

# What to do When Someone Dies

Coping with the loss of a loved one is difficult. We hope this basic information will assist you to know what you need to do and what you may wish to delegate to friends and family. Seeking a professional's advice before you act can assure that matters are properly addressed and may avoid more costly legal services later.

## At Time of Death

***If the Death Occurred in a Hospital, Nursing Home, or Assisted Living Facility:*** You do not need to do anything. The medical or facility staff will make the pronouncement of death, will prepare paperwork for organ or body donations, will turn off and remove any equipment attached to the body, and will coordinate with the mortuary or crematory for transport of the body.

***If the Death Occurred at Home — Pronouncement of Death:*** Colorado requires a qualified medical professional to be notified and to make the official pronouncement of death. If the death is unattended, call the family physician, hospice provider, or the Coroner's Office for the county in which the death occurs. Some counties also need you to notify law enforcement.

***Organ and Body Donations:*** You will need to notify the medical professional of any organ or body donations so the professional can assist in making appropriate arrangements. Leave the medical equipment turned on or in place unless you are instructed otherwise by medical or hospice personnel.

***Arrange 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 hospital if the body or organs are donated
- by the mortuary or crematory

## One to Three Days after Death

***Notify Family and Friends:*** Ask them to help you with some tasks, including notification of other family and friends. (The Red Cross will help notify family members if the deceased was in the military or if the relative to be notified is in the military.)

***Deceased's Instructions:*** Look through the deceased's papers (and potentially his or her safe deposit box, see below) to find if she or he:

- had a prepaid burial plan
- belonged to a memorial or funeral society
- had written instructions regarding her/his funeral arrangements

***Complete the Funeral and Burial Arrangements:*** Arrangements may include transfer to another location, burial, cremation, funeral, or memorial service. You may ask a clergy member to assist you. If the deceased was a member of a memorial or funeral society, you can obtain a lower rate on cremation or funeral services. Ask a trusted friend or family member to go with you to the mortuary or crematory to advise and support you in making the funeral and burial arrangements.

Federal law requires that price information be given over the phone, if requested, so consider calling the mortuary or crematory before you go in person.

***Financial Assistance:*** If the deceased was on public assistance, burial assistance may be available. You should contact your local county Department of Social Services as soon as possible. Total expenses for burial will be limited in order to qualify for the financial assistance so you should investigate this possibility before signing a contract for funeral arrangements.

Contact fraternal and religious organizations that may conduct funeral services and other organizations of which the deceased was a member. 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 about possible burial benefits. The mortuary will call the VA at your request. If you have concerns that you cannot resolve with the management of the funeral home, contact the Colorado Funeral Directors Association at: (303) 791-2336.

***Other Assistance:*** Choose someone you know and trust to help with the following:

- answer the phone
- collect mail
- care for pets
- stay at the home during the funeral to guard against potential break-ins
- take care of perishable property
- provide food for family and friends after the funeral
- secure the home, vehicles, and property

## One to Ten Days after Death

**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 can get more death certificates later through the Vital Statistics Department in the county where the death occurred, or through the Colorado State Department of Public Health and Environment, Vital Records Office.

### Contact the following persons or institutions:

- police, to occasionally check the house of deceased, if vacant
- attorney, to learn how to transfer assets and assist with probate issues
- accountant or tax preparer, to determine whether to file an estate tax return or final income tax return
- investment professionals and banks, to obtain information on assets and safe deposit box
- insurance agent, to obtain claim forms
- Social Services, to learn of benefits
- Social Security and Veterans Affairs, to stop monthly check and learn of any benefits
- pension services, to stop monthly check and obtain claim forms
- guardian, conservator, agent under a durable power of attorney, to notify of death and the end of their responsibility
- utility companies, to alter or discontinue service
- employer, to notify of death and learn of benefits
- newspaper, to stop subscription and/or submit an obituary
- post office, if necessary, to forward mail

**Personal Representative:** If you are nominated as personal representative in a will, you have the power, before you are appointed by the court, to carry out written instructions of the deceased relating to the body, funeral and burial arrangements. **You may begin to protect and safeguard the deceased's assets. Do not remove or distribute assets before opening the estate.** Other brochures are available from the Colorado Bar Association to explain the duties of the personal representative and how the personal representative is appointed when there is no will.

