



Brochure
version 2013

Victim Assistance Consultation Platform
Halle-Vilvoorde

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Introduction

The death of a loved one is a terrible ordeal that overwhelms you with grief, questions and insecurity. This brochure serves as a guideline to help you through the administrative maze.

The first part of the brochure gives an overview of the first formalities you have to accomplish or the arrangements you have to make in the first days after the death. It is important that you contact as quickly as possible an undertaker who will be of great help.

The second part gives information about the formalities you have to perform after the funeral. In particular, we list the administrative steps you have to take and the authorities you have to appeal to. We recommend you to contact the competent persons or services for more concrete information and advice.

Apart from the administrative burden, the loss of a loved one naturally causes much grief and pain. In the third part, we try to help you through your mourning process by describing possible reactions to the death of a loved one and explaining how you can deal with them.

Finally, we added a list of useful addresses, including services that can assist you and services that can help you with the necessary administrative arrangements.

We hope that this brochure will be of help to you in this difficult period.

We express our deepest condolences to you and your family.

First formalities

Contact the undertaker

We advise you to contact an undertaker as quickly as possible. By virtue of his profession, this person knows all the formalities you have to accomplish. He will help you arrange the funeral, refer you to the necessary services and support you when needed.

Reporting a death to the municipal administration

Who?

The death has to be reported in the municipality where the person has died. Usually, the undertaker takes care of this, but you can also do it yourself if you wish so.

When?

As quickly as possible, that is in the first days after the confirmation of death.

Where?

At the civil registry office of the municipality or city where the person concerned has died. The civil registrar gives permission to bury or cremate the deceased.

The civil registry office of the municipality or city where the person has died draws up the death certificate and sends it to the municipality or city where the deceased lived.

Which documents do you have to present to the civil registry office?

- ✓ a death certificate drawn up by the doctor who established the death
- ✓ the deceased person's identity card
- ✓ the identity card of the person who reports the death
- ✓ the deceased person's marriage certificate
- ✓ the deceased person's driving licence
- ✓ if applicable, the deceased person's last will and testament

Important!

After you have reported the death, the civil registry office can give you the death certificate extracts required by the health insurance fund, the trades union, the employer, the bank, the notary ...

You can ask for a death certificate extract at the civil registry office of the municipality where the person concerned has died.

Arrange the funeral/cremation

Arranging a funeral/cremation is not an easy task. The undertaker is the right person to help you with this since he knows what to do, where, when and how (e.g. draw up and print out the obituary notice, contact the priest, the civil registry office, the crematorium ...). It goes without saying that he has to respect your wishes as well.

Go to the bank

You have to inform the financial institution(s) as quickly as possible, because after death all the current and savings accounts of the deceased (and his/her spouse) are frozen, the vaults are sealed and the powers of attorney expire to prevent abuse with respect to the inheritance declaration.

The surviving partner (with whom the deceased was married or was legally cohabiting) can receive an advance of up to half of all the money in all the accounts, with a ceiling of 5,000 euros, to pay urgent expenses. It is not necessary to submit an inheritance certificate or deed (which is in principle required).

As far as the payment of invoices relating to the death and of hospital, water, gas and electricity bills is concerned, most banks are quite flexible and allow you to pay them by transfer.

Accounts can be released on presentation of:

- ✓ an **inheritance deed**, drawn up by a notary;
- ✓ an **inheritance certificate**, issued by the collector of the registration office (= office of inheritance taxes).

As from June 2013, the database of notaries can be consulted directly and electronically so it becomes much easier to find the rightful heirs¹.

Your financial institution can give you more information about the release of accounts.

¹ Source: *Het Laatste Nieuws*, Tuesday 18 June 2013, page 15.

Inform insurance companies

Funeral insurance

If the deceased had taken out a funeral insurance policy, the surviving relatives can be sure that the funeral meets the wishes of their loved one. A sum is paid to cover the funeral costs or a funeral is organised according to the wishes of the deceased. They also receive the money that remains after all costs have been paid.

Life insurance

If the deceased had taken out a life insurance policy, you have to contact the insurance company concerned as quickly as possible and present the following documents:

- ✓ a death certificate extract;
- ✓ a medical certificate mentioning the cause of death;
- ✓ the life insurance policy;
- ✓ proof of payment of last premium.

Life insurance entitles the surviving partner to a certain sum.

Outstanding balance insurance

If an outstanding balance insurance policy had been taken out to build or buy a house or to purchase land, the insurance company pays the outstanding balance to the credit company if one of the partners has died.

