FACT SHEET 5

Next of Kin and the Coroners Court

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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?

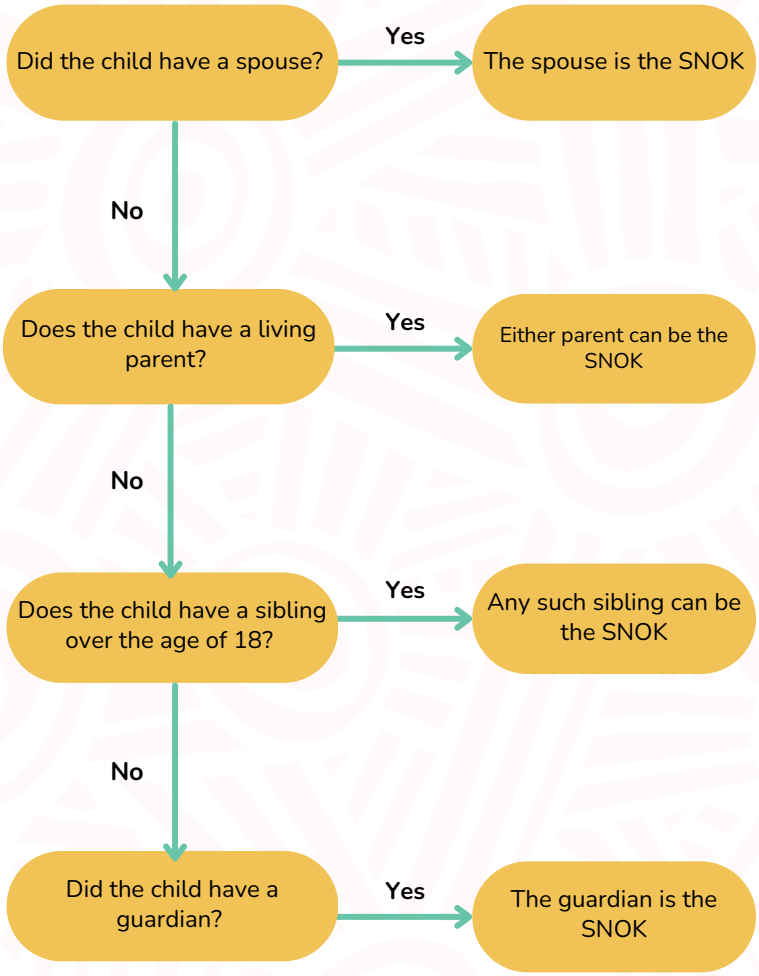
Family

'Family' means the 'senior next of kin' (SNOK) of a deceased person and any person considered to be related to the deceased according to Aboriginal or Torres Strait Islander kinship rules.

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.

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



FAQ: Who is a 'parent'?

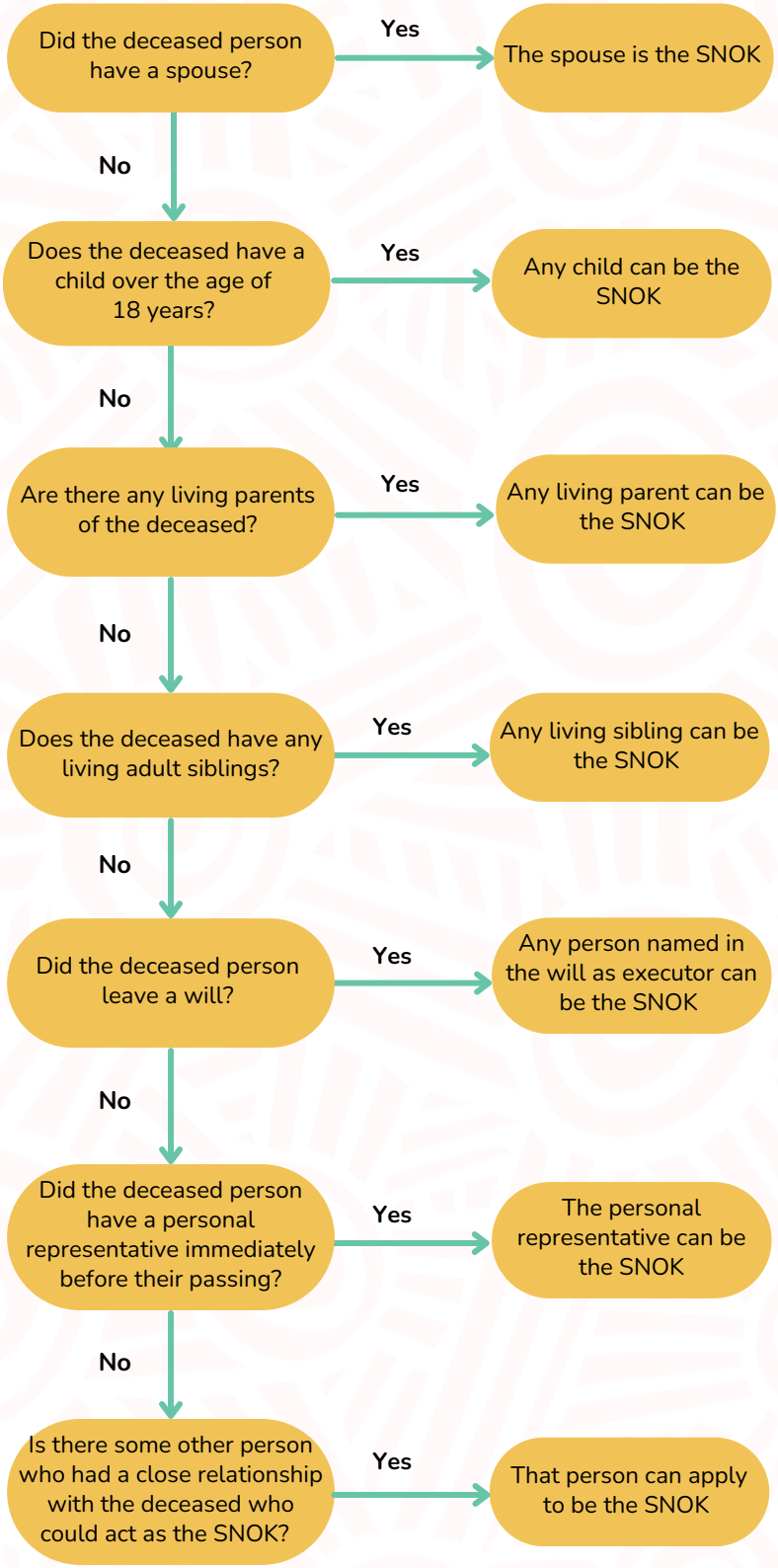
A parent can include a step-parent, a person regarded as a parent under Aboriginal traditional custom or other cultural traditions of a community, and a person who exercised parental responsibility for the child (even if not the legal guardian of the child).

