

# Walk <sup>with</sup> <sub>a</sub> Widow



empower. educate. prepare.

## EMERGENCY KIT



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# INTRODUCTION

A widow experiences profound grief and immense practical challenges in the first weeks after she loses her spouse. Her friends and family often say, “Let me know if I can help you with anything.” The problem with this situation is, neither the widow nor her friends/family know what she needs or what needs to be done.

This Emergency Kit was put together with exactly this dilemma in mind. It is a compilation of resources that will guide both the widow and her well-wishers through the practical and financial issues to be managed in those critical weeks.

We share this information with you FREE of charge as a goodwill gesture; this should save you the time and trouble of looking up this information on the internet and navigating through a wealth of digital information. It is our way of reminding every widow - “You are not alone!”



# FUNERAL

Obtain 6 death certificates - 4 short form and 2 long form.

Short form does not include cause of death. Short form death certificates are required for all financial matters. They cannot accept long form. These will be made available to you at the funeral home at the time of purchasing funeral services.

Cremation costs and different types of cremation options

<https://cremationinstitute.com/direct-cremation/>

What is Direct cremation?

- This option is for families who want something modest and are on a budget.
- AKA: “simple cremation”, “low cost cremation” or a “direct disposal funeral”.
- There is no viewing, funeral, or memorial service before.
- The funeral home will pick up the body from the place of death. They will then be delivered to the crematorium.
- After the cremation, you can collect the remains or request they send the ashes somewhere.
- The facility will take care of all the essential paperwork such as permits and death certificates.

Direct Cremation Costs in 2020

Prices can range from \$500 to \$10,000, so be sure to get a few prices from providers.

If you want to see the remaining 30 cities and more in-depth analysis of costs, check out our [cremation prices guide](#)

Costs of Urns

Funeral providers usually include a basic container. This is especially suitable if you intend to [scatter the ashes](#). If you're looking for something a bit more elaborate, we recommend buying online as it will be cheaper. It could cost anything from \$50 to \$500.



This is donating your body for science. Becoming a donor has many benefits. It can make the passing of your loved one a simple process during your time of grief. A cremation is also included free of charge after the body has served its purpose and the ashes are then returned to the family.

The process of donating your body is typically straightforward. If you have a teaching hospital or medical school in your area, you might begin by contacting them to inquire if they have a donation program. If not, they can likely put you in contact with one.

Additionally, your family doctor should be able to refer you to a facility.

Cremation.com is a site that allows you to search by state. The *Cremation Association of North America* (CANA) has over 400 crematories in their association as well. You can also search in your area on their website.

### Advice for Keeping Your Consumer Rights

It's important for you to know your rights as a consumer, and below is some advice for direct cremation.

§ Funeral homes may prefer you to use one of their higher priced plans and may only offer those. You should know that they are required to include direct cremation as one of their available services.

§ You are not required to use a casket to contain the body during the cremation, therefore, if you are told you must purchase a casket, it would be false information.

§ If you do wish to use a container, the funeral home is required to have one available, usually made of pressboard, wood, or a sturdy cardboard casket.

§ If you want to use your own urn, they must respect those wishes. If you do not provide an urn, they must provide you with a container, which is typically a cardboard box.



# FINANCES

How to close accounts and cancel subscriptions

<https://www.everplans.com/articles/how-to-close-accounts-and-cancel-subscriptions-after-a-death>

## How to Close Accounts and Cancel Subscriptions After a Death

After a death, you need to cancel any accounts, memberships, and credit cards the deceased had to avoid incurring charges from automatically renewing accounts. It can also protect you from identity theft and fraud.

### Cancel Credit Cards

The deceased's wallet should contain all the credit cards in his or her name. Call the number of the credit card company on the back of the card to cancel the card. While you may be able to cancel the card without giving any reason, you should be prepared to provide the deceased's name, Social Security Number, and the reason you are canceling the card. Be aware that by canceling a credit card you may be simultaneously canceling any services or subscriptions associated with that card.

Any money that is owed on the credit card should be paid before the card is canceled.

### Types of Bills and Dues

Common types of bills and dues include:

- Credit cards
- Medical bills
- Student loans



- Car loans
- Mortgages
- Alimony
- Child support
- Payday loans

## Administrative Expenses and Final Bills

Bills and dues can be divided into two categories: administrative expenses and final bills.

