

# Surviving Spouse's Guide

► A surviving spouse faces numerous challenges following the death of a loved one. This step-by-step guide helps surviving spouses in the state of Alabama through the decisions they may need to make in this difficult period.

## Step 1. Should I notify Social Security when my spouse has passed away?

In some cases, the funeral home will notify the US Social Security Administration if you give them your spouse's Social Security number. You can notify Social Security directly at (1-800) 772-1213 between 8:00 a.m. and 5:30 p.m. Monday through Friday. You can also go to your closest Social Security office. You cannot do this online.

## Step 2. Can I apply for Social Security benefits?

Social Security pays a one-time death benefit of \$255.00. You may also be eligible to receive survivor's benefits if your spouse earned enough working credits through Social Security to qualify. The survivor's benefit is available even if you are currently receiving a Social Security check based on your work history. If the deceased spouse's benefit was greater than yours, you might be eligible for the greater amount, but you cannot receive both benefits. Your local Social Security office can help you with this information. You must complete an application for these benefits in person, not online. You must have a copy of your marriage certificate, your and your spouse's Social Security numbers, and the birth dates of you, your spouse, and any dependent children. Special rules apply if you or a child has a disability.

If you are the divorced spouse of a worker who dies, you could get the same benefits as a widow or widower if your marriage lasted 10 or more years.

If your spouse received a Social Security benefit in the month that he or she died, the payment must be returned. You can notify your bank to return the payment. For more information or to apply for benefits, call (1-800) 772-1213 Monday through Friday between 8:00 a.m. and 5:30 p.m.



## Step 3. Will I need a death certificate?

Yes, you will need a death certificate to notify financial accounts to receive survivor benefits. In some cases, the funeral home will provide a death certificate as a service for you. Visit the Alabama Department of Public Health (ADPH) website at <http://www.alabamapublichealth.gov/vitalrecords/death-certificates.html> to download an application. You will also find information on processing the application. The phone number for questions or to get an expedited copy sent to you is (1-334) 206-5418. The ADPH can also provide additional copies for a fee. As a rule, you will need at least 5 to 10 copies depending on how many institutions you must notify. Contact financial institutions about life insurance, annuities, IRAs, state retirement accounts, military retirement accounts, accident insurance, bank and credit union accounts, financial trust accounts, union pensions, and proceeds from lawsuits.

## Step 4. What should I do with my spouse's will?

Contact an attorney to begin a review of your spouse's will. A will specifies the distribution of the decedent's



estate. Many assets are not governed by a will. Property owned jointly with rights of survivorship (family home, and assets with beneficiary designations, such as life insurance and retirement accounts) pass immediately to the survivor/beneficiary and are not subject to probate.

You will need to hire an attorney to probate a will. The probate process generally takes 7 or more months. Part of the probate process is notifying the creditors of the decedent. Most creditors will have priority over the surviving spouse. A typical will leaves all to the surviving spouse after creditors are paid.

An attorney should also help you understand whether your spouse's estate will cover existing debts that were only in your spouse's name, or if not, what your liability will be for those debts going forward. The attorney will file the will with the probate court to have it probated. If the surviving spouse's estate is insolvent (more debts than assets), it is especially important to offer the will for probate because this is the only way to satisfy creditors. A probate judge will determine who is paid and how much and will terminate all creditors' rights to the estate of the decedent.

### **Step 5. What if my spouse did not have a will?**

If the deceased spouse did not have a will, contact an attorney to discuss how the probate process works. The probate process is the official way that an estate is settled under the supervision of the court. A person, usually a surviving spouse or an adult child, is appointed by the court to be the administrator of the estate. This person has the legal authority to gather and value the assets owned by the estate, to pay bills and taxes, and to distribute the assets to the heirs. Heirs are generally the spouse and children of the decedent. Alabama has a procedure to determine the distribution of the estate. For more information concerning inheritance law, visit the Legal Consumer website at <https://www.legalconsumer.com/inheritancelaw>.

### **Step 6. What about life insurance benefits?**

Beneficiaries file a death claim with the insurance company by submitting a certified copy of the death certificate. Alabama law gives insurers 30 days to review a claim. They can then pay it out, deny it, or ask for additional information. Upon the death of the insured, a lump sum payment or installments are paid to the beneficiaries, but you may not have both options. Check the policy for details.

### **Step 7. How do I handle bills in my spouse's name?**

In Alabama, the surviving spouse is not responsible for the deceased spouse's liabilities. If the surviving spouse cosigned for a debt, he or she can be held liable for payment of that debt. Your attorney can sort these out during the probate court proceedings as mentioned in step 5.

It can be helpful to start a bill ledger or checklist. Put it in a prominent place for the first few months to help you establish a household budget or spending plan. Find out which bills are on automatic payment and which bills need to be paid manually. If you are not able to pay all the bills immediately, contact your creditors about the possibility of delaying payments because of the circumstances.

### **Step 8: What about military benefits?**

If your spouse was in the military, contact the Veterans Administration at <https://www.va.gov/> to learn what benefits you might be entitled to receive. If your spouse retired from the military, contact the US Department of Defense at <https://www.military.com/benefits/survivor-benefits> for more information.

