GUIDE

Claim for Death Benefits

Québec

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THERE ARE THREE WAYS TO SUBMIT A DOCUMENT:

» **Through the Reimbursement of Expenses and Document Submission online service:** saaq.gouv.qc.ca/documentsubmission

» **By fax:** 1-866-289-7952

» **By mail: Société de l'assurance automobile du Québec**
Case postale 2500, succursale Terminus
Québec (Québec) G1K 8A2

Keep the original or a copy for your files.

1 COMPENSATION PAID BY THE SAAQ

The various benefits paid by the SAAQ in relation to an accident victim's death are the following:

A **Lump-sum death benefit**

B **Lump-sum indemnity to cover funeral expenses**

C **Lump-sum indemnity for a diminished quality of life**

D **Availability allowance and reimbursement of accident-related expenses**

These benefits are not liable to seizure.

Please note: Though "estate" is the more common term, "succession" is used throughout this guide, as it is the term used in Québec legislation.

A Lump-sum death Benefit

IF THE DECEASED HAD A SPOUSE

The spouse of the deceased is entitled to a lump-sum indemnity. The amount of the indemnity varies according to the gross annual income of the deceased. The indemnity will never be less than the minimum amount provided for under the *Automobile Insurance Act*.

The indemnity may be paid in one lump sum or, if so requested by the beneficiary, spread over a period of 5, 10, 15 or 20 years at an interest rate determined by the SAAQ.

For information on the amounts payable, see the *Table of Death Benefits*.

IF THE DECEASED HAD DEPENDANTS

If the deceased has left behind dependants other than their spouse, they will receive a lump-sum indemnity established in accordance with their age at the time of the accident victim's death.

If the deceased was the head of a single-parent family, the deceased's children and other dependants are entitled, in addition to their own indemnity, to the indemnity that would have been paid to a spouse.

The indemnity may be paid in one lump sum or, if so requested by the beneficiary, spread over a period of 5, 10, 15 or 20 years, at an interest rate determined by the SAAQ.

If any of the accident victim's dependants were disabled at the time of the accident victim's death, they are entitled to an additional indemnity.

For information on the amounts payable, see the *Table of Death Benefits*.

IF THE DECEASED HAD NO SPOUSE OR DEPENDANTS

If the deceased had no spouse or dependants, the SAAQ will pay a lump-sum indemnity to:

- the deceased's mother and father, parents or the individuals standing *in loco parentis* (acting as parents) if the deceased was a minor (under the age of 18) at the time of death;
- the deceased's succession, if the deceased was of legal age at the time of death.

For information on the amounts payable, see the *Table of Death Benefits*.

B Lump-Sum Indemnity to Cover Funeral Expenses

Whenever an accident victim dies as a result of a traffic accident, the SAAQ pays the succession a lump-sum indemnity to cover funeral expenses on receipt of an official document naming the liquidator of the succession. Please note that **receipts are not required**.

For information on the amounts payable, see the *Table of Death Benefits*.

C Lump-Sum Indemnity for a Diminished Quality of Life

An indemnity may be awarded to compensate for pain, mental suffering and loss of enjoyment of life for the period between the accident and the death of the accident victim.

- If the accident victim died more than 24 hours after the accident, the succession may be entitled to a lump-sum indemnity that varies according to the severity of the accident victim's injuries.
- If the accident victim died within 24 hours of the accident, no indemnity is awarded.

D Availability Allowance and Reimbursement of Accident-Related Expenses

An availability allowance is awarded to individuals whose presence at the accident victim's hospital bedside was requested by a health care professional.

Travel and lodging expenses related to their presence at the hospital are also reimbursable.

Reimbursement of these expenses is carried out in accordance with the conditions prescribed by regulation.

2 COMPLETING THE ***CLAIM FOR DEATH BENEFITS*** FORM

1 Accident Victim

QUÉBEC DRIVER'S LICENCE NUMBER, SOCIAL INSURANCE NUMBER AND HEALTH INSURANCE NUMBER

If the accident victim was a minor, it is important to enclose their birth certificate. A birth certificate is issued by the Directeur de l'état civil and must include the names of the mother, father or parent. For more information, contact the Directeur de l'état civil or visit its website.

Provide the deceased's social insurance number, health insurance number and if applicable, their Québec driver's licence number, if the deceased had a driver's licence. In the case of a minor who did not yet have a social insurance number, simply provide the health insurance number.

