



## **Getting Your Affairs in Order**

### **Documents that Everyone should have:**

There are different types of legal documents that can help you plan how your affairs will be handled in the future. For additional more information:

[https://www.health.ny.gov/community/advance\\_care\\_planning/](https://www.health.ny.gov/community/advance_care_planning/)

### **For People who can make their own decisions:**

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If you can currently make your own decisions, for healthcare and finances, you can complete these forms. When you become sick and have difficulty making decisions it will make it easier for family or designated person to make medical decisions for you.

#### **1. MOLST - Medical Orders for Life-Sustaining Treatment**

This form answers 6 questions that are usually needed in an emergency situation, like: do you want to receive chest compressions, do you want to be connected to a ventilator, etc. You can update this form any time your wishes change. Must be filled out with a health care provider: a Doctor, Nurse Practitioner or a Physician Assistant.

<https://www.health.ny.gov/forms/doh-5003.pdf>

#### **2. Health Care Proxy (Healthcare Power of Attorney)**

This form lets you choose a person to make medical decisions for you for when you can no longer make them. Make sure that person is willing to make those decisions for you. Your healthcare agent should be someone you trust, such as a family member or a close friend.

<https://archive.nysba.org/WorkArea/DownloadAsset.aspx?id=63499>

(Available in several languages)

#### **3. Power of Attorney**

This form allows you to name a person to act on your behalf and manage your property and finances while you are alive. This form gives that person the authority to spend your money and sell or dispose of your property without telling you. This form becomes cancelled when you die.

-General Power of Attorney:

Will end if you are unable to make your own decisions.



**-Durable Power of Attorney:**

Stays in place if you become unable to make your own decisions.

<https://www.nyc.gov/assets/hra/downloads/pdf/services/homelessness-prevention/poa.pdf>

**4. Wills and Trusts –**

This form let you name the person or persons you want your money and property to go to after you die as well as appoint an executor, the person who will manage the will for you.

<https://nycourts.gov/CourtHelp/WhenSomeoneDies/will.shtml>

**For People who can NOT make their own decisions:**

If a person has not filed a form when able to make decisions and now is no longer able to make decisions for their healthcare or finances, the County Court will need to appoint a Guardian (Article 81 Guardianship) to handle healthcare and financial decision for that individual.

**1. Representative Payee (Manages Social Security Benefits)**

A trusted person (representative payee) can be appointed to manage only the Social Security benefit payments on behalf an individual when they can no longer are capable of managing their Social Security Income. More information can be found online at:

<https://www.ssa.gov/payee/>

Form SSA-787: Physician's/Medical Officer's Statement of Patient's Capability to Manage Benefits (PDF) will need to be completed by the patient's physician and submitted to the Social Security Administration.

[https://soarworks.samhsa.gov/sites/default/files/SSA-787%2011\\_2015.pdf](https://soarworks.samhsa.gov/sites/default/files/SSA-787%2011_2015.pdf)

**2. Court Appointed Guardians**

A guardian can be appointed for an individual who is mentally incapacitated due to dementia and can no longer make decisions for themselves. Guardians have the same sort of authority a parent has over minor child and can make healthcare related and financial decisions.



### To obtain a Court Ordered Guardianship

- Must be a person (over the age of 18) or entity
- File a petition in court and prove that a guardian is necessary

You can obtain the petition form needed by visiting the Clerk's Office located inside the Supreme Court or County Court in the county where the alleged incapacitated person is living. If you are unable to visit the Clerk's Office, you can contact them by phone.

**Monroe County Clerk's Office**

**Phone: (585) 753-1600**

**Email: MCclerk@monroecounty.gov**

- Dr. Postigo can fill out a form (Physician's/Medical Officer's Statement of Patient's Capability to Manage Benefits) that is used for appointing a Representative to manage Social Security Benefits. You can provide this form to the court as proof that the individual can no longer make health and financial decisions.

If you have questions about completing these forms, you can ask a clerk in the Clerk's Office or go to a Court Help Center, if available, for assistance. To find out more information about Court Help Centers and where they are located, see [Court Help Centers and Community Organizations](#).

<https://nycourts.gov/courthelp/Guardianship/AIP.shtml>

<https://www.nycourts.gov/courthelp/guardianship/81start.shtml>

### 3. Lifespan of Greater Rochester

1900 South Clinton Avenue, Rochester, NY, 14618

Phone: (585) 244-8400

<https://www.lifespan-roch.org/financial/>

Lifespan can be appointed by a court as a guardian for an older adult who is deemed incapacitated and does not have a family member or close friend who take on this task. In their roll, they can make legal, medical, housing and financial decisions on their behalf. When appropriate, the court reimburses their services using their assets.



