



Embrace FARM
Support After Injury & Loss

What happens to the farm now?

Practical support
when navigating a
serious injury or
sudden death
within a farm family



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Who are Embrace FARM?

Embrace FARM is a not-for-profit founded by Brian and Norma Rohan in 2014 following the sudden death of Brian's father, Liam, when he suffered a severe blow to the head while working with farm machinery on their family farm. In the aftermath of such a difficult loss, the Rohans realised the lack of emotional and practical support networks available to those affected by serious injury or sudden death from farm families across Ireland. Embrace FARM was created with this in mind, to offer and provide support for those affected by serious injury or sudden loss within a farm family.

Some practical support that we can provide are connections to business mentors from areas such as succession planning, legal guidance, and financial mentoring who can assist with the current and future planning of the farm business. Alongside this practical support, we provide counselling services as well as on-going support groups and meet-ups for farm families affected throughout the year.





If you or someone you know has been affected by a serious injury or sudden death within a farm family, reach out to us and we will support you in whatever way we can.



We are here to help:

-  085 7709966
-  info@embracefarm.com
-  www.embracefarm.com

@embracefarmsupport



What happens when you contact Embrace FARM

You or someone you know contacts Embrace FARM for support where we listen and see how to best help you and your family

Embrace FARM will explain the support we provide, and if we're the right contact for you. If we're not, we'll do our best to point you in the right direction.



From the initial call, we'll provide you with the emotional and practical support you may need:

- If you or your family would like to attend counselling, we will arrange an appointment with an accredited counsellor for you. We will also tell you about our peer-to-peer supports and invite you to join these when you are ready to do so.
- If you need some practical guidance about what to do next with the farm, we can refer you to our practical support team for legal, financial, succession planning or Agri business mentoring.
- We are here to Remember and Support farm.
- families affected by serious injury and sudden death, so they have help, when and how they need it most.



Legal Support

When someone in your family dies suddenly, you could be left with a lot of legal questions around continuing with the farm business after such a loss. Questions around Wills, inheritance, succession, taxes, along with ownership may come to mind. The loss of the head of the farm business can cause a lot of stress, both emotionally and logistically, and leave you feeling like you're not sure where to go from here. At this time in your life, it may be difficult to figure out where to even start. We've compiled some questions that may provide some guidance on where to begin.

How soon should I notify the deceased's solicitor after my spouse / partner has died suddenly?

People will generally leave this until after the Month's Mind. There is a concept called Executor's Year whereby an executor cannot be sued for not progressing probate until a year after the death has passed.

What if the deceased didn't have a solicitor? Who appoints one?

The next of kin of the deceased (generally the spouse, child / children). It would be the parents if there is no spouse or children, or siblings thereafter.



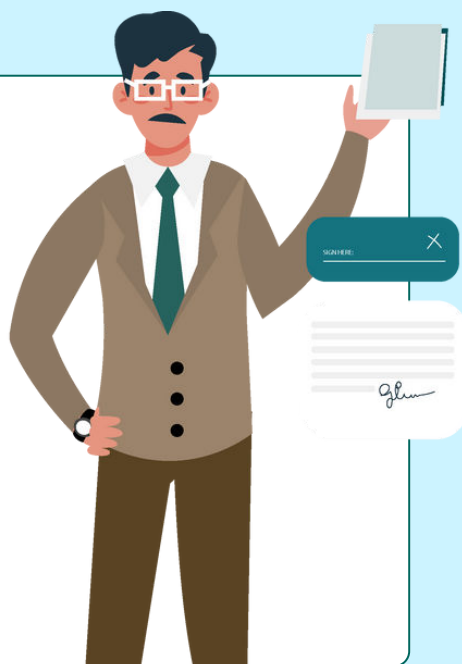
Do I have to have a separate solicitor to look after my affairs?

Yes, the solicitor normally looks after the estate of the deceased. In the event of any conflict between your role as beneficiary or your role as executor of the Will, you will need to instruct another solicitor to act for you in your capacity as spouse / partner / beneficiary.

What if there is no Will in place? What are the delays and consequences of this?

There will be costs and delays. The matter can generally be progressed quicker and cheaper where there is a valid up-to-date Will in place. It is difficult to quantify legal costs but the Citizens Information website quotes 3% of the value of the estate (or less on very large estates).

Another aspect that arises is where there is no will, property is distributed according to the rules of intestacy which might not be in accordance with the wishes of the deceased, so trying to get affairs in the order in which the deceased would have wanted can result in increased costs, especially tax.



What if you weren't married and had no children but were a couple for many years?

If there was a Will, then hopefully provision was made for the surviving person. Where there is no Will, the property would be left to the next-of-kin, under the rule of intestacy, e.g. To the parents of the deceased or siblings of the deceased if the parents are also deceased.

A partner has no automatic right to any share in the estate under the rules of intestacy or under the Succession Act (Legal Right Share).



There is a Redress Scheme available under the Civil Partnership and Certain Rights and Obligations of Cohabitants Acts 2010, however.

