

The Law Offices of James G. Souza III, P.A.

Accident Guide for Family Survivors

When a loved one dies, it can be difficult enough to deal with the loss, much less to have to deal with the tediousness of picking out a funeral home, or hassling with finances. A myriad of practical matters will need to be taken care of. Herein is presented material designed to make it as easy as possible to deal with the transition of losing a loved one.

1. Contact the immediate family ASAP!

This is the most important thing to accomplish first. Contacting the family is good not only for emotional support but for practical reasons as well. Family members of the deceased may have more information than you in regard to burial wishes.

For instance, if the person made a legal arrangement through an advance directive, living will, ethical will, or health care proxy to donate his or her body to a medical school, then the family must honor those wishes.

These arrangements must be taken care of quickly. Involving other family members as quickly as possible will not only be an invaluable source of information but can be extremely helpful in assisting you in accomplishing any other necessary tasks that need doing.

2. Early Discussions about Final Arrangements

It will make the grieving process much smoother if early conversations with the family about the desires of the deceased concerning burial, as well as a financial discussion about the funeral, are had early on. Of course, only you and your family can decide what is best for you in the healing process. But, it is extremely important that you have as much help around you as you possibly can. The process of handling practical matters after the death of a loved one is not one that should be handled alone.

Once you get over the shock, you will need to sit down in a quiet place with a pen and paper. Think what needs to be done first. Ask about children, pets and people at home who were expecting the decedent to come home.

3. Organ Donations

After contacting the person's immediate family, one of the first items that should be considered is whether the person is an organ donor. If so, this will need to be taken care of right away. Check the person's driver's license, living will, or a health care proxy, for the deceased's wishes.

If the person was an organ donor and died in a hospital, then the hospital should have a coordinator to help you carry out the deceased's wishes. If your loved one died outside of a hospital, then simply contact your local, or nearest, hospital and they should be able to point you in the right direction.

4. Decisions about Funeral Homes and Services

Next, you and your family will need to decide on a funeral home. Unfortunately, before this process is begun your loved one will remain in a morgue. Most funeral homes offer the service of transporting the body from the morgue to the home. Of course, check all appropriate sources for any information regarding the deceased's wishes regarding which funeral home to use (and also check if any money for the funeral has been put aside). If the deceased has not indicated his/her choice of funeral home, then obviously, the family will need to make that decision.

5. Finalizing Final Arrangements

Later on, a conversation will need to be had with the director in charge of the funeral. That person will have many questions for you: embalmed or cremated, open or closed casket, burial sites, ashes placed in an urn or scattered, and religious traditions, things along those lines.

If so needed, the director of your funeral should be able to help you gather information regarding financial assistance (for instance, any church, or union, that the person was a member of may be able to provide help in paying for the funeral).

6. Special Arrangements for Military Veterans

If the person was a veteran, special arrangements for a military funeral may be an option and you may have resources at your disposal to pay for it. Call Veterans

Affairs at 1-800- 827-1000 or your local veteran's agency. Also, honorable discharge papers may be obtained, if so desired.

7. Contact Close Friends, Extended Family and Co-Workers

Once arrangements regarding your loved one's funeral have been made, it may be time to consider notifying close friends and extended family. To do this, with your family, make a list of whoever may desire to know about your loved one's death.

If you or your family have access to the deceased's phone, email, or social media accounts, this can be very helpful in constructing your list. Also, contact any employer or business associate. If you know of any organization that your loved one was involved with, contact them as well.

8. Planning Funerals and Final Ceremonies

In addition, you will want to consider organizing the wake, or repast. Arrangements for this gathering will obviously depend on the person's religious views and will need to be decided on by the family. Wakes or repasts can be held at the person's church, or anywhere the family wishes.

Once arrangements have been finalized make sure to invite all the appropriate people. Official invitations can be mailed out in which flowers or donations are requested. If donations or flowers are received, then thank you notes can be sent to the donor.

9. Securing the Deceased's Home and Personal Possessions

Also, the person's home and vehicle will need to be secured. At some point, you will need to get the person's car title and have it transferred into your name (or next of kin, or whoever it was left to in a will).

If the person rented a home, then the landlord should be contacted. Any deeds or titles will need to be transferred into the appropriate person's name.

If any pets are living at the person's former residence, this will need to be handled as well.

