

# Dealing with a missing relative's financial affairs: life insurance when the policyholder is missing

Whilst the majority of missing people are found within a reasonably short time, those that are not often leave behind family that may need, or want, to either maintain or administer their financial affairs. This can include life insurance policies.

The period of time after which families may start looking into a missing relative's life insurance policy can vary greatly. Depending on the circumstances of the disappearance, or the length of time their relative has been away, they may be looking into the continuation of the policy or how to make a claim.

With either scenario, the family might have questions around how to approach the insurer. Although there is no standard process in place governing how the insurance industry should deal with missing people or their families, this leaflet aims to guide you in how you could deal with this area and to answer the questions families most frequently approach Missing People for advice on.

## The continuation of a missing relative's life insurance policy

Some families may have questions around their missing relative's life insurance policy, and its continuation in the aftermath of a disappearance.

### **Can I formally take control of my relative's financial affairs, including their insurance policies?**

If you have a Power of Attorney to act on behalf of your missing relative, perhaps because they were ill, out of the country, or lacked mental capacity, or if you are the legal or natural guardian of a missing relative, then you will have the legal right to look after their affairs and to work with the insurer in this capacity.

Frequently, however, this will not be the case. Unfortunately, there is currently no legal process which would allow you to apply to become the formal guardian of a relative's financial affairs on the basis that they are missing. This means that you cannot formally manage your relative's life insurance policy. However, you should contact the provider to discuss their circumstances and any concerns you may have.

## **When should I tell the insurer that my relative is missing?**

Having a relative go missing can be an anxious and difficult time, and tackling practical and legal issues can feel like a daunting task. However it is important to tell the insurance provider about your relative's disappearance as soon as possible in case their policy payments are at risk of stopping.

An initial telephone call to the insurance provider is likely to be the quickest and most convenient way of informing the insurer. You should have the insurance policy to hand, if possible, with the policy reference number. There may be previous correspondence from the insurance company which will provide a contact name, and a direct telephone line.

If you feel you are unable to do this yourself, you could ask another family member or a friend to contact the insurer. If you already have legal authority to deal with the missing relative's affairs, the insurer may ask for a letter of authority from you, which confirms you are happy for a nominated person to contact the insurer for you. Alternatively, if the policy was arranged through a financial advisor or insurance broker, you could ask them to contact the insurer to explain the situation.

If you have an incident number from the Police you should provide this. If not, you can alternatively tell the insurer the Police station at which your relative has been reported missing.

## **Who should I contact within the insurance company?**

When contacting the insurer, it might be helpful to request a call back from a Claims Assessor to advise you of the insurance processes relevant to your circumstances.

## **What happens if the policy payments stop?**

Payments for the policy will continue to be taken by the insurer as previously agreed with the policy holder unless the missing person's funds do not cover this, or otherwise instructed by the bank.

Whilst payments are still being made, the policy will continue. If the payments stop however, the policy is likely to stop also. If you are concerned your relative's payments may stop, it is important that the insurer is contacted as soon as possible to discuss this.

## **Should I keep the insurer up to date with the search for my relative?**

Keeping the insurance provider up to date with any significant developments in the investigation may be useful in ensuring that the insurer has a good grasp of your circumstances and what stage the investigation has got to.

If there is a period in which there are no developments in the search, you may still want to contact the insurer regularly to let them know that this is the case. You could do this every few months, or ask them how often they would like to be contacted.

## Claiming a missing person's life insurance policy

In the vast majority of missing person cases in which it is believed they have died, it is not possible to get a Death Certificate. Without this, some families have questions about how to file a life insurance claim.

### **What legal documentation will the insurer require before paying out on a life insurance policy?**

In the absence of a Death Certificate, insurers will require other legal documentation from you to support your claim. You should talk to the insurer to find out if they have a process in place for dealing with claims from families of missing people, and to see what paperwork they require. You may need to apply for legal documentation from the courts.

The process and the documents you will need will depend on where in the UK you live. You do not need to wait for seven years before commencing the process, if there is some evidence that the missing person is likely to be dead – see '[When can a missing person be declared dead: The seven year rule?](#)' for more information.

### England and Wales

If you live in England or Wales, there are several different legal processes in place designed for circumstances in which a missing person is likely to have died. You or your legal advisor can see which is best suited to your circumstances by reading the Government's outline of each process, which can be found on Missing People's website [here](#).

For the majority of families, the most useful process is likely to be that described by the Government under the heading 'Leave to Swear Death'. This is a specific measure in place to support Probate applications (i.e. an application to administer the estate of the missing person) made in relation to missing people. A copy of the document you receive at the end of this process (the grant of probate) can then be sent to the insurer to support your claim. It should be noted, however, that the grant of probate is not in itself conclusive proof of death, and that some insurance providers may require further evidence, or may pursue their own inquiries.

## Scotland and Northern Ireland

If you live in Scotland or Northern Ireland, you can apply to the courts to get an Order of Presumed Death. A copy of this can then be sent to the insurer to support your claim. This should be sufficient proof in itself. In some circumstances the court may require an insurance policy to be taken out before an order is granted, to provide against the possibility that the missing person is not dead, or that they died at a different time from that stated in the court order.

### **Who can support me through this time?**

Missing People recognises that administering a missing relative's affairs can be daunting and upsetting. Our team is available around the clock if you would like to talk about how you are feeling throughout this process, and can be reached by phone or text on 116 000, or at [116000@missingpeople.org.uk](mailto:116000@missingpeople.org.uk).

You may also find our Family Guidance sheet '[Legal and Financial Support](#)' useful if you have concerns relating to your missing relative's – or your own – finances or legal position.

This guidance has been produced in collaboration with the Association of British Insurers.

For a copy of this guidance via post, please call **116 000**.

Missing People would like to thank The Big Lottery Fund for supporting the work of the charity.



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For further information and guidance on the issues addressed in this guidance sheet, or for support relating to any aspect of someone going missing, call Missing People's free and confidential 24 hour helpline on **116 000** or email [116000@missingpeople.org.uk](mailto:116000@missingpeople.org.uk)

Whilst this information has been provided in good faith, it should not be taken as legal advice. For information tailored to your circumstances, please contact your police force, solicitor or an advisory organisation as appropriate to your query.