



**BAYSIDE LAW | ESTATE PLANNING &
ASSET PROTECTION**

Protecting What Matters Most - With Clarity and Care

251.716.8216
kayla@baysidelawllc.com

www.baysidelawllc.com
23710 US Hwy 99, Suite A-2
Fairhope, AL 36532

STEPS UPON THE PASSING OF A LOVED ONE

This checklist could help you cope with practical tasks during an emotional time. Losing a loved one is an overwhelming experience, and navigating the emotional and practical steps afterward can feel daunting. This guide is meant to provide a clear roadmap to help surviving spouses, children, family members, etc., manage essential tasks during this difficult time. This document combines practical advice with a checklist to assist in coping with the grieving process.

DOCUMENTS NEEDED

- Death Certificates (8-10)
- Social Security Card
- Marriage and Death Certificates
- Birth Certificates for any children
- Insurance policies
- Deeds/Titles to Property
- Stock certificates
- Bank/Financial Statements
- Military Paperwork (if any)
- Recent income tax forms and W-2 forms
- Any contractual agreements involving the decedent

To Do Immediately

- **Arrange for organ donation.** It may be the last detail you want to think about, but arrangements need to be made almost immediately at death so the organs can be harvested as promptly as possible. If you are not certain about your loved one's wishes regarding organ donation check the driver's license. If your loved one did want to donate their organs or if you are not sure and have decided that that you want to donate their organs, then the hospital where the person died will have a coordinator to guide you through the process. If your loved one died outside a hospital (including in hospice or a nursing home), contact the nearest hospital.
- **Contact immediate family.** Update key family members. Bringing them together in person, by phone, or electronically (via mass email, other electronic means, or Facebook Family page) is an opportunity to comfort one another and share information about important decisions that must be made.
- **Follow final instructions and Consider memorial service preparations.** If the person made arrangements to donate his or her body to a medical school, the family must respect those wishes. If no arrangements were made, the next of kin can donate the body, but the decision needs to be made as early as possible. Bring together key family members for an early conversation, particularly if the deceased left no instructions. Factors to consider: What did the deceased want? What can you afford? What's realistic? What will help the family most?

Emotional and Practical Support

- Seek grief support through local groups, counseling services, or faith-based organizations.
- Check with employers about bereavement leave, flexible work arrangements, and employee assistance programs.

Pre-Funeral Arrangements

- Choose a funeral home. Most people want a funeral home to transport the body from the morgue to its facility. The deceased may have identified which home to use — and even prepaid for funeral services. If there's been no conversation about arrangements, the choice will be up to the family. "Do some research," says Patrick Lynch. "Check with people who have had an experience with one."

- Notify close friends and extended family. Make a list of as many people as you can. Find contacts through email accounts and personal telephone books. Contact an employer and organizations the deceased belonged to, if necessary.
- Secure property. Lock up the person's home and vehicle. Is the car parked in a secure and legal area? Will the home be vacant? If so, you may want to notify the police (dial a non-emergency number), landlord, or property manager. Have someone care for pets until a permanent arrangement is made.
- Notify the post office. Use the forward mail option. This will prevent accumulating mail from attracting attention. It can also inform you about subscriptions, creditors, and other accounts that need to be canceled. "That mail that comes in will be very valuable in tracking down what you may not have thought of. It can be a treasure trove of information," Hurme says.
- Meet with the director handling the funeral or memorial arrangements. Get instructions your loved one might have left and the earlier family discussion to guide the many decisions to be made.
 - Will the body be embalmed or cremated?
 - Will there be a casket, and if so, will it be open or closed?
 - If the body will be cremated, will the ashes be scattered? If the ashes are deposited in an urn, will it be placed in a mausoleum?
 - Where is the burial site?
 - Do religious traditions need to be respected?
 - Will there be contributions to charities in lieu of flowers?
- For a veteran, inquire about special arrangements. A range of benefits can help tailor a veteran's service. You may be able to get assistance with the funeral, burial plot, or other benefits. You can find many details about options at the U.S. Department of Veterans Affairs website or call Veterans Affairs at 1-800-827-1000 or your local veterans agency, often included in local government listings. You can also inquire about veteran's survivor benefits.
- Consider whether you need or want other financial assistance for the funeral and burial. Help might be available from a number of sources, including a church, a union, or a fraternal organization that the deceased belonged to. Phone or send an email to the local group.

- Enlist help for the funeral. Relatives and friends may be needed to serve as pallbearers, to create or design the funeral program, cook meals (for a repast gathering or simply for the household of the deceased), take care of children or pets, or shop for any items needed for the funeral or household of the deceased.
- Arrange for headstone. You can typically purchase a headstone through a cemetery or from an outside vendor of your choice. Consult the cemetery about rules, regulations, and specifications such as color and size, particularly if you go with an outside vendor.

