

# WHEN SOMEONE DIES SUDDENLY

A guide to coronial services in New Zealand



# YOUR CORONIAL CASE MANAGER WILL CONTACT YOU ABOUT THE CORONIAL PROCESS.

**CASE MANAGER**

**PHONE**

**EMAIL**

Dealing with a death can be very hard. We want to help as much as we can – if there's any part of the coronial process you would like information about, please contact your coronial case manager.

Contact details for all coronial services offices can be found on our website at [coronialservices.justice.govt.nz](https://coronialservices.justice.govt.nz)

# THE FIRST 2 DAYS ...

There are a lot of decisions that need to be made in the first 48 hours after someone has died and you might have a lot of questions as well.

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## **You will need to make a decision about –**

### CALLING A FUNERAL DIRECTOR

We suggest that you call a funeral director as soon as you can so arrangements are in place for when the person who has died is released from the mortuary.

You can find professional and caring funeral directors on the Funeral Directors Association of New Zealand (FDANZ) website [fdanz.org.nz](http://fdanz.org.nz) or on the Independent Funeral Homes website [nzifh.org.nz](http://nzifh.org.nz)

They can assist with funeral arrangements as well as give advice on how to obtain an interim death certificate.

You don't have to use a funeral director. For more information about how to arrange your own funeral, go to [www.govt.nz/family-and-whanau](http://www.govt.nz/family-and-whanau)

### OBJECTING TO A POST MORTEM

The coroner will probably need a pathologist (a specially trained doctor) to examine the body of the person who died to find out how they died – this is called a post mortem or autopsy. The pathologist may need to thoroughly examine the body inside and out. They may also take body tissue samples (like blood) to study.

If you don't want this to happen, you must tell Coronial Services within 24 hours of the coroner's decision that a post mortem is needed.

The coroner must acknowledge your objection but can still order a post mortem. If this happens and you still don't want the post mortem to happen, then you have to ask the High Court to review the coroner's decision within 48 hours of the coroner's decision to go ahead with the post mortem.

The High Court's decision is binding on you and the coroner.

If the person died as a result of a crime, you cannot object to a post mortem.

Learn more about post mortems on page 6.

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## RECEIVING BODY TISSUE SAMPLES

If there's a post mortem, the pathologist will probably take some body tissue samples (like blood) to do some tests. After the post mortem, you'll be asked if you want these samples back after the coroner's inquiry.

Sometimes the sample is all used up in the tests but if not, you'll need to decide if you want to ask for it to be returned to you. If you do want it returned, all you might get is a test tube or microscope slide.

The pathologist isn't allowed to keep any body tissue sample unless the coroner says so. Sometimes the pathologist might want to keep some of the tissue in case better tests are developed in the future.

Learn more about tissue samples on page 8.

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## Why is the coroner involved?

The law says a coroner must look into a death, if it:

- was unexpected
- was violent
- had no obvious cause
- was suicide
- happened while someone was being looked after by the State (like in prison or a mental institution)
- happened because of a medical operation.

## WHAT IS A CORONER?

Coroners are judicial officers, which are like judges. They're qualified lawyers who investigate sudden, unexplained or suspicious deaths.

## WHAT DOES THE CORONER DO?

The coroner has to confirm the identity of the person who died, how they died and what led to their death. The coroner can also make recommendations to try to stop something similar happening to anyone else. They might also ask another organisation to investigate the death if it would help.

## CORONIAL SERVICES TEAM WILL CALL YOU

If you're listed as either a family contact or the immediate family, someone from the Coronial Services team at the Ministry of Justice will call you soon after you're told about the death. Read the next section about the kinds of questions they'll ask you.

Anyone, from the immediate family or whānau of the person who died, can call the regional coronial services office. Their details are on our website [coronialservices.justice.govt.nz](http://coronialservices.justice.govt.nz)

## WHAT HAPPENS NOW

After the coroner has been told about a death, they can:

- decide whether or not they have a responsibility to look into the death (accept or decline jurisdiction)
- open an inquiry
- order a post mortem (see page 6).

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## Why are the police involved?

Police are used by the coroner to:

- investigate a death when the person has died in an unnatural or unknown way
- ensure the family are informed of relevant initial information.

