Steps to Take When Someone Dies

What to Do When Someone Dies

- Whether you received a 2 a.m. phone call with news of an unexpected death or shared your loved one’s final moments of a long illness, your initial reaction to the death was likely shock. It doesn’t seem to matter how prepared we are - or aren’t - a loved one’s death often leaves us feeling numb and bewildered. If you’re responsible for making the funeral arrangements or executing the will, shock and grief can be immobilizing. Even simple decisions can be overwhelming.

Making the First Phone Calls

- What to do first depends on the circumstances of the death. When someone dies in a hospital or similar care facility, the staff will usually take care of some arrangements, such as contacting the funeral home you choose, and if necessary, arranging an autopsy. You will need to notify family, friends and clergy. It may be easier on you to make a few phone calls to other relatives or friends and ask each of them to make a phone call or two to specific people, so the burden of spreading the news isn’t all on you. If you are alone, ask someone to keep you company while you make these calls and try to cope with the first hours after the death.

When Someone Dies at Home or at Work

- If a person dies at home or at work, first call 911 or the emergency phone number in your area. Any death occurring without a physician or medical personnel in attendance must be reported to the police and an investigation held. After the coroner’s examination, the body will either be transported to the morgue for autopsy or to the funeral home of your choice, depending on the circumstances of death.

- If your loved one was under medical care, be sure to notify the doctor. If you don’t know the doctor’s name, look for prescription bottles or medical bills. If the person was under the care of a hospice program, call the hospice organization instead of 911.
Call the Funeral Director

- Whatever the circumstances of death, one of your first calls should be to a licensed funeral director. They can help you:
  - Transport the body
  - Obtain a death certificate
  - Select a casket, urn and/or grave marker
  - Arrange the funeral, memorial and/or burial service
  - Prepare the obituary
  - Help you notify the deceased's employer, attorney, insurance company and banks
  - Offer grief support or direct you to other resources

- Look for instructions which the Decedent may have left regarding preferences for funeral and burial arrangements. Determine if the Decedent belonged to a burial or memorial society that may make special arrangements for the funeral, such as military honor guards

Call the Employer

- If your loved one was working, you'll need to call his or her employer immediately. Ask about the deceased's benefits and any pay due, including vacation or sick time, disability income, etc. Ask if you or other dependents are still eligible for benefit coverage through the company. Ask whether there is a life insurance policy through the employer, who the beneficiary is and how to file a claim.

Call the Life Insurance Company

- Look through the deceased's paperwork for the life policy. Call the agent or the company and ask how to file a claim. Usually the beneficiary (or the beneficiary's guardian, if a minor) must complete the claim forms and related paperwork. You'll need to submit the death certificate and a claimant's statement to establish proof of claim. Remember to ask about payment options. You may have a choice between receiving a lump sum or the having the insurance company place the money in an interest-bearing account from which you can write checks.

Call Social Security and Other Organizations

- Notify Social Security of the death. If your loved one was covered, the spouse or dependents may be eligible for certain payments or benefits. Also call any unions, professional or service organizations your loved one belonged to. He or she may have had life insurance or other benefits through these organizations.
Gather Important Papers

- Of course the first thing you may be looking for when someone dies is the will or trust. But remember to gather other important papers, such as deeds, business agreements, tax returns, bank accounts, earnings statements, birth and marriage certificates, military discharge papers, Social Security Number, vehicle registration, loan payment books, bills, and any other important papers pertaining to your loved one’s affairs. You’ll need these to file a final tax return and settle the estate; you may want to consult an accountant.

Executing the Will

- If you were named the executor of your loved one's will, you've got more work to do. First, you'll need to file a probate case with the court. Although an attorney isn't required in most states, you'll probably want to hire one who is experienced in probate. You may choose to hire the lawyer who prepared the will, but that isn't necessary.

- Depending on the specifics of the estate, probate can be complicated and lengthy. As executor, you'll be responsible for carrying out your loved one’s wishes according to the will, paying creditors and balancing the estate. There’s no standard amount of time a probate lasts, but some states are initiating laws to expedite the process.

Dying Intestate – Without a Will

- If someone dies without a will - dying intestate - the court will appoint an administrator. If you are appointed administrator, your responsibilities will be similar to those of an executor: distributing assets, paying creditors and balancing the estate.

Accessing Bank Accounts

- If you have a joint account with the deceased you may be able to conduct business as usual, depending upon how the account was opened. Otherwise, normally only the will's executor or administrator can access the account after providing the required paperwork to the bank. Call or visit the bank to find out what is required.

Finding Help

- Wrapping up your loved one's affairs can be tedious and stressful. Find guidance you can trust to help you work out the details, such as a funeral director, accountant, attorney, grief counselor and/or clergy to help you manage the legal, financial and emotional issues a death can bring.
CHECKLIST

- If a doctor is not present, notify a doctor or coroner in order to obtain a death certificate.
- If the death occurs at home, you may need to contact a local police officer or coroner.
- If the Decedent wished, a donation of body parts and tissues should be considered.
- Notify family and friends. You may want to consider having family members contact others to save yourself some time on the phone during a stressful period.
- Look for instructions which the Decedent may have left regarding preferences for funeral and burial arrangements.
- Determine if the Decedent belonged to a burial or memorial society that may make special arrangements for the funeral, such as military honor guards.
- Contact a funeral home concerning burial or cremation arrangements.
- Complete funeral and burial arrangements.
- Contact the Social Security Administration and any other government agencies or benefit program that may be making payments to the Decedent. (Note that the payment for the month of death will not be made by the Social Security Administration and others.)
- Review the Decedent's financial affairs and look for any estate planning documents, such as Wills and Trusts, along with any other relevant documents, including:
  - Funeral and Burial Plans;
  - Safe Deposit Agreements and keys;
  - Nuptial Agreements;
  - Life Insurance Policies;
  - Existence of Trust;
  - Pension-retirement benefits;
  - Old tax returns;
  - Prior Gift Tax returns;
  - Marriage, birth and death certificates;
  - Divorce documentation;
  - Computer records regarding books of a business or personal assets;
  - Bank statements, checkbooks, similar documents;
  - Notes receivable;
  - Titles to motor vehicles;
  - Leases;
  - Securities and list of securities;
  - Any documentation of business ownership or business interest;
  - Health Insurance, make claims for the final illness; and
  - Unpaid bills.