## **Getting Prepared**

### **Getting Ready and Organize Important Papers**

Keep a record of Important papers.

1. Put your important papers and copies of legal documents in one place. You can set up a file, put everything in a desk or dresser drawer, or list the information and location of papers in a notebook. If your papers are in a bank safety box, keep copies in a file at home. Check each year to see if there's anything new to add.
2. Tell a trusted family member or friend where you put all your important papers. You don't need to tell this friend or family member about your personal affairs, but someone should know where you keep your papers in case of an emergency. If you don't have a relative or friend you trust, ask a lawyer to help. If your important papers are in a safe, provide that person with the safe combination.
3. Give permission in advance for your doctors, health insurance carrier, or lawyer to talk with your caregiver as needed. There may be questions about your care, a bill or a health insurance claim. Without your consent, your caregiver may not be able to get needed information. You can give your okay in advance to Medicare, a credit card company, your bank, or your doctor. You may need to sign and return a form.

### **Personal Records**

1. Full Legal Name
2. Social Security Number
3. Legal Residence
4. Date and Place of Birth
5. Names and address of spouse and children
6. Location important records: Birth Certificates, Death Certificates, Marriage Certificates, Divorce Certificates, Citizenship Records, Adoption Papers
7. Employers and dates of employment
8. Education and military records
9. Names and phone numbers of religious contacts
10. Memberships in groups and awards received
11. Names and phone numbers of close friends, relatives, doctors, lawyers and financial advisors that need to be contacted
12. List of Medications taken regularly (be sure to update this regularly)
13. Location of Living Will and other Legal Documents

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## **Financial Records**

1. Sources of Income and assets (pension from your employer, IRAs, 401 (k)s, Interest, etc.
2. Social Security and Medicare/Medicaid information
3. Insurance Information (Life, Health, Long-term care, Home, Car) with policy numbers and agents' names and phone numbers
4. Names of your banks and account numbers (Checking, Savings, Credit Union)
5. Investment Income (stocks, bonds, properties) and stockbrokers' names and phone numbers
6. Copy of most recent income tax return
7. Location of most up-to-date Will with an original signature
8. Liabilities, including property tax (what is owed, to whom, and when payments are due)
9. Mortgages and debts (how and when they are paid)
10. Location of original deed of trust for home
11. Location of Car titles and Registration
12. Credit and Debit Card Names and numbers
13. Location of Safety Deposit Box and Key

## **2-6 Months in Advance:**

1. Find and identify all financial information. Bank accounts, investments, stocks, bonds, life insurances policies, nursing home insurance, land and house deeds, pensions, government bonds, etc.
2. If there is a safe with important documents be sure you have the safe combination.
3. Make sure executor or beneficiary name is on bank accounts.
4. Cash investments or make sure it has a proper beneficiary listed as a beneficiary in case of death.
5. Change name on all bills to pay, is easier (water, electricity, phone, etc.)
6. Make copy of Social Security Card, and write all personal information (date of birth) and identification numbers (insurance member ID numbers).
7. Call Nursing Home Insurances, if patient is still in home, they could help pay for home health coverage.
8. If there is medical equipment at home, like oxygen, hospital bed, wheelchairs, etc., get the phone number and the name of the company who provided it.



9. If the person was in the military or belonged to a fraternal or religious group, contact the Veterans Administration or the specific organization to see if it offers burial benefits or conducts funeral services.
10. Ask the primary care doctor if he or she will sign the death certificate (the hospice doctor could also do it)
11. Select a Funeral Home and select a plan for the funeral, burial or cremation. Pay attention to religious preferences.

### **At The Moment of Death**

#### **If Dying at Home:**

1. Call the police.  
The police always should be notified. Dial 911. No one should move or touch the body until the police have had a chance to evaluate the situation. When the medical examiner arrives provide them with: the Doctors name and phone number, the MOLST form (pink form), and the list of medications.
2. Call the doctor or hospice agency.  
If the deceased is under hospice care, a hospice nurse can certify their dead.
3. Notify any pre-arrangement instructions in place.  
Like if someone has decided to donate their body or body organs, there will be a specific number to call.
4. Call the funeral home.  
Provide them with the Doctors name. They will be the ones to order the death certificates. You will need an original death certificate for every agency you need to report the death to, so is a good idea to get extra certificates, at least 10 copies.
5. Notify other family members and close friends.

