

Colorado Bar Association

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Chapter 12 - 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.

Pronouncement of Death

If your loved one dies at home:

- Follow any religious observances that were requested by your family member.
- Call your physician so he/she can come to certify the cause of death and approximate time.
- Call family members who may wish to spend some private time with your loved one before the undertaker removes the body.
- Remove pillows from under the body, straighten it and lay it flat.
- Turn off any electrical equipment attached to your relative's body, but leave any tubes, etc., in place.
- Call the funeral director. He/She will remove the syringes, catheters or tubes and transport the body to the mortuary.
- If it exists, find your family member's final arrangements plan to follow his/her wishes with respect to whether a funeral, memorial service, cremation, organ donation or whole body donation was desired. As much as possible, try to follow your loved one's plans. This will relieve the burden of making decisions and honor his/her last requests.
- 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 the death occurs, or dial 911 if you want the support of emergency personnel. The paramedics will attempt resuscitation.

If you are using hospice care, do not contact the coroner's office or 911. Call the hospice provider and they will help you.

Notify Family and Friends

Ask family and friends 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. The Red Cross will need the following information:

- Service member's full name
- Rank/Rating
- Branch of Service
- Social Security Number
- Military Address
- Information about the deployed unit and home base unit (for deployed service members only)

Follow 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; or
- Had written instructions regarding her/his funeral arrangements.

Make Arrangements for the Deceased Person's Body

Arrange for the body to be picked up:

- According to the coroner's instructions; and
- According to the instructions from a training hospital if the body or organs are donated, or by the mortuary chosen for the funeral or by the crematory if you are going to cremate the body. (Note: federal law requires price information be given over the phone. Prices range a great deal, so you may want to compare prices.)

What to Do 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, (303) 759-2800, you can obtain a lower rate on cremation or funeral services. (This also could be said to be true for those who simply shop around - cremation prices range from \$670 to \$2,000 in the Denver metro area.)

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 and ask for the Burial Assistance Department. There are strict spending limitations, so you must meet with Social Services prior to meeting with the mortuary.

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 VA cemetery or VA office. There may be burial benefits. The mortuary will call the VA at your request. Typically, the only benefit a veteran receives is burial at a national cemetery unless the deceased was disabled due to service injuries.

Contact fraternal and religious organizations that may conduct funeral services and other organizations of which the deceased was a member.

If you have concerns you cannot resolve with the funeral director or management of the funeral home, contact the Funeral Service Customer Assistance program at (800) 662-7666.

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 and visitation to guard against break-ins occurring when the family is at the funeral; and
- Provide food for family and friends after the funeral.

What to Do 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. (Costs in Colorado are \$15 for the first and \$6 for each additional.) 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's Vital Records Office.

Contact the following persons or institutions:

- Police, to occasionally check the house of 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 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 or 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 subscription; and
- 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, which will explain the duties of the personal representative and how the personal representative is appointed when there is no will.

Search for the Will

The original will is usually in a safe deposit box, in the attorney's office or in a file at home. Check for a strong box or file cabinet. When the original signed will is found, file it within 10 days with the probate court in the county where the deceased lived. It also is possible the will was filed with the court for safekeeping during the deceased's lifetime. If a will cannot be found, an attorney can help guide you through the probate process.

Entering the Safe Deposit Box

Any person whose name is on the box may enter it at any time. An heir or beneficiary in a will 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/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 and the safe deposit box. Meetings with advisors such as an accountant, investment professionals, insurance agents and attorney are advised. 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

Avoid Unscrupulous People

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 reviewed 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

Beneficiaries should avoid transferring title of assets or making claims until they have considered whether either a tax or non-tax reason exists for refusing to receive an asset. Even though the account executive wants to be helpful, you may lose an important tax advantage if you accept an asset. 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 the nearest VA listing for benefits information and assistance.

For Social Security benefits, call the Social Security Administration immediately at (800) 772-1213.

Be prepared to identify the deceased's:

- Relationship to you
- Social Security or VA claim number
- 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

If you do not know the Veteran's Administration number, then provide:

- Service number
- Dates of active service

Your call will stop the monthly payments. You must return the check for the month of death.

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 (currently at \$255 for a surviving spouse). Ask for the "Social Security Survivors" brochure.

Veterans' benefits may be available to the 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.

Resources

Words Of Caution

This chapter cannot relate everything you need to know in the first few days following 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.

- Colorado Bar Association
(303) 860-1115 or toll-free (800) 332-6736
- Colorado State Department of Vital Records
(303) 756-4464
- Funeral Consumer Society of Colorado
(303) 759-2800
- Funeral Service Assistance Program
(800) 662-7666
- Social Security Administration
(800) 772-1213