# WHAT IS A CORONER'S INQUIRY?

A legal investigation into a death that's happened in New Zealand. It's a process and not a one-off event. Coroners open inquiries so they can find out more about who the person was and where, when and how they died.

Police always tell a coroner when someone dies unexpectedly, violently or in suspicious circumstances. If the coroner takes responsibility for (takes jurisdiction over) the death, they'll always issue a finding.

Sometimes – like when it's a natural death – a coroner may make a finding without opening an inquiry.

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## Why does the coroner open an inquiry?

To identify the person who died, and understand when, how and why they died. Another important part of the coroner's role is to make recommendations or comments that might stop someone else dying in a similar way.

They might also decide that another authority, like the Civil Aviation Authority or the Police or the Health and Disability Commissioner, should investigate the death to see what can be learned to make New Zealand a safer place.

There has to be an inquiry if the person appears to have committed suicide.

There also has to be an inquiry if the person was:

- in police custody
- in prison
- in a Child, Youth and Family (CYFS) home
- in foster care or if they were a ward of state
- under a mental health compulsory treatment order
- being kept in an institute for alcoholism or drug use
- disabled and in compulsory care or rehabilitation.

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## **When does the coroner open an inquiry?**

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

Sometimes the coroner asks for another kind of investigation, perhaps medical (such as a post mortem or doctor's report) or occupational safety and health (OSH), to help them decide whether to open an inquiry.

Sometimes the coroner will put the inquiry on hold (adjourn it) until the outcome of another inquiry (like, a police prosecution, or an investigation by the Ministry of Business, Innovation and Employment, or the Health and Disability Commissioner).

It's hard to say how long an inquiry will take because every death is different and the coroner will need to wait for enough evidence.

Coronial Services will make sure you're kept informed about how things are going.

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## **Will our family and whānau be involved?**

Your family and whānau can be involved as much as they want or need to be.

You and your immediate family will be kept up to date on each stage of the coronial process; sometimes the coroner will need the family to make decisions about the person who died.

If you or someone else in the family wants to be told how the inquiry is going, get in touch with your coronial case manager.

Coronial Services will ask for the family to choose one person to be the main contact. This person will have to be available to be contacted by Coronial Services and be willing to receive information and keep the family informed.

Ask Coronial Services staff if there's anything you're not sure about.

# WHAT IS A POST MORTEM?

A post mortem is like surgery. A pathologist (a specially trained doctor) usually completes a full post mortem by examining the person's body inside and out.

What the pathologist finds out can help the coroner understand how the person died.

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## Where is a post mortem done?

Usually at the nearest hospital that has a mortuary and pathologist available who can do the post mortem.

Sometimes the post mortem is done by a forensic pathologist, who has had extra training and usually deals with cases where someone has died in more complex or suspicious circumstances. This may require the post mortem to be done at the nearest forensic mortuary, which may mean the person will need to be transported to another part of the country.

## WILL I HAVE TO PAY FOR THE POST MORTEM?

No, you or your family don't need to pay for the post mortem. You also don't need to pay if the person has to be taken to another hospital for the post mortem. This will be organised and paid for as part of the investigation.

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## How long will a post mortem take?

The pathologists try to do the post mortem as soon as possible (usually the next working day). Sometimes it can take up to 2 or 3 days – for many reasons, such as if another specialist is needed or the medical examination is very detailed.

After the coroner has authorised the release of the person from the mortuary, your funeral director can pick them up and you can plan the funeral.

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## **What is a post mortem report?**

It's what the pathologist writes to give the coroner their opinion on how the person died and help the coroner decide if they should open an inquiry.

The pathologist will give the coroner a provisional report on the same day the post mortem is finished but a full post mortem report can take several months to finish.

As part of the immediate family, you'll be told about the post mortem report and you can ask for a free copy. But if it's part of a police investigation, you might not be able to have a copy.

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

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## **What if post mortems go against our cultural or spiritual beliefs?**

You must tell Coronial Services immediately if you don't want a post mortem done. The coroner will take your wishes into account when deciding whether a post mortem is needed.

