




What to Expect

After the Passing of a Loved One



PORTLEGAL
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Introduction

The death of a loved one, a family member, or a close friend is a painful reality we must all face at some point. We can't really plan for it emotionally and when you add in urgent tasks and important decisions that must be made, 'overwhelming' can be an understatement.

What we can do, however, is make ourselves aware. We can learn about what to do and expect when a loved one passes, so our time for grieving and honoring our loved one is not lost or compromised.

At Port Legal, we know this is not a comforting subject. However, we also understand the importance of learning about this challenging time so that we know what to expect and ensure we don't miss something important.

When a loved one passes away, there's things we need to do to manage our loved one's property and other assets. These tasks can be broken into four phases: Immediately, A Few Days After, Before the Funeral, and After the Funeral.

In this comprehensive checklist, we will break down important tasks and to-dos, complete with tips and other helpful information, to help guide you through this tough terrain.



Greg Port

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IMMEDIATELY AFTER

In this section, you'll find 5 steps that must be addressed immediately after passing, along with a few optional tasks, depending on your loved one's wishes.

1. Get a legal pronouncement of death.

If your loved one did not pass away inside a hospital, you'll need to contact someone to legally pronounce the death, such as:

- If the loved one passes away under hospice care, call the hospice nurse who can declare the death and help facilitate the transport of your loved one's body.
- If the loved one passes away at home without hospice care, call 911 immediately. If applicable, have on hand a do-not-resuscitate document. Without one, paramedics will generally commence emergency procedures. Except where permitted to pronounce death, the emergency responders will likely take the person to an emergency room for a doctor to make the official declaration.

At this point, it would also be wise to consider some optional steps.

Organ Donation.

This may be a difficult detail, but proper donor arrangements needs to be made almost immediately after death to ensure the organs can be donated, per your loved one's wishes. If you are unsure about your loved one's wishes, two sources to check are their driver's license or an advanced healthcare directive, such as a living will or health care proxy.

If your loved one agreed to donate their organs, the hospital where the loved one passed away will have a coordinator to guide you through the entire process. If your loved one passed away outside of a hospital — that includes in hospice or a nursing home — contact the nearest hospital where staff will be able to answer any questions you may have. Keep in mind, there is no cost.

Body Bequeathal Instructions.

Aside from organ donation, you should check to see if your loved one made arrangements to donate his or her body to a medical school. To answer this, check your loved one's advance healthcare directive, living will or healthcare proxy.

If the person hasn't made arrangements, the next of kin can donate the body, but the decision needs to be made as early as possible. As with organ donation, there is no cost associated.



2. Arrange for transportation.

If your loved one passed away outside of a hospital then you will need transportation of your loved one's body. If no autopsy is needed and/or a funeral home hasn't been chosen, the body can be picked up by a mortuary. By law, a mortuary must provide price info over the phone.

3. Notify immediate family members.

Update key family members by bringing them together in person or by phone. This will be an opportunity to not only provide one another comfort during this challenging time, but also to share information about any important decisions that must be made regarding funeral arrangements and will execution.

“After a loved one passes, be encouraged by their passing and legacy... Live each day with encouragement knowing that they are proud...”

*Matt Fraser
American Athlete*

4. Secure property.

Make sure that if your loved one's home will be vacant, you lock their home and vehicle(s) and properly turn on any alarm system. If the home will be vacant, you may consider notifying the police (through a non-emergency number), landlord or property manager.

You may also consider removing any valuables from the home. If your loved one had pets, you will need to arrange for their care until a permanent arrangement is made.

Keep in mind that if you are the executor of the will, you are responsible for filing an inventory and appraisal of the decedent's assets with the probate court within 90 days following the death. More on this in a few pages.

5. Notify loved one's employer.

If your loved one was employed, you will need to notify their employer. You may also want to take the time to ask about any 401(k), pension, life-insurance policy, company benefits, or pay due. Remember to write down any information they give you so you can call back after the funeral and make the proper arrangements.

A FEW DAYS AFTER

In this section, you'll find 4 steps that must be addressed 2 to 3 days after passing, along with a few optional tasks, depending on your loved one's wishes.

1. Choose a funeral home.

If your loved one did not identify which funeral home to use, you and your family will need to find and decide on a funeral home for the services. Most families will also want the funeral home to transport the loved one's family from the morgue to its facility.

2. Discuss funeral preparations.

Planning a funeral can involve a lot of work during a difficult time, so it may help to bring together key family members to help with the preparations and provide emotional support.

