

PROCEDURE FOR ISSUANCE OF DEATH CERTIFICATES FOR INDIVIDUALS CURRENTLY MISSING AT THE WORLD TRADE CENTER

(These are NOT the procedures for obtaining a COPY of a previously-issued death certificate. To obtain a copy of a previously-issued death certificate, please see "Additional Copies of the Death Certificate" below.)

PLEASE NOTE THE FOLLOWING:

APPLICATIONS FOR DEATH CERTIFICATES PURSUANT TO THIS PROCESS NO LONGER WILL BE ACCEPTED AFTER APRIL 30, 2003. AFTER APRIL 30, 2003, THE CITY OF NEW YORK NO LONGER WILL ACCEPT APPLICATIONS FOR DEATH CERTIFICATES PURSUANT TO THIS PROCEDURE. AFTER THAT DATE, FAMILIES WITH LOVED ONES MISSING IN THE WORLD TRADE CENTER ATTACK MAY SEEK THE ISSUANCE OF A DEATH CERTIFICATE PURSUANT TO THE PROCESS ESTABLISHED BY STATE LAW FOR OBTAINING A DEATH CERTIFICATE FOR A PERSON WHOSE REMAINS HAVE NOT BEEN FOUND AND IDENTIFIED. (AS NOTED BELOW, WHERE A PERSON'S REMAINS HAVE BEEN FOUND AND IDENTIFIED, A DEATH CERTIFICATE WILL BE ISSUED AUTOMATICALLY.)

THE CITY NO LONGER IS ACCEPTING APPLICATIONS FROM ABROAD FOR DEATH CERTIFICATES PURSUANT TO THIS PROCESS. THE CITY WILL ACCEPT, UNTIL APRIL 30, 2003, APPLICATIONS FROM PERSONS WHO RESIDE OVERSEAS **IN PERSON** IN NEW YORK CITY, BUT **ONLY IF** THE APPLICANT MEETS WITH THE NEW YORK CITY POLICE DEPARTMENT AND NEW YORK CITY LAW DEPARTMENT OFFICIALS. **APPLICATIONS NO LONGER WILL BE ACCEPTED AT U.S. CONSULATES ABROAD.**

Until April 30th, families who reside in the United States with loved ones missing in the World Trade Center attack may apply for a death certificate by mail or in person **by appointment** at the New York City Law Department's offices at 100 Church Street in lower Manhattan. They may call (212) 788-1602 Monday through Friday between the hours of 9:00 AM and 5:00 PM (excluding City holidays) to request information about the process or talk with Law Department staff about beginning the process.

Generally, the law in New York State requires that the family of a missing person wait three years to obtain a death certificate. However, under the circumstances, the City and State of New York have worked together to develop this process to help families secure death certificates for missing loved ones lost at the World Trade Center, in many, but not all, cases within a week or two after family members apply for them.

The process outlined below is only for obtaining a death certificate for a person whose remains have **not** been recovered and identified. A death certificate will issue automatically in cases where an identification of remains has been made.

WHO SHOULD APPLY

The **nearest** next-of-kin will be asked to file an affidavit attesting to personal information about the missing person.

Next-of-kin to the missing person, in order of the nearest to the least near, are:

1. The spouse or the domestic partner who has registered with the City Clerk, or has registered such a partnership with the former City Department of Personnel pursuant to Executive Order 123; or, if none,
2. The children who are 18 years of age or older; or, if none,

3. The grandchildren and other descendants who are 18 years of age or older; or, if none,
4. The parents or surviving parent; or, if none,
5. The brothers and sisters and their descendants who are 18 years of age or older; or, if none,
6. The grandparents; or, if none,
7. The great grandparents and uncles and aunts who are 18 years of age or older; or, if none,
8. Such other persons who are 18 years of age or older and would be entitled to share in the estate of the decedent as specified in section 4-1.1 of the Estate, Powers and Trusts Law.

Under extenuating circumstances, which will have to be explained to the Court in an affidavit, it is possible for a family member other than the nearest next-of-kin to make the application. To prevent fraud, such applications will receive special scrutiny by the Court.

HOW TO APPLY

Families can either apply in person or by mail.

To Apply in Person

To apply in person, families must call the New York City Law Department at (212) 788-1602 to make an appointment to see a Law Department lawyer, who will assist them in completing the necessary forms. All appointments will be at the Law Department's offices at 100 Church Street, which is in lower Manhattan near City Hall. Appointments can be made between the hours of 9:00 AM and 5:00 PM, Monday through Friday (excluding City holidays). Families can get directions to 100 Church Street when they make their appointments or by calling the number listed above.

