

- "Have you thought about what you'd do if a family member or loved one died?"

Posted by Greg Womer

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I know. This is simply an unpleasant thought. Most families rarely, if ever, discuss what should happen if a family member dies. Some, however, are open and quite communicative about the subject. It's my belief that these people will generally be more prepared to handle the post-death tasks associated with their loss, both practically and emotionally. So, what should be discussed? What should you do?

1. **Notify the appropriate authorities** – doctor, medical examiner or police (depending upon the place and circumstances of death)
2. **Determine whether the decedent planned to be an organ donor?** First place to look would be an Oregon Driver's License or ID Card. The decedent's wishes may also be expressed in a Will, an Advance Directive or other written document. If no wishes are expressed, Oregon law provides that next-of-kin may decide, starting with the decedent's spouse.
3. **Contact family, close friends and business partners or employer.**
4. **Locate estate planning documents.** Hopefully, the deceased has communicated his or her plan with you prior to death and hopefully the applicable documents are accessible. Most people store their documents in a safety deposit box or with their attorney. A bank may require a certified copy of the death certificate in order to gain access to the safety deposit box. You'll likely need several copies for steps further down the line.
5. **Make funeral arrangements.** Arrangements are sometimes made in advance by the deceased either via written agreement with a local funeral practitioner or as expressed in the person's estate planning documents. There may also be a funeral benefit insurance policy or deed to a burial plot or crypt.
6. **Arrange for the care of surviving family and pets.** Decisions on immediate care will depend on a number of factors. Guardians for minor children must petition the court to have the guardianship approved.
7. **Secure the deceased's property and make an inventory of personal property.**
8. **Decide on your team advisors – e.g., attorney, CPA, financial advisor.** You should contact our office or other estate planning attorney as soon as possible in the process as there are ordinarily certain tasks that must be undertaken within a certain period of time after death. For example, the federal estate tax return and the Oregon inheritance tax return are due within nine months. This is also the timeframe applicable to disclaimers that might be used to reduce death tax liabilities. You should NOT immediately accept benefits from pay-on-death

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agreements (e.g., retirement accounts, investments). In some cases, disclaimers may be used to reduce taxes. A determination will need to be made as to whether to initiate probate proceedings.

9. **Create an inventory of assets and compile a list of creditors.** The assets should include bank accounts, investment accounts, stocks, life insurance and personal property of value. Again, a great deal of this information should be located with the deceased estate planning documents.

10. **Perform notifications for benefits and insurance.** Applicable benefits may include employee benefits, life or accident insurance, Social Security and Medicare offices, and if the decedent was a military veteran, the Office of Veterans Affairs. You will need the decedent's date of death, nature of death (illness or accident), and social security number.

11. **Keep good records for all money that is spent by you or immediate members of the family.** At a minimum a ledger of transactions should be kept.

12. **Do NOT change title to assets and do not engage in any substantial transactions before seeking advice.**

This is a partial list of tasks and is not intended to be exhaustive or to contain a complete description of the issues associated with each task. It does, however, give you some idea of what is involved and should provide a useful tool for planning / discussion purposes.