



Association des
Familles de
Personnes
Assassinées ou
Disparues

THE DISAPPEARANCE OF AN ADULT IN CRIMINAL CIRCUMSTANCES

A Guide Intended for Relatives and Intervenors



This guide was produced by the Association des familles de personnes assassinées ou disparues (AFPAD). The content engages only the latter.

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INTRODUCTION

To experience the disappearance of a loved one is a particularly painful and traumatic experience. The purpose of this guide is twofold. It aims to support the relatives of adults who have disappeared in criminal circumstances, to better inform them of the steps to be taken and to raise public awareness of this issue. Indeed, the reality of these people and the issues they face are too often ignored.

THIS GUIDE PRESENTS

The phenomenon of missing adults in Quebec

The various issues which relatives of an adult missing in criminal circumstances may be facing

An overview of possible impacts on relatives

Information on the conduct of a police investigation

Information on legal remedies

Recommendations to increase community awareness

We hope that this guide will help those affected by the disappearance of criminal appearance of an adult relative and the interveners who have to intervene with them. This guide was made possible through the collaboration of families of missing persons and professionals from the police, legal and aid communities who have agreed to share their experience and testimony. We would like to thank them. This project would not have been possible without their involvement and generosity.

1. MISSING PERSONS

1.1 SOME DEFINITIONS

A missing person is a person who is unaccounted for, whose whereabouts are unknown, and for whom there is concern about their safety, their life or their well-being. According to the Royal Canadian Mounted Police, a missing person is *“anyone reported to or by police as someone whose whereabouts are unknown, whatever the circumstances of the disappearance.”*

The people who were met to develop this guide are concerned with the disappearance of criminal appearance of an adult. This therefore applies to any person aged 18 or over at the time of their disappearance. By “disappearance of criminal appearance,” we mean any disappearance which seems to be connected with a criminal cause, which would be constrained and which would therefore not be a voluntary departure. A disappearance may, for example, be described as criminal by the police, if witnesses observed the abduction of a person by individuals using force, or if a surveillance camera filmed the scene.

1.2 THE MAGNITUDE OF THE PHENOMENON

In Quebec, 2,730 adults were reported missing in 2015². In the vast majority of cases, individuals are found or returned within 24 hours to seven days. However, a number of people disappear and are never reported to the police. This may concern situations where relatives have not reported the disappearance, but also those who have broken contact with their families or homeless people. Moreover, due to the uncertainty surrounding disappearances, those of a criminal nature are difficult to quantify.

¹ Royal Canadian Mounted Police <http://www.rcmp.gc.ca/en/missing-and-murdered-aboriginal-women-2015-update-national-operational-overview>

² Canada's Missing <http://www.disparus-canada.ca/pubs/2015/index-eng.htm>

2. ISSUES FOR RELATIVES

2.1 A DIFFERENT INSTITUTIONAL RESPONSE BASED ON THE MISSING PERSON'S AGE

The families of missing adults face many obstacles. Indeed, the fact that the missing person is an adult does not have the same implications for relatives as it does for a child. On the one hand, the disappearance of an adult is not treated in the same way by the police as that of a child, because any adult person has the freedom to rebuild his life without informing his relatives. In addition, it is generally considered that an adult has the resources to protect himself and is less vulnerable than a child, which explains why the situation does not require the same priority or urgency for the police.

The devices put in place also differ. There is, for example, the Amber Alert³ that can be triggered under certain conditions when a child is abducted and feared for life. However, such a system does not exist for adults who disappear under criminal circumstances. There is also the Silver Alert⁴ in the United States, a system to alert the public of the disappearance of a vulnerable person with dementia or cognitive deficits (Alzheimer's, autism...). The fact that the missing person is an adult also has repercussions on the resources available to help relatives. Indeed, most assistance and compensation services are aimed at those affected by the disappearance of a child.

On the other hand, the disappearance of an adult also creates legal and administrative complications for families. In the interests of the inquiry, for example, and under the Privacy Act⁵, certain information may not be disclosed to them. They will not necessarily be informed by the police of the identity of a possible suspect, the involvement of their relative in criminal activities, or any other personal matter concerning the latter. Families must also take legal steps to represent their loved ones and act in their best interests. Some of these approaches will be discussed in the section "Legal Aspects".

³ Amber Alert <http://www.alerteamber.ca> ⁴ Silver Alert http://elderaffairs.state.fl.us/doea/silver_alert.html

⁵ Privacy Act <http://lois.justice.gc.ca/eng/acts/p-21/page-1.html>

2.2 ISSUES RELATED TO THE NATURE OF THE DISAPPEARANCE

It is often very difficult to establish with certainty that the disappearance results from a criminal act. Indeed, in the absence of bodies, it is impossible to carry out a forensic autopsy that can help support the thesis of a homicide or any other crime likely to explain the disappearance of the adult person. Moreover, according to police hypotheses (voluntary departure, suicide, disappearance, homicide), the police investigation will not take the same direction.