Other assistance centers that were established to assist family members include:

- **FDNY Family Counseling Units** in Manhattan and Queens **(212) 570-1693**, in Staten Island **(718) 815-4111**, in Orange, Rockland, Westchester and Putnam Counties **(212) 570-1693**, and in Goshen **(845) 294-5716**;
- **New Jersey Family Assistance Center** at Liberty State Park in Jersey City **(866) NJCRISIS**;
- **Queens DA's Assistance Center** at Queens Borough Hall **(718) 286-5961**;
- **Richmond County Surrogates Court Assistance Center** at 18 Richmond Terrace in Staten Island **(718) 390-5405**; and
- **Suffolk County Assistance Center** at Bldg. 77, Veterans Memorial Highway in Hauppauge **(631) 853-3278**.

Families should contact these centers directly to determine whether they are still operational and for further information.

To Apply by Mail (NOT AVAILABLE TO PERSONS WHO RESIDE OVERSEAS)

Where a next-of-kin wishes to apply for a death certificate, but would rather not go to the New York City Law Department at 100 Church Street, the process can be completed by mail. Please download the [Law Department Intake Sheet](#) and the [Affidavit by Person with Personal Knowledge](#)

[for Issuance of Death Certificate](#). Complete both of these forms. If you have any questions, you may consult with Law Department staff by calling (212) 788-1602. When you have completed the forms, you may fax it in draft form to (212) 788-1633 for preliminary review by a Law Department attorney. (Please use a fax cover sheet directing the fax to the attention of the **World Trade Center Unit/Aff. Lit. Division**.) After the Law Department attorney has approved the affidavit, it should be completed in final form and notarized. Where the next-of-kin is completing the documents outside New York State, but inside the United States, the affidavit should be notarized in accordance with the requirements of the jurisdiction where the document is being completed. The completed affidavit and intake sheet (which must include the number of the missing persons report) can either be delivered or mailed to:

The New York City Law Department
World Trade Center Unit/Aff. Lit. Division
100 Church Street, 3rd Floor
New York, NY 10007

WHAT THE PROCESS WILL ENTAIL

Missing Persons Report

If a formal missing persons report has been made, please list its P or T number, if known. (Please note that it is not necessary for a missing persons report to be filed for a passenger or crew member of American Airlines flight 11 or United Airlines flight 175. Reports have already been filed for such persons by the New York City Police Department.)

Affidavit and Intake Sheet

The next-of kin must complete an [Affidavit by Person with Personal Knowledge for Issuance of Death Certificate](#) and a [Law Department Intake Sheet](#). Law Department staff is available to assist the family member in completing these documents. In these documents, the next-of-kin will be asked to provide:

1. The full name of the missing person.
2. The number of the missing persons report.
3. His or her name, residence address and relationship to the missing person.
4. When he or she last had contact with the missing person and the details of that contact.
5. The basis of the belief that the missing person was at the World Trade Center on September 11, 2001. (For example, if the missing person worked at the World Trade Center, the next-of-kin should state whether the missing person was scheduled to be at work that day, state what time he or she left for work, and set forth any subsequent communications (telephone calls and/or e-mails) the missing person had with anyone.)
6. The efforts taken by the family member and others to locate the missing person.
7. The missing person's usual place of residence, including street address, city, county, state, country and zip code.
8. Whether the missing person ever served in the armed forces of the United States, and if so, what branch and the dates of service.

9. The missing person's employer and the employer's address.
10. The missing person's marital/domestic partner status and, if married, the name of the spouse, including a wife's maiden name, if applicable.
11. The missing person's date of birth.
12. The missing person's place of birth.
13. The missing person's usual occupation and if the person was retired, what type of work he or she had done prior to retirement.
14. The kind of business or industry in which the missing person pursued that occupation.
15. The highest level of education completed by the missing person.
16. Other names by which the missing person was known, if any.
17. The name of the missing person's father.
18. The full maiden name of the missing person's mother.
19. The name, address, telephone number and relationship of the missing person's next-of-kin.
20. If the family member or applicant is not the missing person's next-of-kin, an explanation of the relationship between the applicant and the missing person and why the applicant is seeking a declaration of death.

Photo Identification and Proof of Relationship to Missing Person

In order to prevent fraud, next-of-kin making an application for a declaration of death must provide the following:

1. Photo identification (driver's license, passport, other government-issued ID) of the next-of-kin signing the affidavit (the affiant).
2. A document or documents establishing the relationship between the affiant and the missing person. This proof may take a variety of forms, depending on the relationship between the next-of-kin and the missing person, but examples include:
 - for a spouse, a marriage certificate;
 - for a registered domestic partner, the domestic partnership registration;
 - for a child 18 years of age or older, or a parent, a birth certificate showing the missing person's relationship to such child or parent; and
 - for a brother or sister, birth certificates of the missing person and such sibling showing common parents.

