



# Next of Kin and the Coroners Court

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.



### FAQ: What if the deceased had more than one husband/wife/partner?

The most recent husband/wife/ partner is the SNOK.

### FAQ: What is 'legal marriage'?

If you are legally married, you will have a marriage certificate.

### FAQ: Who is a 'child'?

Child means biological, adoptive, foster or surrogate. Having a 'parent-like' relationship is not enough.

### FAQ: Who is a 'parent'?

Parent means biological, adoptive, foster or surrogate. Having a 'parent-like' relationship is not enough.

### FAQ: Who is a 'sibling'?

Sibling means biological, adopted, surrogate and half siblings.

### FAQ: What is an 'executor'?

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

### What role does the SNOK have?

In the first 24 hours, the SNOK will be contacted by a police officer. They might be asked to come and identify the person and also asked if they know of any facts that could help understand the cause of death.

The SNOK is the main point of contact for the Coroner's Court's. The SNOK will be informed about:

- the purpose of the coronial process;
- that counselling services are available;
- that the body is under the control of the coroner;
- that an autopsy will probably be performed;
- that anybody in the flowchart may touch the body, unless it is dangerous to do so;
- that anybody in the flowchart can view the body;
- that anybody in the flowchart will be told about the investigation and findings; and
- that they can ask for copies of the evidence used in the investigation.

#### FAQ: What's 'removal and use of tissue'?

Sometimes some cells, organs and blood samples are removed from the deceased's body so doctors can analyse them to help decide the possible cause of death. Sometimes, you might be asked to consent to donating these samples to help save another life.

### Autopsies or post-mortem examinations

An autopsy or post-mortem is an examination of the body of a deceased person to determine how they died. A SNOK has rights in relation to autopsies.

A SNOK can:

- appoint a doctor to be present at the autopsy;
- request an autopsy;
- object to an autopsy; (you can do this by calling the Coroner's office or the Police Coronial Investigation Unit immediately);
- consent to the removal and use of tissue; and
- apply to the Supreme Court of Western Australia for an order that an autopsy not be performed.

#### FAQ: What's an emergency contact?

An emergency contact is someone appointed to be contacted in the case of an emergency. Someone might have emergency contacts on their phone or when filling out forms.

### Exhumations

An exhumation is the removal of a buried body from its resting place. A coroner may decide to order an exhumation to help determine how a person died. A SNOK will be told if the coroner wants to perform an exhumation. A SNOK has rights in relation to exhumations.

A SNOK can:

- object to an exhumation; and
- apply to the Supreme Court of Western Australia for an order that an exhumation not take place.

### Inquests

An inquest is a type of court proceeding (for more information, Fact Sheet 4: Inquests into a death). During an inquest, a coroner considers different evidence about when, where and how a deceased person died.

As a SNOK, you can:

- come to the inquest;
- be represented by a lawyer; and
- present evidence and arguments to the coroner.

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

Anybody can:

- receive counselling from the Coroner's Court's counselling service; and
- request an autopsy.

An interested party can:

- appear at an inquest; and
- be provided any information about the inquest.

#### FAQ: Who is an 'interested party'?

An interested party includes:  
an insurer; someone who would benefit from a life insurance policy; the Commissioner of police; and someone who may have been involved in the death.

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

The State Coroner takes cultural considerations into account. You will need to provide evidence that you had a 'family-like' relationship with the deceased. The State Coroner will consider your evidence and decide.

You can write to the State Coroner by email at [coronerscourt@justice.wa.gov.au](mailto:coronerscourt@justice.wa.gov.au) or letter to: Level 10, Central Law Courts, 501 Hay Street, PERTH WA 6000

### More help

- Coroner's Court of Western Australia can be contacted via phone or email: (08) 9425 2900 or 1800 671 994 or at [coronerscourt@justice.wa.gov.au](mailto:coronerscourt@justice.wa.gov.au)
- Coronial Counselling and Information Service can be contacted via phone or email: (08) 9425 2900 or at [coroner@justice.wa.gov.au](mailto:coroner@justice.wa.gov.au)
- Legal Aid WA can be contacted via phone: (08) 1300 650 579
- Aboriginal Legal Service can be contacted via phone: (08) 9265 6666



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