



Saying goodbye and what happens next

A resource for whanau prepared by Te Roopu Taurima

September 2019

*Kia hora te marino,
kia whakapapa pounamu te moana,
kia tere te kārohirohi i mua i tōu huarahi
Haere e tame haere
Let peace be widespread
Let the sea glisten like the greenstone
May your path be straight like the flight of the dove
Go in peace and with my blessings, Moko
Rangawhenua*

This resource has been prepared to help whanau through the very difficult time of a whanau member's death and dealing with all the decisions and required paperwork that comes both before a tangi or funeral and afterwards.

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1. Preparation before a whanau or family member's death-wills and welfare guardianship

Sometimes due to age or illness we will know that someone we love is going to die, at other times it can be very unexpected.

When our whanau or family member has a disability, it may be harder for us to communicate with them about what is going to happen and how we are feeling.

Expressing to the kaimahi of the whare your whanau member lives in how you would like them to keep you informed and involved is welcomed by Te Roopu Taurima.

Their contact details are

Whare name :

Whare address:

Contact Person:

Main Office Contact:

Some other things to think about are:

What is important to your loved one?

Do they have a will?

Do you have a Welfare Guardianship in place?

Wills

Most people make a will before they die. It is a legal document that tells people what you want to happen with your possessions after you die, how you want any children looked after, what you prefer for your funeral and your body remains and who you want the person to be who organises for this to happen (called an executor).

You don't need to have a lawyer to make a will but if you have a lot of assets, it is generally a good idea. Anyone over 18 years old can make a will-it needs to be witnessed by two people who will not receive anything under the will when the person dies.

Often people with disabilities do not have a will, this can make things harder for their whanau as there is no clear guideline as to what the person wanted.

A factor for people with disabilities is that in order to make a will you need to be "of sound mind" (known as "testamentary capacity"). Some of our whanau members with disabilities may not qualify in a legal sense to make a will. If you use a lawyer, they will send your whanau member for an assessment from a medical professional. This will cost money. The reason for the lawyer being so careful is that they do not want to get sued in court if the will is challenged. (1)

For someone to make a will they need to have "testamentary capacity." This means:

- They understand the nature of making a will
- They understand the effects of the will and how much they have in the way of property and possessions
- They understand about any potential claims which could be made once they have died

(1. From correspondence with Auckland Disability Law 28/9/2019)

Welfare Guardianship

People with disabilities, who are not considered able to understand what an EPOA means, are able to have a welfare guardian appointed by the family court. The welfare guardian is able to make decisions on the person with a disability's behalf to ensure they get the care and support they need. It is often a whanau member who takes on this role.

Some forms need to be completed, including a doctor's report and presented to the family court. You can pay a lawyer to do this or you can fill in the forms yourself. There is a link to some information and the necessary forms at the back of this booklet.

2. Advance Care Planning

For everyone, there are certain things it is good to discuss before you may get sick or old. This is called Advance Care Planning. This helps family and people who care for you to know what your wishes are.

This may be more difficult for someone with a disability but can greatly assist when decisions need to be made.

Some things to think about would be:

- What is important to your whanau member and gives their life meaning? Are they able to communicate this to you? Observing them and asking staff are other ways of finding out.
- Are there any medical treatments or types of care that your loved one would not want?
- Where would your loved one like to live their last days? (as far as is possible Te Roopu Taurima have a policy of "aging in place" for tangata)

There is a document attached to this booklet “My Advance Care Plan and Guide” and you can also find it online and fill it in on a computer.

There is also a specific set of documents for Maori, prepared by the Northland District Health Board attached.

3. Choosing a funeral director

The Funeral Directors Association of NZ has a website that lists all the funeral directors in Aotearoa.

<https://www.fdanz.co.nz/fdanz-funeral-directors>

Your family may already know who they want to use.

