FACT SHEET 5

Next of Kin and the Coroners Court

THIRRILI

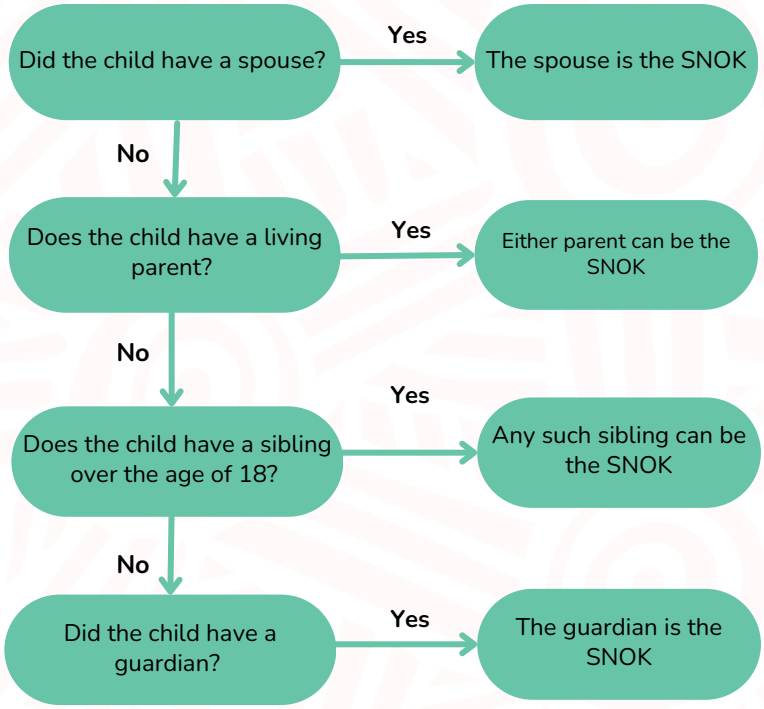
This fact sheet explains which family members and friends can make important decisions in the coronial process. This fact sheet does not apply to deaths in custody.

Who can make decisions after someone dies?

Senior Next of Kin

The following flow chart will help you determine who is the **SNOK**, in order to make decisions when someone dies suddenly. The SNOK is the first available person from the flow chart.

When the deceased person was a child (i.e. under the age of 18)



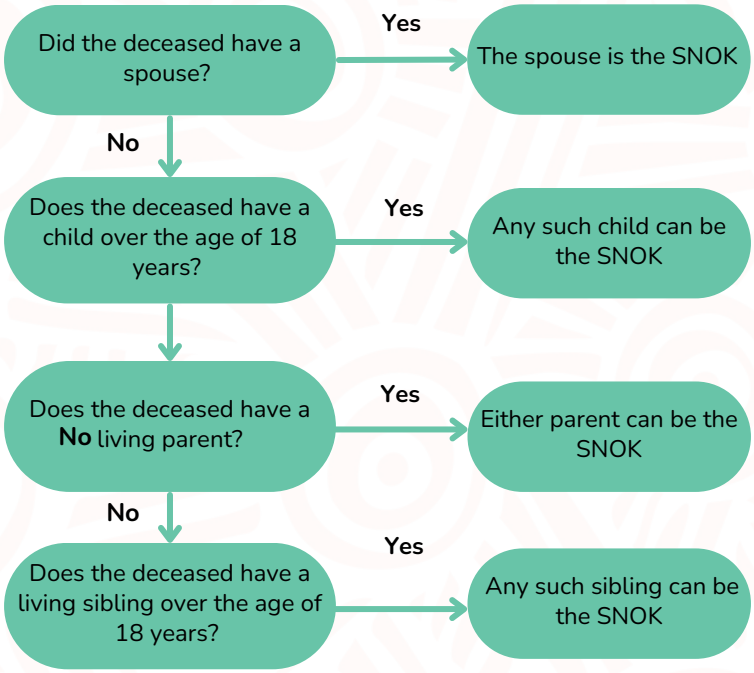
FAQ: Who is a 'parent'?

A parent can include a step-parent, a person regarded as a parent under Aboriginal traditional custom or other cultural traditions of a community, and a person who exercised parental responsibility for the child (even if not the legal guardian of the child).

FAQ: Who is a 'sibling'?

A sibling can include an adopted sibling, a step-sibling, and a person regarded as a sibling under Aboriginal traditional custom or other cultural traditions of a community.

When the deceased person was an adult



FAQ: Who is a 'child'?

A child can include an adopted child, step-child, foster child, and a person regarded as a child under Aboriginal traditional custom or other cultural traditions of a community.

What role does the SNOK have?

A SNOK will be the person notified about the following:

- the arrival of the body at the morgue;
- if the coroner wants to conduct a post-mortem investigation; and
- if the coroner wants to keep organs or tissue for investigation.

A SNOK can:

- appoint another person to be the SNOK instead;
- be provided with a specialist social worker from the Forensic Medicine Social Work service;
- request, in writing, that a post-mortem investigation not be conducted; and
- appeal a decision of the coroner to do a post-mortem investigation or keep organs/tissue.

I am not the SNOK. What rights do I have?

People who are not the SNOK, but are a:

- *spouse or long term partner;*
- *parent;*
- *child above the age of 16; or*
- *person who resided with the deceased,*

can:

- *appear in the coronial court proceedings (including to call and examine witnesses), or be represented by a lawyer in those proceedings;*
- *apply for a cremation; and*
- *apply for an exhumation of the deceased.*

What can I do if the coroner won't accept me as the SNOK despite my role in the community?

If you are not eligible to be a SNOK, and you think you should be, you can make an application to the NSW Supreme Court.

Alternatively, you can apply to be an 'interested party' by contacting the court. This will not give you the same rights as the SNOK, but will mean that you are kept informed of when:

- the coroner decides to stop or proceed with an inquest;
- the matter is listed for an inquest;
- and the matter is finalised.

More help

- The Coroners Court of NSW can be contacted via phone or email: (02) 8584 7777 or at lidcombe.coroners@justice.nsw.gov.au.
- The Coroners Court provides a Coronial Information and Support Program can be contacted via phone or email: (02) 8584 7777 or at ACISP@dcj.nsw.gov.au.
- Legal Aid NSW has a Coronial Inquest Unit which provides free legal advice and representation and can be contacted via phone: (02) 9219 5156 or (02) 9219 5000 (for regional matters call 1300 888 529).
- The Aboriginal Legal Service of NSW can be contacted via phone: 1800 733 233.

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