It is important to provide this information in order to avoid unnecessary delays in processing the claim.

LAST NAME IF DIFFERENT FROM LAST NAME AT BIRTH

Write the last name the deceased was using at the time of death if it is different from the one that person had at birth. For example, if the deceased was married and used her husband's last name, write that last name.

CIVIL STATUS AT THE TIME OF THE ACCIDENT

Check the box(es) that describe the civil status of the deceased at the time of the accident. For example, if, at the time of the accident, the accident victim was divorced and had begun living in a de facto union, check both boxes that apply.

3 Accident

DATE AND TIME OF THE ACCIDENT

Indicate the date and time of the accident as accurately as possible.

LICENCE PLATE NUMBER OF THE VEHICLE OCCUPIED BY THE ACCIDENT VICTIM

If the accident victim was the driver or a passenger, provide the licence plate number of the vehicle the accident victim was in. If the accident occurred while the accident victim was a passenger aboard a bus and you do not know what the licence plate number was, leave this space blank.

PROVINCE, STATE OR COUNTRY IN WHICH THE VEHICLE OCCUPIED BY THE ACCIDENT VICTIM WAS REGISTERED

If you have entered the licence plate number of the vehicle **the accident victim was in**, indicate the province, state or country that issued the licence plate.

LOCATION OF THE ACCIDENT

Indicate the municipality in which the accident occurred.

If the deceased was not a Québec resident but was in either of the two situations described below, you can file a claim for death benefits with the SAAQ:

- The traffic accident occurred in Québec, and the motor vehicle the accident victim was in at the time of the accident (as the driver or as a passenger) was registered in Québec. Regardless of whether or not the accident victim owned the vehicle they were in at the time of the accident, the succession is entitled to the same compensation as Quebecers.
- The traffic accident occurred in Québec and, at the time of the accident, the accident victim was either a passenger in, or the driver of, a motor vehicle that was not registered in Québec, or a pedestrian or a cyclist. If this situation applies to the accident victim, benefits will be awarded in inverse proportion to that person's share of liability, unless they resided in a province that has an agreement with the SAAQ.

IF OUTSIDE QUÉBEC, INDICATE THE PROVINCE, STATE OR COUNTRY

If a Québec resident died in an accident that occurred outside Québec, the same benefits are payable as if the accident had occurred in Québec. If this is the case, a claim can be filed with the SAAQ.

If, as a result of the accident, medical expenses were incurred outside Québec (hospitalization costs or professional fees), follow the steps outlined below.

- **If the expenses have not yet been paid, send all supporting documents to the SAAQ. Only originals will be accepted.**
- **If the expenses have already been paid, contact the Régie de l'assurance maladie du Québec (RAMQ) to obtain an application for reimbursement form. You can also download a copy from the RAMQ website.**

  The duly completed form must be accompanied by the appropriate supporting documents. Please note that the RAMQ requires the originals.

  The RAMQ will reimburse the expenses incurred in accordance with the provisions of the *Hospital Insurance Act* and the *Health Insurance Act*. The supporting documents will be automatically transferred by the RAMQ to the SAAQ, which will then reimburse any remaining amount eligible for reimbursement under the *Automobile Insurance Act*.

Liability

If the deceased was at fault for the accident and a person from outside Québec decides to file a lawsuit against the succession, the deceased's private third-party liability insurance will cover the succession in this instance.

If it is a person from outside Québec who is deemed to be at fault for the accident, you may, where legal recourse is allowed in the jurisdiction where the accident took place, initiate court proceedings against that person. However, before doing so, you must notify the SAAQ, as it has a right of priority that it may decide to exercise.

For further information on this topic, contact the compensation officer who will be assigned to assess your death benefits claim.

WAS A VEHICLE REGISTERED OUTSIDE QUÉBEC INVOLVED IN THE ACCIDENT?

If you know that a vehicle registered outside Québec was involved in the accident, you must report it.

4 Give a Brief Account of the Facts Relating to the Accident

Give a brief description of the facts relating to the accident, even if a police report was filed.

Use a separate sheet if need be. Make sure to indicate the claim number or, if unavailable, the deceased's health insurance number at the top of that sheet.