The couple must have been living together in an intimate and committed relationship for 5 years or 2 years where there are children of the relationship. A claim would have to be made against the estate.





What if we weren't married and have children?

Guardianship laws would be relevant here. If a child is born outside of marriage, the mother is the sole guardian. The position of the unmarried father is not so certain. An unmarried father will automatically be a guardian if he has lived with the child's mother for 12 consecutive months after 18 January 2016, including at least 3 months with the mother and children following the child's birth. If there is a disagreement as to whether they have been cohabiting for the required length of time, an application for the necessary declaration can be made to the court. Where both parents are alive, if the mother agrees, the father can become a joint guardian if the both parents sign a statutory declaration.

It is very important if you are the guardian of a child, (especially if you are the mother and sole guardian) that you make a Will, appointing a guardian to act on your behalf in the event of your death.

What if the Will had been made before we married / lived together but it hadn't been updated?

If you marry or enter into a civil partnership, your Will is automatically revoked, unless your Will was made in contemplation of that marriage or civil partnership. If it was made after you were married but not updated, it is still valid but what is in it might not be in the best interest of those surviving.

If there is a Will may I take out probate myself or do I have to pay a solicitor?

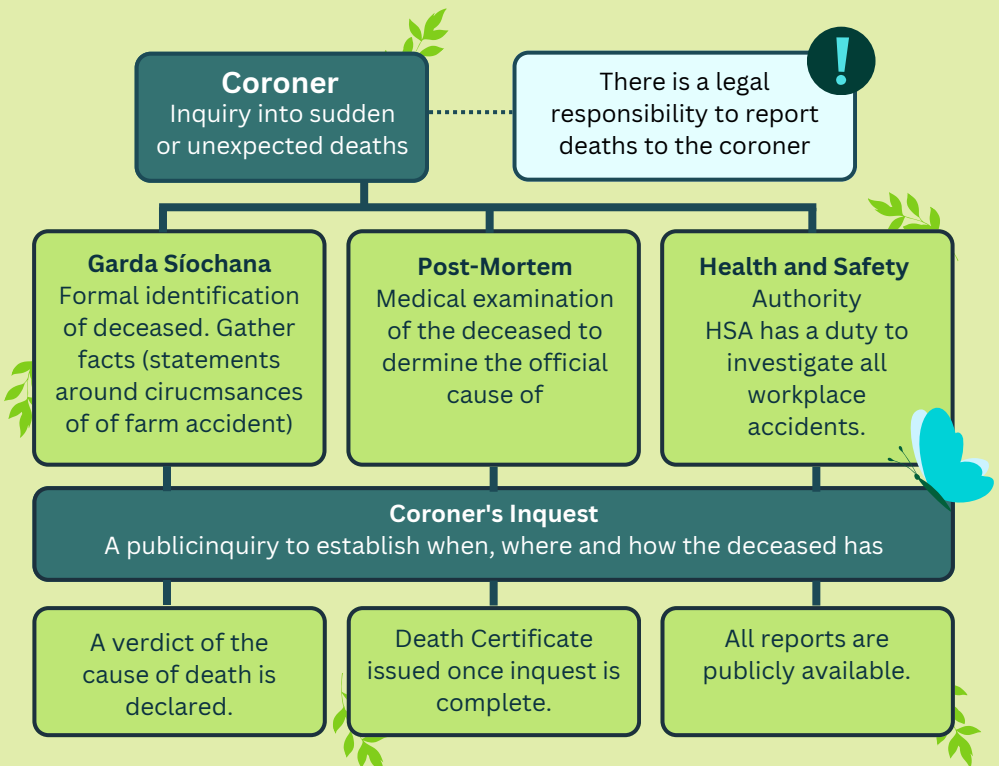
If you are the executor or you are entitled to the rules of intestacy to take out administration of an estate and the estate is not complicated, you can make a personal application to the Personal Application Section of the Probate Office (or to one of the 14 District Probate Registries around the country).

The farmhouse (our home) and the land not in joint names, what do I do?

It will be necessary to take out probate (where there is a Will) or letters of administration (where there was no Will).

How do I register the death?

A relative by blood, marriage or civil partnership should register the death. You do not need to be next-of-kin to do this. You must register the death within 3 months, when you have received the death notification form from the doctor. You do this at any civil registration office, no matter where in the Republic of Ireland the death occurred.



Financial Support & Mentoring

After a serious injury or sudden death, there may be many questions around financial planning. A financial mentor can provide guidance to the successor and their family on the future of their agri business for a variety of business solutions.

Working alongside a financial mentor provides guidance based on logic, knowledge and practicality, and sets up the future generations with the best financial tools moving forward.



Although losses or injuries are not always expected, it is encouraged that you get in touch with a financial mentor as soon as possible. By doing this, you are giving yourself, your family and your farm the best possible outcome. Beginning the discussion around finances can be daunting, but having the support of a financial mentor will ease some future worries and ensure a more reliable future for you, your family and your futures.