Certificates issued by a religious organization (for example, a church) relating to marriage or another religious ceremony are acceptable.

To establish that a person who used to be a closer next-of-kin is no longer a next-of-kin to the missing person, a divorce decree or death certificate may be provided.

For questions regarding the above, family members may contact the New York City Law Department's World Trade Center Unit at (212) 788-1602.

Family members who come to 100 Church Street should bring originals or certified copies of all necessary documents.

Family members who wish to mail in their affidavits may submit legible copies of the required documents.

Corroborating Affidavits

Agencies engaged in rescue operations at the World Trade Center, employers at the World Trade Center, and United Airlines and American Airlines have been contacted and either have provided or will provide corroborating affidavits to support the next-of-kin's application for a death certificate.

The New York City Fire Department, the New York City Police Department, the Port Authority of New York and New Jersey, and the Office of Court Administration will provide affidavits confirming the presence of their respective personnel at the scene on September 11th and their current status as missing.

United Airlines and American Airlines have provided affidavits confirming the identification of the passengers and crew on United Airlines flight 175 and American Airlines flight 11, respectively.

The Criminal Justice Coordinator's Office and the New York City Law Department have contacted representatives of employers in the World Trade Center. These employers have provided affidavits confirming the presence of their employees in the buildings and their efforts to locate these individuals after the attack.

In the above cases, it is expected that the Court's action on the application will be quickly decided without a court appearance and without the need for a hearing or other legal proceedings.

Where a missing person does not fall into any of the above categories but is believed to have been present at the World Trade Center on the morning of September 11, 2001, an individual with personal knowledge of the missing person's whereabouts on that morning will be asked to provide an affidavit outlining why it is believed that the individual was present there on that day. The person filing the affidavit should be prepared to explain when and under what circumstances he or she last communicated with the missing individual, and the basis for his or her conclusion that such individual was at the World Trade Center on September 11th. The family member will also be asked to detail in an affidavit his or her efforts to locate the missing person since September 11th. In these cases, it may be necessary for the Court to hold a hearing on the facts surrounding the individual's disappearance to examine the basis for the belief that the individual was in the World Trade Center and the efforts of family members and others to locate the missing person.

Submission to the Court and Issuance of the Death Certificate

After the affidavits and other relevant documents have been completed, they will be reviewed by the New York City Law Department to determine whether a petition should be filed in New York County Supreme Court, on behalf of the Chief Medical Examiner, to obtain a death certificate for the missing person.

Where a petition is filed and it is granted by the Court, a Court Order will be delivered to the Office of the Chief Medical Examiner, which will issue the death certificate. The death certificate will then be delivered to the Office of Vital Statistics of the Department of Health, which will register the death certificate, prepare certified copies and send 10 certified copies to the next-of-kin by overnight mail. Court filing fees and the fees for the 10 certified copies of the death certificate will be waived.

Additional Copies of the Death Certificate

Instructions on how the next-of-kin can purchase additional copies will be included in the shipment of the 10 free copies.

Other qualifying family members and persons (that is, those who do not receive the 10 free copies) may purchase certified copies of the death certificate once it has been issued to the next-of-kin. Generally, relatives of the deceased are entitled to purchase certified copies of the death record. Only non-relatives who are able to establish a right to the certificate by providing certain documentation are entitled to purchase a certified copy. Death Certificate Application Instructions and a Death Certificate Application for obtaining a death certificate that has already been issued are available at the City's [Vital Records](#) web page.

The fee for each additional certified copy of a death certificate is \$15.

Questions Regarding Wills and Estate Issues

The Court's ruling on the petition will relate solely to the issuance of a death certificate. Following that issuance, family members should follow the usual procedures in the appropriate jurisdiction to probate wills or otherwise address estate issues. For legal advice related to wills, settlement of estates and other related issues in New York, the New York State Bar Association **(877) HELP-321**, the Association of the Bar of the City of New York and the New York County Lawyers Association (both may be reached at **(212) 626-7373**) will provide referrals to attorneys specializing in estate law. For estates to be probated in New Jersey, the New Jersey State Bar Association **(888) 541-1900** should be consulted for referrals to attorneys specializing in estate law. For estates to be probated in Connecticut, Regional Bar Association, Inc. at **(203) 327-7041** may be contacted for referrals to attorneys specializing in estate law. Of course, any family that wishes to retain counsel, or utilize the services of a family attorney, may do so.