Finally, since it is difficult to establish with certainty that the disappearance results from a criminal act, relatives of missing adults are not recognized as victims and generally cannot benefit from the Crime Victims Compensation Act⁶. The Act provides financial compensation and social rehabilitation measures under the following conditions: if there is evidence of an indictable offense and proof of death of the victim.

2.3 THE FAMILIES' NEEDS

People affected by the disappearance of a close adult often express their need to be informed of the progress of the police investigation and the legal procedures. They also report the need for quick and appropriate support for their situation. Several families stressed the importance of developing better communication with the police and establishing a reasonable frequency of communication for them to follow up the investigation.

Some people would like more understanding and awareness from the media and the community about what they are experiencing. Several people also expressed their need to speak about the loss and to be recognized as victims for access to compensation services. Finally, the families of missing persons also want their missing loved one to not be forgotten, regardless of the time that has elapsed since the disappearance.

⁶ Crime Victims Compensation <http://www.ivac.qc.ca/>

3. LIVING THE CRIMINAL DISAPPEARANCE OF A RELATIVE

In the absence of body and explanation, relatives of missing persons are left unanswered. This ambiguity makes this experience particularly painful. Not knowing what happened to a loved one and being unaware of whether or not they are alive is a traumatic experience⁷, which is not related to any other loss. Indeed, when a loved one dies, for example, we can begin a process of mourning. However, in the event of a disappearance, failing to find the victim, such a process is not possible⁸.

The concept of “ambiguous loss” was developed by Pauline Boss to describe the loss felt when a loved one disappears from body or mind. The disappearance of a loved one is an ambiguous loss since the person is physically absent but psychologically present. According to this author, it is the most stressful loss, as it is confusing, unpredictable and leaves families unanswered.

4. IMPACTS ON RELATIVES

The most common impacts experienced by families affected by ambiguous loss⁹ are:

Confusion

Impacts on interpersonal and family relationships

Distress

Physical and emotional exhaustion

Isolation and loneliness

Changes in personal beliefs about the world

⁷ Boss, 2007

⁸ Boss, 2010

⁹ Families and Friends of missing Persons, 2014



4.1 PSYCHOLOGICAL REACTIONS

We find important to emphasize that it is normal to feel a whole range of emotions as a result of an event such as the disappearance of a relative, whether one is their parent, their brother, their cousin, their aunt, their friend... Some people are more demonstrative than others in expressing their emotions, but there are no good or bad ways to react.

“The suffering of each is personal. Sometimes a cousin, an aunt, an uncle, a grandparent, a friend of our daughter, briefly confesses all the trouble that the event has provoked in them.” Parent of a missing person.

The psychological repercussions of a disappearance may be similar to the symptoms of post-traumatic stress disorder¹⁰ (PTSD), but unlike the latter, the trauma occurs on a daily basis and often lasts for years or even a lifetime¹¹.

“It’s been 8 years since my daughter disappeared and the event is still there.” Mother whose daughter has disappeared.

Many people have reported living emotional “roller coasters” and an enormous upheaval. For them, this challenge was a sudden and unpredictable shock to which they were unprepared and which generated much fear and many frustrations.

“Life no longer has the same meaning. Happiness is no longer the same in family events.” Mother whose daughter has disappeared.

“In the early days, I had panick attacks and I had no energy to go to work.” Mother whose son has disappeared.

Relatives may also be subject to a strong sense of guilt. They may blame themselves for not being able to prevent the disappearance or protect the missing person. In addition, the people interviewed mentioned that they experienced a lot of anxiety, stress and a strong sense of helplessness. They also testified to their constant concern for their missing relative and their concern about what might have happened to them. Indeed, the fact of not knowing what has happened creates real mental torture¹². Living with the disappearance of a relative also generates a lot of anger; this one is sometimes directed against the police who cannot always provide answers to the family. The disappearance of a loved one can also confront one’s fundamental values and beliefs. It happens that a change takes place in people who are confronted with the disappearance of a relative in terms of their perceptions of the world; it may seem to them now unpredictable and unstable. Finally, families often deploy a lot of energy in search of their loved one, often causing them to be on the alert, watching the phone or looking in the street or crowds if ever their loved one is there. The families we met tried to keep hope, and told us that it was this hope that kept them going.

“Over time we will end up with answers.” Mother whose daughter has disappeared.

