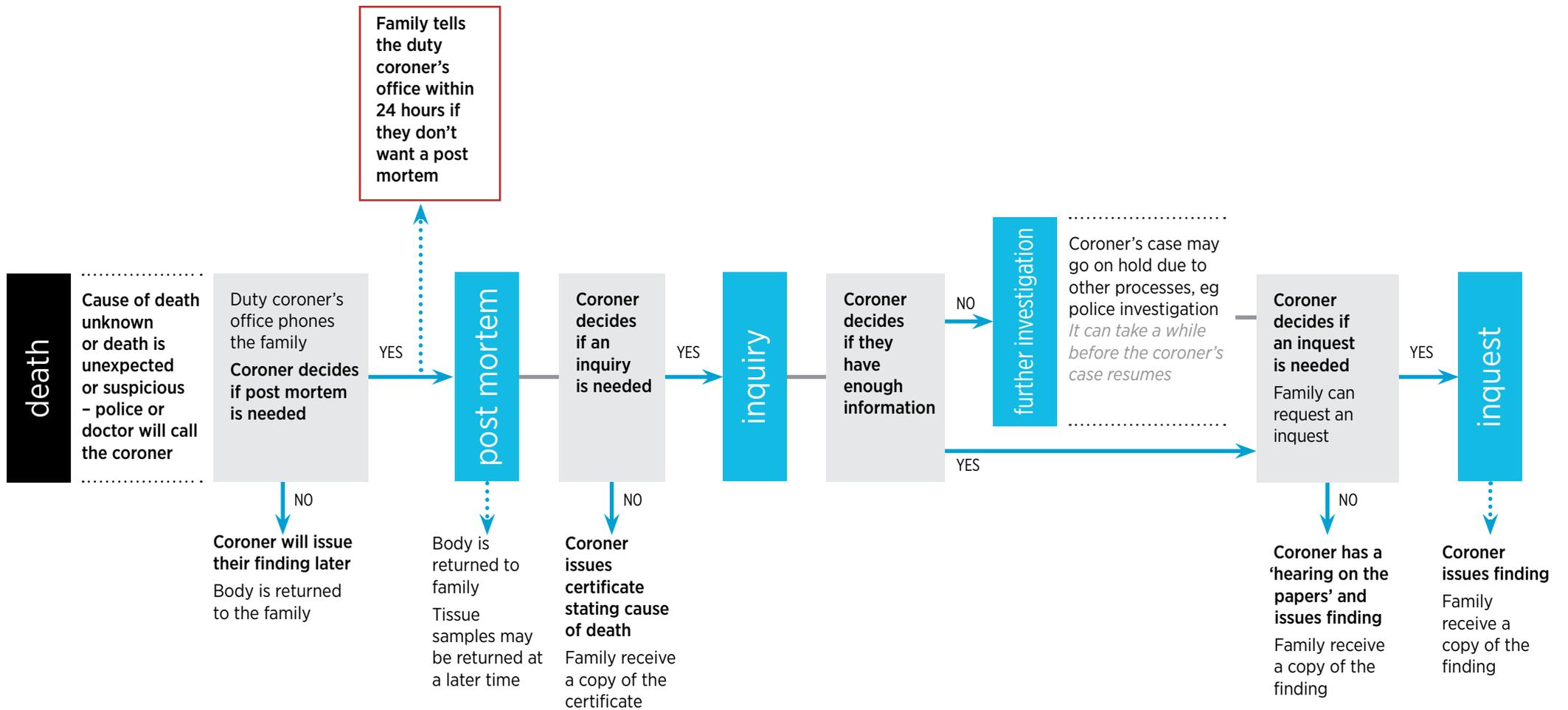
A guide to coronial services in New Zealand



MINISTRY OF
JUSTICE
Tāhū o te Ture



OVERVIEW OF THE CORONIAL PROCESS



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THE FIRST 2 DAYS

Dealing with a sudden death can be very hard. We want to help as much as we can. This booklet will give you a general idea of what you can expect to happen when a death is referred to a coroner.