The insurance company has to be informed about the death as quickly as possible by means of:

- ✓ a death certificate extract;
- ✓ the insurance policy;
- ✓ proof of payment of the last premium.

Other insurances

You have to inform the insurance companies about all the signed insurance contracts, including:

- ✓ hospitalisation insurance;
- ✓ fire insurance;
- ✓ family insurance;
- ✓ car insurance;
- ✓ any other insurances: pension savings, group insurance ...

Inform the employer/pension fund

The employer or the institution that paid an income to the deceased, for instance the national employment office, has to be informed about the death in order to stop regular payments. We advise you to check whether all the wages, allowances, premiums and holiday pay of the deceased have been paid.

The employer can also inform the insurance company with which the deceased had concluded an occupational accident insurance policy and, if appropriate, a group insurance policy about the death.

If the deceased was retired, the pension fund mentioned on the pension document has to be informed. You can also appeal to the pension department of your municipality, which usually takes the necessary administrative measures.

After the funeral

Inheritance

Information about inheritance settlement can be obtained at:

Royal Federation of Belgian Notaries
Bergstraat 30-32
1000 BRUSSELS
Phone: 02 513 92 13
www.notaris.be

Possibilities

An inheritance can be obtained in different ways:

- ✓ by law of succession with heirs in different orders of kinship;
- ✓ by settlements (e.g. marriage contract, gifts or will).

1. By law of succession with heirs

If the deceased had not taken any steps to divide his/her property, the heirs are designated by law. The law determines the order in which the legal heirs will inherit and the way in which the inheritance will be divided among them. The relatives of the deceased are classified in 4 orders:

- ✓ all the descendants of the deceased: children, grandchildren ...;
- ✓ if there are no descendants: the parents as well as the brothers and sisters (and their descendants);
- ✓ all the ascendants: parents, grandparents (if there are no brothers or sisters);
- ✓ the other collateral relatives (uncles and aunts, nephews and nieces, great-uncles and great-aunts).

Each preceding order excludes the following order. Within each order, the degree determines the right to inherit.

If the deceased was married and had children, the widow has usufruct of the entire inheritance and the children have the bare ownership. All the children (also those of previous marriages) receive an equal part.

If the deceased wasn't married, but had children, the inheritance goes to the children.

If the deceased had neither children nor a spouse, the following rule applies:
parents and brothers/sisters: $\frac{1}{4}$ of full ownership to father and/or mother, $\frac{1}{2}$ or $\frac{3}{4}$ to brothers and sisters.

If there are only parents, only brothers or sisters or only other relatives, they inherit everything.

If there aren't any heirs at all, the inheritance goes to the state.

2. By settlements

Each written and dated document signed by the deceased can be regarded as a will. A holographic will (handwritten by the deceased) has to be registered at the registry of the court of first instance.

You can also contact a notary, provided that the will is not known by a notary nor registered at a cadastral office, but this means higher costs.

A will drawn up by a notary is entered in a central register. The actual will is kept by the notary.

To verify whether a will has been drawn up, you have to contact the central register of wills or a cadastral office (cf. list of addresses).

Acceptance of the inheritance

If the deceased leaves more debts than assets, you can:

- ✓ reject the inheritance or
- ✓ in case of doubt, accept the inheritance 'under benefit of inventory'.

The inheritance includes the assets of the deceased, but also his/her debts. If you **accept** the inheritance, you must pay all the debts as well.

If there's any doubt whether the inheritance includes more debts than assets, you can accept it 'under benefit of inventory'.

Application: you have to submit an application with the registry of the court of first instance in the jurisdiction where the deceased was domiciled within three months after the death.

The registry draws up a deed that has to be published in the Belgian Law Gazette to give creditors and legatees² the possibility to make themselves known. The costs amount to 145 euros per registry.

Which documents do you have to present to the registry?

- ✓ a copy of the death certificate
- ✓ the name and address of the person who will draw up the inventory (usually a notary)

After publication of the deed in the Belgian Law Gazette, the persons concerned have three months to make themselves known to the appointed person (usually a notary). After this period, the notary (or the appointed person) has 40 days to inventory all the assets and debts of the deceased.

Rejection of the inheritance

You can reject the inheritance as well.

Attention: in this case, you mustn't already have accepted the inheritance or performed acts of acceptance (e.g. having emptied the house of the deceased, having terminated the lease of the deceased ...). Those acts can be regarded as acceptance of the entire inheritance, with all its consequences.

