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Steps to Take When a Loved One Passes Away



We are so sorry for your loss. It is important to keep in mind that there are several practical and legal considerations that the person named as the Executor or Personal Representative should address in the initial weeks following the death, prior to the administration of the estate or trust. During this stressful and emotional period, it is easy to forget about certain tasks which may lead to problems if left undone.

Here is a list of some important initial steps:

The First Steps

- Call 911 right away if there is an unexpected death in your home. The medical team will help you figure out the next steps. If the deceased was receiving hospice care, call the hospice.
- If a death is expected to happen soon, call your doctor or your hospice to discuss what to do when or if a death happens in your home.
- Most deaths occur in hospitals and other places such as nursing homes. Talk to the staff about their process.
- Contact close family and/or friends of the deceased, the deceased's doctor (if a hospice is not involved), and the deceased's lawyer, if any. If the deceased cared for dependents (for example, grandchildren), make arrangements immediately for their care.
- Look for any written instructions (sometimes called a "Letter of Instruction," "Final Instructions", or "Disposition Authorization") for funeral or memorial service arrangements, and burial or cremation arrangements. Also look to see if the deceased named a "Designated Agent" to take care of those arrangements (sometimes this is included in the deceased's Advance Directive documents such as in their Durable Power of Attorney for Health Care, or in a Living Will). If not found, ask close friends, the deceased's doctor or the deceased's lawyer if they know where these instructions are. Also, look for any prepaid services, such as burial services or cremation.
- Look for records of the deceased person's desire to donate organs or tissue (usually noted on a State driver's license with a red heart symbol or the word "Donor," or mentioned in the deceased's "Final Instructions"). Give this information to the deceased's doctor or hospice immediately (or before the death, if possible).
- If you are the named "Designated Agent" (or if none, if you are the person allowed by State law to automatically be the Designated Agent), you should arrange for funeral or memorial services, and burial or cremation.
- Death Certificates: You can order certified copies of the death certificate from the funeral director or your hospice. Often you can get them from the local Department of Health office in the county where the death occurred.

Generally, you will need one certified copy of the death certificate for each major asset, such as cars, land, or bank accounts, for which you will need to transfer ownership. You may also need a certified copy for items such as life insurance policies, veterans' survivor benefits, and annuities. Certified copies are expensive (approximately \$20-\$32 each, plus fees). Ask if a non-certified photocopy is allowed, or if the company would return the original certified copy to you so you could use it later.

The Next Steps

Find the deceased's important papers and documents as soon as possible. If necessary, ask close family, friends, or the deceased's doctor or lawyer if they know where these important papers can be found, and the location of a bank safety deposit box, if any.

Safety Deposit Box: Anyone who has legal access still has the right to open the safety deposit box. Important documents such as a Will and "Final Instructions" letter might be in the safe box.

The Will: First, find out if the deceased left a Will and/or a Trust.

If there is a Will, notify the Personal Representative named in the Will (and the Trustee, if named in a Trust) right away. The Personal Representative is responsible for taking care of the deceased's estate and for following the terms of the Will, while the Trustee is responsible for managing the Trust. Sometimes the Personal Representative is called the "Executor" or "Executrix".

In Florida, a valid and signed Will must be filed with the Clerk of Court, usually in the deceased's county of residence, within 10 days of the death. This is an extremely important step to complete if there is a Will.

- If there is a Will and/or Trust, give all of the important papers to the Personal Representative and/or Trustee as soon as possible.
- If there is no valid Will, the court will administer the estate according to Florida law.

Other Items: Locate other important papers and documents as soon as possible, such as:

- Deeds, Titles, and Promissory Notes / Loans Real Estate Property deeds (including any recent appraisals)
- Mortgage documents (including promissory/loan notes), Other Promissory or Loan notes (including loans owed to the deceased)
- Vehicle titles and registrations (car, boat, RV, etc.)
- Membership certificates.

