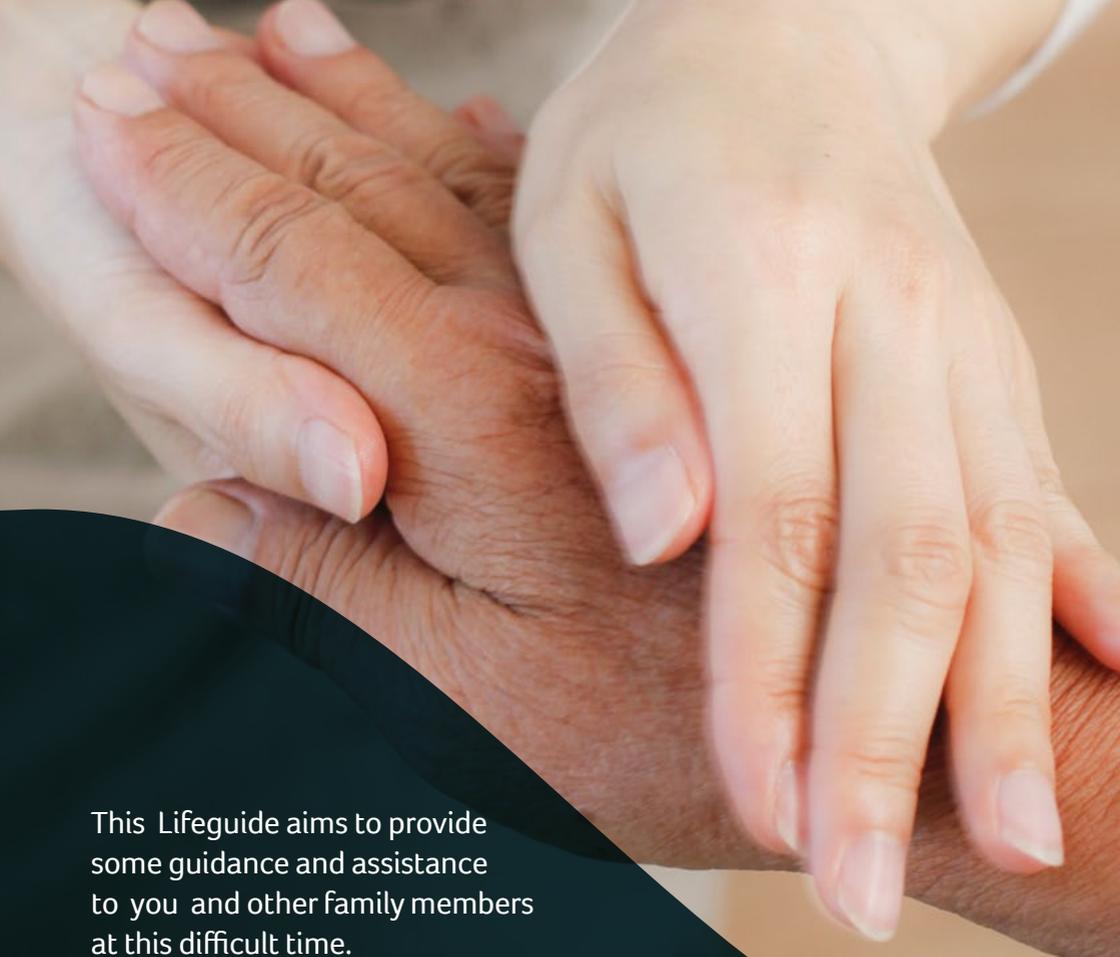


# Needing help after someone has died

what happens next





This Lifeguide aims to provide some guidance and assistance to you and other family members at this difficult time.

**It includes:**

- › organising the funeral;
- › how to register a death;
- › notifying authorities and other people;
- › surviving partners and assets;
- › what to do if you're the executor of the estate;
- › what to do about the Will;
- › what to do if there is no Will;
- › where to go for more help; and
- › personal information which should be in order and kept in a safe place

Losing a loved one is one of the most difficult experiences we face in life. We all grieve in different ways, experience a range of emotions and vary in our abilities to cope and time to heal.

In difficult times like these, it can be invaluable to have the support of a close friend or another family member who cares and understands what you are going through. This person can help you make decisions by taking a more objective point of view.