How? The rejection has to be formulated explicitly by making a statement at the court of first instance of the jurisdiction where the deceased was domiciled. You have to submit a copy of the death certificate as well. The costs for drawing up a deed of rejection amount to 30 euros.

By rejecting the inheritance, you are not regarded as an heir. You are not obliged to pay the debts of the deceased, but neither are you entitled to his/her assets.

Information about inheritance acceptance and rejection can be obtained at:

Court of first instance
Inheritance registry
(room 0.9 (floor 0))
Quatre Brasstraat 13
1000 Brussels
Phone: 02 508 63 89

² Legatee = a person who receives a legacy (Oxford Dictionary).

Declaration of inheritance

This is a list of all the assets and debts of the deceased. Inheritance taxes are calculated on the basis of this declaration.

In principle, a declaration of inheritance is obligatory. However, administrative authorities will be more tolerant when you don't submit a declaration provided that the following two conditions are met:

- ✓ the national's inheritance does not include real estate;
- ✓ there are no inheritance taxes due.

The declaration period varies according to the place of death:

- ✓ 4 months if the person has died in Belgium;
- ✓ 5 months if the person has died in another European member state;
- ✓ 6 months if the person has died outside the European Union.

In case of a late declaration, each heir can be fined 25 euros per month delay.

A special declaration form can be obtained at the registration office.

Inheritance taxes

Heirs have to pay inheritance taxes on their part of the inheritance. Those taxes are collected by the state.

Inheritance taxes are calculated on the basis of the declaration of inheritance.

Inheritance taxes are calculated:

- ✓ on the basis of a tariff that increases per tranche of obtainment;
- ✓ on the basis of a tariff that varies depending on the degree of kinship between the heir and the deceased.

Tariffs vary depending on the Region where the deceased had his/her last tax residence.

Inheritance taxes have to be paid within 2 months after the submission period. After this period, a legal interest is due.

Gifts are not subjected to inheritance taxes, unless the donor dies within 3 years after the gift.

Survivor's pension

If you are the partner, the divorced spouse or a child (orphan's pension) of the deceased, it is recommendable to submit an application for a survivor's pension.

Employees or self-employed persons can submit an application with the municipality. Civil servants can send a registered letter to their employer's secretariat.

You are not obliged to accept the survivor's pension because it limits your income from work. If your income exceeds a certain sum, you have to choose between your income from work and a survivor's pension. The threshold amounts depend on the type of work you do (self-employed person or employee), your family situation (dependent children or not) and your age. If you already receive a pension that is more advantageous, you can also reject the survivor's pension.

You have to be at least 45 years old to receive a survivor's pension, except when you have a dependent child or are at least 66 % disabled. If you don't meet those conditions, you can claim a temporary survivor's pension (12 months). If you were married for less than a year, you are not entitled to a survivor's pension (with a few exceptions). Further information can be obtained at your pension fund or at the pension department of your municipality.

If the deceased didn't receive a pension, the survivor's pension is paid in the month of death. If the deceased received a pension, the survivor's pension is paid in the following month.

Important

If the surviving spouse has died, the National Pension Office will recover the pension in the month of death if it was paid after the date of death.

If the payment of your survivor's pension is late, you have the right to ask for an advance at the *OCMW* (Public Centre for Social Welfare). If all the formalities with regard to the survivor's pension have been accomplished, the *OCMW* will make the necessary arrangements with the National Pension Office (cf. list of addresses).

The pension reform provides for a change in 2013. More information can be found on the website www.onprvp.fgov.be.

Children of the deceased

Increased child benefits

If one of the parents has died, each child who receives a child benefit is entitled to an orphan's benefit as well. In principle, the application for an orphan's benefit has to be submitted to the father's child benefit fund. A death certificate extract as well as a birth certificate extract for each child entitled to an orphan's benefit have to be attached to the application.

Guardianship for minors

If the children of the deceased are minors, the municipal authorities inform the justice of the peace of the jurisdiction where the minors are domiciled.

In case of the death of the parent who last exercised parental authority, the justice of the peace appoints the guardian and co-guardian, unless the parent himself/herself appointed a guardian during his/her life or in his/her will.

Occupational accident or disease

If your loved one has died from a recognised occupational disease or accident, you are entitled to a compensation.

If the deceased received an occupational disease compensation, the surviving relatives should contact the Occupational Diseases Fund. They can also turn to the social service of the health insurance fund or the Social House.

The employer has to notify any occupational accident to the insurance company, which is obliged to pay the compensation.