¹⁰ “Post-traumatic stress disorder (PTSD) is a mental illness. It often involves exposure to trauma from single events that involve death or the threat of death or serious injury. PTSD may also be linked to ongoing emotional trauma, such as abuse in a relationship.” http://www.cmha.ca/mental_health/post-traumatic-stress-disorder ¹¹ Boss, 2010 ¹² Missing People, 2012

4.2 HEALTH IMPACTS

Pain related to the disappearance of a relative can have physical repercussions. Indeed, the people we've met testified to the stress experienced and shared with us that they suffer from sleep disorders and feel intense fatigue. Some people have also seen their initial health problems worsen.

Other people shared with us that they lost their appetite and suffered from various physical symptoms (chest pain, digestive problems...). Such an experience can also lead families to exhaustion and makes them more vulnerable to depression.

ADVICE

Do not hesitate to discuss your difficulties with your doctor or other health care professional.

Do not forget to take care of yourself. Eat regularly and solicit the help of your friends if you cannot perform certain tasks.

Do not isolate yourself, accept the help of your friends to do the grocery shopping, pick up your children at school, keep them for a few hours or prepare meals.

Try to rest and take time for yourself, even if you are very involved in searching for your loved one.

When you feel ready, try to resume a routine, for some people this has helped to regain a certain "sense of normality."

The test you are going through is such that it can be useful to talk about it. Friends and family are not always the best ones; do not hesitate to consult a professional¹³.

¹³ Consult the "Useful Resources" section.

4.3 PSYCHOSOCIAL IMPACTS

Either because they lost interest or because they were upset by the situation or very involved in seeking their loved one, the people interviewed also reported seeing their friends less and less, and that the disappearance of a relative had profoundly changed them. Several families have shared no longer making long-term projects.

“We are no longer the same, we are only a portion of ourselves.” Mother whose daughter has disappeared.

Family cohesion can also be tested. The distress and stress experienced by each member of the family can generate conflicts and misunderstandings within the family.

SOCIAL REACTION

Some people have told us that their entourage did not know how to react, or what to say. Other people have noticed that their friends have been distancing themselves from this tragedy. The people interviewed also testified that they felt some pressure from their relatives to accept the disappearance and to move on and that the remarks of the entourage were sometimes awkward and guilty. It may indeed be difficult for the entourage to accept the change that has taken place in their friends who are confronted with the disappearance of a loved one.

“I think the hardest thing for our friends is that they would like to see us as they always knew us: happy, jovial, available... They cannot seize that, despite the years that separate us from our daughter, a disappearance is as if it was yesterday.” Parent of a missing person.

Finally, several people shared that words of encouragement are also very helpful. To this end, we have provided some tips for close ones, which can be found in Appendix 2.

THE ABSENCE OF RITES

Unlike those affected by the death of a loved one, families facing a disappearance have little opportunity to pay tribute to their missing relative. Indeed, there is no real ritual or place to commemorate the missing in our society. Some families organize events to pay tribute to their missing loved one with the support of organizations like AFPAD and Missing Children’s Network.

4.4 FINANCIAL IMPACTS

The disappearance of a loved one can also generate financial costs. On the one hand, people affected by the disappearance of a family member may be less successful at work because of the situation and by calling in sick. These absences result in loss of income. On the other hand, relatives sometimes have to move, or set up a telephone line, a website to try to find their loved one, which entails costs. In addition, they often have to assume the financial commitments of the missing person.

It should not be forgotten that some families use their savings to hire a private detective or use mediums or psychics to try to find their loved one because they cling to the slightest hope.

ADVICE

We suggest that you inform your employer of the situation and inform yourself of the existence of an Employee Assistance Program (EAP) that can help and support you¹⁴.

We also suggest you to contact an advisor if you have any financial questions.

Be alert as you may be the target of ill-intentioned people taking advantage of the situation to sell you false information.

Finally, if an offer of reward is proposed to you by an individual, we recommend that you contact Sun Youth¹⁵.

¹⁴ Canadian Centre for Occupational Health and Safety <http://www.ccohs.ca/oshanswers/hsprograms/eap.html>

¹⁵ You will find the coordinates of the organisation in the “Useful Resources” section.

5. HOW TO REPORT THE DISAPPEARANCE OF AN ADULT?

Contrary to what one might think, there is no delay before reporting a disappearance. If you notice a loved one disappear and you are worried about his or her safety, you should contact the police. Generally, it is the police service serving the last place where the person was seen that you should report the disappearance to. In case of a disappearance, it is important to tell the police why the situation is unusual.