Some funeral directors may be specialists in certain types of ceremonies and specific cultural needs. This is why it is important to choose a funeral director that your family feels comfortable with.

There are lots of decisions to be made after someone dies and this may seem overwhelming. Your funeral director will help you and guide you through your decisions and the paperwork needed.

The funeral director will need some information in order to organise the death certificate for you. This is information that you could record below prior to your loved one’s passing.

The cost of the insurance depends on the age of the person being insured and the cost can be quite high over time. There is a diagram showing a comparison of costs at the end of this booklet.

Another option is a prepaid funeral plan in which you can pay a funeral director in advance. You need to be sure that the funeral director explains to you what will happen to your money if you stop paying the instalments or if you change your mind and want the money you have paid back.

Details can be found at:

<https://www.fdanz.co.nz/pre-paid-funerals>
<http://fdanzfuneraltrust.co.nz/download-brochure/>

5. Distributing the deceased person's assets and personal belongings

If your whanau member had a will, either you or your lawyer needs to apply to the courts for approval to deal with your family members' assets. If they had a will this is called "probate", if they didn't have a will this is called "becoming the administrator" **BUT** under NZ law, if a person's estate is a "**small estate**" and none of their individual assets exceeds \$15,000, a person's estate can be administered without the need for "probate."

If your whanau member had a "small estate" you can get access to their bank account by completing an "statutory declaration indemnity form" (an example is attached to this booklet) and providing the bank with a certified copy of the Death Certificate.

Check first with the bank what they require. Once you have this documentation you can pay off any debts and distribute anything left of the deceased person's money or property. You need to keep a list of their personal belongings that have been given to whanau and details of any bills or money paid.

A final word

It may be that your loved one has been part of Te Roopu Taurima for some time. Please be assured that we want to support you through this difficult time of saying goodbye to them.

Grieving is a process experienced differently by everyone. At times of sorrow it is important to draw on the support of those around you.

There is no time constraint on how long you may grieve. If you feel that your grief is overwhelming, please seek out support from those who care about you and consider talking to your G.P.

6. Useful Resources

Planning

Te Hokinga ā Wairua. End of Life Service

This website gives detailed information about things to consider before someone dies

<https://endoflife.services.govt.nz/create-my-plan#phase-582>

Advance Care Planning-Health Quality and Safety Commission NZ

This website gives advice about what to consider before someone dies and has some useful documents to record the decisions made

<https://www.hqsc.govt.nz/our-programmes/advance-care-planning/>

<https://www.hqsc.govt.nz/our-programmes/advance-care-planning/publications-and-resources/publication/3212/>

<https://www.hqsc.govt.nz/our-programmes/advance-care-planning/publications-and-resources/publication/3202/>

General Information for when someone dies

<https://www.govt.nz/browse/family-and-whanau/death-and-bereavement/>

For Maori

Rarangi Tohutohu o te Waka Kakarauri-is a specific document for Maori about Advance Care Planning developed by the Northland District Health Board

<https://www.northlanddhb.org.nz/assets/Services/1438-ACP-Waka-Booklet-UPDATE-4-Booklet-without-Tear-out.pdf>

<https://www.northlanddhb.org.nz/assets/Services/1438-ACP-Waka-Booklet-UPDATE-4-Tear-out.pdf>

Te Puni Kōtiri-List of Urban Marae

<http://www.tkm.govt.nz/othermarae/>

Wills

NZ Law-An association of independent legal practices

A webpage explaining what happens if there is no will

<https://nzlaw.co.nz/the-closing-chapter/what-if-theres-no-will>

Small Estates-Definition of Small Estates and a useful booklet

<https://nzlaw.co.nz/the-closing-chapter/small-estates/>

<https://communitylaw.org.nz/community-law-manual/chapter-15-a-death-in-the-family/dealing-with-the-deceaseds-property-wills-intestacy-and-small-estates-no-need-for-court-approval/>