Doing this will be especially helpful if your loved one left little or no instructions. Additionally, most funeral homes will have a director who is experienced in the process and can help you and your family make the perfect arrangements to honor your loved one.

A few questions to ask during this time include:

- 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?
- Are there religious traditions that need to be respected?
- Will there be contributions to charities in lieu of flowers?



At this point there is some information you should consider if your loved one was a veteran.

Important Information for Veterans.

Veterans, service members, and their dependents can be buried in a national cemetery for free. If buried elsewhere, veterans who at the time of death were entitled to receive VA disability payments can receive an allowance toward burial and funeral expenses.

This allowance may be greater if the death was related to military service or if it occurred in a Veterans Affairs (VA) hospital. Other benefits may include a ceremonial American flag, a headstone, and Presidential memorial certificate.

You can find many details about options at the U.S. Department of Veterans Affairs website. Visit: www.VA.gov

You can also call Veterans Affairs at 1-800-827-1000 or your local veterans agency.

3. Secure the decedent's tangible property

This includes silverware, furniture, artwork and other valuables. Later on, you and the executor, if this is someone else, will need to have these items appraised and distributed according to your loved one's wishes.

If your loved one left behind real estate or business assets, most of the time you will need to go to probate court, whether there is a will or not. To handle assets after your loved one passes away, Ohio requires that in the absence of a trust agreement, the executor or estate administrator must go through probate court.

To ensure there are no complications in the probate process, you should consider delaying distributing your loved one's personal belongings and property until that time comes in probate court.

At this point there are some optional steps you should consider if your loved one did not have a trust in place.

Important Information for Those Without a Trust.

Most of the process will take place after the funeral and we will elaborate more in a few pages, however, there are some steps you can take early on to get the process started:

- (1) If applicable, notify agent under Power of Attorney.
- (2) Alert the executor of your loved one's Will
- (3) Notify your loved one's attorney regarding the probate of the estate.

4. Arrange for the care of your loved one's home.

Ask a friend or relative to keep an eye on the person's home while your family prepares the funeral. Ask them to answer the phone, collect mail, throw food out, water plants, and take care of anything else the home may require.



BEFORE THE FUNERAL

In this section, you'll find 6 steps that must be addressed before the funeral, along with a few optional tasks, depending on your loved one's wishes.

1. Meet with the director handling the funeral or memorial arrangements.

You will want to visit the funeral home beforehand to ensure you and your family are comfortable there, and to make sure that the loved one's wishes are accomplished. Refer to any instructions your loved one might have left or to the earlier family discussion on funeral preparation to guide you through the many decision to be made.

Information Checklist

Compile the following information that the funeral home will need in order to finalize the death certificate:

- ☐ Deceased's Full Legal Name (first, middle, and last name)
- ☐ Maiden Name (if applicable)
- ☐ Home Address
- ☐ Social Security Number
- ☐ Date of Birth
- ☐ Date of Death
- ☐ Gender
- ☐ Race/Ethnicity
- ☐ Marital Status
- ☐ Spouse's first and last name (if applicable)
- ☐ Highest level of education attained
- ☐ Occupation
- ☐ Place of Birth (City and State)
- ☐ Father's Name
- ☐ Birth City
- ☐ Birth State
- ☐ Mother's Name
- ☐ Birth City
- ☐ Birth State

Veteran's Checklist

If your loved one was a Veteran, you will also need the following information:

- ☐ Entered Service Date
- ☐ Entered Service Place
- ☐ Service Number
- ☐ Separated from Service Date
- ☐ Separated from Service Place
- ☐ Grade, Rank or Rating
- ☐ Organization and Branch of Service

If your loved one was 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. You can also call Veterans Affairs at 1-800-827-1000 or your local veterans agency. You can also inquire about veteran's survivor benefits.

2. Enlist help for the funeral.

Outside of deciding on funeral preparations, you will want to reach out to other relatives and friends that may be needed to serve as pallbearers, participate in the funeral program, cook meals (especially for any post-funeral gathering), take care of children, or shop for any items needed for the funeral.

This is a difficult time and delegating tasks can help alleviate the burden.

*“Perhaps the secret of living well is not
in having all the answers but in pursuing
unanswerable questions in good company.”*

*Rachel Naomi Remen
American Author*

3. Arrange for a headstone.

There are many options available to purchase a headstone, whether through the cemetery or an outside vendor. You should consider consulting the cemetery about rules, regulations and specifications, particularly if you decide to purchase one from an outside vendor,

Organize a post-funeral gathering.