In Quebec, all police forces are able to investigate disappearances (level of service 1 under the Police Act)¹⁶. The investigation will however be carried out by the police force in charge of the territory where the disappearance is detected, unless certain elements require the intervention of a higher level of service. We wish to specify that the means deployed and the speed of action of the police are more important if there is an imminent risk to the life of the missing person. This concerns situations where:

The person is very old

The person has a mental or physical illness (which has been diagnosed by a physician)

The person must take medication for their survival

The person is suicidal and an attempt is imminent

The person has been seen in a dangerous situation or has bad relationships

His absence is in contradiction with his usual behavior

The first few hours after a disappearance can be crucial, so families should not hesitate to press the police and share their concerns.

¹⁶ For more information, you may read the Police Act <http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/P-13.1>

INFORMATION TO BE PROVIDED

First, it is important to clarify to police officers:

Where and when the person was last seen

With whom the missing person was when she was last seen and describe them

Collect contact information of the last person to have seen them, if possible

Your relationship with the missing person

If the person has already been reported missing

If they left notes or a letter

If they have received threats

If they take medication

It would also be useful to provide the police with a photograph of the missing person. However, releasing it will only be possible with your consent and only if the police consider it will not endanger the person.

6. THE NATURE OF THE DISAPPEARANCE

The investigation will depend on the nature of the disappearance. This will be determined by the police from the evidence gathered. Thus, the police will assess whether it is a voluntary departure, a possible suicide, a kidnapping. As such, the survey will not take the same direction according to their evaluation.

Thus, if they have reasonable grounds to believe that the disappearance is of a criminal nature, the police will be able to obtain judicial authorizations and investigate in that direction (for example, they may check the telephone, computer and bank account transactions of the missing person).

However, if they consider that there is an imminent risk to the life of the missing person, the police will be able to obtain information from certain companies without legal authorization. But without that, and if there is nothing to link the disappearance to a crime, the police will not have the power to do those checks.

7. THE POLICE INVESTIGATION

Families often wish to be informed of the progress of the investigation. However, as already mentioned in the interest of the investigation and under the Privacy Act¹⁷, certain information may not be disclosed to them, such as the identity of a potential suspect or the involvement of the missing person in criminal activities.

7.1 THE CONDUCT OF THE INVESTIGATION

Upon receiving the call concerning the disappearance, police or patrol officers will collect the necessary information and conduct verifications in the area of disappearance. They will also meet with potential witnesses. Based off the information gathered, they will be able to evaluate the type of event (voluntary departure, disappearance, abduction...).

It is important to note that in the case of the disappearance of adults, the legal means of the police are limited. On the one hand, as we have already mentioned, every adult person has the freedom to rebuild their life without warning their relatives. On the other hand, a disappearance is not necessarily linked to a crime, so certain checks (telephone, activities on the bank account, computer...) can therefore be difficult to obtain, unless there is an imminent risk to the life of the missing person. It also seems important to note that the police have 60 days to collect DNA and that a file remains active until the person is found. However, the police cannot act without new elements to rely on.

It is important to appoint a family representative to make the link with the investigator and to agree on a frequency of exchanges for the follow-up of the investigation, in order to avoid increasing unnecessary communications. The entourage of the missing person should not hesitate to inform the police of any new elements.

¹⁷ <http://lois.justice.gc.ca/eng/acts/p-21/page-1.html>

7.2 THE INVESTIGATOR'S ROLE

Depending on the case, it is a police officer or an investigator who will be responsible for collecting all relevant information. If there are reasonable grounds to believe that the disappearance is related to a crime, they will determine who will be met and plan the tasks to find the missing person.

It is important to answer police questions even if they are uncomfortable. The slightest information can be used as a basis for further investigation and to find the missing person.

Anonymous information can be shared with Crime Stoppers¹⁸ at 1 800 711-1800.

8. THE SEARCHES TO LOCATE THE MISSING PERSON

Regarding searches to find the missing person, families often devote a lot of energy and time to research on their own. However, it is essential that this be done in consultation with the police force responsible for the investigation so as not to interfere with the investigation.

“I did not expect to work so much to look for my daughter.” A mother whose daughter has disappeared.

8.1 POSTS CONCERNING THE DISAPPEARANCE

There is no single display or database unique to Quebec concerning the publication of cases of disappearance: each police force is responsible for displaying its own database and images. For example, the Sûreté du Québec has a special section devoted to missing¹⁹ as well as a section dedicated to the victims of unresolved cases²⁰ (cold cases) on its website. However, all files of disappearances that are of concern should reach the site “Canada’s Missing”²¹ of the Royal Canadian Mounted Police.

