

# livingtogether

## Next of Kin

**T**he issue of whether or not you would be recognised as your partner's 'next of kin' in the event of an emergency is something that worries many cohabiting couples. Would you be informed if your partner was in an accident? Would you be given information about your partner's condition? And would you even be allowed to see them in hospital? Might your family even argue about who was your next of kin?

Despite the widespread use of the phrase, 'next of kin' is not defined by the law. Therefore, there is no reason that your partner shouldn't be treated as your 'next of kin' despite the fact that you are not married. However, in practice hospitals have generally recognised spouses and close blood relatives as next of kin and have sometimes excluded cohabiting partners. This has been more common with same-sex partners, but has also happened to male-female partners.

However, as attitudes have changed and families have become more diverse, most hospitals are more flexible. The policy in most NHS trusts is to ask you to nominate your next of kin formally on your admission to hospital. However if you are unable to say, because for example you are unconscious, they will try to work out who is the person closest to you. They may get this wrong, particularly if your personal circumstances are confusing or "unusual" (for example, if you consider your best friend to be your next of kin, rather than your dad).

We've created the next of kin card to make it absolutely clear to medical staff who you have chosen as your next of kin, and how to contact them. We've designed it so that it fits in your wallet and can be carried with you everywhere. If there is any disagreement while you are unconscious it can be called on to prove your wishes.

Well he looks a bit like Prince Harry - shall I put down next of kin as -



**NHS TRUSTS MAY GET YOUR NEXT OF KIN WRONG IF YOU ARE UNCONSCIOUS...**



**THE NEXT OF KIN CARD FITS NEATLY IN YOUR WALLET.**

advice now.org.uk

Next of Kin

**To NHS staff:**

My name is: \_\_\_\_\_

My next of kin is: \_\_\_\_\_

Please inform him/her if I have been in an accident or am admitted to hospital.

Landline: \_\_\_\_\_

Mobile number: \_\_\_\_\_

Address: \_\_\_\_\_

The person named above is the person that I am closest to. Please discuss my condition with them.

Signature: \_\_\_\_\_

## What you need to think about before you complete the card

Despite popular myth there are no rules about who can and cannot be your next of kin. You can nominate your partner, a member of your family, or a good friend. For some people, who to choose as your next of kin may be obvious, others may need to consider it carefully.

Before you complete the form, you should discuss your decision with the person you have chosen. Make sure that they are willing to be treated as your next of kin for medical purposes and they understand what it involves (you could show them this leaflet).

## What does it mean?

By completing this card and carrying it with you in your wallet, you are making it clear that you wish the named person to be treated as your next of kin if you are admitted to hospital. This means that they would be informed that you are in hospital, and they are the person that hospital staff would look to for guidance about your care if you were unable to communicate your wishes clearly yourself (for example, if you were unconscious). If you were to die, your next of kin would be consulted about issues such as making funeral arrangements or a hospital post-mortem.

Your next of kin cannot consent or refuse consent to treatment on your behalf (nobody can do that). But they can let doctors know what decisions they believe you would make if you were able to.

A next of kin has no legal liabilities, rights to your medical notes, or personal possessions. Nominating a next of kin does not affect who will inherit from you if you die.

-and if I'm in a coma when you visit - wake me up!



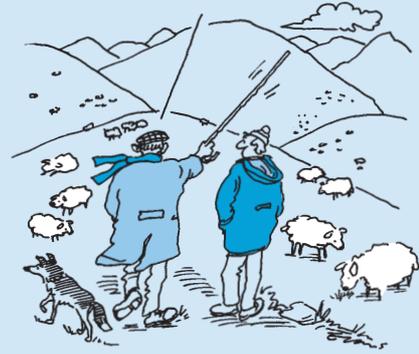
## What else should I do?

You should let your other friends and family know who you have chosen as your next of kin and let them know where you keep this card.

If you have a donor card, or wish to donate your organs when you die, you should ensure that your next of kin knows. You should also discuss any other wishes you have about how you would like to be treated in the event of serious illness.

When you are admitted to hospital you are usually asked to complete a form stating who your next of kin is. Make sure you always choose the same person as you have put on this card (if possible).

Oh - and donate my whistlin' fingers to any other shepherd as 'll 'ave 'em!



SAY IF YOU WANT TO DONATE YOUR ORGANS WHEN YOU DIE.

This leaflet is one of a series produced by [advicenow.org.uk](http://advicenow.org.uk)'s LivingTogether campaign.

The LivingTogether campaign aims to increase awareness and understanding of the legal issues around living together. We explain exactly what rights couples living together *really* have, and show you practical ways you can protect yourself and your partner.

We provide information and practical material to help you ensure your partner will inherit from you if you die; understand your housing rights and show you how to protect them with a living together agreement, explaining financial implications and what you can do to minimise them, and how to ensure your partner is treated as your next of kin in an emergency.

For more information about your rights when you are living with your partner see [www.advicenow.org.uk/livingtogether](http://www.advicenow.org.uk/livingtogether)

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The LivingTogether campaign is led by Advice Services Alliance in partnership with One Plus One ([www.oneplusone.org.uk](http://www.oneplusone.org.uk)) and is funded by the Department for Constitutional Affairs.

Advice Services Alliance (ASA), the co-ordinating body for UK advice services. ASA members include Advice<sup>UK</sup>, Age Concern England, Citizens Advice, DIAL UK, Law Centres Federation, Shelter and Youth Access. ASA works with its membership and government to develop policy on delivery of legal and advice services; champions the development of high quality information, advice and legal services; and provides supporting services to advice networks.

The LivingTogether Campaign applies to England and Wales only. The law in Scotland and Northern Ireland is significantly different.

The law is complicated and every case is different. If in doubt get advice.

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