



The
Compassionate
Friends

Coping with Legal Proceedings Following the Death of Our Child

A nationwide organisation of bereaved parents
and their families offering support after a child dies.

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Coping with Legal Proceedings Following the Death of Our Child

There is nothing more devastating for a parent than the death of our child, whatever their age or from whatever the cause. We may feel overwhelmed by our feelings as we face the dreadful task of learning to live without them. However, some of us not only have to navigate our grief, but we also have to cope with legal proceedings that follow as a result of how our child died. Such proceedings are likely if our child's death was unexpected.

In almost all cases of sudden, unexpected death, such as a result of violence, a road traffic incident, suicide, or from an unexplained or unnatural cause, there will be an **Inquest** (in England and Wales) or an **Investigation** (in Scotland). An inquest is an enquiry, led by a Coroner, that seeks to establish the circumstances surrounding a person's death, including how, when and where the death occurred, but does not look to apportion blame or responsibility.

If there is evidence that someone was responsible for our child's death, the Crown Prosecution Service (CPS) may decide to bring them to court in a **criminal trial**. (This may delay or remove the need for a full inquest.)

A **civil case** is another form of legal proceeding where it may be possible to claim damages. We could, for example, be involved in pursuing a wrongful death claim due to negligence. This, like a criminal trial, is completely separate from an inquest.

In this leaflet we look at some of the issues that can arise for us, as parents, before, during and after the legal proceedings. The focus is on how we can cope with what unfolds, as these proceedings will likely add layers of complexity to our grief.

This leaflet does not explore the practical and legal processes of these legal proceedings. More information on these aspects can be found in the following resources:

Practical and legal aspects of Inquests in England and Wales:
www.tcf.org.uk/legalhelp

Investigation of Sudden and Unexplained Deaths in Scotland:
www.tcf.org.uk/scotlandinvestigation

Information on court cases:
www.cps.gov.uk/going-court
www.victimsupport.org.uk/going-court

Notes:

- In this leaflet we use the term 'legal proceedings' to generally cover any type of proceeding, including inquests, civil and criminal cases, although details might differ between them.
- Many of the suggestions in the leaflet are based on comments from parents who have been through these proceedings.

Legal proceedings surrounding the death of our child

The worst has happened; our child has died. The subsequent legal proceedings are likely to intensify and prolong our grief.

We will often need to prepare for the proceedings; there may be materials to read and conversations to have. We may be called as a witness or be asked to offer a written statement. We could have a long, anxious wait for a date to be announced. It might take months or even years for an inquest to take place, and a trial even longer.

Time passes and eventually we find ourselves walking into the actual proceedings. These can last hours, days or weeks. We may find ourselves reliving in detail the events surrounding our child's tragic death or we may discover more information that we were not aware of. Our thoughts, emotions and health are likely to be adversely affected. We may even be traumatised by what takes place.

Then there is the aftermath, where we will have to cope with the finding of the inquest or the court verdict, whether or not we agree with them. In some circumstances, there may be further legal proceedings ahead.

All of this is about our child. They are the reason the proceedings are taking place. But at the end of the day, when all the proceedings are finished and everyone else has gone home, we are left with the sad reality: our child is still gone from our lives. The conclusion of the proceedings may bring a huge sense of relief, or there can be a sense of anti-climax. What do we do now?

We may have put a lot of thought into what was going to happen, and also spent time with the relevant professionals. Our focus may have been on a hope for justice. Now the various appointments and meetings have ceased; no further preparations are needed; whatever justice we hoped for has or has not been achieved, and there is little more we can do. Emotions that we had perhaps held in check are free to run riot.

We should not feel that we need to manage all of this alone. In fact, those who have been through this strongly recommend that parents surround themselves with those who can offer support, such as close family members or friends. This applies to before, during and after the proceedings.

Not all of us have such a close support circle and/or a partner, but even if we do, it still can be very helpful to be in touch with other people who have already been through this. Being amongst other parents who have lost a child can be very beneficial. The Compassionate Friends (TCF) organises local meetings and larger gatherings, as well as a helpline, online forums and Facebook groups. (See the back page of this leaflet for contact details.)

Professional support may also be necessary. Many of us have found that counselling provides a safe, confidential space that is invaluable at such a traumatic time. Support like this can be accessed through our doctor, a charity such as CRUSE Bereavement Care, privately, or sometimes through our place of employment.

Living with what happened to our child

In preparation for the legal proceedings, many of us will try to find out as much information as possible. It is only natural to want to know how and why our child died.