<b>Australian Centre for Grief and Bereavement</b> Bereavement information and referral services for the general public seeking assistance Website: <a href="http://www.grief.org.au">www.grief.org.au</a>	<b>1800 642 066</b> <b>Freecall</b>
<b>Lifeline</b> 24 hour counselling services for people needing emotional support Website: <a href="http://www.lifeline.org.au">www.lifeline.org.au</a>	<b>13 11 14</b>
<b>Solace Association</b> Grief support for those grieving over the death of a partner Website: <a href="http://www.solace.org.au">www.solace.org.au</a>	<b>03 5331 1344</b>
<b>The Compassionate Friends</b> Support for bereaved parents and siblings Website: <a href="http://www.compassionatefriendsvictoria.org.au">www.compassionatefriendsvictoria.org.au</a>	<b>03 9888 4944</b>
<b>Griefline</b> Anonymous counselling service providing support to people who have encountered a significant loss Website: <a href="http://www.griefline.org.au">www.griefline.org.au</a>	<b>03 9596 7799</b>

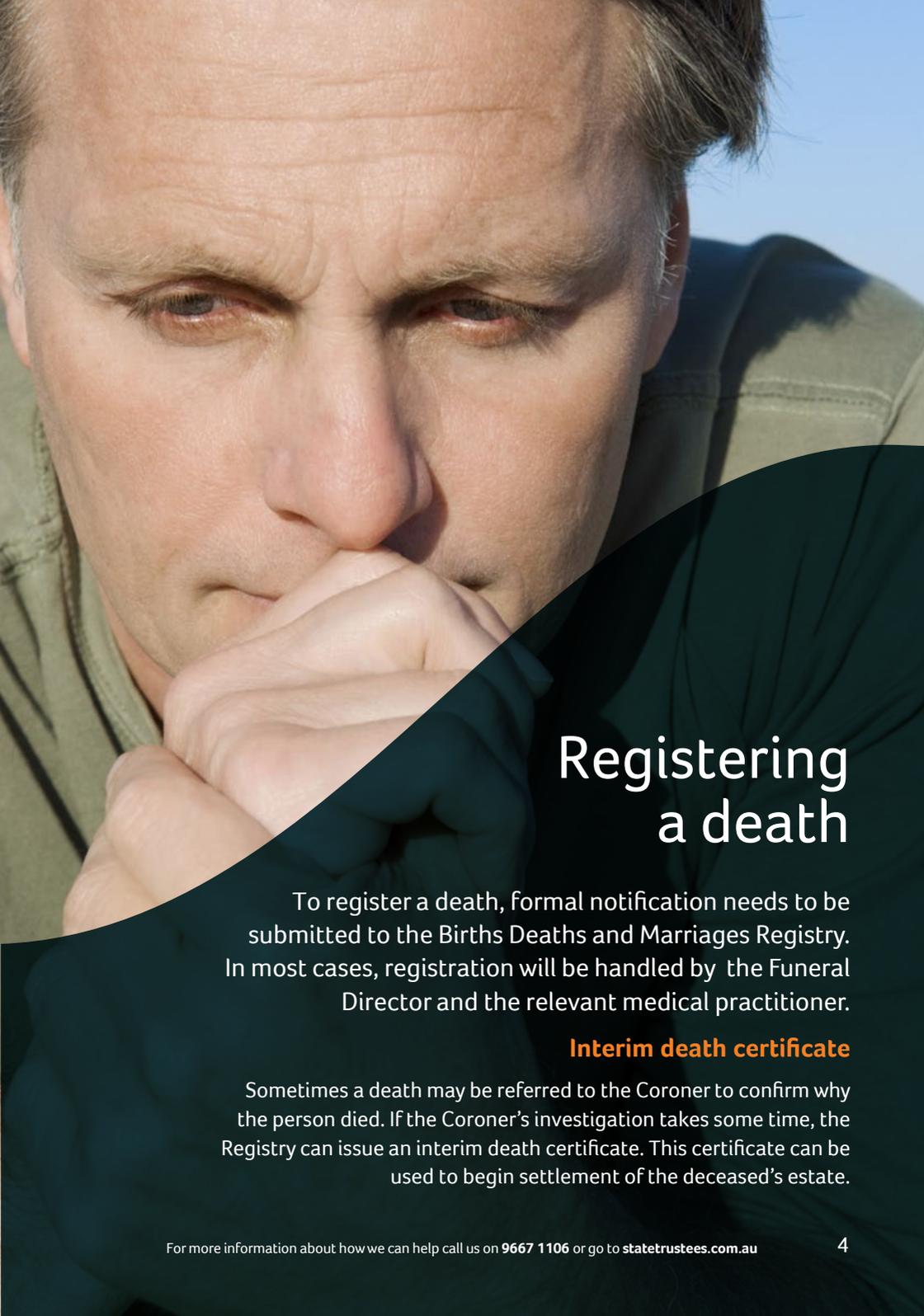
# Organising the funeral

Your loved one may have left instructions in their Will about their funeral wishes. This might include choice of burial or cremation, aspects of the ceremony and possibly choice of Funeral Director.