Administrative expenses are any ongoing bills -- examples:

rent/mortgage, insurance, and utilities -- that must be paid if you still need to use them. These bills can (and should) be paid even if the probate process is not complete. You'll also want to transfer these ongoing bills and accounts into the name of the person taking ownership over the properties or services still in use. If the property is being sold/abandoned or a service is being canceled, it's up to the executor to manage the details and pay the final bills on behalf of the deceased. Any expenses incurred should be reimbursed by the estate.

Final bills are bills for which the full amount can only be paid once the probate process is complete, such as taxes, credit card bills, and medical bills. These bills should only be paid by the executor using money from the estate once probate has concluded.



If you can't afford to pay some of the administrative expenses without money from the estate, you should be in touch with the companies that are owed and explain your situation. In some cases, you may be granted a deferral on those bills.

## Paying Taxes

You Will also have to pay taxes on behalf of the person who died and the estate. To learn about the tax element of settling an estate, see our article [Paying Taxes on Behalf of the Estate and the Person Who Died](#).





## CANCELLING ACCOUNTS...

Cancel Any Credit Cards, Cell Phones, Newspaper and Magazine Subscriptions, Memberships, and Online Accounts that the Deceased Had

In many cases, cancelling a credit card will take care of cancelling paid accounts and services, since any services or subscriptions associated with that card will no longer be paid.

Cancel Mail or Forward Mail

To forward the deceased's mail, you must complete a Change of Address Form and submit the form to your local post office, along with proof that you are authorized to manage the deceased's mail.

Cancel Utilities or Transfer Accounts

If any utilities were in the deceased's name, such as electricity, gas, water, phone, cable, and Internet, these utilities should either be canceled or transferred to the name of a survivor.

Distribute, Sell, or Donate Any Personal Items that Were Not Included In the Will

Many times, personal items of sentimental or real value are not included in a will. These items should be properly distributed to surviving family members or donated to charity.

Cancel or Transfer Cell Phone Contract



To cancel or a transfer a cell phone contract, call your provider's customer support number and tell the representative that you'd like to cancel or transfer the contract and the reason why. You should not be charged a fee for either canceling a contract after a death or transferring a contract after a death.

Depending on the protocols of your provider, you may have to provide the account holder's name (the name of the person who established the account), the mobile phone number of the deceased, the date of death, and the Social Security number of the deceased. Some companies may require a certified copy of the death certificate, though it is unlikely.

The balance due on the account should be paid when the contract is canceled.

### Cancel Automatically Refilling Prescriptions

Many people have regular medical prescriptions that are automatically refilled at a pharmacy. Contact the doctor who cared for the person who died to see if the deceased was on any medications that may have been automatically refilled. The doctor may know the name of the pharmacy where the scripts were filled, and you can contact the pharmacy to cancel the

Cancel Memberships  
Paid memberships, such as to a gym or sports club, cultural organization (ballet, symphony, theater, museums), or organizations or groups that require membership dues, are often non-transferrable, and should be canceled. Call the club or organization to cancel the membership and be prepared to provide the account or member ID number.



## Cancel Newspaper and Magazine Subscriptions

Magazines, newspapers, and other print subscriptions can be canceled by calling the customer service number of the publication and requesting cancelation. Many publications will also allow you to cancel a subscription online. Be prepared by having a copy of the publication with you while you're canceling the subscription.

## Close or Transfer Online Accounts

Online businesses: Amazon, PayPal, Ebay

Email: Gmail, Hotmail, Yahoo! Mail, AOL

Social media: Facebook, Twitter, LinkedIn, Flickr, Picasa, or other photo-sharing sites, Dating sites

Entertainment: Netflix, Hulu, Playstation, Xbox, or other online gaming accounts, MLB.com, NFL.com, and other sports sites

## PROTECTING YOUR CREDIT

To find other sites and services that may have the deceased's credit card information, check recent credit card statements.

Contact credit bureaus

It is also a good idea to contact the credit bureaus and report the death to prevent identity theft after their passing. The executor should also request a copy of the deceased's credit report.

Who Are the Major Credit Reporting Agencies?



Lenders go to the three main credit bureaus: [Experian](#), [TransUnion](#) and [Equifax](#) — when looking to pull and review your credit reports. There are numerous CRAs in the business besides these three credit reporting agencies.

To contact any credit bureau directly, on the phone, for example, check their individual websites for more information.