Depending on your tradition, it's called a repast or a wake. This can be hosted at a church, banquet hall or someone's home. Enlist the help of relatives and friends to help you plan.

4. Spread the word about the service.

After finalizing a date and time for your loved one's service, share the details with your loved one's family and friends. Remember to include an address to send cards, flowers and donations.

Make a list of well-wishers. Keep track of who sends cards, flowers and donations so that you can acknowledge them later.



5. Prepare and publish an obituary.

You have the option of writing an obituary yourself or enlisting the help of the funeral home to provide the service. If you want or are required to publish it in a newspaper, check on deadlines, submission guidelines, and rates.

6. Handle the ethical will, if there is one.

An ethical will isn't a legal document, but rather a letter written by the loved one to their family and friends that expresses values, life lessons, and hopes for the future. If your loved one left an ethical will, arrange to share it with the appropriate people.

AFTER THE FUNERAL

In this section and the ones to follow, you'll find a task list for all that must be addressed after the funeral, from gathering assets, expenses and bills to distribution of assets and preventing identity theft.

1. Get duplicate death certificates.

In order to complete upcoming tasks, you will need anywhere from ten to twelve certified death records. Each certified copy will cost around \$10-\$20, though some tasks will require less expensive copies. For the most part, the funeral director will help you take care of this, or you can order them yourself from your state's vital statistics office or other local records office.

2. Notify local Social Security office.

In most cases, the funeral director will notify the Social Security office of your loved one's passing. If this is not the case, you will need to call 1-800-772-1213 or contact your local office. To avoid any complications and overpayments, they must stop issuing any benefits your loved one was receiving. If your loved one has a surviving spouse or dependents, ask about their eligibility for increased personal benefits and about a one-time payments of \$255 to the survivor.

3. Notify the post office.

You may consider using the forward mail option to prevent mail from accumulating. Additionally, doing so will provide you with information about subscriptions, creditors, and other accounts that may need to be canceled. Keep note of these different accounts as you receive your loved one's mail.

Send thank-you notes to well-wishers. Using the contact list you gathered earlier, send acknowledgements and thank-you notes. You may consider delegating this task to a family member.

MANAGING THE ESTATE

To handle the assets of a person after death, Ohio requires that in the absence of a trust agreement, the executor or estate administrator must go through probate court.

- If there is no will, the next of kin will be named the estate administrator and the case will be called intestate.
- If there is a will, it will designate an executor and the case will be called testate.

There will be different rules applied if there's a will or no will, however, the basic process in probate court will be the same.

1. Contact witnesses to the wills and designated executor.

After obtaining the will from your loved one's attorney, the executor will need to begin the probate process to distribute the assets.

Keep in mind that even if someone else is named the will executor, you may have to work closely with them to provide them with your loved one's information throughout the process.



2. Meet with a probate attorney and begin the process.

The executor or administrator should choose the attorney they want to assist them through the probate process. The probate process begins with a complete inventory of all assets (from real estate property and bank accounts to furniture and jewelry), which will need to be filed in the probate court.

When meeting with an attorney, the executor or administrator should bring as much information as possible about the loved one's finances, taxes, and debts. Documents they should bring include:

- the Will, which your loved one's attorney should be able to provide you with
- copies of the death certificate
- a copy of your loved one's birth certificate
- a copy of your loved one's marriage license (if applicable)
- financial statements, including those from banks, brokerage houses, and insurance agencies
- other financial documents, including tax forms from prior years, unpaid credit and utility bills and mortgage payments
- the loved one's Social Security Number
- the loved one's Veterans Affairs Identification Number (if applicable)

3. File the will and petition at the probate court.

In order to appoint the designated executor (if there is a will) or administrator (if there is no will), you must file the will and petition with the probate court. The probate attorney will assist you through this.

Even if you are not the executor or administrator, as someone close to the loved one, you may be heavily involved in the probate process. It's important to note the administration of a probate estate generally involves 4 main steps which the executor or administrator must follow:

- identifying property and assets belonging to your loved one,
- getting control of the property through a letter of authority,
- paying bills and necessary expenses, and
- distributing the property to the beneficiaries.

Gathering Assets, Expenses and Bills

4. Create a list of important bills.

Share the list with the executor or administrator so that bills can be paid promptly and you can avoid any disruptions.

Do not pay off your loved one's debts with your own funds. Bills and other expenses should be paid from a single bank account created in the name of the estate by either the executor or administrator. The estate is responsible for any debts left behind by your loved one, and part of the probate process will include paying off any expenses and/or debts.