## Role of Funeral Directors

Funeral Directors generally take responsibility for assisting you with many things, including:

- › obtaining the signature of the attending physician, Coroner or medical examiner
  - › register the death with Births Deaths & Marriages
  - › transferring the deceased from the place of death to the Funeral Home;
  - › working out the budget if the funeral hasn't been pre-arranged;
  - › helping decide on the funeral or memorial service location, such as a church, chapel, or graveside;
  - › arranging for a viewing if required and deciding the type of coffin/urn: and
  - › making necessary arrangements with clergy, church and cemetery officials.
- They might also help you to:
- › compose and submit newspaper and other media notices;
  - › choose clothing and jewellery for the deceased to wear;
  - › select poems, scripture, readings, music or video as appropriate;
  - › choose people able to carry the coffin;
  - › arrange a florist, purchase acknowledgement cards, register books, memorial folders, etc.; and
  - › arrange for family transportation to and from the service.



# Registering a death

To register a death, formal notification needs to be submitted to the Births Deaths and Marriages Registry. In most cases, registration will be handled by the Funeral Director and the relevant medical practitioner.

## **Interim death certificate**

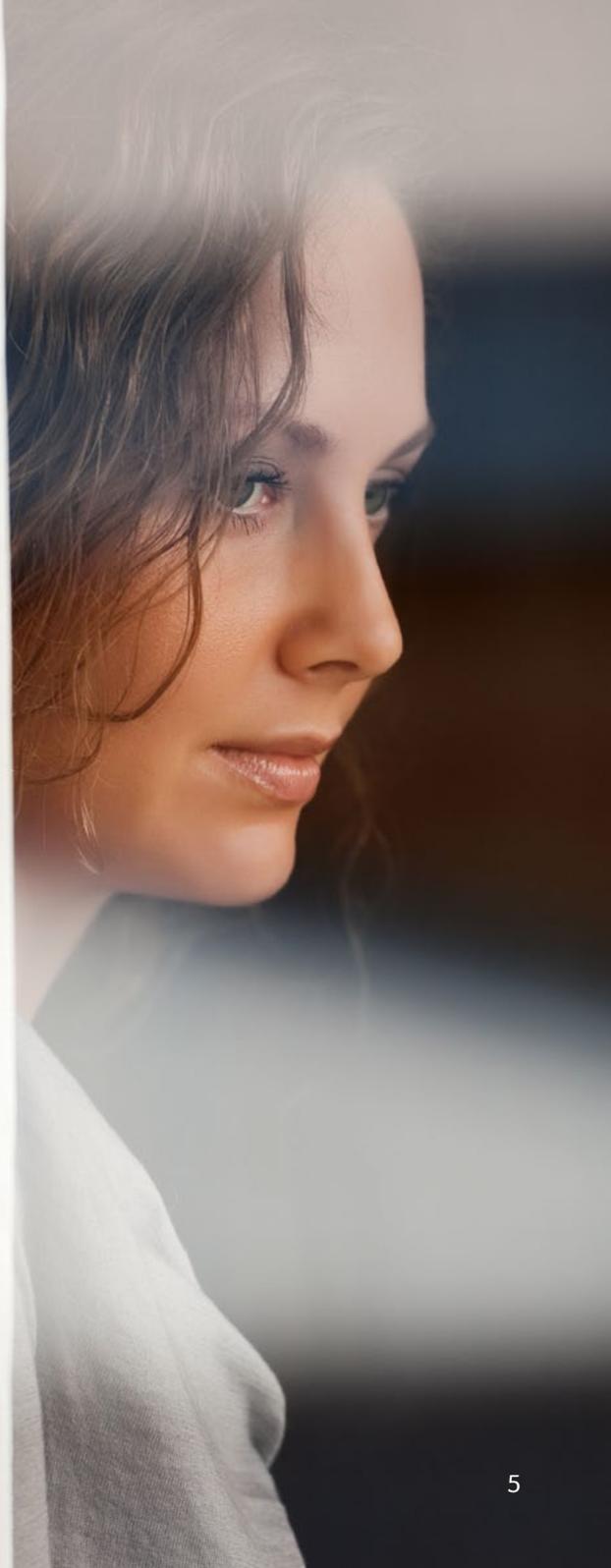
Sometimes a death may be referred to the Coroner to confirm why the person died. If the Coroner's investigation takes some time, the Registry can issue an interim death certificate. This certificate can be used to begin settlement of the deceased's estate.