## DEBT OF THE DECEASED

Can I be responsible to pay off the debts of my deceased spouse?

<https://www.consumerfinance.gov/ask-cfpb/am-i-responsible-to-pay-off-the-debts-of-my-deceased-spouse-en-1467/>

Can I be responsible to pay off the debts of my deceased spouse?

In most cases you will not be responsible to pay off your deceased spouse's debts. As a rule, no one else is obligated to pay the debt of a person who has died. There are

some exceptions and the exceptions vary by state.

As a rule, no one else is obligated to pay the debt of a person who has died. Here are some exceptions to that general rule:

§ If there was a co-signer on a loan, the co-signer owes the debt.

§ If there is a joint account holder on a credit card, the joint account holder owes the debt. A joint account holder is different from an “authorized user.” An authorized user is not usually responsible for the amount owed.

§ If state law requires a spouse to pay a debt.

§ If state law requires the executor or administrator of the deceased person's estate to pay an outstanding bill out of property that was jointly owned by the surviving and deceased spouse.



§ In community property states and depending on that state's law, the surviving spouse may be required to use community property to pay debts of a deceased spouse. The community property states include Alaska (if a special agreement is signed), Arizona, California, Idaho, Louisiana, Nevada, New Mexico, Texas, Washington, and Wisconsin.

Unless there is an exception, you do not have to take responsibility for the debt of the deceased person. You are not obligated to do this, and the creditor or debt collector cannot use unfair, deceptive, or abusive practices to get you to assume responsibility.

Can a debt collector contact me about my deceased spouse's debt?

It depends. Here is when you can be contacted:

§ A debt collector can contact the deceased person's spouse looking for the person authorized to pay the deceased spouse's debts, such as the executor or administrator of the estate. Although the debt collector may communicate with you about the debt, it is not allowed to represent that you are responsible for paying the debt with your own assets unless there are specific circumstances that make you legally obligated for the debt, such as if you were a cosigner or joint account holder.

§ If you were a cosigner or otherwise legally obligated for your deceased spouse's debts.

§ If you live in a community property state, you may be responsible for paying the debt with community assets, but you should consult an attorney to understand your rights and obligations.

§ If you are the executor or administrator of the deceased person's estate, collectors can contact you to discuss the deceased person's debts and payments from the estate. Collectors may not state or imply that you are personally responsible for paying the person's debts from your own assets, unless there are specific circumstances, such as being a co-signer, that make you legally obligated for the debt.

§ If you are not the executor or administrator, you may wish to tell the debt collector who the executor is.

You have the right to tell a debt collector to stop contacting you. This right applies to the spouse of a deceased person and the executor or administrator of the estate. Also, under the Fair Debt Collection Practices Act (FDCPA), debt collectors may not harass, oppress, or abuse you or any third parties they contact. If you want a debt collector to stop contacting you about a debt, or to only contact you at certain times or through an



attorney, we have prepared [sample letters](#) that you can use to communicate with a debt collector.

Keep in mind that even if you stop debt collectors from communicating with you, the deceased person's estate may still be responsible for the debt. The debt collector may file a claim against the estate like any other creditor.

If I don't pay my deceased spouse's debts using my own funds, will it affect my credit?

§ Generally, no. The creditor or debt collector should not report your spouse's debts to a credit reporting company under your name unless you: were a joint account holder; co-signed for the loan, account, or debt; or live in a community property state. If a debt collector improperly reports your spouse's debts under your name to a credit reporting company, you should contact that company and dispute the information.

§ If you were an authorized user on a credit card, but not a joint account holder, you are generally not obligated to pay the debt. If a debt collector insists that you co-signed the account, but you believe you did not, you may request that the collector provide evidence. That evidence could be a copy of a contract that you signed. Credit card issuers usually report authorized users' status to the credit reporting companies. So, you may be able to satisfy the debt collector that you were just an authorized user by showing the collector the relevant portion of your credit report. You can [obtain a free copy of your credit report once each year](#) at each of the three nationwide credit reporting companies online, by calling (877) 322-8228, or by mailing a request.

If someone dies owing a debt, does the debt go away when they die?