A coroner is like a judge. They're a qualified lawyer appointed as a judicial officer to look into unexpected, violent or suspicious deaths to find out what happened.

They may order a post mortem and they'll decide if there should be an inquiry into the death. Coroners don't hold trials and they don't blame people or punish them.

The family's rights

As the immediate family of the person who died, you have the right to be kept informed and to receive certain documents that are related to the coronial process.

Duty coroner's office

The duty coroner's office manage the case from the time police report the death to them until the body is released from the mortuary.

They'll tell you what's happening with the post mortem, body tissue samples, and when the body will be released from the mortuary.

The first 48 hours

In the first 48 hours after the person dies, you need to decide about their funeral and whether you're willing for the coroner to do a post mortem or not.

If you don't want a post mortem done, please read the information on page 7 about how to object to a post mortem.

If you need more information before you decide, please ask the duty coroner's office or read pages 6-8 of this booklet.

Collecting the body and arranging the funeral

Contact a funeral director

In New Zealand, anyone can act as a funeral director. It's a good idea to check what requirements and qualifications a funeral home has before you choose one.

Ask if a funeral home belongs to the Funeral Directors Association of NZ (FDANZ) or NZ Independent Funeral Homes (NZIFH). These associations follow certain standards and codes.

Asking family, whānau and friends who they've used in the past is also a good way to find a funeral director. Or you can look in the Yellow Pages or online at the FDANZ or NZIFH websites <https://www.fdanz.co.nz/fdanz-funeral-directors> and <http://www.nzifh.org.nz/members/index.htm>

For more information about what a funeral director does and paying for a funeral, go to <https://endoflife.services.govt.nz/find-out#phase-462>

If you choose to use a funeral director, you should contact them as soon as possible after the person has died so they can arrange to collect the body as soon as it's released by the coroner. Or you can collect the body yourself.

The body is usually released later in the day of the post mortem but it might take 2 or 3 days if a pathologist isn't immediately available.

You can arrange the funeral yourself

You don't have to use a funeral director. For information about arranging a funeral yourself, go to <https://www.govt.nz/browse/family-and-whanau/>

Deciding if a post mortem is needed

The coroner will decide if a post mortem (autopsy) is needed to find the cause of death.

In a post mortem, a pathologist (specially trained doctor) will try to find the cause of death by thoroughly examining the body inside and out (a full post mortem).

Or they may only examine the body externally or only examine a particular part (a lesser post mortem). They may also take body tissue samples, like blood, to study.

The pathologist will try to do the post mortem as soon as possible — usually it's the next working day.

Where the post mortem will be done

A post mortem is usually carried out at the nearest hospital that has a mortuary and a pathologist.

If the person died in complex or suspicious circumstances, the post mortem should be carried out by a forensic pathologist at the nearest forensic mortuary. This may be in another part of the country.

What to do if you don't want there to be a post mortem

If the person's death was due to a crime, you can't object to a post mortem.

In all other cases, you can tell the coroner you don't want a post mortem.

You need to object within 24 hours from when the coroner decides to have the post mortem. So if you don't want a post mortem, please tell the duty coroner's office as soon as you can by phoning 0800 266 800.

Coroner's decision

The coroner may decide to:

- uphold your objection and there won't be a post mortem
- order a lesser post mortem
- order a full post mortem
- order an immediate post mortem. This could be a lesser or a full mortem and will be done without delay (depending on the circumstances of death and the availability of a mortuary, mortuary staff and a pathologist) to ensure the person who died is returned to their family quickly.

Appealing the decision

You can appeal to the High Court if you don't agree with the decision. There's a fee for this but you might be able to apply for help to pay the fee or have it cancelled (waived).

Find out more at justice.govt.nz/courts/going-to-court/court-fees/apply-for-help-to-pay-court-fees/

- **You need to apply to the High Court within 48 hours** of being told the coroner has decided to go ahead with the post mortem.
- It may help to talk to a lawyer about the correct way to apply to the High Court.

- The High Court will hear your objections urgently.
- The decision of the High Court is final and the coroner and the family must do what the High Court orders.

