



# End of Life in Hospice and Palliative Care

## Pre-Planning to Manage Legal Affairs



*This brochure was developed as a public service by* **PORTLEGAL**  
GUARD GUIDE DEFEND





## Preparing

Dealing with the anticipated death of a close friend or family member is one of the most difficult things we encounter in life. We really can't be emotionally prepared. Thinking of the legal and financial arrangements can be the farthest things from our minds, and an uncomfortable subject of discussion. Some may believe thinking of such things is disrespectful.

However, planning is prudent, and likely what our loved one wants us to do. This guide is designed to guide your planning in these difficult times.





## Planning: Legal Documents

The most important factor is the wishes of the loved one. Ask if there is a will, trust or any other written document detailing their wishes.

If there is no will, or if the will needs updated, it is possible to create new documents, but the person must be of clear mind. Those with dementia or other cognitive or memory issues likely are ineligible to sign new documents.





To avoid the probate process and its required public disclosure, one should consider creating a trust, if there is time. A trust is a document which transfers a person's assets to an independent trust entity. Upon death, the assets remain in the trust for distribution by a designated trustee, thereby avoiding the necessity to go through probate court. Trusts can take many shapes and forms, but the important thing to realize about trusts is that they are simple to set up, easy to operate and they keep the family's assets away from the public record.

Also consider discussing an Ohio Appointment of Representative for Disposition of Bodily Remains, Funeral Arrangements and Burial or Cremation form, which will assure the loved one's wishes regarding funeral or cremation choices are carried out.

Gather documents that will be needed after the death, such as a will, trust documents, safety deposit box keys, life insurance policies, bank account records, employee and military benefits records. Also try to locate information regarding ongoing payments like health insurance, life insurance, membership dues, subscriptions and any other payments which will need to be stopped upon death.



## What to Do After Death

### Immediately

1. Call 911; or, if the loved one was in hospice, call the hospice nurse or county coroner.
2. Notify all close family members.
3. Arrange for immediate care of children or dependents of the deceased.
4. Arrange for care of pets.
5. Secure the deceased's home.
6. Make arrangements for organ donation, if applicable.



### Next Concerns

7. Make funeral or cremation arrangements pursuant to the loved one's wishes or directives.
8. Arrange for utilities to be paid.
9. Inform the person's employer.
10. Search for loved one's important papers including a will; gather mail daily or forward to another address.
11. Obtain death certificate from funeral home or county health department.
12. Start the probate process with family handling it or seek the advice of a probate attorney; or if a trust exists, make arrangements for the administration of the deceased's trust. Even if you do not hire an attorney, consult one for advice on proper steps to take.

### Third Level Concerns

13. Have police drive by the deceased's home occasionally if no one will be staying there.
14. Apply for life insurance, social security, employer, military or other benefits available.
15. Stop health and life insurance payments.
16. Check for any auto withdraws from bank accounts.
17. Cancel credit cards, subscriptions, notify credit reporting agencies, board of elections and state BMV.
18. Understand that Powers of Attorney dissolve upon the loved one's death, so DO NOT use any POA to make any financial arrangements.
19. Take care of plants and throw out any food which may spoil.





## Carrying On: Distributing Assets

In the absence of a trust, a probate court case must be opened in the county where the loved one lived at the time of death to distribute assets. The probate case can be opened as soon as the death certificate is received from the funeral home, crematorium or county health department.

If there is a will, the named Executor is responsible for opening the probate case. Where there is no will, any next of kin who are Ohio residents are eligible to open the case. The next of kin who opens the case is called the Administrator.

The initial goal in opening the probate case is to obtain the Letter of Authority, which is the court order allowing the Executor or Administrator access to financial holdings, real estate and other property of the deceased.

A careful search of the deceased's home may turn up financial statements, insurance policies and other documents, which may help in this task. The process can seem complicated, but with competent counsel it can go smoothly.

A probate attorney can be very helpful in managing the process for you, however a probate case can be handled without an attorney. Even when an attorney will not be used, it is always a good idea to consult one for a basic guideline on what to expect.

Where a trust exists, the trustee will need a document created entitled Memorandum of Trust, which explains that the named successor trustee is now in control of the trust.







## Taking Care of Yourself

Anticipating a loved one's passing, and taking care of things after they are gone, can be stressful. Amid sorrow, it's difficult to turn attention to the array of decisions we will face while we grieve. It is essential to keep a focus on your needs at this difficult time.

Be prepared to experience a range of emotions. Some may sweep over you for just a short time. Others may occur time and time again. There is no right or wrong way to feel, but some emotions and conflicting thoughts can lead to sadness, even despair, and cloud your ability to think clearly.

Community resources are available for grief counseling, and hospice often offers support services.







**PORTLEGAL**  
GUARD · GUIDE · DEFEND

1335 DUBLIN ROAD • SUITE 203 D • COLUMBUS, OH 43215  
614.641.7399 • [WWW.PORTLEGAL.COM](http://WWW.PORTLEGAL.COM)