Post-Funeral Arrangements

- Organize a post-funeral gathering. Depending on your tradition, it's called a repast or a wake. It can be held at the church, a banquet hall, or someone's house. Enlist the help of friends and relatives to plan.
- Spread the word about the service. Once a date and time have been set for the service, share the details with those on your contact list. Include an address to send cards, flowers, or donations.
- Make a list of well-wishers. Keep track of who sends cards, flowers, and donations so that you can acknowledge them later.
- Prepare an obituary. The funeral home might offer the service or you might want to write an obituary yourself. If you want to publish it in a newspaper, check on rates, deadlines, and submission guidelines. Don't include such details as exact date of birth that an identity thief could use.
- Handle the ethical will, if there is one. An ethical will isn't a legal document, but rather a letter of sorts written to your family and friends that shares your values, life lessons, and hopes for the future. If the deceased left one, arrange to share it, maybe even have it printed.
- Send thank-you notes. From the contact list that you acquired earlier, send thank-you notes and acknowledgments. Consider delegating this task to a family member.
- Notify local Social Security office. Typically the funeral director will notify Social Security of your loved one's death. If not, call 1-800-772-1213 or contact your local office. If your loved one was receiving benefits, they must stop because overpayments will require complicated repayment. Even a payment received for the month of death may need to be returned. If the deceased has a surviving

spouse or dependents, ask about their eligibility for increased personal benefits and about a one-time payment of \$255 to the survivor.

- Handle Medicare. If your loved one received Medicare, Social Security will inform the program of the death. If the deceased had been enrolled in Medicare Prescription Drug Coverage (Part D), Medicare Advantage (Part C), or had a Medigap policy, contact these plans at the phone numbers provided with each plan membership card to cancel the insurance.
- Stop health insurance. Notify the health insurance company or the deceased's employer. End coverage for the deceased, but be sure coverage for any dependents continues if needed.
- Notify life insurance companies. If your loved one had life insurance, appropriate claim forms will need to be filed. You will need to provide the policy numbers and a death certificate. If the deceased was listed as a beneficiary on a policy, arrange to have the name removed.
- Terminate other insurance policies. Contact the providers. That could include homeowner's, automobile, and so forth. Claim forms will require a copy of the death certificate.
- Meet with a probate attorney. The executor should choose the attorney. Getting recommendations from family or friends might be the best approach, but an online search can also be an efficient way to find an attorney. "The advice of counsel can save a lot of frustration and running down dead ends," Hurme says. If there is a will, the executor named in it and the attorney will have the document admitted into probate court. If there isn't a will, the probate court judge will name an administrator in place of an executor. The probate process starts with an inventory of all assets (personal property, bank accounts, house, car, brokerage account, personal property, furniture, jewelry, etc.), which will need to be filed in the probate court.
- Make a list of important bills (mortgage payments). Share the list with the executor or estate administrator so that bills can be paid promptly.

Administrative Tasks

- Obtain multiple certified copies of the **death certificate** (typically 5–10). One for each financial institution, life insurance company, etc.
 - Financial institutions typically want the short form (without cause of death).
 - Life insurance companies typically want the long form (with cause of death).
 - These can be obtained from the funeral home or vital records office. You may need a dozen certified death records to complete upcoming tasks, though some will require less expensive copies. Your funeral director may help handle this or you can order them from the vital statistics office (in the state where the death occurred) or from the city hall or other local records office. Each certified record will cost in the neighborhood of \$10 or \$20.

- **Notify key institutions:**
 - Social Security Administration (www.ssa.gov)
 - Insurance companies – Caveat: If you notify the homeowners insurance company or agent, the insurance may get cancelled if the property is unoccupied.
 - Veterans Affairs, if applicable
 - Mortgage lender or landlord
 - Utility companies
 - Banks
 - Credit card companies
 - Streaming and other subscription services
 - Department of Motor Vehicles (to cancel driver's license)
 - Credit bureaus (Equifax, Experian, TransUnion) to prevent identity theft and mark the decedent's credit file as deceased.

Trust Administration

- If the decedent had a **trust**, engage trust administration services to properly manage and distribute trust assets.
- Contact our firm for professional guidance on **trust administration** to ensure compliance with legal requirements and the decedent's wishes.

Account Titling and Beneficiary Designations

- Confirm the titling of all financial accounts.
- If any account is in the decedent's name only, check for a payable on death designation (individuals or trust). A payable on death (POD) designation allows funds to transfer directly to a named beneficiary without probate.
- Have funds paid out as applicable.
- If assets are paid out to an individual, he or she should update the POD designation to his or her desired recipients. Avoid naming minor children or individuals unable to prudently manage funds. Seek estate planning advice for guidance.
- Retain one bank account in the decedent's name for at least one year to deposit any small checks, such as refunds or residual payments, that may arrive.
- If an account is in the deceased loved one's name only and there is no beneficiary designation in place, probate likely will be required. Although our firm no longer handles probate, we can provide a recommendation for a probate attorney.

