

attorney does not have authority to enter the box because the agency relationship ends at the deceased's death. An heir or beneficiary named in a will can ask the bank to enter the box 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 and remove any will that is found. The bank will retain possession of the will and forward it to the court. After the will is filed in court, the personal representative named in the will can petition the court to appoint her or him.

Search for Other Documents: The personal representative is the court officer who has authority to search for important papers. The search should include the home, office, place of business, safe deposit box and with advisors such as accountants, investment professionals 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.

Items to Look for:

- funeral and burial plans
- safe deposit rental agreement and keys
- trust agreements
- nuptial agreements
- life insurance policies or statements
- pension, IRA, retirement statements
- income tax returns for several years
- gift tax returns
- marriage, birth and death certificates
- divorce papers
- military records and discharge papers
- computer bookkeeping records
- certificates of deposit
- bank statements, checkbooks and check registers
- notes receivable and payable
- motor vehicle titles

- deeds, deeds of trust, mortgages and title policies
- leases
- stock and bond certificates and account statements
- bankruptcy filings
- partnership or corporate agreements
- unpaid bills
- health insurance

Take Care against Unethical Persons

In the period following the loss of a loved one, be careful before accepting any telephone or mail solicitation. Fraudulent invoices may be received and should be carefully scrutinized for validity. Avoid lifestyle changes for a period to allow for reflection on how the loss will affect the surviving family and friends.

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.

Veterans Benefits and Social Security

The mortuary may assist you with the paperwork for both VA and Social Security benefits. For information on VA benefits, call the nearest VA listing for Benefits Information and Assistance.

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

- relationship to you
- Social Security or VA claim number
- date of birth
- date of death

- place of death
- surviving spouse or next of kin
- 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

Your call will stop the monthly payments. 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.

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.

Veterans benefits may be available to the 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.

Words of Caution

This pamphlet cannot relate everything you may need to know in the first few days following a death. You should establish an early relationship with your attorney to assure that all matters are properly addressed. Seeking your attorney's advice before you act may avoid more costly legal services later.

This pamphlet 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 may have occurred in the law since the time of publication. Before relying on this information, consult an attorney about your individual case.



What to do When Someone Dies

CBA
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WHAT TO DO WHEN SOMEONE 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.

At Time of Death

Pronouncement of Death: Colorado requires a qualified medical professional to be notified and to make the official pronouncement of death.

Call the Coroner: If the death occurs at home you must call the Coroner's Office for the county where death occurs, or dial 911 if you want the support of emergency personnel. The paramedics will attempt resuscitation. If you are using hospice, they will help you.

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.)

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 hospital if the body or organs are donated
- by the mortuary chosen for the funeral (Note: Federal law requires price information to be given over the phone)
- by the crematory if you are going to cremate the body

One to Three Days after Death

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 society
- had written instructions regarding her/his funeral arrangements

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 arrangements.

Arrangements may include transfer to another location, burial or cremation. You may ask a clergy member to assist you. If the deceased was a member of a funeral society, you can obtain a lower rate on cremation or funeral services.

Financial 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 so investigate this possibility before contracting for funeral arrangements.

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 and religious organizations that may conduct funeral services and other organizations of which the deceased was a member.

If you have concerns that you cannot resolve with the funeral director or management of the funeral home, contact the Funeral Service Helpline at: (800) 228-6332.

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 break-ins occurring when the family is at the funeral
- take care of perishable property
- provide food for family and friends after the funeral

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 if an estate tax return or final income tax returns should be filed
- investment professionals, to obtain information on holdings/assets
- bank, to locate accounts and safe deposit box
- insurance agent, to obtain claim forms
- Social Services, to learn of benefits
- Social Security, to stop monthly check and learn of potential benefits
- Veterans Affairs, to stop monthly check and learn of benefits
- agency providing 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 named personal representative (formerly called "executor") 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 take steps to protect and safeguard the deceased's property. Do not remove or distribute property before the opening of the probate 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 usually in a safe deposit box, in the attorney's office, or in a file at home. Check for a strong box or file cabinet. When the signed original will is found, you must file it within ten days with the Probate/District Court in the county where the deceased lived. It is also possible the will was filed, during the deceased's lifetime, with the court for safekeeping. You should contact the District Court in the county which the decedent died to see if the will was lodged prior to death. If you are only able to find a copy of the signed will, it may be possible to offer it to probate. However, the signed original will is preferable.

Entering the Safe Deposit Box: Any person whose name is also on the box may enter it at any time. An agent under power of