The self-employed often have a personal insurance that entitles them to a certain sum in case of a fatal accident.

Health insurance fund

You have to contact the health insurance fund of the deceased as quickly as possible. You should also submit a death certificate and the SIS (Social Information System) card.

The insurance situation of the deceased will be adapted on the basis of the death certificate extract. The health insurance fund will check whether you are entitled to increased health insurance benefits (former Widows, Invalids, Pensioners and Orphans regime with preferential treatment).

If the deceased was a salaried worker or received a salaried workers' pension, the health insurance fund can pay a funeral grant. The amount of that grant strongly varies depending on the region and the health insurance fund.

Other formalities

✓ **Gas, water, electricity and cable company**

If the contract was drawn up in the name of the deceased, the companies concerned have to be notified of the death (communication of subscriber number or reference numbers).

In case of a contract transfer to another company, the name of that company has to be mentioned.

✓ **Telephone company**

The surviving spouse has 2 months to take over the number free of charge. Otherwise, the contract has to be terminated.

✓ **Subscriptions and memberships**

All the companies concerned have to be notified in writing when a subscription or membership of the deceased has to be terminated or transferred. Examples: newspapers, magazines, pay-television, trades union, professional association, social funds, self-help groups, pensioners' association ...

✓ The bus company card for people over 65 years of age, the parking card for disabled persons ... have to be returned.

- ✓ If the deceased **rented a house**, the owner or company letting the house has to be notified. Unless stated otherwise in the rental contract, the tenant's death does not terminate the contract. Both owner and heir, if the latter accepts the inheritance, have to comply with the terms of the contract, unless they reach an amicable settlement.
- ✓ If the deceased was still working at the moment of his/her death and he/she hadn't yet received a **holiday pay**, it can be obtained from:
 - the employer if the deceased was an employee;
 - the employer's holiday fund if the deceased was a worker.
- ✓ The **driving licence** of the deceased has to be returned to the service that delivered it. It is preferable to contact the population service of the municipality or city.
- ✓ The surviving spouse has to go to the population service of the municipality or city in order to change the marital status on his/her **identity card**.
- ✓ After the death, the spouse or one of the children can take over the number plate by filling in an application form. A death certificate extract and a recent copy of the marriage certificate (maximum two weeks old) have to be submitted as well. A number plate transfer from parent to child requires a recent family composition certificate. If you don't live with your parents anymore, you have to submit a certified copy of your birth certificate.
This only applies to recent number plates according to the new model. Currently, the competent public services are replacing old number plates with 5 and 6 characters. In the near future, all the number plates have to meet the European standard.
- ✓ If you have financial problems, you can appeal to the *OCMW* of your municipality. If you have questions about any of the previous items, you can contact the social service of the *OCMW*.

Mourning

In the previous chapters, we gave the necessary information about the formalities that have to be accomplished when a loved one has died.

A death leaves behind a strong feeling of loss and grief. Below, we explain the mourning process and answer some questions about mourning.

What is mourning?

In all cultures throughout human history, relatives have mourned for a loved one. Mourning is often characterised by violent reactions of suffering including tears, anxiety, tension, insomnia and lack of interest or appetite.

The mourning process tries to explain the loss of a loved one. Everyone experiences this process differently. We have to pass several stages and accept the loss gradually before we can look to the future.

Coping with loss and mourning

In order to surmount your loss, you have to pass the following stages, whether or not in chronological order.

Be aware of the loss

Although you know that your loved one has died, you won't believe it at first. You will deny the death: it isn't real, it's just a dream.

Those reactions of denial are necessary because they give us time to accept the truth gradually.

It's a temporary and normal process.

Face the grief

After a while, you will painfully realise that your loved one is really gone. You will have intense emotions and reactions and you might feel like you will never recover.

Learn to live without the deceased

At first, you think about your loss every minute of the day, like there's nothing else. The deceased is at the centre of your life.

After a while, you will find the strength to deal with the loss and to give it a place in your life. Gradually, you will be able to let go of the deceased without forgetting him/her. The grief diminishes or becomes less intense and there's room for new things.

Invest in the future

Gradually, you will be able to resume your life and, with the necessary efforts and time, you will be able to accept the loss and look to the future. You will again enjoy life, make plans, resume your hobby or studies and make contact with other people.

Support during the mourning process

How can someone pass a mourning process? Since there's no simple answer to this question, we try to give you some advice to help you through this process.

