

SENIOR LIVING

ELDER LAW NOTES

It's best to be proactive when it comes to post-death decisions

Legal decisions that follow the death of loved ones are complicated. The period of time immediately following the loss of an important person in your life, such as a parent, spouse, sibling or child, can leave you vulnerable to stress, misguided advice or high-pressure sales tactics that lead to rushed decisions.

Hasty choices may leave a person in a poor financial condition and potentially could impact the life of a survivor for years to come. So it's important to be proactive when considering post-death decisions.

Donating the deceased's body is one such consideration. Any adult living in Texas, who is of sound mind, may choose to donate their body by will or other written instrument to be used for the advancement of medical science. Family members in the following priority may give all or part of the decedent's body if there is not actual notice of contrary indications by the decedent, including:

- Decedent's spouse;
- Decedent's adult child;
- Either of the decedent's parents;
- Decedent's adult sibling;
- Guardian of the person of the decedent at the time of death.

Such gifts may be made after or immediately before death. In order for the gift to be valid, it must be made by a document signed by the person or by telegraphic, recorded telephonic, or video or audio recording. Donation of a body may be specified prior to death on a donor card, driver's license or personal identification certificate for gifts of eyes, tissue or organs. For information about these kinds of donations, contact the Living Bank at www.livingbank.org.

Making advance plans for a memo-



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“Veterans or their family members should inform their funeral director if they want military honors. Veterans and their immediate family members are entitled to burial in a VA National Cemetery.”

rial service or funeral, also referred to as a “pre-need funeral contract,” is an essential part of post-death planning and will lessen the stress of handling these arrangements during the grieving process, especially if the pre-need arrangements are paid for in advance. Personal preferences may be made in writing and a copy given to family members, friends or an attorney to keep in a safe and accessible place.

Veterans or their family members should inform their funeral director if they want military honors. Veterans and their immediately family members are entitled to burial in a VA National

Cemetery. For additional information about military honors, visit www.militaryfuneralhonors.osd.mil.

Another important post-death consideration is paperwork. The more organized your estate documents are, the easier it will be for a surviving loved one to find the documentation necessary to carry out your wishes. If these documents are a safe deposit box, identify the appropriate person on the account card of the financial institution where the box is held. Documents to have prepared and organized are a will, list of all financial institutions and account numbers, life insurance policies, Social Security card, tax returns, deeds, and other information related to the decedent's assets and income.

Obtaining several certified copies of the death certificate is prudent, as each financial institution holding the decedent's accounts, life insurance company, employer death benefits, government agency and immediate family need an original.

Awareness of post-death decisions can lessen the burden on surviving loved ones, which is reason enough to start making or reviewing plans today.

Thanks to Joy Eckelkamp-Torres and Bryn Poland for their contributions to this article.

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