

WHAT HAPPENS TO YOUR PARTNER WHEN YOU DIE?

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IF YOU HAVE READ THIS ARTICLE BEFORE, HAVE YOU ACTED ON IT?

The ACT Defence Widows' Support Group (DWSG) provides support to Defence widows and widowers, particularly the newly-bereaved. The Group contacts them after the funeral of their partner. Experience has shown that the same problems seem to surface repeatedly and that forward planning would help relieve some of the burden and distress to your partner when death occurs.

ARRANGEMENTS PUT IN PLACE NOW WILL SAVE YOUR PARTNER GRIEF AND EFFORT WHEN THE TIME COMES.

SOME ISSUES YOU SHOULD CONSIDER

FINANCIAL MATTERS

For all financial matters seek advice from your bank/s or financial institutions. Banks require notification of a death as soon as possible. We have heard stories of banks freezing joint accounts on the death of a signatory. If you have a joint account, you will be wise to check its status with the bank. It is advisable for both partners to have an account IN THEIR OWN NAME so there will be no problem in organising payment of benefits into the other account.

There is also a demonstrated need for each partner to have their own credit card. The death of the major cardholder means that the additional cardholders are not recognized, leaving the surviving partner without access to credit facilities and no established credit history. You should check the status of all your credit cards

Some bank loans may be written off if an insurance fee has been paid. Discuss with the bank if it is wise to keep any loans rather than pay them off as your partner may find it difficult to raise a new loan at a later date.

You should also check who has access to any bank security boxes.

WILLS, POWER OF ATTORNEY & ENDURING POWER OF ATTORNEY

Every adult over the age of eighteen should have a current Will and a completed Power of Attorney/Enduring Power of Attorney. Both should be kept in a secure place, the location of which is known to your partner and at least one executor. Both should be updated on a regular basis for example, on renewal of your driving licence. Each State has different regulations.

Remember that your Power of Attorney may be needed by your partner at any time eg, if you are incapacitated due to even temporary medical care. Having Power of Attorney means that your partner can pay bills, give instructions about your medical treatment and attend to your affairs, if you are unable to do so.

There is also a trend towards drawing up an "End of Life Care Plan" which should be kept with these documents.

FUNERAL ARRANGEMENTS AND MEMORIALS

Each partner should know the other's choice of funeral arrangements, have them written down and preferably kept with the Wills. If eligible, you will be entitled to official commemoration. Your nominated next-of-kin will be contacted by the Office of Australian War Graves to organise this. However, all veterans who served in the Australian forces are entitled to use the relevant Service badge/insignia on their private memorial. A request in writing to the Office of Australian War Graves is required.

DFRB/DFRDB/MSBS BENEFIT

Upon notification of the death of the original recipient of a DFRB/DFRDB benefit, ComSuper will cease payment until the necessary forms, correctly filled out, are submitted. Only

then will your partner receive their entitlements, paid into an account IN THEIR OWN NAME. These entitlements generally are:-

DFRB: A lump sum equal to seven pays (14 weeks) of the difference between the deceased (old) and the surviving partner's (new) pension, plus the commencement of a fully CPI indexed pension (being five eighths of the deceased's old pension) paid fortnightly.

DFRDB: A lump sum equal to seven pays of the difference between the deceased's (old) and the surviving (new) pension, plus the commencement of a partially CPI indexed pension. In outline, the new pension is five eighths of the deceased's full old pension as if he/she had not commuted his/her benefit when leaving the Service. The value of that additional part is 'frozen' and the part relating to the deceased's previous fortnightly pension is CPI indexed. The pension is paid fortnightly.

MSBS: These benefits are quite different from DFRB/DFRDB and are calculated on an individual basis upon application.

VETERAN ENTITLEMENTS

Your partner may be entitled to benefits from the Department of Veteran Affairs (DVA) but to apply they will need documentation and proof of their partner's Defence Service. You and your partner might have already established their possible entitlements. If so then gathering that information together now and having it on hand will greatly assist in any applications to DVA. Note that if you have a Gold Card it is not transferable. If you are a TPI pensioner your partner will automatically be entitled to a Gold Card. If they believe they are eligible for a War Widow's Pension, they should contact DVA and, if their application is successful, they will also be entitled to a Gold Card. Legacy can assist with completing the application.

If the death is caused by a Service related injury (or the deceased was already in receipt of a DVA pension) your partner may be entitled to a DVA pension. Contact the DVA, DFWA, Legacy, Vietnam Veterans' Association of Australia, Vietnam Veterans' Federation of Australia or other ex-Service agencies for further information. If there are entitlements to any other compensation payments these need to be submitted as soon as possible. Entitlements for dependent children may also be payable.