To object to a post-mortem, you must fill out a form. You can get this from our website [coronialservices.justice.govt.nz](http://coronialservices.justice.govt.nz)

If the coroner decides to go ahead with a post mortem despite your wishes, you have 48 hours to apply to the High Court to have the coroner's decision reviewed.

### **IF A POST MORTEM GOES AHEAD DESPITE YOUR OBJECTION**

The person is always treated respectfully by everybody involved in the process.

Coroners will do their best not to distress you.

With the coroner's consent you might be able to stay near the person who has died while they're in the mortuary.

You can also ask the coroner for someone to represent you at the post mortem – like a doctor, nurse, or funeral director – for your peace of mind. The coroner will talk to the pathologist before deciding whether to allow this.

# TISSUE SAMPLES

## What are tissue samples and how are they used?

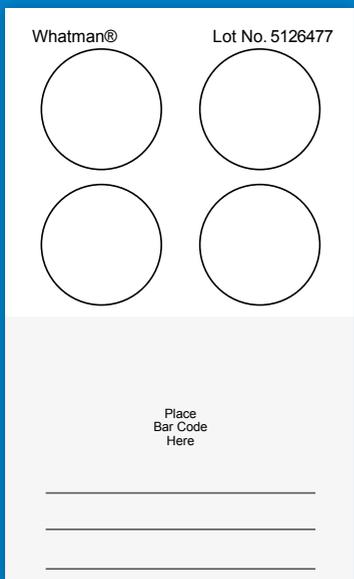
A pathologist might take small pieces from organs like the lungs and heart, or some fluid, like blood, to find out more information about how the person died.

They test these and look at them under a microscope. Sometimes the tests are

done by other experts (like toxicologists) in another part of the country.

Most samples are no bigger than a dollar coin and they often get used up in the tests.

The pathologist isn't allowed to keep any tissue or body fluid without telling the coroner.



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## **How do we get tissue samples back?**

Before the person is released from the mortuary, a Coronial Services staff member will call to let you know if they need to keep any body tissue samples for testing.

If you want the samples back, you must fill out a form to ask for them to be returned. You can get the form on our website [coronialservices.justice.govt.nz](http://coronialservices.justice.govt.nz)

You must send the form back within 5 days of being told that the samples have been kept.

## **Returning the samples**

Coronial Services will ring you when it's time to return the tissue samples to explain the arrangements.

Most times, a special courier will deliver them to you. You'll get a small box. Inside, the sample will be triple-sealed – perhaps in a test tube or a wax block.

Samples aren't returned until the coroner has closed the inquiry. This might take months or even years.

## **WHAT IF THE PATHOLOGIST WANTS TO KEEP TISSUE SAMPLES?**

This may be a good idea. Pathologists recommend long-term storage of tissue and DNA samples. Reasons for this include:

- As medical science improves, new tests could reveal more about how the person died.
- If questions are raised at a later date, the cause of death can be reviewed.
- Cases can be reviewed and new diseases can be discovered and diagnosed.
- Later, if there's a suspicion the person had a genetic condition and passed it on to others in the family, further tests can be done.

Being able to look at the samples again could save lives. If these samples are returned to the family, it can affect the ability to do more tests.

# AFTER THE POST MORTEM

Straight after the post mortem, the pathologist will let the coroner know:

- why they think the person died
- if the pathologist has kept any body tissue samples for testing
- what the samples are
- if testing will destroy the samples.

Coronial Services will let you know this information too.

After the post mortem, the coroner can decide to:

- order or wait for more investigations from experts, like the Police, Cardiac Inherited Disease Group or Ministry of Business, Innovation and Employment
- put their investigation on hold (adjourn) while there's a separate investigation, like a police investigation or court case
- make their final report about the death (issue finding).

## SUDDEN DEATH FROM A GENETIC HEART DISORDER

If a heart muscle problem is found, the pathologist may suspect the death is related to a genetic disorder in the heart that no one knew about. They may ask the Cardiac Inherited Disease Group (CIDG) to investigate.

Most disorders aren't genetic. In these cases, other family members are safe and can be reassured.

In about one-third of cases, there's an underlying genetic problem and other family members may be at risk. The CIDG will contact family members to check if they may be at risk. Once doctors identify people at risk, they can be helped.