For instance, if our child died whilst under the care of the health service, this might involve us obtaining and reading their medical records, or speaking with health professionals. Another example might be if our child died as a result of a road traffic incident. We might want to know not only the details of the crash itself, but whether there have been other collisions in that area. Is there adequate signage? Is it an 'accident blackspot'?

The details that are uncovered can be difficult to bear. We should not feel that we have to read every single piece of information, or even the post-mortem report, if to do so would cause us unbearable pain.

Much of our focus on the details of what happened is likely to be rooted in the question: Could my child's death have been prevented? Sometimes the answer might seem obvious, such as if they were a victim of a violent crime. In other circumstances, it is less clear. Perhaps eventually the legal proceedings will offer clarity, but the tragic reality is that, whether our child's death was preventable or not, they have died. Knowing the reasons or factors that brought about their death does not alter this.

Whatever the situation, the knowledge of what exactly took place can lead to great anger and bitterness towards anyone who might have been responsible. Dealing with this understandable frustration and anger is another challenge as we live with our grief. (See below for more on this topic.)

In the lead-up to the proceedings, and during the proceedings themselves, the focus is obviously on our child's death, rather than their life and who they were. It is devastating to discover in such detail what they went through. When these images fill our thoughts, they are likely to affect our dreams. In the mornings we might wake up wishing it were all just a nightmare, only for our hearts to sink as we recall this is reality, not a dream.

We have to invest so much time and energy in getting through the proceedings, we might feel as if we are having to put our grief on hold. This might be necessary in some respects, as we have to cope with what is immediately in front of us. In time, though, we should be able to return to focus on our child's life and all that they mean to us. In time, these better memories will begin to overcome the more painful ones and return to comfort us. The legal proceedings only look at the facts of our child's death; their life was so very much more.

Before the Proceedings Take Place

Managing our expectations

Legal processes take time. An inquest may be held months or even years after a loved one's death. A trial may also take a long time to commence. It can be a period of anxious waiting. We might feel some ambivalence: wanting desperately for the proceedings to be over and done with, but also afraid at what will be revealed, or the outcome.

Depending on the type of proceedings, we will need to manage our expectations.

For instance, if there is an **inquest**, we should not expect all or sometimes any of our questions to be answered, nor for the coroner to apportion 'blame' or responsibility to a person or organisation, as that is not the function of an inquest or the coroner. An inquest is entirely fact-finding, establishing the identity of the deceased, where, when and how they died.

If there is a **criminal trial**, there is the possibility of disappointment at the verdict or the sentence awarded to those found guilty.

All of this can add to our anxiety.

Officialdom and legal proceedings

In advance of the actual proceedings, we will probably be dealing with officialdom such as the Police Family Liaison Officer (FLO).

- It is useful to have someone else present to suggest questions to ask the police or to make notes of information so that we can look at it again later, as we might still be in a state of shock.
- Many parents have found that their FLO was kind, compassionate and helpful, willing to answer questions and provide regular updates and information. Many go beyond the exact parameters of their job, as in essence a FLO is a professional and investigative role.
- Other parents did not have such a positive experience with their FLO. If this happens to you, please inform the FLO who should put you in touch with the Senior Investigation Officer.

Preparing for the proceedings

We will need to decide whether or not to attend the proceedings – unless we have been called as a witness, in which case we will have no choice. If there is no actual requirement, then we should make the decision that feels right to us. Whilst many parents do choose to attend, for others it is too distressing.

If there are to be criminal proceedings, we can prepare a victim personal statement: See: **www.tiny.cc/victimstatement**

We might also want to:

- Visit the relevant court beforehand to have an idea of the set-up and what will happen during the proceedings.
- Get as much support as we can; take family or close friends if possible.
- Consider arriving a little early to the vicinity of the court building, and then take a short walk or visit a café nearby, to give ourselves a chance to feel a bit more settled.
- Expect that the trial or inquest is going to be very emotional for us. It might be better for someone else to drive to the court and back, for instance.

- Prepare to take notes during the trial or inquest, if we wish.
- Inform anyone who has been supporting us, such as a counsellor, about what is taking place and when.

During the time the legal proceedings are taking place

Whatever our reactions at the initial news of our child's death and the acute pain of grief at that point, it is likely that as the months pass, we become a little more adjusted to our 'new reality'. With the onset of the proceedings, we are taken back to the very beginning of our grief. The coping mechanisms we have managed to adopt can suddenly become inadequate when faced with reliving what happened to our child.

During the proceedings, we are not only re-immersed in the tragedy of our child's death, but at the same time we are in an environment which is likely to be unfamiliar and perhaps quite daunting. All of this can be very distressing.

Self-care is essential. This means trying to ensure we eat at least some nutritious food, do not overdo caffeine or alcohol, and get some sleep.

