
INITIAL STEPS FOR A SURVIVING SPOUSE/TRUSTEE

Please accept our condolences in the loss of your spouse. This is a difficult time when you may feel overcome with grief, fear, and uncertainty about the many decisions to be made. Take your time, and don't be rushed into any major decisions as most of them can wait. Please review this checklist as a guide, and ask for help from professionals as needed (accountant, financial advisors, estate attorney). As the surviving spouse and Trustee of your joint Trust, you are responsible to carry out the provisions of the trust which deal with the death of the first spouse. These provisions vary, so while this is a general checklist, you will also need to review your trust documents along with an estate attorney.

Please use the following as a guide to help you navigate through the most important steps to take:

- Gather important documents: Trust, "Pour-over" Will, insurance policies, social security numbers of your spouse and dependent children, marriage license, any employer benefits documents, and military discharge papers (if applicable). Keep these documents readily available.
- Obtain 10-20 certified copies of the death certificate from the funeral director or health department. You will need to provide these with each filing or request related your spouse's estate. It is best to keep a few extra certified copies on hand.
- If your spouse was a military veteran, contact the VA to apply for any available financial benefits. The VA will also provide a flag for the memorial service, a headstone, and financial assistance for the burial. For more information, go to www.va.gov.
- File a claim for survivor benefits with your nearest Social Security office or online at www.ssa.gov or call 1-800-772-1213. There are a few types of benefits which may be available to you and your unmarried minor children.
- File any claims for life insurance benefits. Most companies will send you a check relatively quickly. You may have various payment options, so be sure you understand your choices before selecting an option. Check the following potential sources of available life insurance: your spouse's employer or former employers, insurance through your mortgage company, credit cards or loans, and professional associations or unions. If you know your loved one had a life insurance policy but you can't find it, contact the American Council of Life Insurers (www.acli.com) which offers guidance in tracing missing policies.
- Contact your spouse's employer. Many companies will issue a check immediately for wages owed, unused vacation pay, and life insurance benefits. Talk to a human resources (HR) representative for help with (1) retirement plans; (2) employee stock option plans; and (3) health insurance benefits. For retirement plans, the surviving spouse will usually rollover money from the deceased spouse's plan into his or her



- own IRA, but depending on your age there may be an advantage to keeping the funds in your spouse's retirement plan. If your spouse had vested stock options, typically there is a window of time in which the family must exercise them. For health insurance, company policies may differ but most people are eligible for COBRA coverage (extended health insurance) for up to 18 months. It is a good idea to speak with your financial advisor to help you consider your various alternatives.
- Determine immediate cash needs and reserves. You will need enough cash to meet your current expenses plus funeral and other administrative costs. You may want to take part of your life insurance or other death benefits and place them into a liquid account such as a money market account to cover at least six months' worth of living expenses. This will help ensure you are not rushed into making other major financial decisions right away.
 - Cancel your spouse's credit cards, charge accounts, and magazine or other subscriptions and ask for refunds, if possible.
 - Lodge your spouse's original Will within 30 days. Most estate plans involving a Trust also include a "Pourover" Will, which is a Will that bequeaths any non-trust assets to the Trust. California law requires that the custodian of an original Will must deliver the Will to the clerk of the superior court along with a \$50 filing fee, even if there will be no probate. If your estate planning attorney has custody of the original Will, he or she will assist you with this step.
 - Locate any safe deposit box that was in your spouse's name alone. If you have the key to a safe deposit box owned by your spouse, do not remove contents; the box should be inventoried in the presence of a bank officer and only then should contents be removed.
 - Make an appointment with your estate attorney. He or she will review the trust provisions with you and advise or assist you with regard to various issues such as tax filings, asset valuations, changing title to real property, and other required notices and procedures. If your Trust provided for mandatory or optional "sub-trusts" at the first death, it is very important to take the actions necessary to fund the sub-trusts and send proper notice to remainder (future) beneficiaries of your deceased spouse's estate.

Notify your accountant or tax preparer of your spouse's death. He or she will most likely need to prepare a final individual tax return, and will coordinate with your estate attorney on other tax filings and considerations as needed.

All information herein is for general information only and should not be construed as legal advice or legal opinion. You are urged to consult with your own attorney on any specific legal questions you may have.

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