During the mourning process, you can receive support from 5 different sources:

1) Yourself

You are the first and closest source of support

- give yourself time to mourn
- have the courage to express your feelings
- have the courage to express often contradictory and distressing feelings, for instance by talking to someone or by crying on someone's shoulder ...
This is a necessary condition for a 'healthy' mourning process.

2) A trusted person

Mutual support can create a sense of belonging, we don't feel so alone in this world anymore.

3) Religion

At any time during the mourning process, religion can help you to cope with the grief.

4) Elements from literature or conversations

A gripping story or a soothing vision gives you courage and strength to cope with the grief. Everyone experiences this differently.

Former mourners often say that something or someone gave them new energy to pick up the thread.

5) Professional help

For surviving relatives who are unable to deal with the loss, therapy may offer a solution. Often, someone will help them to find out where the mourning process has come to a standstill and how to solve this.

List of addresses

Assistance

Victim Support Services

CAW Delta
Regio Asse
Poverstraat 75 b48
1731 Asse
Phone: 02 613 17 00
Fax: 02 613 17 01
www.cawdelta.be

Regio Halle
Brusselsesteenweg 127
1500 Halle
Phone: 02 361 09 16
Fax: 02 613 17 01

CAW Regio Vilvoorde
J.B. Nowélei 33
1800 Vilvoorde
Phone: 02 252 09 39
Fax: 02 254 70 40
www.cawvilvoorde.be

Mental health care centres

Advies- en begeleidingscentrum – VZW Ahasverus A.B.C.
Muurveld 38
1730 Asse
Phone: 02 452 52 94
www.ahasverus.be
asse@ahasverus.be

Tele-Onthaal (a volunteer will listen to your problems or questions)

Number 106

Ouders van verongelukte kinderen (Parents of children killed in an accident)

Leon Theodoorstraat 85
1090 Brussels
02 421 65 80 (general secretary)
Phone: 02 427 75 00
Fax: 02 427 75 01
info@ovk.be

Provincial Centre of Moral Support

Vilvoorde
Vlaanderenstraat 69
1800 Vilvoorde
Phone: 02 253 78 54
Fax: 02 253 57 87

Halle
Molenborre 28 – 02
1500 Halle
Phone: 02 383 10 50
Fax: 02 383 10 51

www.uw.be

Discussion group for relatives of people who committed suicide

Working group 'Verder'
CGG De Poort – Ahasverus vzw
Phone: 02 356 99 30
Meeting place: CGG De Poort in Halle, A. Demaeghtlaan 51, Halle

Death

Central register of wills

Royal Federation of Belgian Notaries
Bergstraat 30-34
1000 Brussels
Phone: 02 505 08 11
fednot@fednot.be
www.notaris.be

National Pension Office for self-employed persons and salaried workers

South Tower 5
1060 Brussels
Phone: 0800 502 46
info@onprvp.fgov.be
www.onprvp.fgov.be

Federal Public Service Finance

Pensioendienst voor de overheidssector (PDOS) (Pension service for the public sector)
Victor Hortaplein 40 postoffice box 30
1060 Brussels
Special pension phone number (free): 1765
CC@pdos.fgov.be
www.pdos.fgov.be

National Office for Family Benefits for Salaried Persons

Dienst speciale rechten (Special rights department)
Trierstraat 70 (= postal address), Trierstraat 9 (= reception)
1000 Brussels
Phone: 02 237 21 11
Fax: 02 237 24 70

Vehicle Registration Service

City Atrium
Vooruitgangsstraat 56
1210 Brussels
Phone: 02 277 31 11

Car taxes

Finance Tower
Koning Albert II-laan 33 (North Galaxy) postoffice box 41
1030 Schaarbeek
Phone: 02 572 57 57
ont.bel.auto@minfin.fed.be

Vlaams Agentschap voor Personen met een Handicap (Flemish Agency for Disabled Persons)

Sterrenkundelaan 30
1210 Brussels
Phone: 02 225 84 11
Fax: 02 225 84 05
informatie@vaph.be

Fund for occupational accidents

Troonstraat 100
1050 Brussels
Phone: 02 506 84 11
Fax: 02 506 84 15
finan@faofat.fgov.be

Websites

www.zelfhulp.be → info and addresses of different self-help groups

www.ovok.be → parents of children who were killed in an accident

www.missingyou.be → initiative for young people who want to talk about their loss to youngsters in a similar situation

www.ijd.be → initiatives in the field of mourning for young people

www.rouwzorgvlaanderen.be → non-profit organisation that provides care to mourners

www.rondpunt.be → relief to people involved in a traffic accident

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