<https://www.consumerfinance.gov/ask-cfpb/if-someone-dies-owing-a-debt-does-the-debt-go-away-when-they-die-en-1463/>



# ESTATE, ASSETS, WILLS & PROBATE

A widow's rights over the deceased spouse's estate

<https://info.legalzoom.com/widows-rights-over-deceased-spouses-estate-21561.html>

## A Widow's Rights Over the Deceased Spouse's Estate

Widows, or surviving spouses, have certain rights concerning the management of a deceased spouse's estate. A widow may be the first choice as personal representative, unless her deceased spouse named someone else as executor in his will. Because probate courts place importance on honoring a testator's last wishes, a named executor in a will has priority over a surviving spouse.

### Personal Representative Priority

If a decedent fails to make a will -- and by extension, fails to name an executor -- many states consider a surviving spouse to be first in line when it comes to administering a deceased spouse's estate. Although other family members may petition a probate court for appointment as personal representative, the surviving spouse has priority. In other words, if the surviving spouse wishes to take on the role of estate administrator, all other family members' petitions take a back seat. This is because a surviving spouse usually has more knowledge of the deceased spouse's assets. Moreover, the law recognizes surviving spouses as having greater authority over the distribution of the marital estate.

### Homestead Exemption

Some states, such as Florida, allow for a homestead exemption. This means that the deceased person's primary residence -- usually shared with the surviving spouse -- is exempt from certain probate restrictions. For example, homestead property may be exempt from going through the entire probate process, as waiting for transfer of the primary residence may create a hardship for surviving spouses and children who also reside in the homestead property.

### Interim Distributions



A widow generally has a greater right over her deceased husband's estate in that she may be entitled to interim distributions of estate assets, particularly if there are children involved. For example, other heirs may have to wait until the end of the probate process before they may receive a distribution of inheritance. However, in the case of a widow, she may be entitled to interim distributions as the loss of a spouse may create financial hardship.

## Non-Probate Property

In community property states, a widow may be entitled to her automatic share of all community property without it going through probate. This means she will not have to wait to receive her share of the community property assets because these assets bypass probate. Because community property assets are considered the property of both spouses, a widow may automatically inherit all marital assets unless her deceased spouse devised his 50 percent share of the community property to someone other than his surviving spouse.

Five myths about wills and probate

<https://www.nolo.com/legal-encyclopedia/five-myths-about-wills-probate.html>

“First of all, many estates don’t even require probate proceedings. Generally, only assets owned in the deceased person’s name alone must go through probate. And if the value of those “probate assets” is small enough, the family can take advantage of [probate shortcuts](#), which are less expensive than regular probate.”

Transferring assets at death: death and probate

<https://onebiteblog.com/transferring-assets-at-death-wills-and-probate/>

Transferring Assets at Death: Wills and Probate

Estate planning typically involves the analysis of ownership, transfer and taxation of assets, both during a person’s lifetime and at death. For most people, however, estate planning can simply be summarized as: “Where do my assets go when I die?”





## An Introduction

Title to an asset (the name(s) on the account or deed) is the first determination of how the asset will pass at death. The way in which the asset is titled will determine whether the deceased person's interest in the asset passes to any other surviving owners or beneficiaries, or whether the asset passes under the deceased person's will or estate.

In any estate planning, it is critical to determine how title to an asset is held; improper titling of assets can create unintended consequences for a deceased person.

Assets such as life insurance, annuities and retirement benefits (think IRAs and 401(k) accounts), as well as any other asset with a beneficiary designation, pass to the named beneficiary, regardless of what the decedent's will provides. Similarly, assets held jointly with another person with rights of survivorship pass outright to the surviving owner at the decedent's death, regardless of what the decedent's will provides. Finally, assets held in a revocable trust pass to the beneficiaries of the trust without probate.

When the first spouse of a married couple dies — and all of the assets are held jointly with rights of survivorship between the spouses, or name the surviving spouse as beneficiary — there will be no probate, because all of the assets pass outright to the surviving spouse as a matter of law. However, when the second spouse dies, there will be a probate proceeding required to pass the assets of the surviving spouse in his or her name alone (such as real estate and bank accounts) to their children or other heirs.

## Wills

A will is the most basic estate planning document regarding how you intend to administer your estate at your death. It serves several primary functions:



1. A will specifies who you want to receive your probate assets at your death, as well as any desired restrictions on the transfer of the property (for example, you may want assets held in trust for your children until they reach an appropriate age).
2. A will names a personal representative who, with the approval of the court, pays your creditors and taxes, and distributes the remaining assets as directed in your will.
3. A will allows you to name a guardian to raise your minor children and manage their assets.
4. A will also allows you take advantage of various estate tax planning techniques.