¹⁸ You will find the coordinates of the organisation in the “Useful Resources” section. ¹⁹ <http://www.sq.gouv.qc.ca/personnes-disparues/personnes-disparues-surete-du-quebec.jsp#pageDemandee=1> ²⁰ <http://www.dossiersnonresolus.com/en/home.html> ²¹ <http://www.canadasmissing.ca/index-eng.htm>

8.2 REWARDS

Families may wish to offer a reward for obtaining information from the public. Some individuals also offer donations to reward those who will provide information to find a missing person. In general, it is the Sun Youth Organization²² which manages these rewards. This issue will, however, be discussed with the police, as care must be taken to ensure that it does not interfere with the investigation.

8.3 THE MEDIA

In a disappearance, the media can be very good allies. Indeed, the media can circulate information to the general public about the missing person. There is therefore no contraindication for communicating with the media. In the interest of the investigation, however, the police advises to avoid unplanned media releases.

Although families have no obligation to talk to the media, collaboration with journalists can make a big difference. They can greatly assist you in obtaining information relevant to the investigation, encourage people with information to speak and allow the public to recognize the missing person.

As mentioned, the media can play a key role in a case of disappearance and help to locate a missing person by disseminating information on a large scale. By bringing more visibility, they also help ensure that these people do not fall into oblivion.

ADVICE

Some people have testified to the stress that it may cause to express themselves in the media or the difficulties of seeing certain aspects of their privacy spread out and the consequences that has had on their lives. In this regard, do not hesitate to solicit the help of an organization like AFPAD to advise you and prepare you to face the media.

We recommend that you consult carefully before making your choice among the media and discussing it with the police.

Consider naming a spokesperson in your family to speak with journalists.

You can also consult the guide “If the Media Call You: A Guide for Crime Victims & Survivors”²³ of the Canadian Resource Center for Victims of Crime. This guide can help people affected by crime to work with and interact more effectively with the media.

²² You will find the coordinates of the organisation in the “Useful Resources” section.

²³ Canadian Resource Centre for Victims of Crime <https://crcvc.ca/publications/if-the-media-calls/>

9. WHAT HAPPENS WHEN A BODY IS FOUND?

Some families make representations to the coroners' offices to check if their loved one's body has not been found. It is an experience that asks families to be so courageous as to be overwhelming. When an unidentified body is found, it is sent to the morgue or the Forensic Science and Forensic Laboratory (LSJML). A coroner²⁴ will intervene to identify the deceased. Its mandate is to answer five questions:

Who died?

Where did this person die?

When did this person die?

What are the probable causes of death?

What are the circumstances of the death?

In Case of Death, it is the investigator who will make the connection with the family and who will inform him or her of the death of the missing person. In this case, meeting in person will be privileged.

²⁴ Bureau du Coroner du Québec <https://www.coroner.gouv.qc.ca/les-coroners/quest-ce-quun-coroner.html>

10. LEGAL ASPECTS

The following information is provided for informational purposes only; we recommend that you consult specialized resources for any legal matters.

10.1 IF THE MENTAL HEALTH OF THE MISSING PERSON CONCERNED YOU

Sometimes the person's mental health may be of concern prior to their disappearance. Families then have the opportunity to apply to the court for a preventive custody order or a psychiatric assessment order as the case may be. These ordinances would be applicable once their loved ones were found. For more information about these remedies, you can contact several organizations²⁵ such as AQPAMM, Friends of Mental Health in Montreal or La Boussole in Québec City. These resources will be able to accompany you in these steps.

10.2 CONCERNING THE FINANCES AND PROPERTY OF THE MISSING PERSON

There are provisions in the Quebec Civil Code protecting the property and patrimony of the missing person. A missing person is an "absentee" within the meaning of the Act, that is, a person domiciled in Québec who ceased to appear there without giving any news, and without knowing whether he is still living²⁶.

A missing person is presumed to be alive for 7 years after the disappearance unless his or her death has been proven before that time²⁷. A declaratory judgment of death may be given before a period of seven years, if the death of the person can be deemed certain²⁸. However, evidence with serious, precise and concordant evidence to conclude the death with certainty will be necessary. This may be, for example, the report of a pathologist concluding that the amount of blood found and belonging to the person is sufficient to admit his death.

In addition, invoices remain payable and, in the absence of a power of attorney given by the missing person, creditors may demand unpaid payments to the family. In particular, it is possible to apply to the court for the appointment of a guardian to the Absentee²⁹ to represent him. Any interested person may apply. For that to occur: the person must have assets to manage; the person must not have appointed a manager for his or her property or the manager is unknown.

