



OSAC 2023-N-0022

Best Practice Recommendations

for Communicating with Next

of Kin During Medicolegal

Death Investigations

*Medicolegal Death Investigation Subcommittee
Medicine Scientific Area Committee
Organization of Scientific Area Committees (OSAC) for Forensic Science*





OSAC Proposed Standard

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Best Practice Recommendations for Communicating with Next of Kin During Medicolegal Death Investigations

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Best Practice Recommendations for Communicating with Next of Kin During Medicolegal Death Investigations

FOREWORD

When a medicolegal death investigation occurs, next of kin may have questions and concerns for the medicolegal death investigation authority. The ability of medicolegal death investigation professionals to communicate with next of kin may have a direct impact on how they react following a death, view the medicolegal death investigation system, and cooperate with the investigation.

The best practices outlined in this document address sensitivity in the delivery of information, associated training, dissemination of information including cause and manner of death, recognizing and accommodating cultural and religious beliefs, and timely response to next of kin inquiries. The recommendations herein are also applicable to communications with other family members of the deceased who are not the legal next of kin.

KEYWORDS

communication, coroner, death investigation, decedent, medical examiner, medicolegal death investigation, medicolegal death investigator, next of kin



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1 SCOPE

This document specifies recommendations for communicating with next of kin during a medicolegal death investigation. It is intended for medicolegal death investigation authorities. This document does not address specific investigative practices.

2 GLOSSARY

cause of death

Medical opinion of the disease or injury that resulted in a person's death

decedent

Deceased person or any suspected human remains

family liaison

A member of the medicolegal death investigation team tasked with providing assistance and support to decedent families

forensic pathologist

Physician who is board-certified in forensic pathology by an accredited credentialing body; currently American Board of Pathology and American Osteopathic Board of Pathology

manner of death

Classification system based on the circumstances under which death occurred; includes accident, homicide, natural, suicide, and undetermined

medicolegal death investigation

Formal inquiry into the circumstances surrounding the death of a human being; investigative information is considered with autopsy findings and adjunctive studies (if performed) to determine the cause and manner of death



medicolegal death investigation authority

Person or persons whose duty it is to perform medicolegal death investigations for a designated jurisdiction, and ensure certification of cause and manner of death; duties vary based on local enabling statutes

medicolegal death investigator

Individual who performs medicolegal death investigations, and includes those who have not completed the requirements for certification and is not certified

next of kin

Legally determined hierarchy of interested parties who have authority over the decedent

postmortem examination

Medical examination of a decedent and associated information by specially trained medical personnel; this may include autopsy, external examination, ancillary tests, evaluation of circumstances, review of medical records, and other contextual information

3 RECOMMENDATIONS

The medicolegal death investigation (MDI) authority should:

3.1: Provide training to medicolegal death investigation professionals who interact with next of kin

Training content should include communication styles, notification of death, communicating with individuals in crisis, effective crisis intervention, fundamental aspects of grief and loss, physical and psychological effects of trauma, responding to angry reactions and managing hostile situations, and the management and return of personal effects, as relevant to individual duties. Examples of appropriate training providers include experienced medicolegal death investigation professionals, victim assistance programs, mental health professionals involved in trauma intervention, bereavement programs, hospice programs, and organizations dealing with sudden, unexpected deaths. Appendix A provides examples of suggested resources.

3.2: Provide information on the medicolegal death investigation process to next of kin, with resources in multiple formats

Next of kin should be informed that an ongoing medicolegal death investigation will be performed to assist in the determination of the cause and manner of death. Additional steps, including the extent of any postmortem examination, possible accommodations for religious, cultural, and other individual beliefs, and the potential for organ, eye, and/or tissue donation, should be discussed.

The medicolegal death investigation professional should convey preliminary investigative circumstances, condition of the decedent's body, timeframes, how information will be shared, information addressing frequently asked questions (see Appendix B), and who the next of kin can contact should they have additional questions.

Grieving next of kin may have difficulty processing information verbally and remembering details. Medicolegal death investigation professionals should provide information on the medicolegal death investigation process and available resources in multiple formats. The information should include answers to common questions in easily understood language. Offering the same information in commonly spoken languages is encouraged. Access to interpreters not related to the decedent or the investigation should be provided, including sign language.

MDI authorities are strongly encouraged to employ family liaisons or social workers to provide information to and answer and direct questions from next of kin throughout the medicolegal death investigation.

3.3: Recognize and accommodate cultural, religious, and other beliefs as practicable

Grief is a unique and personal experience based on multiple factors, including cultural, religious, or other beliefs. Communication will be most effective if the medicolegal death investigation professional recognizes and accommodates the grief and related needs expressed by next of kin to the extent that the investigation allows. The medicolegal death investigation may alter mourning rituals, which may create uncertainty, additional frustration, and stress.

3.4: Provide resources for grief and final disposition assistance

Information provided should include crime victim assistance programs, advocacy and family support programs, bereavement counseling and support groups, including cause-of-death specific organizations, and disposition assistance, as applicable (see Appendix C). Information can be supplemented by a handout (see Appendix D) and information on the MDI authority's public-facing website. Handouts and website information should be made available to law enforcement personnel and hospitals to provide to family members in the absence of an on-scene medicolegal death investigator.