**Search for the Will:** The original will is often in a safe place in the deceased's home or in a safe deposit box. When the original signed will is found, lodge it within 10 days with the probate court in the county where the deceased lived or owned real property. If a will cannot be found, an attorney can help guide you through the intestate probate process. Also look

for a copy of the will, a handwritten list of instructions, a letter to family or other similar documents. In Colorado, these documents may constitute a will.

**Entry into Safe Deposit Box:** Any person whose name is on the account for the box may enter it at any time. An heir or beneficiary in a will can ask the bank to search for the will, a deed to a burial plot, or burial instructions. A representative of the bank will open the box in the presence of the heir or beneficiary, remove any will that is found, and deliver it to the court directly. You can ask for a copy of the will before it is sent to the court.

**Search for Other Documents:** The personal representative is appointed by the court to administer the estate and has the authority to search for any important documents. The search should include the home, office, place of business, and any safe deposit boxes. Any information indicating that an asset exists or that bills are unpaid should be kept for use in the administration of the estate.

### Items to Look for:

- funeral and burial plans
- safe deposit rental agreement and keys
- trust and nuptial agreements
- life insurance policies or statements
- pension, IRA, retirement statements
- income tax returns for several years
- marriage, birth and death certificates
- divorce papers
- military records and discharge papers
- bank statements and checkbooks
- motor vehicle titles
- deeds, deeds of trust, mortgages
- stock or bond certificates or CDs
- partnership or corporate agreements
- health insurance papers
- and unpaid bills.

## Powers of Attorney

A power of attorney is a document that allows the agent to act on behalf of the principal during the principal's lifetime. An agent does not have any authority to act if the principal has died.

## Take Care against Unethical Persons

In the period following the loss of a loved one, be careful before accepting any telephone or mail solicitation. Carefully scrutinize invoices for validity, as it is possible to receive fraudulent invoices. Avoid lifestyle changes for a period to allow for reflection on how the loss will affect the surviving family and friends. Do not distribute assets or personal property of the deceased until you consult with an attorney.

## **Avoid Immediate Collection of Benefits**

Avoid transferring title to assets or making claims as a beneficiary until considering whether either a tax or non-tax reason exists for refusing to receive an asset. Even though the account executive wants to be helpful, you may lose an important tax advantage if you accept an asset. An attorney can help you find the best approach.

## **Social Security**

The mortuary may assist you with the paperwork for Social Security benefits. For Social Security benefits, call the Social Security Administration immediately. Call (800) 772-1213. Be prepared to identify the deceased's:

- Social Security or VA claim number
- date of birth
- date and place of death
- surviving spouse or next of kin
- medical history that bears on whether the death is service related or not

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 "Survivors Benefits" publication from the Social Security Administration.

## **Veterans Benefits**

The mortuary may also assist you with the paperwork for VA benefits. For additional information, call the nearest VA listing for Benefits Information and Assistance. If you do not know the VA claim number, then provide:

- service number
- dates of active service

Your call will stop the monthly payments from the VA. Usually the VA will automatically withdraw any payments made via direct deposit after the date of death. If this does not happen, you must return the check for the month of death.

Veteran's benefits may be available to the surviving spouse. Benefits may include a lump sum death benefit. If the death was service connected, benefits may include a continuing monthly payment to the surviving spouse, financial assistance with funeral expenses and cemetery plot, or burial in a national cemetery. Ask for the "Federal Benefits for Veterans, Dependents and Survivors" publication from the Department of Veterans Affairs.

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