According to article 88 of the Civil Code of Québec, the court will fix, at the time of the appointment of a guardian to the absentee, the amounts necessary for the care of the family, the expenses of the marriage or the civil union and payment of the absentee's support obligations. After one year's absence, the spouse or de facto spouse may also apply to the court for the liquidation of the economic rights³⁰.

²⁵ You will find these organisations in the "Useful Resources" section. ²⁶ Article 84 of the Civil Code of Québec ²⁷ Article 85 of the Civil Code of Québec

²⁸ Article 92 subparagraph 2 of the Civil Code of Québec ²⁹ Article 86 of the Civil Code of Québec ³⁰ Article 89 of the Civil Code of Québec

10.3 TUTOR TO THE ABSENTEE

Once appointed, this person will ensure the protection of the interests of the absentee and will have a certain legal power for the management of his property.

What Can the Tutor to the Absentee Do?

They have the simple administration of the property, that is to say that they represent the absentee only for the acts decided by the court. The tutor must then act for the purpose of preserving and maintaining the value of the property, including housing and furniture.

What the Tutor Cannot Do:

He cannot make an act of full administration, that is, he cannot, in the case of a house for example, mortgage or sell without the agreement of the Tribunal.

Tutorship to the Absentee ends³¹ :

Upon return of the person

If the death of the Absentee is proven

By the declaration of death

10.4 THE DECLARATION OF DEATH

After seven years, a missing person is presumed dead. A declaration of death may then be issued by the court at the request of the family³². The declaration is then completed by the registrar of civil status and gives the same effect as the death³³, namely: the dissolution of the marriage; the opening of the estate³⁴.

The time limit for the issuance of a declaration of death may be reduced to one year if the death of the person can be held for certain. Similarly, in the event that the missing person has taken out life insurance, the beneficiaries will only receive the insurance benefit once the death has been declared.

10.5 WHAT HAPPENS IF THE ABSENTEE RETURNS?³⁵

The tutor should give him a summary of his administration. The absentee may then re-exercise his civil rights and resume the administration of his property.

³¹ Article 90 of the Civil Code of Québec ³² Article 92 of the Civil Code of Québec ³³ Article 95 of the Civil Code of Québec

³⁴ Article 776 of the Civil Code of Québec. The liquidation of an intestate or testate succession consists in identifying and calling in the successors, determining the content of the succession, recovering the claims, paying the debts of the deceased, whether these be debts of the deceased, charges on the succession or debts of support, paying the legacies by particular title, rendering an account and delivering the property. ³⁵ Third Chapter of the Civil Code of Québec. Section III

11. GENERAL RECOMMENDATIONS

We recommend that the relatives of missing persons be automatically referred by the police to organizations that can support and advise them after a disappearance (such as the AFPAD, Missing Children's Network...).

We believe that efforts should be made by the communities to promote places of commemoration for missing persons.

Given the impact at the professional level, adjustments should be made, notably to the Act respecting labor standards so that a person can be absent from work following the disappearance of his or her child, even if the child is above the age of majority.

There is a federal income support program for parents of murdered or missing children called the PMMC³⁶ to compensate for lost wages caused by a work stoppage as a result of the event; it would be useful to adapt it so parents affected by the criminal disappearance of an adult may benefit from it.

Due to the impact of a criminal disappearance on relatives, the provisions of the Crime Victims Compensation Act (CVC) should be re-designed to provide psychotherapeutic rehabilitation services to them as much as relatives of a deceased victim³⁷. Otherwise, another program should be considered to help those who are excluded from compensation services.

We also advocate additions to the Civil Code to allow an adult person to authorize an agent of his or her choice to conduct verifications in the event of their disappearance.

We also propose the issuance of a notice of interest in the event of a disturbing disappearance of an adult, allowing the provincial and federal services to be informed of the situation (customs, hospitals...) and to verify in case the person appears, that it is not a criminal disappearance, so that the investigation is not continued unnecessarily.

³⁶ Federal Income Support for Parents of Murdered Or Missing Children grant <https://www.canada.ca/en/employment-social-development/services/parents-murdered-missing-children.html> ³⁷ <http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/l-6>

12. FREQUENTLY ASKED QUESTIONS

How long must I wait before signaling a disappearance?

There is no delay before signaling a disappearance.

Why hasn't the police accepted to offer a reward?

The decision to offer a reward for obtaining information to assist in the retrieval of a missing person may be made following discussions and agreement between the missing person's family and the investigators and/or as part of an investigative strategy developed by the police. Generally, reward offers are managed by Sun Youth and the media coverage of this offer is a collaboration between the communications department of a police force and Sun Youth. Such a concerted approach must usually be deployed as part of an investigation plan.