5. Contact financial advisers, stockbrokers, etc.

Create a list of any existing accounts and determine the beneficiary listed on each account. Share this list with the executor or administrator. Depending on the type of asset, the beneficiary listed may get access to the account or benefit by simply filling out appropriate forms and providing a certified copy of the death certificate, in which case, the executor wouldn't need to be involved. If there are complications, the executor could be called upon to help out.

6. Notify mortgage companies and banks.

Create a list of open accounts and share it with the executor or administrator. Contact financial institutions to determine what information they need and in what format to change registration on any accounts your loved one may have had. If you have any joint bank accounts with your loved one, arrange to have their name removed.

Did your loved one have a safe deposit box? If a password or key isn't available, the executor or administrator will most likely need a court order to open and inventory the safe deposit box. Most probate courts have administrative rules about steps to access safety deposit boxes.

7. Close credit card accounts.

For each individual account, call the credit card's customer service number and let the agent know that you would like to close the account of a deceased relative. You will need to submit a copy of the death certificate by fax, email, or by registered mail. Once the company receives the certificate, it will close the account. Keep a record of accounts you close and be sure to notify the executor or administrator if there are any outstanding debts.

If an agent doesn't offer to waive interest or fees after the date of your loved one's passing, be sure to ask.

8. Notify credit reporting agencies.

To help protect against identity theft, provide copies of the death certificate to the three major credit reporting firms — Equifax, Experian and TransUnion — as soon as possible.

Four to six weeks after notifying the credit reporting agencies, check your loved one's credit history to make sure there were no fraudulent accounts opened.

9. Meet with an accountant to discuss estate taxes.

A tax return will need to be filed on behalf of the individual, as well as for an estate return. Keep bank statements on all your loved one's bank accounts that show the account balance on the day of death.

If the estate exceeds \$1 million, you will need to file a federal estate tax return within nine months after your loved one passes away.

10. Stop health insurance or Medicare.

Notify the health insurance company and arrange to end coverage. If the death was accidental, you may want to verify whether there are any benefits available on existing insurance policies. If your loved one received Medicare, Social Security will inform the program of your loved one's passing.

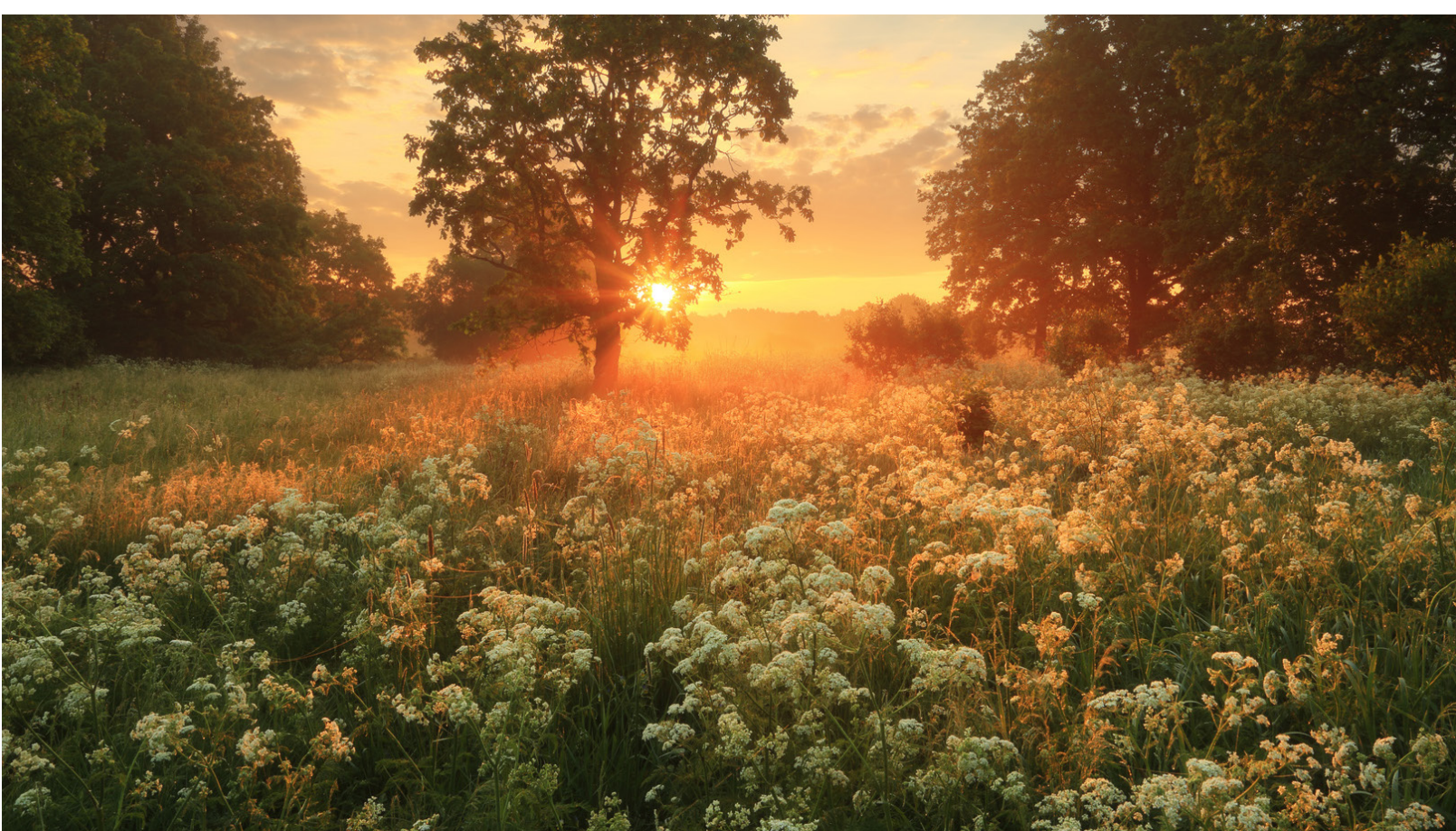
11. Notify life insurance companies.