10. Notify Post Office and Acquiring a Death Certificate

You will also want to contact the post office and have the person's mail forwarded to the appropriate person. This is important because the family needs to be aware of any bills that need to be handled, subscriptions needing to be canceled, or any creditors that need to be dealt with. Some of these organizations are likely to require a death certificate to substantiate that the person has died. These certificates can be easily obtained from the local city hall, or the vital statistics office in the state where the death occurred. For the sake of convenience, make sure to get multiple copies.

11. The Obituary

You will also need to decide if you wish to produce an obituary. If you wish it to be published in the local newspaper, do not include the person's exact date of birth (predators tend to scour the local obituaries for the sake of stealing identities). Contact the newspaper before the obituary is written to obtain rates and submission guidelines.

12. Social Security Administration

The local Social Security (SS) office will need to be contacted. Usually, your funeral home of choice will do this for you. But, if not, you can call the Social Security Administration 1-800-772-1213 <https://www.ssa.gov/benefits/survivors/> .

This is especially important if your loved one received food stamps or any other state assistance. Any payments made to the person post-death will need to be paid back to the state, and that process is rather tedious.

If the person received Medicare, SS will inform the program of the death. But, you may need to end other features of the insurance. SS should be able to point you in the right direction as to accomplish this.

13. Health and Life Insurance

If the person had a regular health insurance plan, then the company providing the service will need to be contacted (a policy number and a death certificate will likely need to be provided to end the person's coverage). If the person's insurance

was covered through employment, then the employer will need to be contacted. Also, all other insurance will need to be canceled (homeowners, automobile, etc.).

Life Insurance is separate matter. If the person died in any kind of automobile accident (even if was a one car crash or it was their own fault) then you will need to inform the insurance company to determine whether they had death benefits. Auto Insurance in Florida provides a \$5,000.00 death benefit for all insureds.

14. Hiring a Probate Lawyer

If the person's will is overly complicated, a probate attorney might be an option for consideration. The attorney will be able to produce any written will for admittance to probate court. If there is no will regarding the person's finances or property, the judge will name an administrator. An inventory of all the person's assets will need to be produced for the court. All financial loose ends of the person should be tied up.

Make a list of all pertinent bills requiring payment, and the executor or an estate administrator should handle the matter. Contact mortgage companies, banks, financial advisers, stockbrokers, etc. Many of these accounts may have a named beneficiary, which should be determined. You will likely need a death certificate in dealing with any of these organizations. Also, determine if the person had a safe deposit box. If a key is not able to be obtained, you will need a court order to open the box (information about this can be obtained through probate court or a lawyer).

Contact credit card companies as these accounts will need to be canceled. These companies can usually be contacted through a toll-free number located on the credit card itself. If the company will not close out any outstanding debts, get a bill and deliver it to the executor of the estate. If any payments towards this debt are made, make sure to get a receipt.

Remember to keep good records whenever closing out any account, or paying any debts, of the deceased person.

15. Tax Considerations

The person's tax situation should be handled by the estate executor. This can be easily handled through a tax preparer. An estate return will need to be filed. To simplify this process, thorough bank records and receipts should be kept. Other documents that will need to be obtained are w-2's, Loan and installment payment books, and contracts.

16. Protect Against Identity Theft

Another item to consider is the potential for identity theft thereby, credit reporting agencies should be contacted. Contact the three largest credits reporting agencies: To minimize the chance of identity theft, provide copies of the death certificate to the three major firms: Equifax, Experian, and TransUnion. Later, check in with these agencies and make sure that no fraud has occurred in the case of your loved one.

Cancel the person's driver's license, which removes the name for the department of motor vehicles. To do this, you will need to contact the state department of motor vehicles.

Also, any social media accounts should be closed out to prevent fraud. Directions for doing this will usually be provided on the site itself.

17. Get Someone Responsible to Help You

Hopefully, it goes without saying, that you will not be able to handle all these matters by yourself, especially if you are in the midst of the grieving process. So, if possible, do your best to delegate as much of these responsibilities to as many close friends and family members as you can.

When you feel overwhelmed or stuck, just take a few minutes to reset. If that doesn't help, then do what you can.

**From all of us at The Law Offices of James G. Souza III, P.A.,
Good luck and God Bless.**