Is there a single Missing Persons notice board in Quebec?

No, there is no single notice board, nor is there a single database in Quebec concerning disappearances. Each police force has its own database of disappearances.

What happens to the person's property and what are the recourses for the family?

It is possible to apply to the court to request the institution of a tutorship to the absentee in order to administer the property of a missing person. In addition, where there are several indications that the missing person has died, it is possible to apply to the court for a declaration of death.

Do I have access to CVC? What about the children of my missing son?

In the event of a disappearance, family members may be eligible for benefits under the Crime Victims Compensation Act³⁸ (CVC) only if a declaration of death has been made; There must also be no doubt that the disappearance results from a criminal act.

When can a declaration of death be made concerning a missing person?

The family may make a request to the court after a period of 7 years following the disappearance, or before that time, if the death of the person can be held to be certain.

Can the Act of Death be declared before the 7-year delay imposed by the Law?

Yes, if the death of the person can be held for certain³⁹. This, however, requires evidence with serious, precise and concordant proof to conclude the death with certainty.

Why is the photograph of the missing person not systematically published?

Dissemination of a missing person's photograph takes some time due to administrative constraints in the police. In addition, it will be broadcast only if the family has given its consent. Finally, police officers will also consider the risk factors that may arise from the dissemination of the person's photograph to make that decision.

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³⁸ Crime Victims Compensation Act http://www.ivac.qc.ca/EN_acts.asp ³⁹ Article 92 subparagraph 2 of the Civil Code of Québec.

USEFUL RESOURCES

ASSOCIATION DES FAMILLES DE PERSONNES ASSASSINÉES OU DISPARUES (AFPAD)

Accompanying, supporting and defending the interests of families of murdered or missing persons under criminal circumstances

<http://afpad.ca/en/>

514 396-7389 or 1 877 484-0404

ASSOCIATION QUÉBÉCOISE DES BÉNÉVOLES EN RECHERCHE ET SAUVETAGE (AQBSR)

Organisation specialized in the searching and rescuing of missing persons

<https://sauvetagecanin.jimdo.com/>

CANADIAN RESOURCE CENTRE FOR VICTIMS OF CRIME (CRCVC)

This centre helps victims of crime in obtaining the services that they need and facilitates their orientation towards appropriate resources and existing financing and/or compensation plan

<https://crcvc.ca/fr/>

1 877 232-2610

CANADIAN CENTRE FOR INFORMATION ON MISSING ADULTS (CCIMA)

Online resource offering information for families and relatives of missing persons in Canada

<https://missingpersonsinformation.ca/resources/>

CRIME VICTIMS ASSISTANCE CENTRE (CAVAC)

Offers services for victims, their relatives and witnesses of crime

www.cavac.qc.ca

514 277-9860 or 1 866 532-2822

SUN YOUTH

Has a reward program to help locate a missing person

<http://sunyouthorg.com/en/>

514 842-6822

QUÉBEC SECOURS (FRENCH ONLY)

Organisation offering search and rescue services for missing persons in forested or urban environments throughout Québec
<http://www.quebecsecours.org/> 514 817-4296

MISSING CHILDREN'S NETWORK

Accompanies families in their search for their missing child
<http://missingchildrensnetwork.ngo/> 514 843-4333

SERVICES DE POLICE MUNICIPAUX DU QUÉBEC (FRENCH ONLY)

They have the mission of maintaining peace, order and public safety in their territory. The coordinates of the municipal police corps are accessible on the website of the Québec Public Security Ministry.
<http://www.securitepublique.gouv.qc.ca/police/bottin.html>

IF YOU ARE WORRIED ABOUT THE MENTAL HEALTH OF YOUR MISSING RELATIVE

FOR THE AREA OF MONTREAL

ASSOCIATION QUÉBÉCOISE DES PARENTS ET AMIS DE LA PERSONNE ATTEINTE DE MALADIE MENTALE (AQPAMM) (FRENCH ONLY)

<http://www.aqpamm.ca> 514 524-7131

FRIENDS FOR MENTAL HEALTH

<http://www.asmfmh.org> 514 636-6885

FOR QUÉBEC CITY

LA BOUSSOLE - AIDE AUX PROCHES D'UNE PERSONNE ATTEINTE DE MALADIE MENTALE (FRENCH ONLY)

<http://www.laboussole.ca> 418 523-1502

IF YOU HAVE INFORMATION CONCERNING A CRIME

SÛRETÉ DU QUÉBEC'S CRIMINAL INFORMATION CENTRAL

If you have witnessed a criminal act or if you have information regarding a crime. This service is confidential and accessible
24 hours a day, 7 days a week

