

November 14, 2018

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 a funeral director

Community Deathcare Québec, as a branch of Community Deathcare Canada, is an emerging non-profit group representing the needs and interests of Québec citizens who seek to re-engage with dying and deathcare in Québec. Our legislative committee responds to legal matters including restrictive limitations on the rights of next of kin to provide direct care for loved ones after death.

Whether intentionally or inadvertently, families are shut out of access to governmental death registration. The law requires that a Declaration of Death be filled out by the deceased's family, however in practice only funeral directors have access to this form.

Basic legal requirements for recording of deaths are similar across Canada. In provinces other than Québec, families have access to the Declaration of Death without the obligatory involvement of funeral industry professionals. While it is true that a majority of Québec families will elect to rely on funeral directors to provide this form, the civil rights of individuals who choose to proceed independently must be respected.

Citing section 2 of the Civil Code of Québec

125. "A declaration of death is made without delay to the registrar of civil status by the spouse of the deceased, a close relative or a person connected by marriage or a civil union or, failing them, by any other person able to identify the deceased.

If a funeral director has taken charge of the body, he declares the time, place and mode of disposal of the body."

If the family chooses not to hire a funeral director for this civil obligation, then the Directeur d'état civil must provide this form. It cannot be assumed that all Québec citizens will hire a funeral director for the service of representing the family given the considerable cost to perform what amounts to data transcription.

If Québec implements the recently proposed Federal electronic information processing for all registrations and notifications of a death, families must have direct access to the Declaration of Death form so they can submit it for electronic filing.

We request that you provide us with the specific government statute that guides your current policy stating that **only** a funeral director has access to this required government form.

We request that you advise us how we, as Québec citizens, can exercise our right and fulfill our obligation as spouse of the deceased, close relative, person connected by marriage or a civil union or person able to identify the deceased to complete this required documentation without having to employ funeral industry services.

Please reply to: scmq.cdq@gmail.com