# Notifying authorities and other people

There are a number of important people and organisations you'll need to contact, depending upon the circumstances of the person who has passed away.

Most organisations will require a copy of the death certificate before they will act on your advice.

Refer to page 12 for a list of people and organisations you may need to contact.



Some of these may include:

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### **The funeral home**

A funeral home must be contacted to arrange for pick-up of the deceased's body.

If funeral arrangements have already been made, all you will need to do is confirm them with the Funeral Director. If you do not have a funeral director in mind and your loved one didn't pre-arrange the funeral, you may like to contact the Australian Funeral Directors Association (AFDA) at [www.afda.or.au](http://www.afda.or.au) or on **1300 888 188**.

### **Executor of the estate**

*(unless this is you)*

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### **The deceased's employer or business partner/s**

*(if applicable)*

Ask about any outstanding payments due to the deceased. Find out whether dependents (if any) are still eligible for benefits and whether there is a life insurance policy through the company.

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### **Superannuation and medical practitioners**

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### **Centrelink**

Centrelink may be contacted for a number of reasons. You should contact Centrelink and any other agency that may be making monthly payments to the deceased. Find out if family survivors are entitled to any further benefits. For more details go to [www.centrelink.gov.au](http://www.centrelink.gov.au) or call **13 61 50**.

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### **The Department of Veterans Affairs**

The Department of Veterans Affairs (DVA) may offer benefits for funeral or burial costs. Stop any monthly payments that the DVA might be paying the deceased.

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### **Life insurance companies**

*(to file a claim)*

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### **Banks or building societies**

Check for any outstanding loans or credit cards and arrange to pay these through the estate.

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### **Utilities providers such as water, gas and electricity suppliers** *(if applicable)*

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### **Local Council**

*(rates and taxes)*

# Surviving partners and assets

If you've been in a long-term partnership with someone who has recently passed away there's a good chance you'll have assets in joint names.

Where assets are jointly owned, they do not form part of the deceased estate - they pass automatically to the surviving person.

Assets that can be jointly owned include:

- › Property - Jointly held property becomes 100% owned by the survivor by law. It requires an application to the Land Titles Office to change ownership on the title.
- › Cars can also be transferred to the surviving partner.
- › Bank accounts - Joint accounts remain open and the survivor can transact as normal.
- › Shares - Jointly held shares become the property of the survivor and all dividends are payable to them.
- › Death benefits from pension funds.
- › Proceeds of life insurance policies.

## What is joint tenancy?

Joint tenancy is a type of property co-ownership where each owner has the same rights and obligations relating to the property. Each joint owner's interest in the property is exactly the same and was created at the same time and by the same document. If an owner dies, the property passes to the surviving owner(s) without the need for a Grant of Representation or full estate administration.

# What to do if you're the executor

While you've agreed to be the executor of the estate of someone who has recently passed away you may not be aware of what is involved.

## Executor responsibilities

Here's a list of things you need to do as the executor:

- › locate the Will
- › help arrange the funeral
- › apply for a grant of probate at the Probate Office
- › secure assets, pay outstanding bills, arrange asset valuations
- › locate beneficiaries, including anyone interstate or overseas
- › defend the estate against litigation (if necessary)
- › lodge tax returns, if applicable
- › resolve any disputes between beneficiaries
- › set up trusts (if requested in the Will) and administer them

If you've come to the conclusion that you may not be able to take on this responsibility, especially if the deceased's affairs aren't straightforward, you aren't legally obliged to fulfil the role.

You have an alternative.

You can authorise an organisation such as State Trustees to act as the executor. We will apply for a grant of probate at the Probate Office to become the estate's executor, taking full responsibility for the estate.

# What to do about the Will

Once you've located the Will, you'll need to apply for what's called 'probate'.

Probate is a document issued by the Court certifying the Will's validity and confirming the appointment of an executor.

The Court requires proof that the executor appointed in the Will is alive, willing and competent to undertake the tasks involved.

It's also important to verify that the Will is the last version made by the deceased.

The executor may be asked to provide a financial guarantee to the value of the estate.

Once probate is granted, the executor can begin to administer the estate.

# What to do if there is no Will

If someone dies without a legal Will, State law determines how their estate is distributed.

In most situations, closest relatives will share in the estate. The next of kin can apply or authorise a trustee company to apply for a grant of Letters of Administration. The next of kin entitled to apply for a grant is the person who would be entitled to the greatest share of the estate according to the laws of inheritance.