1 800 659- 4264

ÉCHEC AU CRIME

To anonymously report a crime in Québec

<https://echecaucrime.com/>

1 800 711-1800

LEGAL RESOURCES

CLINIQUE JURIDIQUE JURIPOP

Offers legal services at a modest price for people ineligible to governmental legal aid but incapable of paying and having adhered to Juripop

<http://juripop.org/welcome-to-clinique-juridique-juripop/>

COMMISSION DES SERVICES JURIDIQUES (LEGAL AID)

Legal Aid is a public service offered for free or with a contribution, provided by lawyers and, on occasion, by notaries, to financially eligible people who make the request

<http://www.csj.qc.ca/commission-des-services-juridiques/>

RÉPERTOIRE DES RESSOURCES JURIDIQUES GRATUITES OU À FAIBLES COÛTS AU QUÉBEC (FRENCH ONLY)

<http://votreboussolejuridique.ca/>

OTHER SERVICES

DEUIL-JEUNESSE (FRENCH ONLY)

Organisation whose mission is to support, inform and intervene with children faced with a loss (death, disease, separation, disappearance)

<http://www.deuil-jeunesse.com>

418 624-3666

DIRECTION DE L'INDEMNISATION DES VICTIMES D'ACTES CRIMINELS (IVAC)

The Crime Victims Compensation Act offers support and financial compensation for victims of criminal acts and their relatives if there is proof of death.

<http://www.ivac.qc.ca/>

ORDRE DES PSYCHOLOGUES DU QUÉBEC (FRENCH ONLY)

Features an online tool to find a psychologist or a psychotherapist licence holder in your area

<https://www.ordrepsy.qc.ca/trouver-de-aide>

ORDRE DES TRAVAILLEURS SOCIAUX ET DES THÉRAPEUTES CONJUGAUX ET FAMILIAUX DU QUÉBEC (FRENCH ONLY)

Features an online tool to find a social worker or a marriage or family therapist, member of the order in your area

<https://otstcfq.org/>

1 888 731 -9420

REVIVRE

Offers phone support for people suffering from anxiety, depression or bipolar disorder

<http://www.revivre.org/en>

1 866 738-4873

SUICIDE ACTION MONTRÉAL

Offers services to suicidal persons, to their entourage, to those affected by a suicide, to sentinels and interveners everywhere in Québec **24 hours a day, 7 days a week**

<http://www.suicideactionmontreal.org/>

1 866 277-3553

APPENDIX 1

WHAT YOU CAN DO

REPORT THE DISAPPEARANCE OF THE PERSON TO THE POLICE

The first hours after a disappearance can be crucial, do not hesitate to insist with the police and share your concerns and why the situation is unusual.

ALSO SPECIFY TO THE POLICE :

- The place and time where the person was last seen;
- With whom the person was, and describe that person;
- The coordinates of the last person to have seen them, if possible;
- Your relation to the missing person;
- If the person was previously missing;
- If they left notes or a letter;
- If they received threats;
- If they take medication.

Also provide a photograph of the missing person to the police.

Name a representative of the family for communications with the police and establish with them the frequency of said communications.

Answer the police's questions, even if they make you uneasy. The slightest information can advance the investigation and make it possible to find the missing person.

Inform the police of any new information brought to your attention.

Do not hesitate to discuss your personal difficulties with your doctor or any other health or social services professional.





Inform your employer of the situation and inform yourself regarding the existence of an Employee Assistance Program (EAP).

Think about soliciting or responding to the media and naming a spokesperson in your family so that this person is the one who speaks to the media.

Contact a lawyer or notary about the property and invoices of the missing person. See Useful Resources to find low cost legal services.

Prepare a list of questions to ask before the meeting with the notary or lawyer.

Make a list of the absentee's property.

Ask for the nomination of a tutor to the absentee if need be.

Do not forget to take care of yourself, to rest and to not isolate yourself.

And give yourself time for respite (holidays, trips, various activities) that will help you to better overcome this challenge.

APPENDIX 2

ADVICE FOR THE ENTOURAGE

IF YOU FIND WORDS TO BE LACKING, HERE ARE A FEW WORDS YOU CAN ADDRESS TO RELATIVES OF MISSING PERSONS:

“I am unsure of what to say, but I want you to know that I care greatly about you.”

“I am sorry to hear that you are going through this challenge.”

“If you wish to talk, I’m there for you.”

“Thank you for telling me how I can help you.”

“I’ll keep you in my thoughts.”



**Association des
Familles de
Personnes
Assassinées ou
Disparues**

P 514 396-7389 Toll free 1 877 484-0404 Email administration@afpad.ca Website afpad.ca