

January 28, 2019

Directeur de l'état civil
2535, boulevard Laurier Québec (Québec) G1V 5C5

Re: Families have the legal right to obtain the Declaration of Death form without having to hire funeral services.

Thank you for your timely response to our letter.

We understand that the mandate of the Directeur de l'état civil includes registering births, deaths and marriages that occur in Québec. The issue we are raising is that death registration is handled differently than marriage and birth registration. Why is the public able to directly access forms regarding marriage and birth, yet applications for the declaration of death must go through a third party? With the exception of Québec, all provinces in Canada make the declaration of death form directly available to next of kin.

In your letter, you indicate that the Directeur de l'état civil makes the Declaration of Death form available to funeral services "in order to help out the grieving families". The Declaration of Death form is required to be completed by next of kin. We would respectfully point out that hiring funeral services to access this form is an optional service that can be chosen by a grieving family if they wish to pay for this kind of help. Some grieving families might argue that being forced to hire funeral services to fill out a form creates an unnecessary burden and expense at a difficult time.

We acknowledge that funeral homes are authorized to access, complete and file the Declaration of Death. That is not in dispute. However, no law directs that these procedures fall within the *exclusive* domain of funeral homes. We are requesting that your department respect civil right of access to the Declaration of Death form by making it available to the general public.

With respect to your comment regarding security of the Declaration of Death form, we dispute the validity of any such concern. Next of kin regularly have access to and administer wills, trusts, estates, insurance and other vital legal documentation without needing to hire a third party to keep a redundant copy in storage.

As a resolution, you have offered to provide an individual analysis of specific requests for the Declaration of Death form. Given the immediacy of need connected with this document at the time of death, this is not a plausible solution. We ask that in the event that a Declaration of Death form is requested, direct public access be provided in the same manner as birth, marriage and death certificates.

As a final note, we would reassure you that our request addresses only access to the Declaration of Death form and does not in any way involve adherence to laws regarding disposition of the body of a deceased person.

Sincerely,
Legislative Committee, Community Deathcare Québec

Please reply to: scmq.cdq@gmail.com