



Bereavement

Entitlements for Older People Factsheet 6

It is always difficult to deal with the death of someone close. As well as the emotional issues, a number of practical matters have to be dealt with. This factsheet summarises the things that need to be done when someone dies. Some of these have to be addressed immediately. First, the cause of death must be established and funeral arrangements made. Other tasks such as dealing with the deceased person's estate and arranging for pensions need to be addressed fairly soon after the death.

The majority of people die in hospitals and the hospital usually provides a medical certificate of the cause of death and arranges for the laying out of the body. The hospital may also hold the body until funeral arrangements are made. Arrangements for organ donation must be made immediately. Organ donation can occur only if the deceased died in hospital.

If the death occurs at home, you must contact the doctor who was treating the deceased to get a medical certificate of the cause of death. You can arrange for the laying out of the body at home and you may get help from the funeral director to do this.

If a death has occurred suddenly or unexpectedly, you may need to notify the Gardaí and the Coroner. A post mortem examination may be necessary if a doctor did not see the deceased in the 28 days before the death occurred or if the doctor has any concerns about the cause of death. If, after the post mortem, a cause of death cannot be established, an inquest may be held.

Further medical certificates are required if you choose cremation rather than burial.

Funeral arrangements

You may make the funeral arrangements yourself directly or you may ask a funeral director to do so. Funeral directors provide a range of funeral services including the buying and opening of a burial plot, arrangements for cremation and putting death notices in the papers.

Registering the death

The main responsibility for registering a death rests with a relative who knows the details in relation to the death. If there is no such relative then anyone who was present at the death or anyone in charge of the premises where the death occurred or anyone who has knowledge of the death can do this.

If the deceased person died following an illness, the doctor who attended the deceased person must complete the first part of the Death Notification Form and state the cause of death. The doctor must give this form to a relative if there is one who is able to register the death.

The relative completes the second part of the form giving various personal details of the deceased, including the PPS Number. The form must be given to a Registrar of Deaths within three months of the death and the relative must sign the Register of Deaths.

If the deceased died of any cause other than illness or where a doctor did not attend the deceased then the Coroner must be informed and then makes arrangements to register the death.

Providing for the bereaved

Access to money

You may need to get access to the deceased person's money to help pay for funeral expenses. It is not easy to get access to money in a bank or building society unless it is in a joint account. If the money is in the deceased's name only, then you usually cannot get access to it until probate is taken out – see overleaf.

A number of social welfare benefits and grants are available following a death. You may need to find out more about occupational pensions, personal pensions, insurance policies, taxation of income and inheritance.

Social welfare payments

If the person was getting a social welfare payment you should contact the relevant section of the Department of Social and Family Affairs as soon as possible after their death. Keep a note of the pension claim number.

In most cases the deceased person's social welfare payment is payable for six weeks after death if you were the dependent 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.

A Bereavement Grant can be paid to the person responsible for paying the funeral bill, based on the PRSI contributions of the deceased or their spouse. It is paid by cheque and can be claimed up to 12 months after the death.

If you cannot afford to pay the funeral expenses, you may get assistance from the Community Welfare Officer, based in your local health centre. You should apply for this before you pay the funeral bill, as the cheque will be sent directly to the funeral director.

The spouse of the deceased may be eligible for a Widow's or Widower's Pension. You can get application forms and discuss the options with your local Social Welfare Office or Citizens Information Centre.

Legal issues following a death

Taking out probate

Taking out probate basically means having the Probate Office or the 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. On an average estate, involving a house, contents and some savings, it involves listing the assets and liabilities and completing the appropriate forms to confirm these with the probate office. There are 14 probate offices around the country and a central Personal Application Section at Áras Uí Dhálaigh, Smithfield, Dublin 7.

The probate office will require the personal representative (Executor or Administrator) to furnish the will, the death certificate, statements from financial institutions, property title-deeds/land certificates together with estimated values, along with details of any bills outstanding and expenses incurred in the course of taking out probate.

