

Note: The following section, in its distinctive typeface, is reprinted from a January 2012 brochure of the Colorado Bar Association. We have made a few minor modifications to the original, for which we take responsibility. Reprinted by permission of the Colorado Bar Association:

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.)

Deceased's Instructions. Look through the deceased's papers to find if she or he:

- had a prepaid burial plan
- belonged to a memorial society
- had written instructions regarding her/his funeral arrangements

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 training 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

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 the Funeral Consumer Society of Colorado, you can obtain a lower rate on cremation or funeral services.

Financial and Other 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.

If the deceased was in the military or is the spouse or dependent child of a person in the military, contact the Veterans Affairs (VA) office or VA cemetery. There may be burial benefits. The mortuary will call the VA at your request.

Contact fraternal and religious organizations which 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 1-800-228-6332.

Choose someone to:

- answer the phone
- collect mail
- care for pets
- locate the car keys
- take care of perishable property
- take care of lawn or snow removal
- stay at the home during the funeral to guard against break-ins occurring when the family is at the funeral (some burglars read funeral notices and target homes of the deceased)
- 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 when ordered at the same time. 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 County Vital Statistics Department where the death occurred or through the Colorado State Department of Public Health and Environment - Vital Records Office. (In 2013, the first certificate costs \$20, plus \$13 for each additional copy ordered at the same time. When using them, you can always ask that the original be returned to you. Everyone seems to want an original, but many will return it on request.)

Contact the following persons or institutions:

- *Police, to occasionally check the house of the deceased*
- *Attorney, to learn how to transfer assets and report taxes*
- *Accountant or tax preparer, to determine returns to be filed*
- *Investment professionals, to obtain information on holdings*
- *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 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*
- *Newspapers and magazines, to stop subscriptions and get refunds for remaining issues*
- *Post office, if necessary, to forward mail*

Prior to Appointment as 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 protect the deceased's property. Do not remove or distribute property before the opening of the 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. Colorado law requires the original signed will to be filed with the probate court, in the county where the deceased lived, within ten days after the death. The original will is typically stored in a safe deposit box, in the attorney's office, or in a file at home. Check for a strong box or file cabinet. It is also possible the will was filed with the court for safekeeping during the deceased's lifetime.

Entering the Safe Deposit Box. Any person whose name is also on the box may enter it at any time. An heir or beneficiary in a will whose name is not on the box can ask the bank 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 representative who has authority to search for important papers. The search should include the home, office, place of business, the safe deposit box and with advisors such as accountant, investment professionals and attorney. Any information indicating that an asset exists or that bills are unpaid should be kept for use in the administration of the estate.

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 unscrupulous persons. In the period following the loss of a loved one, be careful before accepting any telephone solicitation. Fraudulent invoices may be received and should be looked at carefully 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 you analyze whether either a tax or non-tax reason exists for refusing to receive an asset, or you can determine the best method of receiving it. Even though the account executive wants to be helpful, you may lose an important tax advantage if you accept an asset, or accept it in a less than optimum way. An attorney can tell you what is most helpful.

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 1-800-827-1000 for Benefits Information and Assistance.

For Social Security benefits, call the Social Security Administration immediately. The toll free number is 1-800-772-1213.

Be prepared to identify the deceased's:

- relationship to you
- Social Security or VA claim number

If you do not know the VA number, then provide:

- service number
- dates of active service
- 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

Your call will stop monthly payments. You must return the check for the month of death. If the decedent had direct deposit, Social Security will withdraw the amount without notifying you, so be sure to keep enough funds in the account so that other checks will not bounce.

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 (\$255 in 2013). Ask for the "Social Security Survivors" brochure.

Veterans benefits may be available to 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.”

Dealing With Bureaucracies

In making necessary arrangements and notifications after a death, you will sometimes be dealing with bureaucracies. This can be frustrating, but you can make it somewhat smoother by remembering these guidelines:

- Always take notes during any telephone calls to bureaucracies.
- Record the date, time, and names of the people you talk to, and make notes about the substance of the conversations, especially any directions they give you, and their answers to any questions you have. This will help if there is confusion later.

Many people working in bureaucracies are knowledgeable and helpful, but remember that they typically have heavy workloads. Occasionally you may deal with someone who may be incompetent, impatient, or even downright rude. If you have unreasonable difficulties dealing with an individual, don't hesitate to ask to speak with a supervisor.

Choosing a Funeral Provider

Many people don't realize that they are not legally required to use a funeral home to plan and conduct a funeral. However, because they have little experience with the many details and legal requirements involved and may be emotionally distraught when it's time to make the plans, most people find the services of a professional funeral home to be a convenience, if not a comfort. Consumers often select a funeral home or cemetery merely because it's close to home, has served the family in the past, or has been recommended by someone they know. But people who limit their search to just one funeral home risk paying much more than necessary for the funeral, or narrowing their choice of goods and services.

There is a growing trend toward consolidation in the funeral home industry. Many neighborhood funeral homes that appear to be locally owned are actually owned by a national or international corporation, such as Service Corporation International (SCI). If this issue is important to you, you should ask if the funeral home is locally owned. Doing business with independent, locally owned funeral homes helps keep the chains from monopolizing a market and raising prices drastically. Nevertheless, being independent and locally owned does not in itself guarantee that a funeral provider is ethical and has fair prices. You still need to shop and compare.

To have the greatest control over what you spend for a funeral, determine the type of funeral you want. You can schedule visitation and funeral services at home or church to limit costs. A memorial service instead of a funeral service would reduce the services required from a funeral home. In that case, finding one with a low non-declinable professional services fee may be important to your pocketbook. If you choose to use a funeral home, ask whether "professional services" are billed at a fixed fee, or by the hour.

The more responsibility a family assumes, the more affordable a funeral can be. If there is no mention of a funeral home, your newspaper might print a death notice free. Perhaps a mortuary need only be used to transport a body or for refrigeration until the time of the funeral. One alternative is to bypass the funeral industry entirely. Caring for your own dead may be a meaningful as well as affordable option and one that church groups might want to consider.