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WHAT TO DO WHEN A LOVED ONE DIES

A comprehensive **guide and checklist** for the important steps that need to be taken after a loved one passes away, so you can focus more of your energy on grieving.

✓ A STEP-BY-STEP GUIDE & CHECKLIST

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 she or he:
 - 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 Texas, 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, or,
 - According to the instructions from a training hospital if the body or organs are donated, or,
 - By the mortuary chosen for the funeral, or,
 - 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 (10 recommended).
- 13 Get in touch with a lawyer to schedule a meeting about estate administration.

WHAT NOT TO DO

- 1 Don't rush to the bank to close accounts.
- 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, unless the payments are on loans secured by property, or payments to maintain insurance on property of the estate.
- 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).

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 office for additional information 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.

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 Texas Funeral Service Commission or your state's Attorney General's office.

Choose someone to:

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

Additional tasks:

- Record in a small ledger all money you or the immediate family spend, and which amounts may be needed for tax returns or reimbursement
- Assess the necessity for security measures at the deceased's home
- Compose and coordinate an obituary
- 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
- Manage the potential donation of bodily organs to a suitable "organ bank," if appropriate

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 can get more death certificates later through the County Vital Statistics Department where the death occurred or through the Texas Department of State Health Services - Vital Records Office.

“ Those we love NEVER TRULY LEAVE us.
There are things that DEATH CANNOT TOUCH. ”

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.
- 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 and 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.
- 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
- Magazine subscriptions
- Home deliveries
- Credit cards*
- Charge accounts
- Credit bureau accounts

**If the deceased was the primary cardholder, all cards will be canceled. Prior to canceling 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.*

Avoid immediate collection of benefits. Within the nine-month period after the deceased's death, 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 (called a "disclaimer"). Even though the account executive wants to be helpful, you may lose an important tax advantage if you accept an asset within this nine-month period. An attorney can tell you what is most helpful. In most cases, this will only apply if all assets in your own estate exceed applicable Federal and state estate tax exemptions.

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.

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.

Contact the Hailey-Petty Law Firm. For more information & assistance with Texas probate & trust administration, call our Austin office at (512) 910-8977 or our San Antonio office at (210) 570-2458. We are here to help you navigate the estate and/or trust administration process.

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Revised October 2023. Much of this information is published as a public service by the Colorado Bar Association, and has been revised for Texas law and estates. 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.