The pathologist will usually refer a case to the CIDG more than 3 months after a death. The CIDG investigation can take many months.

The coroner will usually release the death certificate and post mortem report to the family before the CIDG investigation so the family can make all practical and financial family arrangements.

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## **After further investigation**

Once the coroner has all the information they need from experts or the police, they review all the evidence in their office (this is called 'chambers finding' or 'hearing on papers') or order an inquest.

No one goes to the chambers finding. The coroner goes through all the information they have then they make their final report about the death (issue finding).

When someone has committed suicide, the coroner usually completes their inquiry in chambers without an inquest.

The family can ask the coroner to hold an inquest instead. Your coronial case manager can help with this.

# WHAT IS AN INQUEST?

An inquest is a hearing in court for the coroner to investigate the death. It's usually held in a courtroom but can be anywhere approved by the coroner.

It's an inquiry into what happened, not a trial. It's not the job of the coroner to blame anyone for the death or to hold anyone to account.

It isn't as formal as a criminal court hearing and there isn't a jury.

Anyone can come to an inquest, including the media. However, the coroner can decide to keep people out of all or part of the inquest.

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## Why is an inquest held?

To establish the facts and circumstances about the person's death.

At an inquest, witnesses give their evidence to the coroner and an inquest allows this evidence to be questioned or clarified.

## When is an inquest held?

After all the investigations into the death are finished and all of the evidence has been collected and is ready to be presented to the coroner.

It could be months or even years after the person has died.

Coronial Services will tell the family where and when the inquest will be held.

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## How long does an inquest take?

It depends how complicated the circumstances of the death were. Most inquests are finished in a day or less but they can take weeks.

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## **What happens at an inquest?**

A coroner is in charge of the inquest; they're responsible for everything that happens in the courtroom.

Witnesses and experts speak or read statements. Statements might include the post mortem report written by the pathologist.

The coroner can ask the witnesses and experts questions. The immediate family can also ask relevant questions or get their lawyer to.

The coroner might comment on how the death occurred. They might also make recommendations that could help stop someone else dying in the same way.

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## **What happens after an inquest?**

The coroner might say something about their finding at the end of the inquest.

The coroner always issues a final written finding later.

If the coroner is going to say anything negative about anyone, they'll let them know before the finding is made public. This gives people a chance to respond, either themselves or through their lawyer.

The coroner publishes any recommendations after the inquiry has closed.

# CORONER'S FINDING

The finding is a report written by the coroner about the facts of the death. It will say who died and when, where and how they died.

The coroner might also make comments or recommendations in their finding to help prevent similar deaths in the future.

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## Who gets a copy?

The immediate family does.

A copy is also sent to any other people or organisations that have been involved in the inquiry.

The finding is a public document but the coroner can restrict publication of certain parts. As a public document:

- the public can request a copy
- the media are sometimes sent a copy
- it may be published on the Coronial Services website.

## How do I get a death certificate?

You'll need a death certificate to wind up an estate. You can get interim and final death certificates from Births, Deaths and Marriages (part of the Department of Internal Affairs). See [www.govt.nz/organisations/births-deaths-and-marriages](http://www.govt.nz/organisations/births-deaths-and-marriages)

# GLOSSARY

## **Adjourn**

When a coroner will postpone their inquiry or inquest while they wait for more information.

## **Coroner**

A coroner is a qualified lawyer who has been appointed as a judicial officer, which is like a judge. They investigate certain deaths to find out what happened and if anything can be done to prevent it happening again in the future.

## **Evidence**

Anything, like a post mortem report, a coroner can use to find out what happened.

## **Finding**

This is a coroner's final report about someone's death. It will cover who the person was, how, why and when they died. It might also have recommendations about what could be done to stop anyone else dying in the same way.

## **Chambers finding**

(Hearing in chambers, hearing on papers)

This is when a coroner reads all the evidence they've gathered about someone's death so that they can write their finding. Unlike an inquest, nobody attends a chambers finding and it is not open to the public.

## **Inquest**

A special type of court case, where a coroner asks specialists and witnesses to speak, so that the coroner can find out who died, and why, how and when they died.

## **Inquiry**

When a coroner wants to investigate someone's death further, they can open an inquiry so that they can get further information.