5 Was an Accident Report Drawn up by a Police Officer?

- If a police report was filed by a Québec police service, it will be forwarded to the SAAQ by the police service present at the scene of the accident. If you know the report number, please provide it.
- If the accident occurred outside Québec and you already have the report, please enclose a copy with the claim form.

6 Did the Traffic Accident Occur...

...during the course of the accident victim's work duties?

The claim must be filed with the Commission des normes, de l'équité, de la santé et de la sécurité du travail (CNESST) or the worker's compensation board in the accident victim's home province, territory or country.

However, a claim can be filed with the SAAQ if the CNESST refuses the claim. In this case, the letter of refusal must be provided. For more information, call the CNESST at 1-866-302-2778 or visit the board's website at cnesst.gouv.qc.ca.

...while a criminal offence was being committed?

If injury resulting in death was intentionally caused by the driver of a motor vehicle, the deceased may be considered the victim of a criminal act and the family of the accident victim can decide to seek compensation under either the *Act to assist persons who are victims of criminal offences and to facilitate their recovery* or the *Automobile Insurance Act*.

For more information, call the Direction de l'indemnisation des victimes d'actes criminels (IVAC) at 1-800-561-4822 or visit the organization's website at ivac.qc.ca.

…while assisting someone in distress?

If the accident victim died of injuries sustained in a traffic accident while assisting a person in distress, the accident victim is deemed to have been engaged in an act of good citizenship and the family of the accident victim may therefore seek compensation under either the *Act to promote good citizenship* or the *Automobile Insurance Act*.

For more information, contact the victims of criminal offences bureau (IVAC) at 1-800-561-4822 or visit the bureau's website at ivac.qc.ca.

7 Injuries

PLEASE DESCRIBE, IN YOUR OWN WORDS, THE INJURIES THE ACCIDENT VICTIM SUSTAINED IN THE ACCIDENT THAT LED TO THEIR DEATH

This description can include objects that struck the accident victim, the parts of the body that were injured, as well as the type of injuries sustained (cuts, scratches, fractures, etc.).

IMPORTANT:

Remember to enclose a copy of the document from the physician or coroner in which the cause(s) of death are described. Medical information reported at the time of the accident is important for processing death benefits claims.

Should this document be unavailable, the compensation officer will discuss the matter with you when they begin processing the claim.

10 Availability Allowance and Reimbursement of Expenses

If the accident victim was hospitalized after the accident and survived for some time, an availability allowance may be paid to the person whose presence was required for medical reasons.

To claim this allowance, you must specify the dates of the visits and the number of hours spent with the accident victim during each visit. You can report this information on a separate sheet of paper and enclose it with your claim.

Travel and lodging expenses related to these visits are also reimbursable. Reimbursement of these expenses is carried out in accordance with the conditions prescribed by regulation.

For information on the amount of the availability allowance to which you may be entitled, see the *Table of Death Benefits*.

If you have receipts or invoices for these expenses (i.e. meals, hotels, parking, transportation), please include them with the claim. For information on the amounts that can be reimbursed, contact the SAAQ at 1-800-361-7620.

IMPORTANT:

Do not forget to write the claim number or, if unavailable, the accident victim's health insurance number, on every receipt or invoice you send to the SAAQ.

11 Accident Victim's Spouse

The spouse is defined as:

- the person who, at the time of death, was married to or in a civil union with the accident victim and was living with the accident victim;
- the person who, at the time of death, was living in a de facto union with the accident victim and had been publicly represented as that person's spouse for at least three years;
- the person who, at the time of death, was living in a de facto union with the accident victim and had been publicly represented as that person's spouse for at least one year, provided:
  - a child had been born or was to be born of their union,
  - they had adopted a child together,
  - one of them had adopted one or more of the other's children.

IMPORTANT:

Remember to enclose a copy of the marriage certificate, where applicable.

13 Accident Victim's Former Spouse

The former spouse is defined as:

- the person who was legally separated or divorced from the accident victim and who, at the time of death, was entitled to receive spousal support (excluding child support) from the accident victim by virtue of a judgment or agreement.

IMPORTANT:

Remember to enclose a copy of the official documents (divorce judgment and agreement).

15 Dependants

A dependant is defined as:

- a minor child (under 18 years of age) of the accident victim, regardless of whether that child was adopted or is the accident victim's biological child, and any other minor to whom the accident victim stood *in loco parentis* (acted as a parent) at the time of death;
- a child of legal age of the accident victim, a person of legal age for whom the accident victim stood *in loco parentis* (acted as a parent), and any other person related to the accident victim by blood or adoption if, at the time of their death, the accident victim was providing for more than 50% of that person's basic needs and maintenance costs. Proof may be required.

