

How to Help When a Loved One Passes Away

Checklist of Initial Responsibilities

- **Make burial arrangements.** If some time is likely to pass before burial, for example, if there will be a delay prior to a special ceremony and burial in a veteran's cemetery, you should make arrangements with a funeral home to store the deceased loved one's remains until the service.
- **Obtain ten original certified death certificates.** After someone passes away, their death should be registered with the local or state vital records office, which can then issue official death certificates. A state-licensed funeral director or coroner typically prepares and files the death certificate with the state. A death certificate is often required to claim life insurance benefits, close bank accounts, transfer titles, and take care of other matters connected to the estate.
- **Ascertain the immediate needs of beneficiaries and expenses that must soon be paid.** You should determine which of your loved one's accounts contains cash that can be accessed for the beneficiaries' needs and other expenses. The last thing you want is for an item to be repossessed or the electricity turned off due to non-payment.
- **Arrange care for animals.** If your loved one had pets or other animals, care should immediately be arranged for them. The will or trust may name the person your family member has chosen to care for them, but if there was no will or trust, you may need to arrange for someone to look after the animals until a caretaker can be determined.
- **Inspect the loved one's home to make sure it is secure.** If your family member owned a home, you should walk around the home to make sure any points of entry are locked and that there are no maintenance issues that need to be addressed. The police department should be notified that the home will be vacant so police can patrol the area more frequently.
- **Change the locks.** It is important for you to change the locks on the home to ensure that neighbors, service providers (maids, dog walkers, etc.), and even family members who had keys are no longer able to enter the home. This is important to ensure that no one prematurely removes any property from the home, even if they are well-intentioned.
- **Remove valuables from the home and store them in a secure place.** Jewelry, cash, works of art, furs, and other especially valuable property should be kept in a safe place until the estate or trust is administered and the items are transferred to the proper beneficiary. Check on the insurance coverage for these items.
- **Secure vehicles.** Any cars your family member owned should be locked. No one should drive the car, and the odometer should be checked to determine the mileage at the time your loved one passed away. If the car is parked on the street or in a driveway, you should notify the police to keep a closer eye on it. Insurance on the car should be maintained.
- **Arrange for the home and yard to be maintained.** You should continue lawn care and general home maintenance to ensure that the house does not become an eyesore and a target for thieves.
- **Discontinue services that are no longer needed, and hire any new personnel required by a beneficiary or dependent.** If your deceased loved one had domestic help, security guards, or assistants that are no longer needed, stop the services after checking any contracts or written agreements. If a beneficiary or dependent now needs the help of an assistant or maid, the necessary workers should be hired to ensure they receive the proper care.
- **Leave the heat or air conditioning on.** To prevent any problems that may arise as a result of very high or very low temperatures, it is important to continue to heat and cool the home. In addition, if the home is vacant during cold winter months, a faucet should be turned on or cabinet doors opened to prevent pipes from freezing and bursting.

- **If required, alert local officials of the vacant home.** In some areas, a higher tax rate is applied to vacant homes, so in those places it is important to notify the city if the home is vacant and part of an administration.
- **Contact agencies to cancel benefits.** If your family member was receiving Social Security, veterans, or other benefits, the relevant agency should be notified of the death. You should not cash any benefits checks that arrive after death, and if any benefits are received covering a period after death, they should be returned. Depending on the timing of the death, the government agency may automatically withdraw the last electronic payment.
- **Cancel subscriptions and monthly service agreements.** If your loved one was receiving a newspaper, magazine, or other regular subscription or monthly service, it is important to cancel them, and if applicable, request a refund.
- **Cancel credit cards and charge accounts.** You should notify all of the deceased person's credit card companies of the death and close the accounts as soon as possible. It is also important to notify all three major credit bureaus of the death to avoid identity theft.
- **Locate insurance policies.** You should find all his or her loved one's insurance policies. The homeowner's insurance company should be contacted to confirm that there is coverage for fire, flood, and/or other needed items as part of the homeowner's insurance policy. In addition, you should locate the deceased family member's life insurance policies, which may have been issued by alumni associations, travel clubs, credit card companies, trade associations, etc.
- **Gather personal records.** You should locate all bank statements, checkbooks, canceled checks, and at least the past three years of income tax returns.
- **Determine if anyone owed money to the deceased loved one.** While gathering the needed personal records, check to see if there are any documents reflecting debts owed to the deceased individual. You should contact those individuals to collect the amounts owed.

Legal Considerations Your Client Should Keep in Mind

- After your loved one has passed away, anyone authorized by a power of attorney to act on the now deceased person's behalf is no longer valid. Therefore, for example, if a family member was in charge of paying the deceased person's bills as an agent under a financial power of attorney, that person should stop paying those bills after the individual has died. The executor of the will or trustee of the trust is now the proper person to handle those matters.
- If your family member made arrangements for his or her funeral in advance utilizing a document such as a Remembrance and Services Memorandum, the deceased person's written instructions may be legally binding under state law, and thus, the survivors may be obligated to comply with them. It is also possible that the family member prepurchased their funeral arrangements through a local funeral home.
- If any of your deceased loved one's property or money was not part of his or her trust at the time of death or was not made a part of the trust at the time of death automatically, that money or property must be handled through the probate process. That is, the money or property cannot be distributed to anyone, including the trust, without involvement by the probate court.
- If there is any possibility that your or any other family member may want to disclaim, i.e., refuse to accept, any money or property they will inherit, it is important not to take any action that would be considered an acceptance of the inheritance. For example, if you are one of the beneficiaries of the deceased loved one's life insurance, but would like his or her share to go to the next beneficiary in line, you should not complete any paperwork and reject any checks involving the life insurance policy. There may be tax consequences if you accept the money and then choose to give it to a different beneficiary.

- You and other family members should not prematurely distribute any of the deceased individual's property or funds. The executor of the will or trustee of a trust are the only individuals allowed to distribute the deceased individual's money or property and must pay all debts and taxes before transferring any funds or property to the beneficiaries.

Sullivan Estate Law, LLC

Thomas H. Sullivan and Lewis B. Leflar

10955 Lowell Ave #512

Overland Park, Kansas 66210

<http://sullivanestatelaw.com/>