Each business will have its own needs and opportunities, and with that, it is important to get guidance and solutions tailored to you and your business by contacting a financial advisor that can work with you on your specific circumstances.

The key solutions a financial mentor can provide are:

- Taxation
- Specialist advisory supports
- Food and Agri business
- Succession planning
- Audit and assurance
- Financial planning
- Finance
- Cashminder
- Accounts
- Employer services



Succession Planning

“ The future success for many family businesses rests with an agreed succession arrangement.”



- *Succession Ireland*

Source: <https://www.successionireland.ie/succession-irelandservices/family-business-succession-planning/>

After a serious injury or sudden death, the family may start thinking about what to do with the farm and who this involves. Each family Embrace FARM supports is different therefore, we support each family individually around their succession planning needs.



Succession planning allows you to have those difficult conversations around the wishes and expectations of all family members involved. It practically helps a family to prepare for the transfer of assets and responsibilities, giving the agri business the best outcome possible for the future. The process can seem daunting, but with the help of a succession planning mentor, they can make the process much easier for a farm family facing sudden succession planning.

What to expect when working with a succession planner

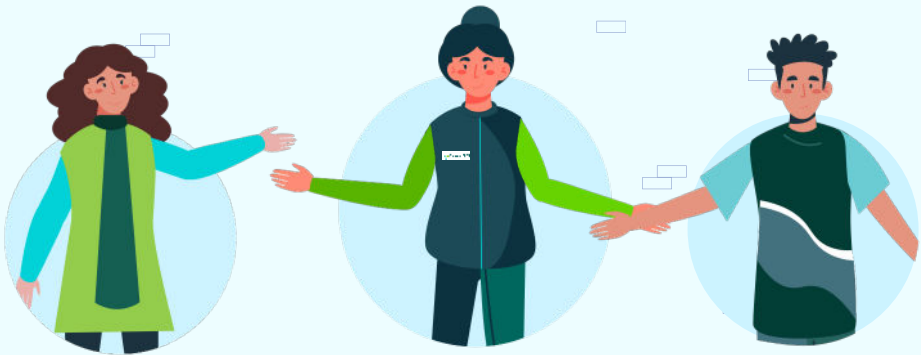
Within the first year after the deceased, Embrace FARM and the family affected meet to discuss the current state of the farm business. Part of this process is to also look at the roles of those involved after the bereavement or loss and how that may impact the future decisions of the business planning. During this discussion, the opinions of the family members who are involved in the process will be taken into account, and from there, look at the short, medium and long-term implications of the farm business for the family.



Taking all this into consideration, the family can then discuss next steps and coordinate future meetings as required. It is important that all key members involved agree and understand the succession plan in place while moving forward. Without a solid and inclusive plan in place, it may have devastating effects on a family when met with a serious injury or sudden death. Although, it is important to remember that even with everyone's best interests taken into consideration, it is not always possible to accommodate everyone as expectations can often be met with a stark reality of the circumstances.

Agri Business Support

When someone is seriously injured or dies suddenly within a farm family, the immediate issue of running the farm on a day to day level is a huge priority for the family. Embrace FARM provides a farm family the opportunity to look at the practical running of the farm business with an Agri Business Mentor. An Agri business mentor will look at.



The type of farm business practice currently operating on the farm

Any livestock or crop production deadlines or concerns
Technical support with agri support schemes the farm business maybe part of.

The labour needed to run the farm business in its current state and the future

If there are any communications ongoing with the Department of Agriculture, they can support the farm family with these Be a point of contact for the farm family with the Department of Agriculture.

An overview of the financial status of the farm business. Similarly, and in some cases in conjunction with a succession planning mentor, an Agri Business mentor will work with the family in creating a short, medium and long term plan on the practical running of the farm. This will involve all family members that wish to be part of the process.

Checklist for a farm family to consider before their visit with an Agri Business Mentor



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- Tomás Russell - UCD School of Agriculture and Food Science,
- Clare O'Keeffe - Succession Ireland,
- Niamh Hand - IFAC



Useful Contacts:

Legal Support

Aisling Meehan (Agricultural Solicitors)

- (061) 368412
- www.agriculturalsolicitors.ie

Financial Support & Mentoring

- Ifac: www.ifac.ie
- FDC - www.fdc.ie

Succession Planning & Mediation

Clare O'Keeffe (Succession Ireland)

- (022) 27915 / (086) 601 3365
- www.successionireland.ie

Teagasc Agri Advisory Services -

- www.teagasc.ie

Agricultural Consultants Association -

- www.aca.ie

Citizens Information -

- www.citizensinformation.ie

Department of Agriculture, Food & Marine -

- [https://www.gov.ie/en/organisation/departments-of-agriculture-food-and-the-marine/](https://www.gov.ie/en/organisation/departments/departments-of-agriculture-food-and-the-marine/)



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Building a community of support.

[@embracefarmsupport](https://www.embracefarmsupport.com)