Once probate is granted, the executor or administrator has the right to gain access to all the assets of the deceased and to distribute them in accordance with the terms of the will.

Distribution of the estate

The deceased person's estate has to be distributed either in accordance with the will or in accordance with the rules on intestacy if no will exists. Most people use a solicitor for this purpose but it can be done by the executor or administrator if not complex.

Intestacy

If a person dies without having made a will, or if the will is found to be invalid, 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 an intestacy. The rules for division of the estate on intestacy are prescribed in legislation as follows:

If the deceased is survived by:

- » A spouse but no children or grandchildren – the spouse gets the entire estate
- » A spouse and children – the spouse gets two-thirds, one-third is divided equally among the children (if a child has already died, their children take a share)
- » Children, no spouse – divided equally among the children
- » Parents, no spouse or children – divided equally or given entirely to one parent if only one survives
- » Brothers and sisters only – shared equally, the children of a deceased brother or sister take their parent's share
- » Nieces and nephews only – divided equally among those surviving
- » Other relatives – divided equally among the nearest equal relationship
- » No relatives – the State

Housing and daily living

You may need to notify some organisations about the death. If the deceased held a mortgage you must notify the financial institution where the deeds are held. If the deceased lived in rented accommodation, the landlord/local authority needs to be notified so that the names can be changed on the tenancy agreement.

You need to inform the deceased's bank or credit union of the death. The financial institution then ends any instructions issued by the deceased person, for example, to pay direct debits.

Glossary of useful words and phrases

PPSN (Personal Public Service Number): This is your unique reference number for all dealings with the public service including social welfare, tax, education and health services eligibility.

Pay Related Social Insurance (PRSI) is the payment made by employees and their employers and by self-employed people to the Department of Social and Family Affairs. It gives entitlement to various benefits that are based on your PRSI contributions. These are known as contributory payments.

The estate or **the assets** are the terms used to describe all the deceased person's belongings. This includes property, money and personal belongings; in fact everything that has to be distributed after the death.

A **testator** is a person who makes a will. A person who dies without having made a will is said to have died **intestate**; this means that that person's property and money are distributed in accordance with the law.

An **executor** is a person named in a will who has the job of implementing the terms of the will. There may be more than one executor. The executor may be a beneficiary under the will. (A witness may not be a beneficiary.)

An **administrator** is a person who administers the will if no executors have been appointed or who administers the estate if there is no will.

The **personal representative** of the deceased is either the executor or the administrator.

A **legacy** (or **bequest**) is a gift made in a will.

Probate is the process by which a will is put into effect.

Useful addresses

Bereavement Counselling Services

Dublin Street
Baldoyle
Dublin 13
Tel: (01) 839 1766

Department of Social and Family Affairs

Social Welfare Services Office
College Road
Sligo
Lo-call: 1890 500 000
www.welfare.ie

Health Service Executive
Information Line: 1850 24 1850
www.hse.ie

Irish Hospice Foundation

Morrison Chambers
32 Nassau Street
Dublin 2
Tel: (01) 679 3188
www.hospice-foundation.ie
www.carers.ie

Probate Office

Áras Uí Dhálaigh
15/24 Phoenix Street North
Smithfield
Dublin 7
Tel: (01) 888 6174
www.courts.ie

There are fourteen District Probate Registries located outside Dublin. These registries are attached to Circuit Court Offices.

Revenue Commissioners

Border Midlands and West:
1890 777 425
Dublin: 1890 333 425
South West: 1890 222 425
East and South East: 1890 444 425
www.revenue.ie

General Registry Office

Government Offices
Convent Road
Roscommon
Tel: (090) 663 2900
www.groireland.ie

The Citizens Information Board is the statutory body which supports the provision of information, advice and advocacy on the broad range of social and civil services to the public. It provides the Citizens Information website and supports the voluntary network of Citizens Information Services and the Citizens Information Phone Service.

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You can find more information on all the entitlements covered in this factsheet in the booklet *Entitlements for over sixties*, available from your local Citizens Information Centre or visit www.citizensinformation.ie.

Citizens Information 

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