Self-care includes giving our minds a rest for at least a few moments each day. Getting outside in a green space, taking a walk in the park and doing a bit of gardening could help. Watching a film might not be a bad idea, although we should choose the topic with care. A hot bath or a visit to a spa might help us relax. This probably is not a good time for a major house clean or similar projects, unless the process is in itself therapeutic.

We might want some time alone with our thoughts, but most of us will also benefit from company – friends and family members who know what we are going through – or others, such as other TCF members who have been through something similar. We might want to ask for help with the care of any other children or other responsibilities.

It is very important to be able to process what is happening in a safe space. A counsellor might give us some good support at this time. If we are having particularly bad moments, we could call a helpline such as the Samaritans **(116 123)**.

Afterwards

The outcome of the proceedings may or may not bring us relief and a sense of justice. But whatever the outcome, there is very likely to be **disappointment**, because the outcome that we really want is unachievable - for time to go back and our child to be living.

All grief brings a complex mixture of feelings and thoughts, such as sadness, anger, confusion, despair and much more. We may feel irrational guilt that we were not able to prevent what happened. We may replay decisions and conversations over and over in our minds. All of this is usual in grief, but the fact that we also have to go through these legal proceedings is likely to **intensify and prolong** our feelings.

Our **anger** towards the person or people responsible for their death can overwhelm us. It is probably natural to regard these people with hostility, anger and hatred. These feelings may focus on the person accused, then charged and finally convicted, but they can also be directed at the police, the law, the justice system, other family members, or even against ourselves. If these intense negative emotions, along with desires for revenge, are not confronted, they can become buried in a way that will be damaging and may lead to later problems. Many of us find it helps to talk or write about how we feel. Professional help, or the support of others who have been through a similar tragedy, can help us through these terrible feelings.

Some bereaved parents have described how working towards **forgiveness** has helped them move forward, whereas others feel that what has been done can never be forgiven. We can let our own personal moral or religious beliefs guide us in this. It is a difficult and complex path, along which we will travel in our own time and way.

Reactions can divide families. It can be agonising to see loved ones consumed with hatred and the desire for vengeance, especially if these feelings are not shared by everyone. Equally, the absence of displayed anger may be deeply perplexing to those who are raging about the person whose actions brought about the death of our child.

We may find ourselves **reliving** our time in the courtroom over and over. We wanted to do the best by our child, and we might wonder if we should have said or done anything differently. Our thoughts on these lines can be torture, and together with our knowledge of the details of what happened to our child, we can find ourselves struggling to cope.

To carry on with our lives, including maintaining relationships with those around us – our friends, family, children and/or partner – is going to take some effort. **Self-care** is part of this, and **allowing others to support us** also has a role.

Many of us have found it very helpful to create a **focus for good memories** dedicated to our child. Directing our thoughts towards who they were and their life story can help ease the pain of how they died. (See the TCF *Handbook of Ideas for Remembering Our Child*.)

Some bereaved parents get involved with **appropriate campaigns**. These might give us a way of finding meaning in our life again and honouring our child's memory. On the other hand, the efforts we put into such projects can drain us of our energy and keep us focused on our child's death, rather than on the bigger picture of their life. If we do feel inclined to get involved in a campaign of some sort, we should carefully weigh the impact it could have on us.

We should always be aware of the **danger of 'trigger' events**. This could be related to what is published in the press or social media, whether in the immediate aftermath of the legal proceedings for our child, or related to similar events at a later date. The more intensely this affects us, the more we need to think about how to take care of ourselves.

Many of us find that we gradually **adjust**. However, if we find that our feelings, thoughts and memories are not manageable after several months or longer, it is possible that we are going through a form of Post-Traumatic Stress Disorder (PTSD), and it would be wise to seek **professional support** in the form of counselling or other therapies. **See: www.tiny.cc/aboutptsd**

Living and loving our child

Our child has died; this is the tragedy. The fact that we also have to go through these legal processes extends and intensifies our grief in many ways. Rather like what happens prior to a funeral, we may busy ourselves in preparation, but once the proceedings are over, there is a terrible emptiness; a realisation that our child is gone, never to return; that others move on with their lives, but we are changed forever by our loss.

Most of us find that the raw agony of grief that has been revived through the proceedings eventually dissipates, and memories of happier times return. How our child died will always grieve and perhaps anger us, but how they lived is the most important.

And so, as we seek to live with this almost unspeakable grief, let us honour our children's memories, loving each one of them, today and always. We walk each day with our children in our hearts and thoughts.

Further leaflets on living with grief and coping with the death of a child can be found on TCF's website.

