

**Q: Will my next of kin have any legal liabilities?**

A: No, your next of kin is a source of support and guidance and is not a legal appointment. Your next of kin will not be legally responsible for funeral costs and will have no legal rights to your medical notes or your personal possessions.

**Q: How do I tell the hospital about my next of kin?**

A: When you are admitted to hospital, the nurse or admissions clerk will check your details on the computer, e.g. full name, address, date of birth, and ask you for other information such as your religion, ethnic background, dietary preferences, and details of your GP and your next of kin. As well as the name of your next of kin, the hospital will also need a contact number for the person you have nominated. It is important that you tell your nominated next of kin that you are doing this in case they have the anonymous call rejection (ACR) facility on their telephone. If they do have ACR, it means that the hospital switchboard may be unable to place a call through to

your next of kin in an emergency, so they may need to give you an alternative telephone number where they can be reached.

**Organ/tissue donation**

Inclusion of a person on the Organ Donor Register is now considered to be a legal indication of that person's wishes regarding organ and tissue donation. However, following the death of a patient, the next of kin should always be consulted to ascertain the patient's wishes regarding organ and tissue donation. Therefore, if you wish to help others after your death, it is important to let your family and friends know your wishes regarding this. More information about organ/tissue donation is available from NHS Blood and Transplant by calling the donation line on 0300 123 2323 or by visiting the websites [www.organdonation.nhs.uk/](http://www.organdonation.nhs.uk/) [www.blood.co.uk](http://www.blood.co.uk).

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**Your next of kin**  
**Why it is important to**  
**nominate someone**

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## All competent adult patients are asked to nominate their next of kin formally on admission to hospital.

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This is not simply a contact number but has potential significance, as the person you choose must be willing to best reflect what they believe would have been your wishes in the event of your incapacity or death. It is this person that we would turn to for advice/guidance/help about your care if you were unable to respond yourself. For example, this might be because you are unconscious or unable to communicate due to illness or injury. In the event of your death, it is your next of kin who would be consulted about bereavement issues such as making funeral arrangements, arranging a hospital post mortem or organ/tissue donation.

You are not obliged to give a next of kin, although if you don't initially, you can change your mind at any time.

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### Q: What is the role of my next of kin?

A: Your next of kin cannot consent or withhold consent for care on your behalf. But as your next of kin, their views on what you would have decided will be sought. These views will contribute to the decision that the clinicians caring for you (and who have a duty to act in your best interest) will make regarding your treatment and care. Thus, if you cannot make that decision for yourself, the final decision of care rests with the clinician in charge of your care.

If, in the case of an emergency, you have not had the opportunity to nominate anybody as your next of kin, we would prefer to seek advice from whoever we believe to be 'closest' to you and best able to reflect your wishes; for example, your current partner or closest relative.

### Q: Who can be my next of kin?

A: Historically, the next of kin was the spouse or nearest relative of the patient, but modern day families may have a different structure - cohabiting but unmarried, long term relationships but not co-habiting, same-sex partners etc. Your next of kin does not need to be a blood relative or spouse; they may be your long-term partner, cohabitee or even a close friend. Whoever they are, you must ensure that the person you nominate is aware of the duty/responsibility that being next of kin may entail, e.g. they may have to make decisions on your behalf as outlined in the previous answer. You must ask them if they are willing to be nominated as your next of kin.

### Q: What about children?

A: Children's next of kin are most likely to be someone with 'parental responsibility'. The following have parental responsibility:

- the mother;
- the father if he is married to the mother of the child at the time of the child's birth;
- unmarried fathers who are present to register as the child's father on the birth certificate on or after 1 December 2003. However, unmarried fathers whose children were born before that date will need to sign a parental responsibility agreement with the mother or apply for a court order for parental responsibility;
- parental responsibility can also be held by a legally appointed guardian; the local authority (if the child is subject of a care order); or a person named in a residence order.