Insurance Policies:

- Life insurance (including premium payment records)
- Accidental life insurance, Veterans' insurance
- Employers or pension insurance
- Funeral insurance (or other death-related benefit plans)
- Mortgage and/or credit insurance, Credit card insurance (for balances)
- Health insurance (including Medicare or Medicaid, "Medigap" insurance, private health insurance, dental, and Long-Term Care insurance)
- Property insurance (homeowners/renters insurance, car insurance, etc.),
- Workers' compensation insurance (and payment records).

The Next Steps

Financial Accounts: Including most recent statements for all accounts and the list of Beneficiaries, if any.

- Bank accounts - checking, savings, CD's, etc.
- Investment/brokerage accounts, IRAs, 401ks, etc.
- Stocks and bonds, Annuities, Credit and debit card accounts
- Usernames and passwords for any online accounts
- List of safety deposit boxes, where to find keys, and names of authorized users.

Other Financial Records:

- Survivor annuity benefit papers
- Employer/retirement benefit (pension) plans, pension/profit-sharing plans, etc.
- Veterans' benefit records
- Disability payment documents (State, Veterans', etc.)
- Income statements for the current year (Social Security, pension, IRA's, annuities, employment, and other income records)
- IRS income tax returns (for the current and previous year)
- IRS gift tax returns (for all years)
- Property tax records and statements
- Business interests held, financial statements and agreements, contracts, etc.
- Loan papers, and Other - investment records, etc.

Legal Papers

- Will and/or Trusts
- Deceased's Final Instructions
- Disposition Authorization, and/or Designated Agent forms (sometimes included in an Advance Directive such as a Durable Power of Attorney for Health Care, or in a Living Will)
- Prepaid funeral contracts
- Organ/tissue donation record
- Social Security card (or number) Birth certificates (of all family members)
- Marriage license or certificate
- Military service papers, including discharge records
- Domestic Partnership Registration
- Court documents for adoptions and divorce (including any property settlement agreements, name changes, prenuptial agreements, etc.)
- Community Property Agreements
- Driver's license, Passport, citizenship, immigration and/or alien registration papers.

Personal Information

- Names and contact information of closest family and friends
- Names and contact information of all lawyers, accountants, doctors, etc.
- Family Tree, if available (especially if there is no Will)
- Usernames and passwords for online accounts (including email accounts, financial records, social media accounts, etc.)
- Passwords to access computers, cell phones, and other electronic devices.

Practical Steps & Information

- Make a list of regular bills to have as a reminder. Be sure to note if any are on automatic payment plans and note when payments are due.
- Give all unpaid bills to the Personal Representative (if any) to be paid. Some examples of bills to locate: Utility bills (electric, heating, telephone and/or cable TV, internet, cell phones, water/sewer/garbage, etc.), Long term debts (home mortgages, bank line of credit, car loans, etc.), Rental payments (home, apartment, assisted living, or nursing home, etc.), Credit card bills, Insurance bills (health, Long Term Care, homeowner's, car, life insurance, etc.), Property tax bills (if paid separately and not included in home mortgage).

- Access to bank accounts: If you are a co-signer or have a joint account with the deceased, you should be able to use some of the money in the account to pay the regular bills of the deceased. Keep detailed records of all the bills you pay and any withdrawals of cash from the account.

- If there are no joint owners or co-signers, you cannot access the deceased's bank account until a Personal Representative is approved by a court process. Then, the Personal Representative usually is able to access the accounts to pay bills, etc.

- Power of Attorney: If you were the holder of a Power of Attorney (sometimes called an "attorney-in-fact" or the "agent") for the deceased, your authority to act under the Power of Attorney ends at the time of death. The only exception to this is if you were also listed in the Power of Attorney as the deceased's "Designated Agent" for after-death arrangements. In this case, you will have the authority to make funeral or memorial arrangements as well as burial or cremation arrangements.

- Check and take care of the deceased's home, property, and pets, if necessary. Put valuables (cash, jewelry, collectible items) in a safe place. Be sure the house is locked, if no one is home.

- Contact the Post Office (listed in the telephone directory as United States Postal Service) with forwarding information, if necessary. Stop all deliveries of unneeded newspapers, home care services (such as meal delivery or nursing services), and cancel any appointments for doctors, dentists, etc.