Retirement Accounts (IRAs, 401(k)s, etc.)

- Request claim forms to initiate rollover of retirement accounts.
 - Note: Rolling over retirement accounts may have tax consequences. Consult your financial advisor and tax professional before initiating rollovers.
 - Rules for retirement account rollovers differ for spouses vs. non-spousal beneficiaries (e.g., spouses may have more flexibility to roll over into their own IRA).
- Once assets are in the beneficiary's name, the beneficiary should update the beneficiary designation to his or her desired recipients.

- Avoid naming minor children or individuals unable to prudently manage funds. Seek estate planning advice for guidance.

Tax Advice and Considerations

- Schedule meetings with a tax professional to obtain tax advice.
- Have the final income tax return for the decedent prepared and filed.
- Determine if an estate tax return is required based on asset value.
- Some tax elections must be filed within a particular timeframe (e.g., a Form 706, when applicable, must be filed within 9 months for estates in excess of \$13.99 million).
- Contact a tax preparer. A return will need to be filed for the individual, as well as for an estate return. Keep monthly bank statements on all individual and joint accounts that show the account balance on the day of death.

Financial Advice and Considerations

- **Contact financial advisors, stockbrokers, etc.** Schedule a meeting with a financial advisor to review implications and planning, review inherited assets, investment options, and long-term planning.
- **Determine the beneficiary listed on all accounts.** Depending on the type of asset, the beneficiary may get access to the account or benefit by simply filling out appropriate forms and providing a copy of the death certificate.
- **Notify mortgage companies and banks.** It helps if your loved one left a list of accounts, including online passwords. Otherwise, take a death certificate to the bank for assistance. Change ownership of joint bank accounts. Did the deceased have a safe deposit box? If a password or key isn't available, the personal representative named in the deceased person's Last Will and Testament would most likely need a court order to open and inventory the safe deposit box. Most probate courts have administrative rules about steps to access the box of any decedent.
- **Close credit card accounts.** For each account, call the customer service phone number on the credit card, monthly statement, or issuer's website. Let the agent know that you would like to close the account of a deceased relative. Upon request, submit a copy of the death certificate by fax or email. If that's not possible, send the document by registered mail with return receipt requested. Once the company

receives the certificate, it will close the account as of the date of death. If an agent doesn't offer to waive interest or fees after that date, be sure to ask. Keep records of the accounts you close and notify the executor of the estate about outstanding debts.

- **Notify credit reporting agencies.** To minimize the chance of identity theft, send copies of the death certificate to the three major firms — Equifax (<http://www.equifax.com/>), Experian (<http://www.experian.com/>), and TransUnion (<http://www.transunion.com/>) — as soon as possible so the account is flagged. Four to six weeks later, check the deceased's credit history (<https://www.annualcreditreport.com/>) to ensure no fraudulent accounts have been opened.

Debt Considerations

- Evaluate whether debts should be paid immediately, deferred, or not paid.
- If debt is in the deceased family member's name only, determine whether there are sufficient funds to pay it.
- Debts in the decedent's name only may not be the responsibility of surviving family members unless co-signed. Debts solely in the decedent's name may be paid from assets that have to be probated, but surviving family members are typically not personally liable unless they co-signed the debt.

Estate Planning Follow-Up

- Review and update your own estate plan in light of changed circumstances.
- Determine whether trust, will, power of attorney, or health care directives need to be updated.

Digital Assets

- Secure access to online accounts (email, social media, cloud storage).
- Gather passwords and devices that may contain important information.
- Cryptocurrency or NFTs: If applicable, note that digital assets like cryptocurrency require private keys and may need specialized expertise to access.
- Cancel email and website accounts. It's a good idea to close social media and other online accounts to avoid fraud or identity theft. The procedures for each

website will vary. For instance, Google Mail (Gmail) will ask you to provide a death certificate, a photocopy of your driver's license, and other detailed information.

Practical Tips

- Avoid making rushed financial or lifestyle decisions.
- Wait at least 6–12 months before making major decisions like selling a home.
- Document all communications, decisions, and received/submitted paperwork.
- Be on the lookout for scams targeting grieving families, such as fraudulent calls claiming unpaid debts. Be cautious of unsolicited calls or letters claiming the decedent owed money. Verify all claims with official documentation.
- Take time to care for yourself and lean on trusted friends or family for support during this process.
- Cancel driver's license. Clearing the driver's license record will remove the deceased's name from the records of the department of motor vehicles and help prevent identity theft. Contact the state department of motor vehicles for exact instructions. You may have to visit a customer-service center or mail documentation. Either way, you'll need a copy of the death certificate.
- Cancel memberships in organizations. Reach out to sororities, fraternities, professional organizations, etc., the deceased belonged to and find out how to handle his/her membership status. Greek organizations may want to hold a special ceremony for your loved one.

Disclaimer: This handout is for general guidance and not a substitute for legal or financial advice.