Being with the person at the mortuary

If the coroner decides to do a post mortem, you might be able to be with the person at the mortuary if the coroner says it's ok.

Please tell the duty coroner's office if you want to request a viewing or to stay with or near the body while it's in the coroner's custody.

Cultural and spiritual considerations will be taken into account by the coroner when they make their decision. You can ask for someone like a church minister or spiritual advisor to represent you at the viewing. Please talk to the duty coroner's office for more information.

Body tissue samples

If there's a post mortem, the pathologist will most likely take some body tissue samples to do some tests which can help them learn why the person died.

Samples might be small pieces from organs like the lungs and heart or fluid like blood. Most samples are no bigger than a dollar coin.

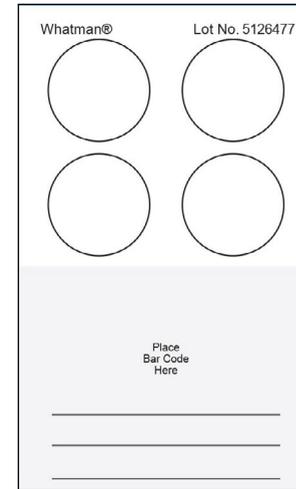
If the sample isn't destroyed during the testing, you can ask for it to be returned to you. It's important to know that some samples can't be returned until the coroner has closed the inquiry and this might take several months or years.

Sometimes the pathologist might want to keep some of the samples. Depending on the reason, either the coroner or you will need to say this is ok.

If you don't ask for the samples to be returned, the pathologist will usually need to dispose of them.

What body tissue samples look like

Tissue samples are usually put on a glass slide or in wax so they can be analysed. Fluids are usually kept in a test tube. Below are two examples of how body samples are prepared in readiness to be returned to the family.



Blood sample card



Tissue sample on glass slide

Returning tissue samples to the family

Tell the duty coroner's office that you want to have the tissue samples returned to you and fill out the form 'Request for return of body parts or body samples'. The duty coroner's office can give you the form or you can download a copy at <https://coronialservices.justice.govt.nz/what-happens-during-a-post-mortem/body-tissue-samples/>

You need to send the form to Coronial Services within 5 days of being told that the samples have been kept.

When the samples are ready to be returned, Coronial Services or an agency on their behalf will contact you and organise this.

You'll receive a small box and inside will be the sample triple-sealed in a test tube or wax slide.

Post mortem reports

Provisional report

Straight after the post mortem, the pathologist will give the coroner a report stating the unconfirmed (provisional) cause of death, whether the pathologist kept any body tissue samples for testing and what they are, and if the testing will destroy the samples. The duty coroner's office will tell the family the provisional result.

Final post mortem report

The pathologist will then send the coroner a final report. This can take several months or longer depending on how complex the post mortem examination was.

The coroner will use the information from the post mortem to decide whether or not to open an inquiry, if they haven't already done this.

As long as the final report isn't part of a police investigation, Coronial Services will give you a copy of the final report or you can ask them for a copy.

The report might include upsetting details and complex medical language, so you may want to discuss it with your family doctor.

What happens next

The coroner and the coronial process

Coroners are supported by Coronial Services which is part of the Ministry of Justice. A dedicated coronial case manager will help you and your family through the coronial process and keep you updated about what's happening.

Coronial case manager

Once the body is released from the mortuary, you'll be assigned a coronial case manager who will look after you. They'll keep you updated with what's happening, including if an inquest will be held. They'll also give you their contact details so that you can get in touch with them during the coronial process.

Anyone in the immediate family can ask to be kept informed about the inquiry but it's often easier and less stressful for the family to agree on one person who will act for all of them. Sometimes the coroner or the coronial case manager will ask this person to decide upon something to do with the inquiry.

An inquiry

A coroner holds an inquiry to find out more about who the person was, and where, when and how they died. Inquiries also help coroners make recommendations or comments that might prevent a similar death happening in the future.

Inquiries are usually opened soon after the death but sometimes it can take a few weeks for the coroner to decide if there should be an inquiry.