### **Step 9: Do I have retirement and pension benefits?**

If applicable, contact your spouse's employer to let them know of the passing. Speak directly with the employer's human resources department to find out what paperwork will be needed. Keep in mind that you may be due money because your spouse has accrued vacation or sick leave time. If you or your children were covered through your spouse's employer's medical insurance, ask about options for continuing the coverage if you are interested in doing so. Be sure to inquire about

any employee life insurance benefits for spouses. Also check with all of your spouse's former employers to see if they have any life insurance policies or other benefits, such as pensions, for your spouse. Upon the death of the insured, a lump-sum payment or installments will be paid to the beneficiaries, but you may not always have both options. See the policy for details. To begin the process of assigning assets to beneficiaries, contact any financial advisers or administrators of investment or retirement accounts that your spouse may have had. Confer with a financial or tax adviser before cashing out any investments.

### **Step 10: Should I contact credit reporting agencies?**

Notifying any one of the three credit bureaus—Equifax, Experian, and TransUnion—allows the individual's credit report to be updated with a deceased notice, which may help prevent theft of their identity. When one bureau adds a deceased notice to a person's credit file, that credit bureau will notify the other two, eliminating the need for you to contact all three.

If you are the spouse of the deceased person or a representative legally authorized to act on the person's behalf, you can ask to have a deceased notice placed on the loved one's credit report by mailing a copy of the death certificate along with the following information about the deceased:

- Legal name
- Social Security number
- Date of birth
- Date of death
- Your name and mailing address
- Copy of survivor government-issued ID or a driver's license

If you are not the spouse of the deceased, you will also need to include court documents authorizing you to legally act on the deceased's behalf.

Mail to ONE of the following credit reporting agencies:

Equifax Information Services LLC  
Office of Consumer Affairs  
PO Box 105169  
Atlanta, GA 30348

For more information: <https://www.equifax.com/personal/>



Experian  
PO Box 9701  
Allen, TX 75013

For more information: <https://www.experian.com/>

TransUnion  
PO Box 6790  
Fullerton, CA 92834

For more information: <https://www.transunion.com/>

### **Step 11: What should I do with my spouse's personal property?**

Charities will take clothes, shoes, and other personal property for resale. You can also donate to family members, faith-based groups, or local homeless shelters. If your spouse had a vehicle, motorcycle, RV, or boat and you do not need it, you can sell the vehicle to relatives or the public.

The National Automobile Dealers Association website at <https://www.nadaguides.com/> provides estimated values and fair prices for used vehicles. Local car dealers also purchase used vehicles for resale.

## Step 12: What should I do about creditors?

Contact any creditors to remove your spouse's name from joint accounts and to close accounts that were in your spouse's name only. Destroy cards that were issued only in your spouse's name. If you have long-term joint accounts that have remained in good standing, keep them open because they can help you maintain a positive credit history. Let creditors know if the debts will be paid by your spouse's estate, or if not, how they will be handled. Your lawyer can help you prepare this information. If you had been paying for credit card insurance, ask the creditor how this might benefit you.

## More Tips to Consider

- Take time to inventory your records and important papers and keep in a file box the following:

- Will, trust
- Life insurance policy
- Birth certificate
- Marriage certificate
- Death certificate (when available)
- Funeral arrangements
- Social Security cards for you both
- Tax returns
- Divorce agreements
- Bank statements
- Retirement plan statements
- Investment portfolios (stocks, IRAs, annuities, trusts)
- Bank statements (mortgages, loans, safe-deposit box key)
- Deeds, titles

- Complete a new spending plan (budget) to reflect your new level of income and expenses. A sample spending plan worksheet is available in Alabama Extension's "Money Management Calendar." Contact your county Extension office for more information.
- Adjust your savings plan to align with your new income and expenses.
- Consider financial goal setting to help you achieve specific financial goals.
- The financial website [PowerPay](https://powerpay.org/) at <https://powerpay.org/> is free and can help you create a new spending plan based on changes in your household income. You can also create a new savings plan for your retirement or other needs. Use the financial calculator to help you estimate debt payoff or to add additional funds to existing debt.
- If your benefits represent a large amount of money, consult a financial adviser to put the money to work for achieving specific goals.
- Consider what your retirement will look like going forward, and try to estimate how your expenses and income will change during retirement.
- Join interest groups of like-minded people who share similar interests. Consider new interests or learn something new with continuing education.
- Have a passion for something? Consider volunteering in your community or helping others.
- Find other helpful information from Alabama Extension in "Faith Communities Encourage Healthy Eating and Active Living," at <https://www.aces.edu/blog/topics/in-communities/faith-communities-encourage-healthy-eating-active-living/> and "Managing Stress Caused by Change," at <https://www.aces.edu/blog/topics/health-nutrition-urban/managing-stress-caused-by-change/> for more information.



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**For more information**, contact your county Extension office. Visit [www.aces.edu/directory](http://www.aces.edu/directory).

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