In addition:

- ▶ the Court has the right to determine who will be granted administration of the estate;
- ▶ the Court may grant administration to a person or organisation the deceased would not have wanted managing their affairs;
- ▶ the estate may take a longer time to settle and cost more than if there was a Will



## Where to go for more help

If you'd prefer that State Trustees acts as executor on your behalf, we will save you time and worry by taking responsibility for managing the estate of your loved one.

We help many people at this time who, for reasons including legal, financial or family-related complications, decide it best to ask an impartial, experienced and professional organisation.

- ▶ We're Victoria's **leading** estate administrator
- ▶ We offer **convenient**, end-to-end estate administration
- ▶ We take on **full legal liability** for the estate
- ▶ We're **impartial**
- ▶ We are experts in dealing with financial **complexity**
- ▶ **We'll cover outstanding debts**, estate administration costs and more
- ▶ We invest estate funds to **maximise returns**

A number of people, government bodies, organisations and service providers need to be advised when a death occurs.

Use the space provided to enter names and phone numbers.

Contact	Telephone	Date contacted
Doctor		
Faith Leader		
Family Members		
Prepaid funeral provider:		
Employer		
Solicitor		
Accountant		
Executor of Will		
Banks/Credit Unions		
Insurance		
Superannuation		
Health Benefit Fund		
Department Stores		
Professional Bodies (dentist, optometrist etc)		
Clubs		

Contact	Telephone
Community Services (eg, home care, RDNS)	
Subscriptions	
Water Supplier	
Gas Supplier	
Electricity Supplier	
Telephone Supplier/Landline	
Telephone Supplier/Mobile	
Internet Service Supplier	
Cable TV	
Pet Registration	
Dept. of Veterans Affairs (Case Manager)	
Centrelink (Case Manager)	
Dept. of Employment, Education & Training	
Vic Roads (Car Registration & Drivers License)	13 11 71
Nursing Home	
Taxation Office	132 865
Electoral Office (State & Commonwealth)	132 326
Australia Post	
Home Deliveries	
Local Council	
Registry of Births, Deaths and Marriages	1300 369 367
Victorian Legal Aid	9269 0120

## Checklist

The following is a list of documents needed to assist with the deceased estate administration.

Tick box	Check list item
<input type="checkbox"/>	<b>Birth and Marriage Certificates</b> These document important family history
<input type="checkbox"/>	<b>Will</b> This is a legal document which expresses the deceased wishes in regard to distributions of the property after their death. It authorises a person (the executor) to act according to the deceased wishes. It also prevents confusion arising among dependents, relatives and friends.
<input type="checkbox"/>	<b>Property Deeds and Titles</b> These include the title to the deceased house and land. They prove ownership of the deceased property. If the property is under mortgage, the original title will be held by the mortgage (bank, building society etc).
<input type="checkbox"/>	<b>Lease Agreement</b> These papers provide details in relation to any leased property.
<input type="checkbox"/>	<b>Taxation Records</b> To assist the Executor in deciding how to deal with financial affairs.
<input type="checkbox"/>	<b>Insurance Policies</b> Includes policies for house or personal effects - these record the rights under the policy as well as procedures for cancellation.
<input type="checkbox"/>	<b>Life Assurance/Superannuation Policies</b> These provide a record of payments.
<input type="checkbox"/>	<b>Papers representing other assets: share, debentures, etc</b> These represent the title to sometimes quite valuable property.
<input type="checkbox"/>	<b>Details of bank accounts and other investments</b> Provides information as to where money and/or mortgage is held.
<input type="checkbox"/>	<b>Pre-paid information for the funeral</b> Any arrangements that have already been made about the funeral.

*The above papers may be kept in a secure place (eg. safe deposit, trustee company, solicitor).*



Most importantly, don't be afraid to be guided by your own common sense and judgement. Don't add to your distress by trying too hard to follow wishes of other members of the family (or, even of the deceased) which may not be practicable.

A funeral is an emotional time. Don't be surprised if extreme feelings are aroused within yourself and other family members.

While it is never easy, you have the job of making the necessary arrangements. Try to be satisfied with making the best of that job as you reasonably can.

# How to contact us

For more information about how we can assist you, please contact:

- ▶ **9667 1106**, if you live in Melbourne; or
- ▶ **1300 138 672**, if you live outside Melbourne.

**You can also visit us online at: [statetrustees.com.au](http://statetrustees.com.au)**

**Or visit one of our offices:**

## **Melbourne**

168 Exhibition St  
Melbourne  
Victoria 3000

## **Dandenong**

Shop 4, 157 Lonsdale St  
(corner of Foster St)  
Dandenong  
Victoria 3175

## **Bendigo**

41 Edward St  
Bendigo  
Victoria 3550