



What to Do When a Loved One Dies

An easy-to-follow checklist to simplify the estate administration process so you can focus on what matters most: the people you love.



CARESS LAW, PC

What to Do When a Loved One Dies

Coping with the loss of a loved one is difficult. We hope this information will help you focus on what you need to do and what you may wish to delegate to friends and family.

The Short List:

- ① Take time to **mourn the loss** of your loved one.
- ② **Notify family and friends.** Be sure to ask for help with tasks, including notifying family and friends.
- ③ **Look for the deceased's instructions.** Look through the deceased's papers to find if they:
 - Had a prepaid burial plan.
 - Belonged to a memorial society.
 - Completed documentation as an organ donor or entered an arrangement with a university to contribute their body for medical research and learning purposes.
 - Had established instructions detailing their preferred method of handling their remains (burial, cremation, etc.). In Oregon, this declaration is commonly present in the Last Will and Testament or the Advanced Directive for Health Care. In the absence of such documentation, state regulations determine the hierarchy of decision-makers responsible for these arrangements on behalf of the deceased individual.
- ④ **Arrangements for the deceased person's body.** Arrange for the body to be picked up:
 - According to the coroner's instructions.
 - According to the instructions from a training hospital if the body or organs are donated.
 - By the mortuary chosen for the funeral.
 - By the crematory if you are going to cremate the body.
- ⑤ **Coordinate the provision of care** for underage children, dependent adults, and pets.
- ⑥ **Ensure the security** of the residence and other assets, encompassing vehicles, keys, and personal belongings such as phones, jewelry, and computers.
- ⑦ **Find and review critical papers**, such as estate planning documents (Last Will and Testament, Revocable Living Trust, etc.).
- ⑧ **Find passwords** and other necessary access codes.
- ⑨ **Inventory your loved one's possessions** and compile a list (bank accounts, tax returns, car titles, mail, etc.).
- ⑩ **Assess obligations** and safeguard debit and credit cards, driver's license, and social security card.
- ⑪ **Maintain a record** of expenses incurred, particularly for the funeral and final illness.
- ⑫ **Request copies of death certificates** (5 short form and 2 long form recommended).
- ⑬ **Get in touch with a lawyer** to schedule a meeting about estate administration.

CARESS LAW, PC

What Not To Do

- 1 Don't rush to the bank and close accounts, transfer funds, or withdraw funds
- 2 Avoid transferring IRAs, 401(k)s, or other qualified retirement accounts
- 3 Refrain from operating the deceased individual's vehicle
- 4 Avoid taking away or donating any household items or personal possessions of the deceased
- 5 Refrain from making any bill payments—request an extension of 2-4 weeks
- 6 Avoid using your deceased loved one's credit cards
- 7 Abstain from employing any power of attorney—they become invalid upon the death of the individual granting the authority (with the exception of extremely specific situations, such as managing funeral arrangements)
- 8 Do **NOT** retitle property, homes, vehicles, etc.

In More Detail

What to do during the first 1-3 days:

Complete the funeral and burial arrangements

Ask a trusted friend or family member to go with you to the mortuary to advise and support you in making the funeral and burial or cremation arrangements. (Note: when you are comparing prices, federal regulations mandate that pricing details must be provided over the phone.)

Arrangements may include transfer to another location, burial, or cremation. You may ask a clergy member to assist you.

Financial and other assistance

If the deceased was on public assistance, burial assistance may be available. Contact your local County Department of Social Services as soon as possible. Total expenses of burial will be limited to qualify for the benefit.

If the deceased was in the military or is the spouse or dependent child of a person in the military, contact the VA cemetery or VA office. There may be burial benefits. The mortuary will call the VA at your request.

If the deceased was a member of a tribal nation, contact the tribe.

CARESS LAW, PC

Contact fraternal, religious, and other organizations of which the deceased was a member for potential participation in the funeral service.

If you have concerns that you cannot resolve with the funeral director or management of the funeral home, contact the Funeral Consumers Alliance or your state's Attorney General's office.

Choose someone to:

- | | |
|--|---|
| <input type="checkbox"/> Answer the phone | <input type="checkbox"/> Care for pets |
| <input type="checkbox"/> Stay at the residence during the funeral to guard against break-ins occurring when the family is at the funeral | <input type="checkbox"/> Find keys to vehicle |
| <input type="checkbox"/> Provide food for family and friends after the funeral | <input type="checkbox"/> Find perishable property and manage their care or disposal |
| <input type="checkbox"/> Collect mail | <input type="checkbox"/> Coordinate yard maintenance |
| <input type="checkbox"/> Organize care for dependents, if any | <input type="checkbox"/> Continue to inform family and friends |

Additional tasks:

- | | |
|---|--|
| <input type="checkbox"/> Record in a small ledger all money you or the immediate family spend, which amounts may be needed for tax returns or reimbursement | <input type="checkbox"/> Assess the emotional toll on the surviving spouse, children, close relatives, and friends; organize for a companion to be present during the initial hours after they learn about the death |
| <input type="checkbox"/> Assess the necessity for security measures at the deceased's home | <input type="checkbox"/> Manage the potential donation of bodily organs to a suitable "organ bank" |
| <input type="checkbox"/> Compose and coordinate an obituary | |

What to do during the first 10 days:

Death certificates

The most common and quickest way to obtain death certificates is through the funeral director. The cost is usually higher for the first death certificate. Additional certificates can be obtained at a lower price. In order to know how many to order, you should estimate the number of different assets held by the deceased or institutions that will require a death certificate. If you do not order enough, you may be able to get more death certificates later through the County Vital Statistics Department where the death occurred or through the Oregon Department of Health Services - Vital Records Office.

“As long as there is **love and memory**,
there is no **true loss**. ”

—Cassandra Clare

CARESS LAW, PC

Contact the following persons or institutions:

- ☐ Police, to occasionally check the house of deceased.
- ☐ CPA, accountant, or tax preparer to determine returns to be filed; arrange for final income tax return and estate tax return, as necessary.
- ☐ Financial advisor, to provide guidance on reallocating financial assets, tax planning, and addressing other financial matters.
- ☐ Investment experts, to acquire details about holdings.
- ☐ Bank, to locate accounts & safe deposit box.
- ☐ Social Services, to learn of benefits and, if eligible, to request a cash advance from life insurance proceeds.
- ☐ Veterans Affairs, to stop monthly check and learn of benefits.
- ☐ Guardian, Conservator, Agent under a power of attorney, to notify of death and the end of their responsibility.
- ☐ Utility companies, to alter or discontinue service.
- ☐ Post office, if necessary, to hold or forward mail.
- ☐ Medicare: if deceased was eligible for Medicare, notify the local program office and supply them with the name, SS#, date of passing, indication of whether the death resulted from an accident or illness, along with your own name and address, to commence benefit processing without delay.
- ☐ Attorney, to understand the process of transferring assets and fulfilling tax obligations. If a trust is part of the situation, coordinate any distributions and transfers. The attorney will also assess whether initiating a probate case in the local probate court is required or recommended.
- ☐ Collaborate with an attorney & CPA to compile an inventory, account list and debt list; accurate valuations might necessitate appraisals.
- ☐ Insurance agent, to obtain claim forms; explore potential insurance reimbursements or canceled subscriptions; manage fire, theft, liability, and auto insurance for the deceased's assets; evaluate payment choices (such as lump-sum or annuity).
- ☐ Social Security, to stop monthly check and learn of benefits. Note: the funeral home or person responsible for the physical being is also required to contact the SSA.
- ☐ Agency providing pension services, to stop monthly check and obtain claim forms.
- ☐ Employer, to notify of death, and the office handling the deceased's employee benefits with deceased's name, Social Security number (SS#), date of death, whether the death was due to accident or illness, and your personal information to facilitate the initiation of benefit processing by the employer.
- ☐ Bills: ensure that bills are settled (however, refrain from paying any of the deceased's debts until the attorney confers about the issues with the family or designated personal representative.

Cancel the following:

- ☐ Newspaper subscriptions
- ☐ Home deliveries
- ☐ Magazine subscriptions
- ☐ Credit cards*

**If the deceased was the primary cardholder, all cards will be cancelled. Prior to cancelling the deceased's credit cards, the surviving spouse should ensure that they have at least one credit card on which they are the primary account holder.*

CARESS LAW, PC

Prior to appointment as personal representative or subsequent trustee in the deceased's trust. If you are named personal representative (formerly called "executor") in a Will, or Trustee of a Trust, you have the power to safeguard the property of the deceased. Do not remove or distribute property before beginning administration of the Estate.

Search for the Will and documents related to estate planning. The original Will or Trust may be in a safe deposit box, in the attorney's office, or in a file at home. Inspect for a fire-resistant safe or filing cabinet. When the original signed Will or Trust is located, hand it over to the individual assigned as the Personal Representative or Executor. It's also plausible that the will was lodged with the court for safekeeping while the deceased was alive, although this is rare in Oregon. Apart from the Will, search for additional estate planning papers created by the deceased.

Entering the safe deposit box. Any person whose name is also on the box may enter it at any time. In many states, including Oregon, if there is no other individual designated on the safe deposit box, a probate process might be required to obtain a court order, allowing the bank to unlock the box.