## **Pathologist**

A doctor who is specially trained to figure out the medical cause of death.

## **Post mortem (autopsy)**

A medical examination of the person who died that can be both inside and outside the body. It is done by a pathologist.

## **Tissue samples**

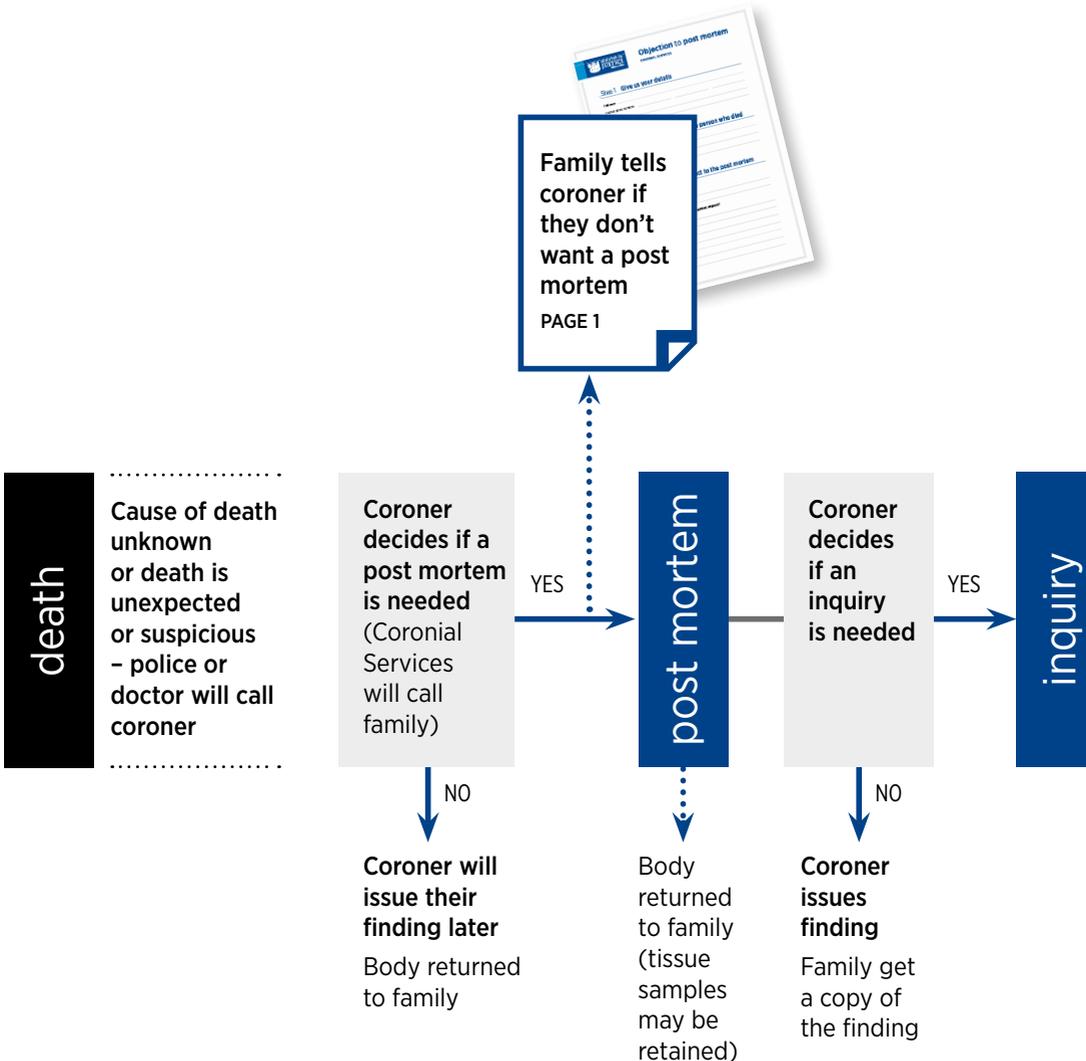
These are small parts of someone's body, like blood or a little piece of an organ like a heart, which the pathologist can do tests on to find out how the person died.