List the names and contact information of:

- all children under 18 years of age who were dependants of the accident victim at the time of their death;
- all of the accident victim's children who were 18 years of age or older and who, at the time of the accident victim's death, were dependants of the accident victim and enrolled as a full-time student;
- all persons with a disability who were dependants of the accident victim at the time of their death;
- any other person, if the accident victim was providing for more than 50% of that person's needs.

NOTE: If the accident victim had more than six dependants, please provide the required information about each additional dependant on a separate sheet and enclose it with the form. Be sure to indicate the claim number or, if unavailable, the accident victim's health insurance number at the top of the page.

IMPORTANT:

Remember to enclose the following:

- a copy of the **birth certificate issued by the Directeur de l'état civil** for each dependant, showing the names of the mother, father or parent;
- ***Schedule 4 D – Attestation of School Attendance***, for each dependant who is 18 years of age or older and enrolled in an educational institution;
- a copy of the **medical report** for each dependant with a disability, attesting to that person's disability.

16 Accident Victim's Mother, Father or Parent

PLEASE NOTE: *You do not need to fill out this section if the accident victim was of legal age and had no spouse or dependants at the time of death. In this case, the SAAQ pays a lump sum to the succession.*

YOU MUST COMPLETE THIS SECTION IF THE DECEASED WAS A MINOR (UNDER 18 YEARS OF AGE) AND DID NOT HAVE A SPOUSE OR ANY DEPENDANTS.

The SAAQ will pay a lump-sum indemnity to the accident victim's biological or adoptive parents or to the individuals standing *in loco parentis*.

NOTE: A person standing in loco parentis *is a person who takes the place of a biological parent and assumes that parent's responsibilities, both financial and emotional.*

Provide either the full address of the accident victim's parents, or the address to which mail for the succession should be sent. Be sure to include the postal code and post office box number (where applicable). All correspondence and benefits will be sent to the address provided.

Remember to include a copy of the death certificate of any deceased parent.

In order to take into account diverse family structures, more than two individuals may be entered as parents.

17 Signature of the Claim

The claim form must be signed by the person who filled it out. Check the box that describes in what capacity you are acting. By signing the form, you are also declaring that the information provided in the appended forms, where applicable, is accurate.

NOTE: Under the Civil Code of Québec, *the mother, father or parent of a minor are automatically that person's tutors, without any other formality. If you are signing the claim form as the accident victim's dative tutor appointed by a court order or by any other legally binding document, you must enclose with the form the court order or document in question. Be sure to provide your telephone number and full address because all correspondence will be sent to that address. The Public Curator is responsible for supervision of the administration of tutorships. As such, the Public Curator is authorized to examine the payment of sums to tutors, in compliance with section 12 of the* Public Curator Act.

If your form is not signed, it will be returned to you, which may result in unnecessary delays in processing your claim.

18 Direct Deposit

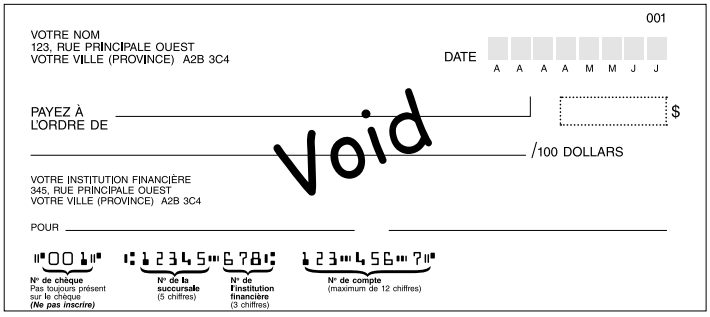
The SAAQ can deposit death benefits directly into the beneficiary's bank account (in Canada only).

IMPORTANT:

- If you want the deposit to be made into a joint account, check "No" when answering the question "Are you the sole holder of the account?"
- If the beneficiary is a minor, the SAAQ must deposit the indemnities in an account held in the beneficiary's name. Parents are responsible for opening an account in the child's name.
- If direct deposit is not possible, payment is made by cheque.

Remember to enclose a cheque marked "VOID."

