

What to Do When a Loved One Passes Away

Having a loved one pass away is a traumatic experience. Even when the person has been ill, their passing is a shock to the system. Some families then start to panic, thinking they have to immediately start handling things like bank accounts, etc. Here are some of the most important things to remember.....

- 1) The family does **NOT** need to contact Social Security. The funeral home or crematory service always notifies Social Security. Social Security notifies Medicare (their systems are tied together).
- 2) Do **NOT** immediately begin notifying banks and financial institutions that your loved one has died. This can lead to unintended hassles. Do not assume banks know what they are doing. Their employees are often not well trained in this area. Wait until you have met with an attorney and follow their guidance about when to notify banks.
- 3) You will not necessarily go through Probate.
 - a) Any accounts that are jointly owned belong to the survivor. There is no pressing need to remove the loved one's name from the account.
 - b) Any accounts, annuities, life insurance, IRAs, 401(k)s that have beneficiaries named – the funds are going to pay out to those beneficiaries once claim forms have been completed. Every company has their own process and you simply have to follow their instructions. Beneficiaries include “payable on death” (POD) or “transfer on death” (TOD) designations.
 - c) Any assets owned by a Trust or Trustee will be dealt with according to the instructions in the trust document.
 - d) Probate is where you will need the Will and will only include assets that have no joint owner, no beneficiary, and were in the name of the person who passed away individually.

4) You cannot use a Power of Attorney after the person who signed it passes away. If there are any Probate assets (see above), you are going to need the original signed will - the one with original ink for the signature. The Court does not use copies.

5) Social Security benefits are paid one month in arrears. The check received in April is for March benefits. If your loved one died any time in March, they cannot keep those benefits and Social Security will reverse the payment. They do NOT pro-rate benefits for a partial month. You should NOT try to send the funds back to Social Security - that's a nightmare. Just leave the bank account open with the funds in it and Social Security will reverse the transaction.

Once your loved one has passed away, just be with your family and grieve their loss. There is no rush to need to meet with the Attorney. Once the funeral or memorial service is over, then make an appointment to sit down with the probate attorney and go through things. Take along to that meeting any life insurance policies you have found, any mail you don't know what to do with, financial statements, etc. This will help you figure out what needs to be dealt with. The Attorney will guide you through the process and there is no particular reason to rush. You will still be receiving mail and refund checks months down the road. Don't hesitate to ask any questions you have as you navigate the process.