## Probate

Before it becomes effective, every will must be “admitted” by the probate court in the county where a person resided at his or her death. A will *does not* avoid probate. The probate court or register in probate (depending on whether the estate is in “formal” or “informal” administration) supervises the inventory and valuation of your assets, the payment of debts and the distribution of remaining assets to heirs — either according to a will, or if there is no will, according to state statutes.

Essentially, the probate process allows for the transfer of legal title of assets to the decedent’s heirs, after the payment of the decedent’s creditors and other expenses. The naming of a personal representative by the court — who is given court-stamped documents to provide evidence of his or her role on behalf of the estate — provides assurance and protection to banks and other parties that they are dealing with someone who has legal authority to act on behalf of the decedent’s estate.

Probate ensures that the statutory procedures for administration of the estate are properly followed. Interested persons (family members, heirs, etc.) must receive a copy of the will, be notified of any hearings and obtain documentation from the personal representative affirming that the estate has been administered correctly.

The costs of probate vary with the size of the estate and the type of assets involved. An estate that involves relatively liquid assets — such as bank accounts and a home — is normally very easy to resolve. The process is more complex if there are significant estate tax issues or significant non liquid assets, such as several parcels of real estate or an interest in a small business. There are certain statutory requirements associated



with providing notice to interested persons, notice to creditors, filing inventories, etc., which can add legal fees and cause even the simplest probate to take six months to a year or more to complete. Most personal representatives will hire an attorney to assist with the administration of the estate to ensure all of the procedures and requirements are followed properly.

If a person dies without a will, their estate must still go through probate.

The court will appoint a personal representative — normally a spouse or family member — to administer the estate. The decedent’s assets will be distributed to his or her “heirs at law” (commonly called, “the next of kin”), which is set out in the state statutes. For example, the asset of a single person with no children will generally be distributed to his or her parents; if the parents have died, the assets will be distributed to the decedent’s siblings. Obviously, this may or may not be what the decedent desired.

The *process* of probate is important to banks, financial institutions and other custodians holding financial accounts; it ensures they are turning over the decedent’s accounts to the proper person with authority to act on behalf of the estate. For example, at the death of a person, his or her child can’t just give the bank a copy of the decedent’s will and request his or her funds. The bank needs to see the court-stamped probate documents to ensure it is protected in handing over the funds to the personal representative, and that no other persons or creditors have claims to the funds.

Should you avoid probate? It depends.

Probate is a time-tested and court-supervised procedure to ensure that an estate is properly administered. The complexity and cost of probate varies by state. Probate in some states and large cities can be costly and take a long time. Unfortunately, some attorneys and others who have marketed revocable living trusts and other “probate avoidance” ideas to the general public over the past couple of decades often describe the process as an “evil” to be avoided. This has created and promoted probate avoidance as a goal in and of itself, which may be inappropriate, unnecessary, and in some cases, complicate the administration of an estate if not completed properly.

Depending on your state and county of residence and the size of your estate, a simple will may be adequate and relatively easy to administer. However, for larger estates, or estates with more significant tax or other planning issues, revocable living trusts and other techniques may be more appropriate. Consulting with an attorney who can offer the appropriate solution based on your circumstances is the best course of action.



How to dispute personal property after death.

<https://www.lexikin.com/guide/how-to-distribute-personal-property-after-death/>

When a loved one [leaves a Will](#), most of the big things will be taken care of. The house, the car, maybe some savings, shares or other assets; but what about the rest of it? What should you do with all their personal property, furniture, artworks, ornaments and trinkets?

Sometimes these small, memorable pieces are much more sentimentally valuable to people who were close to the deceased than any amount of money or property would be. Because they were not accounted for in the Will, deciding who should get what falls on the shoulders of the Executor, and can make for some trying decisions.

<https://www.finder.com/what-happens-to-my-bank-account-if-i-die>

### What happens if the sole owner of an account dies?

When someone dies, their bank accounts are closed. Any money left in the account is granted to the beneficiary they named on the account. If no beneficiary is named, the executor of the estate oversees dividing it up according to the will, the legally binding document that outlines who gets the deceased's assets after they die.

If someone dies without a will, assets and property is passed by intestate succession to their heirs. Intestate succession laws depend on the state the deceased lived, and a court appoints an administrator who divides up the assets. In most cases, a majority, or even all the money, goes to their spouse, and the remainder is divided up among their children.