If your loved one had life insurance, you will need to file the appropriate claim forms. For this step, you will need to provide the policy numbers and a certified death certificate. If your loved one was listed as a beneficiary on a policy, you will need to arrange to have the name removed.

12. Terminate other insurance policies.

Create a list of existing policies and contact the providers to terminate the policies. This could include homeowner's, automobile and so forth. Keep in mind that each claim forms will require a copy of the death certificate.

OPTIONAL: If your loved one was employed, you will want to look into employment benefits. You may have already had this conversation with your loved one's employer when you first notified them, but if you did not, now is the time to ask. Contact the employer for information on any 401(k), pension, life-insurance policy, company benefits, or pay due. You will need to provide certified copies of the death certificate as well as other documentation.



Distributing the Assets

13. Help executor or administrator distribute property to heirs and legatees.

Once everything is known, the bills are paid, and the beneficiaries identified, the court will then allow distribution to the beneficiaries. If there is a will, distribution to beneficiary will simply follow the will. If there is no will, a specific formula found in the Ohio Revised Code must be used.

Following the distribution of assets, the court will expect a full accounting of everything that was done throughout the probate process from the executor or administrator. After the court approves this final account, the executor or administrator can distribute whatever is left in the closing reserve and finish his or her work.

Preventing Identity Theft and Other Tasks

14. Cancel driver's license.

Clearing your loved one's driver's license record will remove their name from the records of the department of motor vehicles and help prevent identity theft. Contact the state DMV for exact instructions and have a copy of the death certificate ready.

15. Cancel email and website accounts.

In today's digital world, you may want to consider closing social media and other online accounts to avoid fraud or identity theft. The procedures for each website will vary, but you can expect to be asked to provide a death certificate and other detailed information.

16. Cancel memberships in organizations.

Contact any sororities, fraternities, professional organizations, etc., your loved one was a member of and find out how to handle their membership status. Keep in mind, Greek organizations may want to hold a special ceremony for your loved one.

17. Notify the election board.

Call your state or county election board to notify them and update the voter's register.

OPTIONAL:

- (1) Update your will
- (2) Update beneficiaries on your life insurance policies, if necessary.
- (3) Restructure any homeowner, casualty, and life insurance policies, as necessary.

Conclusion

At Port Legal, we know this is not a comforting subject. However, we also understand the importance of learning about this challenging time so that we know what to expect and ensure we don't miss something important.

In this comprehensive guide, we break down important tasks and to-dos, complete with tips and other helpful information, to help guide you through the tough terrain of losing a loved one.

However, this material is not intended to replace the advice of a qualified attorney, tax advisor, investment professional, or insurance agent. Before making any commitment regarding the issues discussed here, please consult with the appropriate professional.

If you have recently lost a loved one and need advice specific to your situation, please call me at 614-641-7399 or visit portlegal.com to setup a free consultation. Our initial exploratory consultations are completely free of charge and intended to equip you to make the best decision for you, your family and your business.



A stylized, handwritten signature in black ink that reads "Greg Port". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Greg Port, J.D., M.B.A.



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