

## Summary

### Objective

Use this guidance when determining eligibility to support under an accidental death claim.

1. Support we provide
2. Eligibility for support
3. Spouse or partner
4. Child
5. Other dependent
6. Becoming a dependent to qualify for support
7. Overseas dependents

Owner **9(2)(a)**

Expert **9(2)(a)**

## Policy

### 1.0 Support we provide

**a** The types of support we can provide include:

- funeral grants
- survivor's grant
- childcare payments
- weekly compensation.

### 2.0 Eligibility for support

**a** In the case of an accidental death, people can apply for support on the basis of their relationship with the deceased person.

**b** The applicant must be either:


- a spouse or partner of the deceased
- a child of the deceased
- an 'other dependant' of the deceased.

### 3.0 Spouse or partner

**a** Someone who qualifies as a spouse or partner of the deceased:

- is eligible for a survivor's grant
- may be eligible for weekly compensation, if the deceased was an earner, potential earner, or receiving weekly compensation, at date of death

If there is more than one spouse or partner, each spouse or partner is only eligible for one evenly split share of the survivor's grant.

 Who is a spouse or partner of the deceased?

<https://go.promapp.com/accnz/Process/dbd88cdf-8aef-4fd5-89ac-003fbc34e9a5?>


 Survivor's grant

<https://go.promapp.com/accnz/Process/f2be6ca6-db7e-477e-bb04-f23045152841?force=False>


### 4.0 Child

**a** Depending on their age, someone who qualifies as a child of the deceased may be eligible for the following:

- a survivor's grant
- may be eligible for weekly compensation, if the deceased was an earner, potential earner, or receiving weekly compensation, at date of death
- childcare, if they meet further criteria

 Who is a child of the deceased?

<https://go.promapp.com/accnz/Process/21d49251-1e42-4939-bb63-34b162509213>

 Childcare


<https://go.promapp.com/accnz/Process/c5e5b5aa-7bc3-4d60-940f-ea3c5725018c>


## 5.0 Other dependant

**a** Someone who qualifies as an other dependant:

- is eligible for a survivor's grant
- may be eligible for weekly compensation, if the deceased was an earner, potential earner, or receiving weekly compensation, at date of death

A child of the deceased who qualifies as an 'other dependant' is not eligible for childcare.

 Who is an Other dependant of the Deceased? Policy

 Eligibility for weekly compensation for accidental death claims

<https://go.promapp.com/accnz/Process/95cc0e92-9789-4aa7-a9b3-5c48e0d7435a?force=False>

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## 6.0 Becoming a dependant to qualify for support

**a** If someone became a dependant in order to qualify for support, they are not eligible for any accidental death entitlements. ACC makes a decision based on the evidence available.

This is a sensitive issue, proceed with care.

If information indicates that someone became a dependant mainly to qualify for support, then Go to the relevant Note on the Request Proof of Relationship for Fatal Claims procedure Activity 4.0 a.

 Request Proof of Relationship for Fatal Claims

<https://go.promapp.com/accnz/Process/Minimode/Permalink/7uuOkO9TVjRTPcNwk12wk>

 AC Act 2001, Schedule 1, Clause 75.

<https://www.westlaw.co.nz/maf/wlnz/app/document?startChunk=1&rnd=0.603196718535497&lawlink=&endChunk=1&casecite=&docguid=lfid6788153b3d11e18eefa443f89988a0>

<https://www.westlaw.co.nz/maf/wlnz/app/document?startChunk=1&rnd=0.603196718535497&lawlink=&endChunk=1&casecite=&docguid=lfid6788153b3d11e18eefa443f89988a0>

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## 7.0 Overseas dependants

**a** Accidental death claimants may be eligible for the support, even if:

- the deceased was an overseas visitor to New Zealand. The claim has cover because the injury occurred in New Zealand
- the death occurred overseas. The claim has cover if the deceased qualifies as a person who is ordinarily resident in New Zealand.

Dependants are only eligible for weekly compensation if the deceased had earnings that were taxable in New Zealand. This applies even if the spouse or partner lives outside New Zealand.

A child will only be eligible for childcare if they live in New Zealand.

 Cover for visitors to New Zealand

<https://go.promapp.com/accnz/Process/c58edd4f-09ea-4d31-a6fa-3ff1b2ef05ff>

 Cover for injuries suffered outside New Zealand

<https://go.promapp.com/accnz/Process/7852bc05-eabc-4023-a1a9-473140973dc5>