Any credit card debt or personal loan debt is paid from the deceased's bank accounts before the account administrator takes control of any assets.

### Required documents

Before the deceased's estate is settled and their bank accounts closed, the financial institution needs documents showing proof of death and the person responsible for



handling the state. In most cases that includes a death certificate and a letter from the probate court naming the estate's executor or administrator.

Contact the financial institution to start the process of settling the deceased's bank accounts. The financial institution provides a letter with next steps once they receive notice of death.

### Payable on death accounts

Any bank account with a named beneficiary is a payable on death account. When an account owner dies, the beneficiary collects the money. There's no probate process or lengthy waiting period. The beneficiary needs to show the financial institution a photo ID and the deceased's death certificate.

If the beneficiary dies before the account owner, the bank releases the money to the executor of the estate who distributes it either according to the deceased's will or state law

### How to avoid complications

Talk to an estate planning professional to minimize issues that can arise if you become unable to care for yourself. Consider the following when you meet with a professional:

1. Add a power-of-attorney (POA). There are many different types of POAs. But a durable POA has the broadest powers and makes decisions about your health, finances and legal affairs while you're alive.
2. Create a trust account. There are many different types of trusts, so it's important to speak with a professional about the best one for your situation.
3. Spell out your wishes. Once your trust is established, layout how you want to distribute your bank account upon death.

### Payable on death accounts vs. trusts

Both payable on death accounts and trusts are designed to help you avoid the probate process. But they both have notable differences.

Payable on death accounts typically list one or more primary beneficiaries. When the account holder dies, the money is split evenly between the beneficiaries. All beneficiaries have equal control over the money, so they must unanimously decide how to use the funds. If there isn't a living beneficiary, the money automatically goes to probate.

Trusts offer more flexibility than payable on death accounts. With trusts, the account owner can list as many primary and secondary beneficiaries as they wish. Plus, they



decide how and when the account is split up between heirs. To simplify the process, they can appoint a trustee who distributes the assets according to the plan.

### Bottom line

If someone has a named beneficiary on their account, that person can withdraw money after the account owner dies. If not, the bank account is closed, and its balance will be divided up according to the deceased's will or the intestate succession laws of the state.



# Social Security

<https://www.ssa.gov/planners/survivors/ifyou.html>

The number of credits needed to provide benefits for survivors depends on the worker's age when they die. No one needs more than 40 credits (10 years of work) to be eligible for any Social Security benefit. The younger a person is, the fewer credits they must have for family members to receive survivor's benefits.

Benefits can be paid to the worker's children and the surviving spouse who is caring for the children even if the worker doesn't have the required number of credits. They can get benefits if the worker has credit for one and one-half years of work (6 credits) in the three years just before their death. Each person's situation is different, and you need to talk to a Social Security claims representative about your choices.

## Does Social Security pay death benefits?

A one-time lump-sum death payment of \$255 can be paid to the surviving spouse if he or she was living with the deceased; or, if living apart, was receiving certain Social Security benefits on the deceased's record.

If there is no surviving spouse, the payment is made to a child who is eligible for benefits on the deceased's record in the month of death.

## What happens if the deceased received monthly benefits?

If the deceased was receiving Social Security benefits, you must return the benefit received for the month of death and any later months.

For example, if the person died in July, you must return the benefits paid in August. How you return the benefits depends on how the deceased received benefits:

- For funds received by direct deposit, contact the bank or other financial institution. Request that any funds received for the month of death or later be returned to Social Security.
- Benefits received by check must be returned to Social Security as soon as possible. Do not cash any checks received for the month in which the person dies or later.

## Who receives benefits?

Certain family members may be eligible to receive monthly benefits, including:



- A widow or widower age 60 or older (age 50 or older if disabled);
- A surviving divorced spouse, under certain circumstances;
- A widow or widower at any age who is caring for the deceased's child who is under age 16 or disabled and receiving benefits on their record;
- An unmarried child of the deceased who is:
  - o Younger than age 18 (or up to age 19 if he or she is a full-time student in an elementary or secondary school); or
  - o Age 18 or older with a disability that began before age 22.

### Are other family members eligible?

Under certain circumstances, the following family members may be eligible:

- A stepchild, grandchild, step grandchild, or adopted child; and
- Parents, age 62 or older, who were dependent on the deceased for at least half of their support.