3.5: Ensure that next of kin understand their right to access and obtain medicolegal death investigation report(s)

The MDI authority should have a policy regarding how, when, and which next of kin are contacted. The method of communicating the cause and manner of death to next of kin should be determined early in the investigation. If next of kin have a specific preference for communication, consideration should be given to accommodating their wishes, and their preferences should be documented to ensure MDI authority personnel are aware.

Next of kin should be provided the medicolegal report(s), if desired and legally allowed. Medicolegal death investigation reports may include postmortem examination reports, medicolegal death investigative reports, toxicology reports, and other ancillary testing or consultation reports. Reports should be delivered with cover letters informing the recipient of the contents.

Some next of kin may want to know the cause and manner of death, but they may not want copies of the report(s). The cause and manner of death can be communicated verbally or in writing, as allowed by law. Information should be delivered concisely but with sensitivity and compassion.

3.6: Ensure that next of kin inquiries are answered in a timely manner

Inquiries from next of kin should be responded to in a timely manner by the medicolegal professional suitable to reply. Complicated postmortem findings should be communicated by the forensic pathologist. In circumstances when next of kin requests for communication are excessive and/or repetitive, consider utilizing local or national resources to assist in their grief and coping with the medicolegal death investigation process (see Appendix C).

4 Bibliography

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Baker A, Crandall L. To Hold or Not To Hold. *Forensic Science Med Pathol* Nov 2009

Drayton J., Ellis P., Purcell T., Letter to Editor: Next of kin clinics. *J Clin Pathol* 1999

Hirsch CS. Talking to the Family After an Autopsy. *Arch Pathol Lab Med* 1984; 108:513-14

Vanezis P, Leadbetter S. Next of Kin Clinics: a new role for the pathologist. *J Clin Pathol* 1999;52: 723-724



Appendix A: Communication Resources

<https://www.fbi.gov/news/stories/death-notification-with-compassion>

<https://deathnotification.psu.edu/we-regret-to-inform-you>

Palusci VJ, Devinsky O, Drake SA, et al. Family Needs and Follow-up Care After the Sudden, Unexpected Death of a Child. In: Bundock EA, Corey TS, Andrew TA, et al., editors.

Unexplained Pediatric Deaths: Investigation, Certification, and Family Needs [Internet]. San Diego (CA): Academic Forensic Pathology International; 2019. Chapter 12. Available from:

<https://www.ncbi.nlm.nih.gov/books/NBK577017/>

Appendix B: Frequently Asked Questions

The following questions are commonly asked by families, and medicolegal death investigation offices should be prepared to answer the questions honestly and respectfully. The questions can also be answered in written materials to provide to families and/or have available on their website in addition to information on grief resources.

1. Where are they (being mindful of gender)?
2. Can I see them?
3. Do I need to identify them? How will they be identified?
4. What do I do now?
 - a. Include information on final disposition
 - b. Advise family they need to provide the medical examiner or coroner office with information on their choice of final disposition
 - c. Do not promote or endorse any specific funeral home to avoid conflicts of interest
5. Why is the medical examiner or coroner office involved?
 - a. Provide legal requirements
6. Will an autopsy be performed? Is there a charge?
7. Can I refuse an autopsy?
8. Why are autopsies performed? What are they? Who performs them?
9. When will they be released? What is the timing?
10. How can I obtain a death certificate?
11. Who is responsible for making arrangements?
12. Are they viewable?
13. How do I recover personal effects and clothing collected by the medical examiner or coroner office?
14. Who can I contact with questions?
15. How do I learn the cause and manner of death?
16. If their identification is pending, what information can be shared?
17. What does it mean for a cause of death to be “pending?”
18. What information is available publicly?
19. Can I meet with the medicolegal death investigator or forensic pathologist?
20. How can I get financial assistance to assist with disposition?



Appendix C: Abbreviated Listing of National Advocacy/Family Support Programs and Resources

- Compassionate Friends, Inc. www.compassionatefriends.org 877-969-0010
- The Dougy Center for Grieving Children www.dougy.org 866-775-5683
(Materials tailored to children and adolescents, will refer to local support resources)
- First Candle www.firstcandle.org 800-221-7437
- Interface Children and Family Services <https://211ventura.org/mental-healthx/grief-loss/bereavement-counseling/>
- Mattel Children’s Hospital UCLA Support Groups:
<https://www.uclahealth.org/hospitals/mattel/patient-family-guide/admissions-information/support-services>
- MISS Foundation www.missfoundation.org
- Mothers Against Drunk Driving (MADD) www.madd.org 800-GET-MADD
- National Organization of Parents of Murdered Children, Inc www.pomc.com 888-818-POMC
- National Center for Victims of Crime www.ncvc.org 202-467-8700
- National Organization for Victim Assistance www.trynova.org 800-TRY-NOVA
- SADS Foundation www.sads.org 800-STOP-SAD
- Sesame Street Grief Resource <https://www.sesamestreet.org/toolkits/grief/>
- Sudden Unexplained Death In Childhood Foundation www.sudc.org 800-620-SUDC (7823)
- Tragedy Assistance Program for Survivors (TAPS) – (for military families)
www.taps.org 800-959-8277



Appendix D: MEC Office Brochure Examples

- <https://www.hennepin.us/-/media/hennepinus/residents/public-safety/medical-examiner/medical-examiner-information-for-families.pdf>
- <https://www.washoecounty.gov/coroner/faq/index.php>
- https://drive.google.com/drive/folders/1R1651DrHAsfRrKrj0a1haPtx8IG_N5LT