



ESTATE PLANNING
&
ELDER LAW SERVICES

**WHEN A LOVED ONE PASSES AWAY:
WHAT TO DO NEXT**

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The death of a loved one is one of the most difficult events we face during our lives. It requires us to deal with numerous legal, financial, business and emotional issues. Utilizing trusted professionals such as clergy, funeral directors, attorneys, financial planners and accountants can ease this burden.

The following checklists are provided to make dealing with this difficult process easier.

Time of Death Tasks

- Notify Clergy.
- Notify immediate family.
- Determine if organs are to be donated.
- Provide accurate information for death certificate.
- Determine if an autopsy is necessary (i.e. suspected foul play, malpractice action, etc).
- Decide who will make the funeral arrangements.
- Find someone to care for any children.
- Secure decedent's residence.
- Locate estate planning documents (i.e. Will, Trust, etc).

Pre-Funeral Tasks

- Contact a funeral home.
- Determine whether the decedent left funeral/burial instructions or had pre-paid for such services.
- Determine if the decedent is entitled to a military ceremony/ burial/grave marker.
- Obtain the deeds to any burial plots and pick a cemetery.
- Determine whom to notify of decedent's passing and funeral.
- Obtain military discharge papers.

Post-Funeral Tasks

- Consult with an attorney regarding probate/trust administration.
- Arrange for care of minor children and dependent adults.
- Order death certificates from funeral home.
- Consider family grief counseling.
- Arrange for gravesite perpetual care or final disposition of ashes.
- Make death notifications.

- Apply for benefits.
- Collect important papers.
- Protect assets from loss (i.e. – pay liability insurance premiums, pay utility bills).
- Pay decedent’s creditors.
- Pay decedent’s tax liabilities.
- Distribute remaining assets.

Death Notifications to Make

- Social Security Administration
- Department of Veterans Affairs
- Medical Insurance Companies
- Life Insurance Companies
- Retirement/Pension Companies
- Decedent’s Employer
- All three major credit reporting agencies (Equifax, Experian and TransUnion)
- All banks and financial institutions where the Decedent had accounts
- All creditors and credit card companies with whom the Decedent had accounts

Apply for Benefits

- Social Security Benefits
- Veterans Benefits
- Retirement/Pension Benefits
- Life Insurance/Annuity Benefits
- Decedent’s Employer Benefits

Locate Important Papers

- Estate planning documents
- Insurance policies
- Death certificate
- Birth certificate
- Marriage license

- Military discharge papers
- Spouse's death certificate
- Banking records
- Recent tax returns
- Financial account statements
- Stock and bond certificates
- Real estate and vehicle titles
- Unpaid bills

Creditors & Taxes

You should send a copy of the Decedent's death certificate via certified mail to all three major credit reporting agencies, request the credit agencies put a deceased – do not issue credit" alert on the Decedent's credit files. You should also monitor the Decedent's credit reports for one year.

Before distributing estate or trust assets, all of the decedent's debts and tax liabilities should be identified. State law dictates the priority in which the decedent's debts and tax liabilities should be paid, if at all.

Tax returns which may need to be filed include:

- Decedent's income tax returns
- Federal/state estate tax returns
- Federal/state income tax returns for an Estate
- Federal/state income tax returns for a Trust

Distributing Assets

Before you can distribute a deceased person's assets you must determine how they owned those assets at the time of their death. Equally important is to determine who is legally authorized to make those distributions.

Property held jointly with rights of survivorship passes to the surviving joint tenant(s) without passing through probate. It is best to consult with an attorney to determine if an asset is held with rights of survivorship.

Life insurance benefits, annuity benefits and payable on death accounts pass to surviving beneficiaries outside of probate.

Property held in a living trust is distributed by the named "successor trustee" according to the provisions of the trust - outside of probate. The successor trustee of a living trust has certain duties and obligations to the beneficiaries, including preparing periodic accountings, settlement of creditor claims, responding to beneficiary inquiries, etc.

However, when someone dies owning assets titled solely in their name, those assets must pass through probate. If the deceased person has a Will then the Will states who is authorized to act on behalf of the probate estate and how the probate assets are to be distributed. Essentially the Will is a set of instructions for the probate judge. Wills do not avoid probate. If the deceased person does not have a Will then state law dictates who is authorized to act on behalf of the probate estate and how the probate assets will be distributed.