If you are the widow or widower of a person who worked long enough under Social Security, you can:

- receive full benefits at full retirement age for survivors or reduced benefits as early as age 60.

begin receiving benefits as early as age 50 if you are disabled and the disability started before or within seven years of the worker's death.

- receive survivors benefits at any age, if you have not remarried and you take care of the deceased worker's child who is under age 16 or is disabled and receives benefits on the worker's record.

If you remarry after you reach age 60 (age 50 if disabled), your remarriage will not affect your eligibility for survivor's benefits.





# Resources

## 10 Things to Know After the Death of a Loved One

<https://www.fairsharelawyers.com/resources/10-things-to-know-after-the-death-of-a-loved-one/>

### What to Do When a Loved One Dies

After losing a loved one, your focus is on your family and on grieving the loss—not administering the [estate](#). But there are many concerns that must be resolved to ensure your loved one’s final wishes are respected while protecting the bonds of your family.

### 10 Things to Know After the Death of a Loved One

#### 1. A power of attorney is no longer valid.

Many people believe that, as the power of attorney, they continue to have the power to administer an estate following the death of a loved one. This simply is not the case. A power of attorney is no longer valid after death. The only person permitted to act on behalf of an estate following a death is the personal representative or executor appointed by the court.

#### 2. Assets need to be protected.

Following the death of a loved one, there is often a period of chaos. This, coupled with grieving, presents a unique opportunity for those bent on personal benefit. It is important for the family, even before the opening of an estate, to protect all assets that belonged to the decedent. No one, including family, should begin to take or distribute assets. An estate needs to be opened and a personal representative or executor needs to be appointed. It is very difficult to recover assets after they have been distributed or taken.

#### 3. Probate estate probably needs to be opened.

Many people believe they don’t need to open an estate because their loved one did not have a lot of money. The mistake with this belief is that the debts and taxes of the decedent often go unpaid while assets are distributed. The family is then surprised when a creditor or the IRS shows up looking to recover their claim. They have the right and power to open an estate and pursue those who received the property. It is far



better to open an estate and administer it properly in the first place. Consult with an attorney promptly to determine if this is necessary.

#### 4. Determine if a will exists.

The family should begin, when appropriate, to search for an original will.

If an original will is not able to be located, the next best option is a copy. The family should check with the decedent's attorney or accountant to see if they have the original or a copy. The family should also check with the bank where the decedent maintained an account to see if one may be in a safe deposit box. Remember, a will is not to be acted upon until the court admits that will to probate.

#### 5. Debts and taxes follow the estate.

The debts and taxes are the responsibility of the estate. They are not the responsibility of the heirs or beneficiaries under the will. If there are insufficient assets in the estate to satisfy all the debts or tax obligations of the decedent, those debts and obligations do not become the responsibility of family and friends. Many will assume responsibility, believing it is the right thing to do, but they are not legally required to do so.

#### 6. Creditors can open an estate.

Holding the assets of the decedent in an effort to prevent creditors from reclaiming their debt is a risky proposition. Creditors have the right, after enough time passes, to petition the court to open the probate estate themselves. If this happens, the court will probably not appoint a family member and instead appoint an independent third party as the personal representative or executor. The executor will then proceed to gather the assets of the decedent to satisfy all debts, taxes, and costs of administration for the estate. This includes TennCare, so be aware that they must be dealt with and will not simply go away with the passage of time.

#### 7. Notify every one of the death.

Following the death of a loved one, it is wise to notify all credit card companies, government agencies (state and federal), cell phone carriers, utilities, and other related companies of the death. This will prevent additional charges on accounts and will allow them to convert their files over to a decedent's status.

#### 8. Obtain death certificates.



Following the funeral, the death certificate should become available. Most funeral homes assist families with obtaining these certificates. You should get several copies of the death certificate to ensure you have enough for all administration needs. If you run out of copies, the Department of Vital Records can be contacted for additional copies.

9. Determine if taxes are current.

Following the death, there are so many things to take care of, it can be easy to forget about the decedent's taxes. The family should meet with an accountant to determine whether there is a need to extend any tax returns.

10. Communicate regularly.

One of the main reasons litigation ensues in estates is because there is a feeling that the executor is not communicating with the other interested parties. Lack of communication usually leads to suspicion and resentment. Regular discussions will allow everyone to be involved in the process. Breakdowns in communication lead to litigation.