- If there is a Will, take the Will to the appropriate County or City office to have it accepted for probate.
- Administering the Will - If the Will is properly drawn, it will name a Personal Representative (also known as Executor or Executrix). The Personal Representative, who can be an individual, a group of individuals or one or more institutions, or a combination of the aforementioned, will be responsible for the administration of the Estate of the Decedent.
If there is no Will and there are sufficient assets to probate (typically, at least $50,000 in North Dakota), then the Court will appoint an administrator and the assets of the Decedent will be distributed according to state law. This situation is referred to by some as having the state write a Will for you. All states have a set of laws relating to intestate succession (transfer of property after dying without a Will), and the states decide who gets which assets if someone dies without a Will.

If you are the Personal Representative or Successor Trustee of a Trust, try to make a list of the assets owned by the Decedent or the Trust, in order that they can be administered and distributed according to the wishes of the Decedent.

Open a bank account for the estate of the Decedent. This should be done early on and all receipts and disbursements should be recorded in that bank account, in order to account properly for the assets of the Decedent and the expenses of administration.

Probate is a process similar to that of accounting. The Personal Representative is responsible for collecting the assets and reporting to the Court as to the amount of assets in the Estate of the Decedent. The Personal Representative then assembles the assets and, after paying debts, expenses and taxes, distributes the assets according to the wishes of the Decedent. If the Decedent left no Will, the process of administration is essentially the same, except that state law determines to whom the assets are distributed. If everything is done correctly, eventually, after the Personal Representative has accounted for and distributed the assets, the Personal Representative is discharged.

Make an inventory of household goods, personal belongings and the like, in order that they can be accounted for and properly distributed.

Look for insurance policies or annuities which may continue for other family members and other assets. Contact the Insurer with respect to any current policies or annuities.

Try to assemble the deeds of the Decedent to see what real estate, if any, is owned by the Decedent. If real estate is owned in more than one state, special proceedings, called "ancillary administrations," may be needed in each state.

Determine if the Decedent owned any securities, stocks, bonds, mutual funds, etc.

Retirement Plans, IRA accounts and similar retirement benefits involve important choices which need to be made by certain beneficiaries, particularly in regard to IRA accounts under recent IRS regulations. If there are annuities, pension and profit sharing plans and interest of that type, they may provide for joint payment to a surviving spouse or others.

If the Decedent controlled or was a principal person in a business, it may be necessary to check to see if there are Buy-Sell Agreements under which the interest of the Decedent would be purchased by the business entity or other business owners.

If, after the appointment of a Personal Representative, a bank account or safe deposit box is found, then the assets in the bank account or safe deposit box need to be distributed according to the wishes of the Decedent.

If the Decedent was indebted to anyone, then the creditor needs to be paid. If the creditors are not paid and they make a claim against the estate after all of the assets are distributed, the Personal Representative may be in trouble and held personally liable for the debt.

As part of the probate process, all family members within a certain degree of kinship must be contacted, whether or not they receive assets from the Estate of the Decedent.

In handling the affairs of a Decedent, do not be quick to make distributions to family members or friends of the Decedent. Important choices need to be made concerning such distributions and, of course, they need to be in compliance with the Will or other instructions left by the Decedent, not to mention any applicable tax laws.
The income taxes of the Decedent for the year of death need to be filed, and any tax due must be paid. If there is a surviving spouse, the surviving spouse and Decedent can file a joint return for the year of death.

If there is a Trust, particularly a Revocable Living Trust, it will become irrevocable at the time of death, if not before. A separate tax return, Form 1041, Fiduciary Income Tax Return, needs to be filed for the Trust or the Estate of the Decedent if income is received by the Estate or a Trust.

If there are minor children and the Will provides for a guardian, then the guardian needs to be informed and the children need to be placed in the care of the guardian. If there are minor children and no guardian is appointed, or if there is no Will, then the Court must appoint a guardian.

If there is real estate that is insured, the Personal Representative should make sure that the insurance policies on the properties of the Decedent are maintained.

Be deliberate and do not be hasty with decisions or distributions. The death of someone, particularly a family member or friend, is stressful and often if there are children of the Decedent around during the course of the final illness, there may be disputes regarding the treatment or other problems related to declining physical or mental abilities of the parent. Stated differently, it is a time of frazzled nerves and irritable people, so be very careful not to create schisms which can last for a very long time.

Watch out for people who prey upon families of Decedents. There are people who look for death notices and make unfounded claims against the Decedent. Some may also attempt to burglarize the home during the funeral service. Be cautious about such matters; have someone stay at the home during the funeral service and do not easily accept the claims of unknown individuals that lack documentation.

If there is a surviving spouse, make sure veteran's benefits or other "joint and survivor" benefits are collected by the surviving spouse.

While this list is rather extensive, no list can be 100% complete, so there is bound to be some situation that has been overlooked or not adequately treated.