- Cancel services that are no longer needed (such as cell phones, internet, or cable TV). Do not cancel utilities, as they may still be needed.

Notification of Death & Benefits

Once you have notified all close family and friends, the deceased's doctor and lawyer (if any), and the Personal Representative and/or Trustee (if one is named in a Will and/or Trust), you (or the Personal Representative) should give notice of the death as soon as possible to the agencies and companies listed below.

At the same time, you (or the Personal Representative) should check and apply for any death benefits or survivor benefits from these organizations. This is money paid after a death to the person or persons named as "beneficiary". A "beneficiary" is a person who receives money or property, such as from the deceased's life insurance policy, retirement pension, or annuity.

It can take two or more months for benefits to arrive, so be sure to start soon. Call these offices to find out their requirements, such as sending a certified copy of the death certificate. Make a note with the date you made your calls and write down what is required as a reminder of what you need to do.

Contact information for many of these offices is listed in the Resources section at the end of this checklist (see Notification of Death and Checking for Benefits).

Here is a list of some agencies and companies to notify:

- Social Security:** You must notify the Social Security Administration of the death and apply for any possible Social Security death benefits and survivors' benefits. Many funeral homes will report the death to Social Security, but you will still need to contact the Social Security yourself as soon as possible, to check and apply for benefits. You will need the deceased's Social Security number and date of birth. The Social Security office automatically notifies Medicare of the death. If the deceased was receiving Social Security payments, the payment for the month of the death must be returned to Social Security. Contact the deceased's bank to return the full month's payment as soon as possible. Social Security will then send a new payment adjusted to reflect the date of death.

- Landlord, Assisted Living, Nursing Home, or Other Rental:** If applicable, notify the deceased's landlord, rental agency, or administration office (for Assisted Living or Nursing Home) as soon as possible, to discuss lease or rental agreements, and important moving out dates, if necessary. Ask about the possible return of the deceased's security deposit.

Notification of Death & Benefits

- Insurance Companies:** Contact all the insurance companies on the list you made from the deceased's records. This includes policies that might pay death benefits to the beneficiary or beneficiaries named in the policy (such as life insurance or annuities). Contact an insurance company if you see its policy might pay for account balances (such as for mortgages, credit cards or other loans).

- All other insurance companies (property insurance, health and dental insurance, Long Term Care insurance, etc.):** Notify each of the death so that the policy can either be changed or canceled. Ask for any unused premium to be returned to you.

- Employee Pensions and Benefits:** If you are listed as the employee's beneficiary, contact the deceased's employer and ask about any possible death benefits, retirement annuity or pension plans, and life and health insurance coverage. Unions and other professional organizations may provide benefits also. Note: Sometimes you must return the deceased's final monthly pension payment to the pension company before they send a new, adjusted payment. If the deceased was employed, notify the employer.

- Veterans Affairs:** If the deceased was a veteran, notify the VA to ask about possible death and burial benefits, and also for survivor's benefits.

- Banks, Financial Institutions, and Credit Card Companies:** If you were a co-signer or had a joint account with the deceased, you must notify the bank or other financial institutions (including credit card companies) of the death. For joint accounts "with the right of survivorship" the survivor owns all of the money in the account, but you still must notify the bank of the death.

- Office of Financial Recovery, DSHS:** If you are the Personal Representative, or you are responsible for the deceased's estate, you must send notification of the death to Florida ACHA Office. Notification is required for any possible "Estate Recovery" which might be due if the deceased (or deceased's spouse) had certain Long-Term Care medical services paid by Medicaid and Florida.

- Credit Bureaus:** It is recommended that the three major Credit Bureaus are notified of the death, to help avoid possible identity theft. These Credit Bureaus are Equifax, Experian and TransUnion.

If You Need Help, We Are Here for You

Although you can take care of many of these initial concerns on your own, the administration of your loved one's estate or trust can be quite complex. Even small mistakes could end up being a major headache. It is important to contact an experienced estate planning attorney to help you with probate or trust settlement and/or administration, as well as any other legal matters that may arise during this difficult and emotional time.



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