Information, Advice and Support

The following organisations and services can help us understand the legal processes and find various types of support:

FAMILY LIAISON OFFICER (FLO)

is a police officer whose role is to support us and to obtain information from us to help with the investigation. See: www.tiny.cc/supportflo If there is a criminal investigation that results in a court prosecution, the FLO should provide a copy of the following booklet: www.tiny.cc/leaflet

THE CORONER COURTS SUPPORT SERVICE (CCSS)

0300 111 2141 | www.coronerscourtsupportservice.org.uk

An independent charity with trained volunteers who can support close family members of the deceased when attending an inquest or via the Helpline at any time. However, they cannot offer legal or case specific advice.

VICTIM SUPPORT

0808 168 9111 | www.victimsupport.org.uk

An independent charity supporting those affected by crime. They provide a variety of support services and run a 24-hour helpline.

NATIONAL HOMICIDE SERVICE (PART OF VICTIM SUPPORT)

0300 300 1984 | www.tiny.cc/homicideservice

Provide an independent caseworker who can help with practical advice.

INQUEST

0207 263 1111 | www.inquest.org.uk/our-services

A charity offering advice and support for those affected by deaths in state care or detention.

RETHINK

0300 5000 927 | www.rethink.org

A charity that can provide information following death, including suicide, of those who were suffering from mental illness, whether or not they were receiving treatment.

ACTION AGAINST MEDICAL INCIDENTS (AvMA)

0845 123 2352 | www.avma.org.uk/help-advice/inquests

A charity for patient safety and justice. They can provide advice following deaths related to medical treatment (NHS or private).

ROAD PEACE

0845 4500 355 | www.roadpeace.org/support

A charity supporting those bereaved through road traffic incidents.

CRUSE BEREAVEMENT CARE

0808 808 1677 | www.cruse.org.uk

Offer support for all types of bereavement, and can arrange grief counselling.

THE COMPASSIONATE FRIENDS (TCF) has several solicitors who will provide initial free advice to bereaved parents. Contact details can be found here: www.tcf.org.uk/legalhelp

TCF publishes **various leaflets** that could be relevant, depending on the circumstances of your child's death:

- *The Sudden Death of Our Child*
- *After Suicide*
- *When Our Child Has Been Murdered*
- *Death Following a Road Traffic Incident*
- *Bereaved Through Drug or Alcohol Use*
- *FAQs On Making a Complaint to Or About the NHS in England*

Leaflets can be found here: www.tcf.org.uk/leaflets

Who are the Compassionate Friends?

The Compassionate Friends (TCF) was founded in 1969 by a hospital chaplain and a group of bereaved parents who recognised the lack of support and understanding they were receiving from those who had not suffered in this way. This leaflet aims to share the experiences of all of us bereaved parents and most especially those aspects which came upon us so suddenly and, sometimes, with no warning.

The reading of this leaflet may be your first real contact with TCF. We hope it has given you a little comfort, perhaps showing you that your pain and worries are shared by others. TCF publishes over 30 leaflets, on different aspects of grief which follow the death of a child. All of them are available at no charge to bereaved parents and siblings (but a small donation is, of course, always welcome).

If you would like to hear more about our work and access further support, you could ring our Helpline number on the back page of this leaflet, and you will be able to talk to one of our volunteers, all of them bereaved parents. He or she could give you the number of a Local Contact and details of any Local Group which may meet regularly in your area. You could also find out from them details of our occasional retreats, when a small number of bereaved parents meet and talk in peaceful surroundings. Most years there is a weekend gathering, to which all members are invited.

Our website at **www.tcf.org.uk** has more information about our services, how to join TCF as a donating member, private Facebook groups, and support forum where bereaved parents can 'talk' online . We also publish a quarterly journal, *Compassion*, containing articles and poems written by our members about their own experiences. And, if you would also like further reading, please contact our Library for details and recommendations of books on all aspects of bereavement.



The Compassionate Friends

UK Helpline:

0345 123 2304

Northern Ireland Helpline:

0288 77 88 016

General Enquiries

0345 120 3785

E: info@tcf.org.uk

TCF Library

0345 120 3785

E: library@tcf.org.uk

To find out more about TCF visit

www.tcf.org.uk |  [@tcf.org.uk](https://www.facebook.com/tcf.org.uk)  [@TCFcharityUK](https://twitter.com/TCFcharityUK)

This leaflet is sponsored by Terry and Maria Ahern to honour the memory of their adored son, their only child, James Ahern (10/3/92 - 16/8/14).

"He will live on in our hearts
and in the hearts of so many who love him".

Founder: The Revd Canon Dr Simon Stephens OBE

President: The Countess Mountbatten of Burma