Coroners don't hold inquiries into all deaths reported to them

Sometimes a coroner will wait for another investigating agency (like the Civil Aviation Authority or the Health and Disability Commissioner) to conduct an inquiry.

Sometimes the coroner will adjourn the inquiry (put it on hold) until other investigations are finished.

When the coroner receives the report from this agency, they may decide not to hold an inquiry.

In some cases — like when it's a death from natural causes — they may issue a certificate stating the cause of death without holding an inquiry.

When there must be an inquiry

There has to be an inquiry if the person appears to have died from unexplained, violent or suspicious circumstances.

Family can be involved as much as they want to be

Sometimes, a coroner has to hold an inquiry because it's mandatory under the Coroners Act 2006. There must be an inquiry if the person who died was:

- in police custody
- in prison
- in an Oranga Tamariki-Ministry for Children home
- in foster care or a ward of state
- under a mental health compulsory treatment order
- detained in an institution for alcoholism or drug addiction treatment
- intellectually disabled and in compulsory care or rehabilitation.

Cultural and spiritual needs

Coronial Services also work to ensure that the cultural and spiritual needs of the dead person's family are met. You're welcome to contact your case manager to discuss any cultural and spiritual needs that you would like taken into account during the inquiry process.

If you want to talk with the coroner, please contact your coronial case manager.

Hearings and inquests

A hearing happens towards the end of an inquiry. This is when the coroner looks at all the evidence that has been gathered and decides on the facts of the death.

Coroners can hold a hearing in court or 'on the papers'. The hearing does not aim to determine civil, criminal or disciplinary liability. It only aims to find out the facts of the death.

Hearing 'on the papers'

At a hearing 'on the papers', the coroner makes a finding in their office (chambers) after reading all the evidence like statements from witnesses and reports from police and other agencies. The coroner may take several weeks to write the finding.

The hearing isn't public and family members, witnesses or other interested parties don't attend.

Hearing in court – an inquest

If the coroner needs to hear from witnesses in person, they'll hold a hearing in court. This is called an inquest.

An inquest is usually held in a court room. If the coroner approves, it can be held somewhere like a conference room.

If an inquest is to be held, your case manager will tell you when and where.

The family may be able to ask for an inquest. If you want to do this, please talk with your coronial case manager.

The coroner will decide what information and issues to examine and who to hear from. They'll hear evidence from a number of witnesses and the coroner and interested parties can cross-examine witnesses.

Inquests are usually open to the public, including the media. Anyone at an inquest will hear everything that's said unless the coroner orders otherwise.

The media can publish what they see and hear unless the death was a

suicide or the coroner restricts the information that can be published.

Sometimes the coroner will decide to keep people out of all or part of the inquest.

What families can do at an inquest

You don't have to have a lawyer at the inquest but you might want to.

At the inquest, you or your lawyer are allowed to ask witnesses relevant questions.

You can have people support you at the inquest. Family and friends often come as support.

After the inquest

The coroner will write their finding. This is a report about the facts of the death. They may make comments or recommendations if something can be done to prevent similar deaths happening again. The finding is usually the last step in the coronial process. The finding will be sent to you.

Getting copies of documents

The immediate family is entitled to a copy of the post mortem report **unless it's part of a police investigation.**

They're also entitled to a copy of the coroner's finding and any recommendations that are part of the finding.

The finding is a public document and the public can request a copy of it. This includes the media.

The coroner can restrict publication of parts of a finding.

To get a copy of the finding and the post mortem report, please ask your coronial case manager.

Contact details

Phone or email the National Initial Investigation Office on 0800 266 800 or NIIO@justice.govt.nz

Contact details for all coronial offices are available at coronialservices.justice.govt.nz/contact/

After the coronial process is finished, if you want to request information about the case, you can email coronial.information@justice.govt.nz or write to (no stamp required):

Coronial Information
SX11159
Wellington

Your coronial case manager will contact you about the coronial process:

CASE MANAGER

PHONE

EMAIL

If there's any part of the coronial process you would like more information about that isn't covered in this booklet, please ask your coronial case manager.

For the contact details of all Coronial Services offices in New Zealand, please go to coronialservices.justice.govt.nz