Example:



3 COMPLETING THE APPENDICES

You must fill out the appendices if the accident victim:

- had a spouse or a former spouse at the time of the accident;
- had dependants at the time of the accident;
- survived for more than seven days after the accident.

A Employment – Training

EMPLOYMENT

If the accident victim was employed at the time of the accident, you must answer all the questions. Your answers will help determine the amount of the lump-sum indemnity that the spouse or dependants may be entitled to receive.

IMPORTANT:

If the accident victim was a salaried employee, remember to enclose ***Schedule 2 – Attestation of Income by the Employer*** and ***Schedule 6 – Job Description,*** which must be completed by the employer.

If the deceased was self-employed, you must provide the following for each of the three previous years:

- a copy of the deceased's Québec or federal income tax return (the Québec income tax return is preferred for Québec residents) and notice of assessment; AND
- either a copy of the deceased's statement of income and expenses or one of the two following forms: TP-80-V, *Business or Professional Income and Expenses*, or T2125, *Statement of Business or Professional Activities* (form TP-80-V is preferred for Québec residents); OR
- if the deceased did not reside in Canada, any official document attesting to their income. This type of document is generally required by the fiscal authority of the country or territory concerned (equivalent to Revenu Québec or the Canada Revenue Agency).

NOTE: Remember to indicate the claim number or, if unavailable, the deceased's health insurance number, at the top of each separate sheet you submit with the claim.

C Employment History – Qualifications – Disability

AT THE TIME OF THE ACCIDENT, WAS THE ACCIDENT VICTIM ALREADY UNABLE TO WORK?

At the time of the accident, the accident victim may have already been unable to work either temporarily or permanently for medical reasons (for example, as a result of a work-related accident or because they had been granted sick leave).

DESCRIBE THE ACCIDENT VICTIM'S ILLNESS OR DISABILITY PRIOR TO THE ACCIDENT

Describe any illness or disability that the accident victim had before the accident and that prevented them from being able to work. Provide the name of the hospital or medical clinic where the accident victim was being treated, as well as the name of the physician or specialized nurse practitioner who had been treating them for the health issue(s) in question.

E If the Accident Victim had not Held Full-Time Employment for Over a Year When the Accident Occurred

EDUCATION

Circle only the accident victim's last completed year of schooling. Indicate the diploma or degree received for the highest level of schooling the accident victim had completed.

IN THE FIVE YEARS BEFORE THE ACCIDENT, WERE THERE PERIODS WHEN...

...the accident victim's main occupation was taking care of a child under 6 years of age without pay?

If the accident victim was looking after someone else's child, please provide, in addition to the information requested, the child's name, date of birth and the reason for taking care of the child. Write this information on a separate sheet of paper and enclose it with the form. Remember to indicate the claim number or if unavailable, the accident victim's health insurance number at the top of the page.

...the accident victim was unable to hold a job due to illness, an accident, etc.?

If you answer "Yes" to this question, please indicate the period(s) during which the accident victim was unable to work and explain why (type of illness, disability or accident).

PROFESSIONAL QUALIFICATIONS

A certificate of qualification is the basic document a worker must have in order to practice a trade. For the qualification to be taken into consideration, the certificate must have been valid at the time of the accident. The accident victim must have been a member in good standing of their professional corporation on the day the accident took place.

4 COMPLETING THE OTHER FORMS

SCHEDULE 2 Attestation of Income by the Employer and Schedule 6 – Job Description

These forms must be completed by the accident victim's employer if the accident victim was employed as a salaried worker and had dependants (see the definition of a dependant on page 13).

The attestation of income and the job description must be sent to the SAAQ within six days of the SAAQ's request.

IMPORTANT:

Remember to enter the required information on the accident victim in the first section of the form.

SCHEDULE 4 Attestation of School Attendance for Stud

This form must be completed by the educational institution if:

» if the accident victim was 16 years of age or older and was a student or officially admitted to a program of study at the time of the accident.

If additional forms are necessary, you may use photocopies.

IMPORTANT:

Remember to enter the required information on the accident victim in the first section of the form.

SCHEDULE 4 D Attestation of School Attendance – Claim for Death Benefits

This form must be completed by the educational institution for each of the accident victim's dependants who was 18 years of age or older and enrolled as a student at the time of the accident.

If additional forms are necessary, you may use photocopies.