Search for other documents. Relatives can assist the personal representative in searching for crucial documents. The search should include the home, office, place of business, and the safe deposit box. Additionally, consult the deceased's advisors, including accountants, investment experts, and attorneys. Any information indicating that an asset exists or that bills are unpaid should be kept for use in the administration of the estate. Look for:

- | | |
|---|--|
| <input type="checkbox"/> Funeral and burial plans | <input type="checkbox"/> Safe deposit rental agreement and keys |
| <input type="checkbox"/> Home deliveries | <input type="checkbox"/> Health insurance policy information |
| <input type="checkbox"/> Trust agreements | <input type="checkbox"/> Nuptial agreements |
| <input type="checkbox"/> Life insurance policies or statements | <input type="checkbox"/> Pension, Keogh, IRA, retirement statements |
| <input type="checkbox"/> Income tax returns for last several years | <input type="checkbox"/> Gift tax returns |
| <input type="checkbox"/> Marriage, birth, and death certificates | <input type="checkbox"/> Divorce papers |
| <input type="checkbox"/> Military records and discharge papers | <input type="checkbox"/> Electronic accounting records |
| <input type="checkbox"/> Certificates of deposit | <input type="checkbox"/> Statements from bank, checkbooks, and records of checks |
| <input type="checkbox"/> Notes receivable and payable | <input type="checkbox"/> Motor vehicle titles |
| <input type="checkbox"/> Deeds, deeds of trust, mortgages, and title policies | <input type="checkbox"/> Bankruptcy filings |
| <input type="checkbox"/> Leases | <input type="checkbox"/> Business, partnership, investment arrangements, or corporate agreements |
| <input type="checkbox"/> Stock and bond certificates and account statements | <input type="checkbox"/> Unpaid bills |
| <input type="checkbox"/> Benefits from labor union | |

Employment perks. Examine employee advantages, encompassing accumulated vacation pay, posthumous benefits, last wages, retirement schemes, postponed remuneration, and medical reimbursements.

Avoid immediate collection of benefits. Avoid transferring title of assets to yourself, accepting benefits, or distributing assets to others until you speak with an attorney. Taking these actions prior to review of the decedent's will or trust plan with an attorney may negate the tax strategy established within the estate plan resulting in tax assessments that could have been avoided. Even though the account executive wants to be helpful, transferring title, accepting benefits, or distributing assets within nine months from the date of death, and before consulting with legal counsel, not only may cause loss of important tax advantages but may unwind the decedent's estate plan. An attorney can assist you in the administration to ensure the will or trust plan works as intended.

Veterans benefits and social security. The mortuary may assist you with the paperwork for both VA and Social Security benefits.

- ① For information on VA benefits, call the nearest VA listing for Benefits Information and Assistance. **Be prepared to identify the deceased's:**

- VA claim number
- Medical history that bears on whether the death is service related or not

If you do not know the VA number, then provide:

- Service number
- Dates of active service

- ② For Social Security benefits, call the Social Security Administration immediately. Call 1 (800) 772-1213. **Be prepared to identify the deceased's:**

- Relationship to you
- Date of death
- Social Security number
- Place of death
- Date of birth
- Surviving spouse or next of kin

- ③ Your call will stop the monthly payments. You must return the check or deposit amount for the month of death.

- ④ Social Security monthly benefits are available to the surviving spouse and to children under 18 and certain disabled children. Benefits include a lump sum death benefit. Ask for the "Social Security Survivors" brochure.

- ⑤ Veterans' benefits may be available to surviving spouse. Benefits may include a lump sum death benefit, if death was service connected; a continuing monthly payment to the surviving spouse; and financial assistance with funeral expenses and cemetery plot, or burial in a national cemetery. Ask for the "Federal Benefits for Veterans and Dependents" publication.

Take care against unscrupulous persons. In the period following the loss of a loved one, be careful before accepting any telephone solicitation. Fraudulent invoices may be received and should be looked at carefully for validity. Avoid lifestyle changes for a period to allow for reflection on how the loss will affect the surviving family and friends. Do not provide any information—or agree to anything on behalf of—the decedent or estate, except those you are familiar with, such as a CPA, counsel, advisor, etc.

Important reminders. This informational material may not cover every detail you might require in the initial days after a passing. It's advisable to establish an early connection with your attorney to ensure all aspects are appropriately handled. Seeking guidance from your attorney before taking action can help prevent potentially more expensive legal proceedings down the line.

CARESS LAW, PC



CARESS LAW, PC

Revised March 2023. Much of this information is published as a public service by the Colorado Bar Association. Its purpose is to inform citizens of their legal rights and obligations and to provide information regarding the legal profession and how it may best serve the community. Changes occur to state law regularly. Please consult with a local estate planning attorney for the most up-to-date information available.

CARESS LAW, PC