The Public Trust

<https://www.publictrust.co.nz/>

Health and Disability Commission

Explanation of what an Enduring Power of Attorney is

<https://www.hdc.org.nz/resources-publications/search-resources/articles/enduring-power-of-attorney/>

Community Law Office

Explanation of Welfare Guardianship

<https://communitylaw.org.nz/community-law-manual/chapter-9-decision-making-and-powers-of-attorney/family-court-orders-for-your-welfare-and-property-how-decisions-can-be-made-for-you-when-theres-no-epa/personal-orders-and-welfare-guardians-decisions-about-your-care-and-welfare/>

Justice Department

Forms to complete for welfare guardianship

<https://www.justice.govt.nz/family/powers-to-make-decisions/welfare-guardians/apply-for-a-welfare-guardian/#forms>

Financial

Work and Income website links for financial support available

<https://www.workandincome.govt.nz/products/a-z-benefits/funeral-grant.html>

<https://www.workandincome.govt.nz/eligibility/urgent-costs/bereavement.html>

<https://www.workandincome.govt.nz/documents/forms/funeral-grant-application.pdf>

Comparison of Funeral insurance Cover Costs

Funeral Insurance Quotes - Annual Policy Prices for a \$10,000 Benefit

Insurer	50 year old man, non-smoker	50 year old man, smoker	65 year old man, non-smoker	70 year old woman, non-smoker	70 year old man, non-smoker
Pinnacle Life	\$393	\$658	\$824	\$911	\$1,088
Legacy Life	\$424	\$619	\$867	\$909	\$1,105
Cigna	\$464	\$685	\$836	\$908	\$1,073
AA Insurance	\$500	\$734	\$906	\$957	\$1,166
Countdown	\$513	\$720	\$916	\$970	\$1,176
Greenwich	\$395	\$701	\$1,003	\$1,039	\$1,419
Fidelity Life	\$498	\$747	\$1,134	\$1,092	\$1,414
Partners Life	<i>Not offered</i>	<i>Not offered</i>	\$885	\$923	\$1,130
Average Premium	\$455	\$695	\$921	\$964	\$1,196

Quotes obtained 10 November 2018 from AA, Cigna, Countdown and Greenwich. LifeDirect.co.nz provided pricing for Fidelity Life, Partners Life, Pinnacle Life and Legacy Life.

Retrieved from <https://www.moneyhub.co.nz/funeral-insurance.html#best> on 4/9/2019

Documents attached

- My Advance Care Plan and Guide
<https://www.hqsc.govt.nz/our-programmes/advance-care-planning/publications-and-resources/publication/3202/> (BROCHURE)
<https://www.hqsc.govt.nz/our-programmes/advance-care-planning/publications-and-resources/publication/3212/> (PLAN TO WRITE ON)
- Rarangi Tohutohu o te Waka Kakarauri- for Maori about Advance Care Planning
<https://www.northlanddhb.org.nz/assets/Services/1438-ACP-Waka-Booklet-UPDATE-4-Booklet-without-Tear-out.pdf> (BOOKLET)
<https://www.northlanddhb.org.nz/assets/Services/1438-ACP-Waka-Booklet-UPDATE-4-Tear-out.pdf> (PLAN TO WRITE ON)
- Statutory Declaration-No Will
Forms from Community Law Booklet-A Guide to Death, Funerals and Small Estates Updated in 2010 © Whitireia Community Law Centre Trust Incorporated, 2002 (Page 38)
http://www.broadbentandmay.co.nz/wp-content/uploads/2011/06/a_guide_to_death_funerals_and_small_estates_2010.pdf
- People First-Easy Read Will Information
-Guide to Filling Out the Easy read will
<https://www.peoplefirst.org.nz/news-and-resources/easy-read-resources/>
-Form for making a will
<https://www.peoplefirst.org.nz/news-and-resources/easy-read-resources/>
- List of Lawyers who could assist people with a disability to make a will