#### **If Dying at the Hospital or Nursing Home:**

1. Notify the nurse if you are present when it happens.  
If they discover the death first, they will notify you and the physician in charge.





2. Notify any pre-arrangement instructions in place.  
Like if someone has decided to donate their body or body organs there will be a specific number to call.
3. Contact a funeral home and make arrangements for burial or cremation.  
If it is an expected death, it is good to call them ahead of time to make arrangements. They will be the ones to order the death certificates. You will need an original death certificate for every agency you need to report the death to, so would be a good idea to get extra certificates, at least 10 copies.
4. Note:  
If a family member is flying, airlines can give a discount (usually 10%) if presenting a death certificate or a doctor letter when coming back in a round trip. Ask the airline about this discount when buying the tickets.

### **After the Death**

#### **The Next Few Days**

1. Notify family and friends and delegate some responsibilities to them.
2. Find out if they belonged to a burial or memorial society that makes special arrangements for a funeral, such as a religious burial society or a military honor guard.
3. Complete the funeral and burial arrangements
4. Watch out for con artists who prey upon vulnerable families in their time of distress. Some fraudsters look for death notices and make unfounded claims against the estate. Some may even attempt to burglarize the home during the funeral service. Be cautious about such matters; perhaps have someone stay at the home during the funeral service, and do not easily accept the claims of unknown individuals that lack documentation.
5. Dispose of medical equipment. Call the companies who provided equipment.  
Oxygen Provider:  
The supplier owns the equipment oxygen concentrator and oxygen tanks. You need to call them so they can pick up the equipment.  
Other medical equipment: (like hospital bed, wheelchairs, lift, etc.)  
If less than 13 months of renting the equipment, the company still owns the equipment and they need to pick them up.



After 13 months of renting the patient owns the equipment. You can keep it or donate it.

Places that accept medical equipment donations:

Damascus Shrine Center, they loan the donated equipment they receive to people in need.

979 bay Rd, Webster, NY,14580. Monday to Friday 9 to 12. P:585-671-9730.

6. Dispose of medical supplies: (Like diapers, pads, etc.)

Organizations that accept medical supplies:

Intervol - 100 Kings Highway South, Suite 1200, Rochester, NY,14617. P: 585-922-5810. Monday and Thursday, 8.30 to 4 pm.

Check [intervol.org](http://intervol.org) to see what supplies they accept.

7. Dispose medicines:

To get rid of prescription and nonprescription medicines locate a medication drop box in <https://www.monroecounty.gov/des-PharmaceuticalWasteDisposal>,

Rochester General Hospital has one open 24 hours a day in the ground floor next to the gray elevator. 1425 Portland Av, Rochester, NY, 14621.P: 585-922-4000.

## **Gather Information**

1. Get the death certificate – you will need it for things like opening a safe deposit box and probating a will. Most funeral directors will help you get you multiple copies. You can order additional copies of the death certificate online at [vitalcheck.com](http://vitalcheck.com). Or you can apply for a death certificate by mail using this [certificate application](#).
2. Gather all of your loved one's legal, financial, and personal documents. Make sure nothing is lost, and do not throw out any paperwork.
3. Make sure the decedent's computer remains in working order. Computers often contain important financial, legal and personal information.
4. Do not take any property, open safe deposit boxes, or pay debts until the court allows you to do so. After someone gets appointed by the court to be the estate's personal representative, that person can manage the assets, pay attorneys, taxes, and creditors and then distribute the remaining assets to the decedent's heirs. Until someone gets appointed by the court, it is not legal for anyone to make distributions of the decedent's property.





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### **Notify the Following Entities:**

1. Go to the post office and put in a forwarding order to send future mail to yourself or whoever is working with you.
2. Social Security 1-800-772-1213, to stop Medicare payments
3. Tricare (if a veteran) 1-866-773-0404
4. Health Insurances, all of them: Primary, Secondary or Tertiary health insurances
5. Life Insurance Policies
6. Pension payments
7. Nursing Home Insurances
8. Any direct deposit payment into the bank
9. Any direct debits for the bank account, don't call until ready to settle the bank accounts
10. Any trust the deceased is on
11. Cancel Driver's License. It will remove the deceased's name from the records of the department of motor vehicles and prevents identity theft
12. Delete Social Media Accounts and close Email account to prevent identity theft and fraud.