PENSION ENTITLEMENTS

If your partner's total income is below a certain amount, a Centrelink pension, either full or part, may be payable. Bridging finance prior to the start of the ComSuper pension may be provided. Copies of the Marriage Certificate, Will and Death Certificate will be needed.

CHILDREN

If you have dependent children and/or full time students, additional pension benefits may be payable. Documents required will include copies of the Marriage Certificate and the Death Certificate (though a copy of a newspaper

notification of death may be accepted until the Death Certificate is available).

MARITAL SEPARATION

For a variety of reasons including dementia or invalidity, you and your partner may have needed to live separately for a period. You may need written advice or a certificate from your doctor advising that the separation was for medical reasons before ComSuper will commence pension payment.

LEGACY

Your partner may be eligible for assistance from Legacy due to your service in a War Zone, Operation Service or training for operations. Contact Legacy for further details.

TAX RETURNS

A (final) tax return will need to be lodged with the Australian Taxation Office on behalf of the deceased's estate. Upon Probate, the estate can be distributed to any beneficiaries and sufficient money needs to be set aside to meet any final tax obligations. The executor will usually arrange this. Other related matters to note include possible Capital Gains Tax for shares purchased after 1985 or other assets, stamp duty and other fees.

THE HOUSE

After a required period of time (usually 28 days) a house in joint names should be transferred to the surviving joint owner upon application to the relevant Titles Office. Documentation required may include copies of the Marriage Certificate, Death Certificate, the Will and Title documents. The relevant financial institution will need to be advised regarding home loans. The house and contents insurance notices will need to be transferred to a single name.

THE CAR

A car can be transferred to your partner if they are the sole beneficiary of the Will. Ideally, the family car should be registered in both names. The deceased's driving licence may be eligible for a refund of the remaining valid period. Copies of the car registration papers and your driving licence as well as the Marriage Certificate, Death Certificate and Will may be required. Insurance companies will need to be advised of any change of car ownership.

PRIVATE HEALTH INSURANCE

Benefits may be payable from private health insurers. Future premiums may be reduced, particularly if the family rate reduces to a single rate, so the health fund must be informed of the death.

CLUB AND ASSOCIATION MEMBERSHIP

Make a list of organizations of which you are a member, along with the membership numbers, phone numbers and addresses. All the deceased's memberships will need to be cancelled. Refunds may be payable.

CONTRACTS

The current trend towards contracts for mobile phones, Internet, security systems and the like can cause problems. These may have to be paid out in full. Some contracts may need to be re-negotiated or transferred to the surviving partner. Your partner needs to be able to access all relevant account details, passwords etc to be able to contact the companies as soon as possible and to avoid running up further bills.

ROUTINE HOUSEHOLD BILLS

Keep a list of regular accounts and direct debits (eg. rates, security systems, home and content insurances, vehicle insurance, health insurance, phone and mobile providers, internet service providers, water, gas, electricity etc). Making a note of how and when they are usually paid and the approximate amounts will save your partner distress and uncertainty, particularly if they are not in the habit of handling those particular accounts. Preferably, both partners should be equally familiar with arrangements for payment of household accounts .

If you normally access such accounts either over the phone or via the Internet your partner will need the log-ins (user names and passwords). You will be amazed how many you have and how often you, and therefore your partner, will need to be able to access them!

A list of trusted tradesmen, or their fridge magnets on the fridge door, can be a great help.

DOCUMENTS

Your partner will require a copy of your Will, Service Record (including medical and psychiatric records) and Death Certificate. They may need to carry a certified copy of the Death Certificate in order to conduct or finalise some financial matters. It is a good idea for them to get 10 certified copies. Other documents often needed include the Marriage Certificate and Title Documents for your home.

FINALLY

It is advised that the newly bereaved partner keep an exercise book to record all business phone calls etc made after the partner's death. In the fog of grief, memory can be faulty and a record of calls and decisions made will be very useful. There will no doubt also be calls from friends and family and it can be very helpful to make a note of those too. Relatives and friends may make decisions and arrangements on their behalf and trying to remember all these will be difficult. A copy of all correspondence and forms completed can be kept in a file.

These are just some of the issues identified by the ACT Defence Widows' Support Group as part of their involvement with new widows/ widowers.

Some thought and time spent now will be of immense help to your partner, particularly if you are both involved in the process.

Contact: DFWA-ACT Branch, Inc
GPO Box 2272
Canberra ACT 2601
PH: (02) 6265 9496