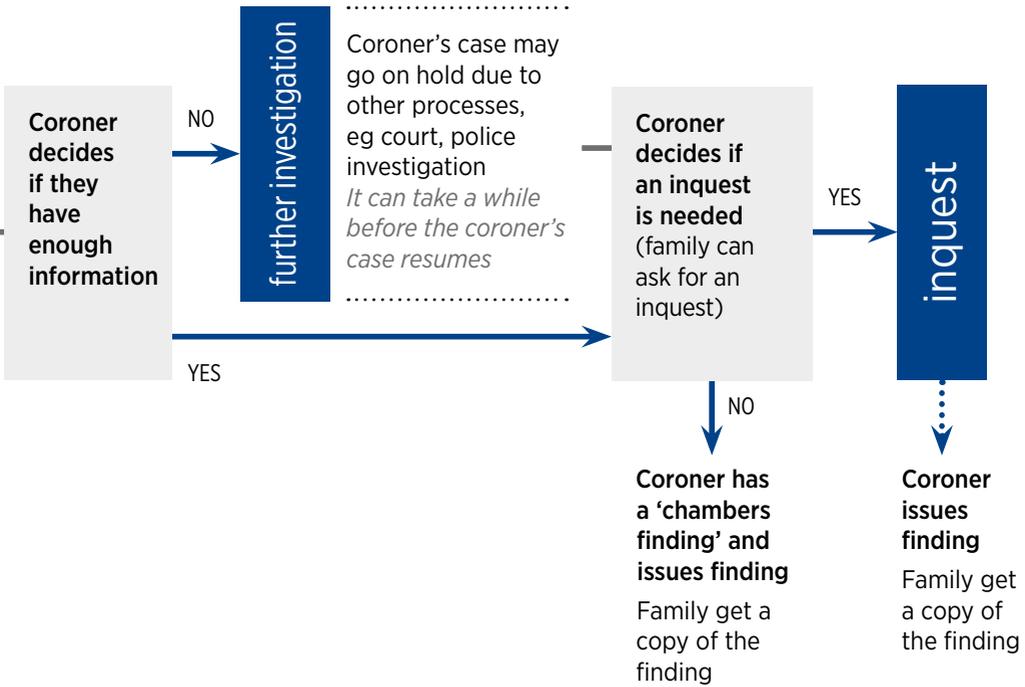
## **Retention**

The retention of tissue samples means that they are being stored safely so that they can be used to test why someone died.

# CHART OF THE CORONIAL PROCESS

This chart is meant to give you a general idea of the coronial process. Because every death is different, your experience might not follow this path exactly.





## Getting support

It can be a tough time after someone close to you has died and the death has been reported to the coroner. There are people in your community who can help.

## Community support

### Victim support

*Provides 24 hour practical and emotional support*

0800 VICTIM (0800 842 846)

[www.victimsupport.org.nz](http://www.victimsupport.org.nz)

### SANDS

*Support for bereaved parents after a stillbirth or new born death.*

[info@sands.org.nz](mailto:info@sands.org.nz)

[sands.org.nz](http://sands.org.nz)

### SIDS and Kids New Zealand

*Support for family and communities after a child has died unexpectedly*

0800 164 455 (24 hours)

[info@sidsandkids.org.nz](mailto:info@sidsandkids.org.nz)

[sidsandkids.org.nz](http://sidsandkids.org.nz)

### Skylight

*Support through tough times for children and whānau*

0800 299 100

[info@skylight.org.nz](mailto:info@skylight.org.nz)

[skylight.org.nz](http://skylight.org.nz)

## Financial support

### ACC

*Support if a family member has died from an accident*

0800 101 996

[acc.govt.nz](http://acc.govt.nz)

### Work and Income

*For a grant to help with the cost of the funeral or other financial support (income tested)*

0800 559 009

[winz.govt.nz](http://winz.govt.nz)

## Practical support

To find your nearest funeral director, go to:

- Funeral Directors Association of New Zealand (FDANZ)  
[fdanz.co.nz](http://fdanz.co.nz)
- Independent Funeral Homes  
[nzifh.org.nz](http://nzifh.org.nz)

*Anyone can organise the funeral – not just a funeral director.*

*For more information see*

[www.govt.nz/family-and-whanau](http://www.govt.nz/family-and-whanau)