### **Life Insurance, Bank Accounts and Benefits**

1. You can check if your loved one had an insurance policy. The New York State Department of Financial Services has a free-of-charge search service to assist families in locating unclaimed benefits on life insurance policies.  
Visit [https://www.dfs.ny.gov/consumers/life\\_insurance/lost\\_policy\\_finder](https://www.dfs.ny.gov/consumers/life_insurance/lost_policy_finder) for more information.
2. Find out if there are any benefits available to a loved one's survivors.  
Contact [Social Security](#), [Workers' Compensation](#) and your loved one's employer to see if benefits are available to surviving spouses or other family members.
3. Contact the decedent's bank and find out if you are a beneficiary on any of their accounts.

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## **Start an Estate Proceeding**

1. You may open the decedent's safe deposit box to get the will only. Only the person who is eventually appointed by the court to act on behalf of your loved one's estate will be allowed to take out the rest of the contents of a safe deposit box. That person has to account to the court for the contents of the safe deposit box.
2. If there is no Will, then the court will appoint an administrator. The administrator will distribute the assets of the decedent in accordance with New York state law of intestate succession – the court will decide who gets the estate.
3. If there is a will, you will need to bring the will to your County's Surrogate's Court.
4. The will usually nominates a Personal Representative (an Executor or Executrix). The Personal Representative will be responsible for collecting the property, paying off debts and distributing the property to the heirs of the person who passed on.

## **Carry Out Your Duties for the Estate**

1. If you are the Personal Representative or Successor Trustee of a Trust, begin making a list of the assets owned by the person who died or the Trust.
2. Go through the financial, personal, and legal documents that you've assembled, and make an inventory of the decedent's assets and liabilities.
3. If you are a potential beneficiary, make sure the personal representative and trustee keep you in the loop. If you think that you are not getting your fair share of the estate, it might be time to challenge the person handling the estate.
4. Open a separate bank account for the estate. Keep a record of all transactions on that account.
5. Update the inventory of the decedent's assets.
6. Look for insurance policies or annuities which may continue for other family members.
7. Contact the decedent's life insurance company and follow their process for collecting life insurance. Deposit the life insurance into the estate account that you've opened.



8. If the decedent owned real estate in a different state, you might have to start an ancillary proceeding in the state where the property is located. You may have to do this in more than one state.
9. It might not be a good idea to cash out IRA accounts right away, or you may lose substantial tax advantages. Consult a [New York estate lawyer](#) first.
10. Annuities, pensions, and profit-sharing plans may provide for payments to the decedent's spouse or other relatives. You need to consult those plans for details.
11. If the person who died was a partner in a business, check for the existence of buy-sell agreements that allow the partners to purchase the decedent's share of business from the estate.
12. The personal representative needs to pay the creditors of the decedent before they can distribute the estate to the beneficiaries. Otherwise, the personal representative may have a problem – being personally liable to the creditors.
13. The personal representative is required to give notice of the proceeding to all of the decedent's family members, even if they will not receive anything from the estate.
14. You will need to file IRS Form 1040 and pay the decedent's last income tax. If there is a Trust, you will need to file a "Fiduciary Income Tax Return," IRS Form 1041.
15. If the person who died left minor children, the guardian named in the will must assume care of the children. If the decedent did not appoint a guardian, the court will.
16. Watch out for con artists who prey upon vulnerable families in their time of distress. Some fraudsters look for death notices and make unfounded claims against the estate. Some may even attempt to burglarize the home during the funeral service. Be cautious about such matters; perhaps have someone stay at the home during the funeral service, and do not easily accept the claims of unknown individuals that lack documentation.
17. If there is a surviving spouse, make sure the surviving spouse or children collect veterans' benefits or other "joint and survivor" benefits.
18. After the personal representative completes their duties, they can ask the court to discharge them from the commission.



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### **At the End**

Reaching the end of life is never easy. Nobody plans to get sick or disabled but life will be easier for those left behind if you have planned ahead and got your affairs in order.

We hope you will find this guide useful and lessens your burden. This is not an exhaustive list of what to do when someone dies in New York, nor is it an attempt to provide detailed instructions. Rather, it is assembled for educational and informational purposes only. It is possible that an important factor that pertains to your specific situation is not addressed here. It looks complicated, but like in any task, the clue is making a list and start one step at a time.

Don't forget to take care of yourself.

Sincerely,

Dr. Postigo and Staff

### **Suggested Readings**

American Association of Retired People, AARP: What to do when a loved one dies.  
<https://www.aarp.org/home-family/friends-family/info-2020/when-loved-one-dies-checklist.html>

Law offices AG: What to do when somebody dies in NYC.  
<https://nyestateslawyer.com/new-york-city-probate-attorney/what-do-i-do-when-someone-died-in-nyc/#:~:text=Notify%20the%20Social%20Security%20Administration,computer%20remins%20in%20working%20order>

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