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.

The Coroners Court in SA

When the deceased person was an adult



FAQ: What if the deceased had more than one spouse?

The most recent spouse is the SNOK.

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

FAQ: What is an 'executor'?

An executor is the person appointed in a will to manage the deceased's affairs when they die.

FAQ: What is a 'personal representative'?

A 'Personal representative' may include someone appointed to manage the deceased's affairs while they were alive (i.e., via a statutory declaration, power of attorney, or some other document).

FAQ: How do I apply to be a SNOK?

You need to contact the Coroners Court and explain your relationship with the deceased.

The Coroners Court in SA

What role does the SNOK have?

The SNOK is the main point of contact for the Coroners Courts. The SNOK will be informed about:

- the purpose of the coronial process;
- the identification of the deceased process;
- visiting the deceased person.

A SNOK will be:

- *notified as to whether or not an inquest will be held; and*
- *notified of the official cause of death once determined by the State Coroner*

A SNOK can:

- *find out the provisional cause of death on the afternoon of the autopsy by ringing the Coroner's Court;*
- *appear at an inquest and examine and cross examine witnesses;*
- *give consent to the coroner to not investigate the cause of death of the deceased when the coroner suspects that it is likely due to natural causes (this means that the death certificate will list the cause of death as 'undetermined natural causes');*
- *request a copy of the autopsy report; and*
- *collect the deceased's valuables.*

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

Anyone who is family of the deceased can:

- *nominate a person (including a lawyer) to appear at an inquest and examine and cross examine witnesses; and*
- *if no inquest is held, apply to be provided with all records held by the State Coroner in respect of the event.*

People with a 'sufficient interest':

Any person with a 'sufficient interest' can appeal an inquest finding to the South Australian Supreme Court. A person is deemed to have a 'sufficient interest' where the finding:

- affects the person's financial interests;
- reflects adversely on the person's competence in their trade, profession or occupation; or
- the person has some other interest sufficient according to the Supreme Court's opinion.

Anyone with a 'sufficient interest' as determined by the Coroner's Court can appear at an inquest and examine and cross-examine witnesses.
The general public

Any person can:

- view documents, such as a transcript of evidence and orders from the Coroner's Court proceedings; and
- make an application to the State Coroner for permission to view material such as that not received in open court or photos and videos.

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

You should contact the Coroner's Court to explain why you think you should be recognised as the SNOK. The Coroner's Court can be contacted via +61 8 8204 0600 or coroner@courts.sa.gov.au.

More help

- Coroner's Court of South Australia (for general queries and to engage the social worker support service) can be contacted via phone or email: (08) 8204 0600 or at coroner@courts.sa.gov.au
- Legal Services Commission South Australia: can be contacted via phone or email: 1300 366 424 or at LSC.Correspondence@lsc.sa.gov.au
- Aboriginal Legal Rights Movement can be contacted via phone or email: 1800 643 222 or at info@alrm.org.au

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Working with families and communities after suicide
1800 805 801
24/7 Australia-wide

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