



# 在美国有亲人过世之后，如何处理后事和遗产？

- 朋友分享2020两次帮家人处理后事的经验和教训

- 一位多年的好友在2020年相继送走了他的高龄父母（跟新冠无关）。两位老人都受过良好的教育，也在生前做了不少的安排和规划。朋友和太太也是生活阅历丰富的理财达人，但他们在处理父母身后事时，还是不时感到头大和麻烦，也发现了不少自己规划中的漏洞。办完葬礼几天之后，他们就给我们分享了他们的第一手亲身经历。感谢朋友和他太太愿意在他们悲伤繁忙的时候还愿意给我们分享他们的亲身经验和教训。
- 本文根据他们的分享并结合我自己操办老爸后事的经验，以及几份网上的英文帖子整理而成。希望你有所帮助。

## I. 第一阶段：亲人故去两周内

### 宣布死亡：

- 如果临终前在医院或临终关怀医院的，医院的医生护士知道怎么办理。
- 如果在家突然过世，打电话给911，由救护车拉到急症室，然后由急症室的医护人员宣布死亡。
- 只有拿到官方的死亡宣告才可以办理死亡证明和后续的一系列文件。

**尸体转运：** 给Funeral Home 打电话,他们会在24小时内去医院转运尸体。

**申请死亡证明书：** Funeral Home 可协助办理，建议办理至少20份原件。因为房产过户、保险理赔和社交媒体账户关停等，都有可能需要原件。

**葬礼和追思会安排：** 逝者是否事先购买预付服务？有没有留下他/她的愿望是什么？不要不好意思请亲友和教会朋友帮忙。注意最好不要定制棺木，也不要再在骨灰盒上刻字，因为定制或刻字可能需要两三周时间，不一定能在下葬前拿到。

**做好逝者房产等重要财产的安全：** 锁门、转移贵重物品、去银行把信件转到另外的地址。请人给草地浇水。妥善安置宠物。

## 找出遗嘱/信托等法律文件 **Will and/or Trusts**

- Deceased's Final Instructions, Disposition Authorization, and/or Designated Agent forms (sometimes included in an Advance Directive such as a Durable Power of Attorney for Health Care, or in a Living Will)
- Pre-paid funeral contracts
- Organ/tissue donation record
- Social Security card (or number)
- Birth certificates (of all family members)
- Marriage license or certificate
- Military service papers, including discharge records
- Domestic Partnership Registration
- Court documents for adoptions and divorce (including any property settlement agreements, name changes, prenuptial agreements, etc.)
- Community Property Agreements
- Driver's license
- Passport, citizenship, immigration and/or alien registration papers

## 找出其它重要文件:

按照下面的清单一一收集, 不要有遗漏

### ***Deeds, Titles, and Promissory Notes / Loans***

- Real Estate Property deeds (including any recent appraisals)*
- Mortgage documents (including promissory/loan notes)*
- Other Promissory or Loan notes (including loans owed to the deceased)*
- Vehicle titles and registrations (car, boat, RV, etc.)*
- Membership certificates*

## **Insurance Policies**

- Life insurance (including premium payment records)
- Accidental life insurance
- Veterans' insurance
- Employers or pension insurance
- Funeral insurance (or other death-related benefit plans)
- Mortgage and/or credit insurance
- Credit card insurance (for balances)
- Health insurance (including Medicare or Medicaid, "Medigap" insurance, private health insurance, dental, and Long-Term Care insurance)
- Property insurance (homeowners/ renters' insurance, car insurance, etc.)
- Workers' compensation insurance (and payment records)

## **Financial Accounts - Including most recent statements for all accounts and the list of Beneficiaries, if any.**

- Bank accounts - checking, savings, CD's, etc.
- Investment/brokerage accounts, IRAs, 401ks, etc.
- Stocks and bonds
- Annuities
- Credit and debit card accounts
- Usernames and passwords for any online accounts
- List of safety deposit boxes, where to find keys, and names of authorized users

## **Other Financial Records**

- Survivor annuity benefit papers
- Employer/retirement benefit (pension) plans, pension/profit-sharing plans, etc.
- Veterans' benefit records
- Disability payment documents (State, Veterans', etc.)
- Income statements for the current year (Social Security, pension, IRA's, annuities, employment, and other income records)
- IRS income tax returns (for the current and previous year)
- IRS gift tax returns (for all years)
- Property tax records and statements
- Business interests held, financial statements and agreements, contracts, etc.
- Loan papers
- Other - investment records, etc.
- Legal Papers

## **Personal Information**

- Names and contact information of closest family and friends
- Names and contact information of all lawyers, accountants, doctors, etc.
- Family Tree, if available (especially if there is no Will)
- Usernames and passwords for online accounts (including email accounts, financial records, social media accounts, etc.)
- Passwords to access computers, cell phones, and other electronic devices

## 第二阶段：亲人故去两周后(已拿到死亡证明)

给人寿保险公司或经纪人打电话，获取理赔申请表格。如果在表格里注明保单遗失，你就不需要随表寄回保单。通常保险公司会在两个月内完成理赔。

给社安局打电话，停止领取社保金和 Medicare 获得 \$255 身故赔偿。

给Medicare和医保公司打电话，取消保险，停止自动扣款。

给车保险公司打电话，车子现在属于遗产，车保费会有所增加。而且此时如果开这辆车出车祸被告，所有遗产都可能面临风险，没有自住房豁免。因而，不建议开逝者的车辆。

给退休账户和投资账户的机构打电话，完成身故赔偿申领。建议受益人去跟逝者账户所在的公司开户，以方便接收逝者的退休金。注意如果你有逝者的账户登录信息，请下载最新的账户资料（比如账户余额等）之后再通知机构，因为一旦通知机构后，你可能失去进入账户的权利。

如果逝者生前是公立学校老师，别忘了给TRS（老师养老金）机构打电话，因为他们提供 \$10000 受益人福利。

关停逝者的付费会员资格，停止自动扣款。

### 给逝者报税

给州交通部打电话，**取消驾照**，并从系统内清除名字，以便杜绝将来有可能的身份盗窃。

给信用卡公司和三大信用机构打电话，销卡并杜绝身份盗用。

社交媒体账户：可取消或变成 **memorized account**

### Email 建议关掉

如果有信托之外而且没有受益人的资产，启动**probate** 过程。如果遗产超过 **\$70,000**，建议找律师协助。

## II. 学到的经验与教训

生前做好这几项安排和规划，可以让子女容易很多！

### 1. 有生前信托(living trust) 最好, 没有信托也至少要有遗嘱 (will )

当亲人过世之后, 所有没指定受益人的资产都要经过probate, 尤其是一些不动产比如地产、珠宝、汽车等资产和银行账号等, 都需要经过法庭probate 程序。但如果已经设立信托, 并由信托来持有这些资产, 当亲人过世后就可以避免probate, 免去不必要的花费和麻烦, 也可以避免把隐私暴露。

### 2. 把你的愿望和选择清楚地告诉亲人

朋友的父母在多年前就给自己买好了墓地, 选好了棺木, 预付了葬礼费用。对于过世之后是否捐器官, 穿什么衣服下葬, 以及是否要火葬等也有详细的指令。因为他父母有这些安排, 他们几个子女在办后事时容易了许多。

### 3. 把拥有的资产和账户做个清单, 并把告诉亲人如何找到清单

朋友父亲过世之后, 他们跟母亲一起把父母的资产和各种账户做了盘点, 关、并了一些帐户。老太太还把自己的首饰和到各地旅游买的工艺品都分送给了几个孙辈。高级瓷器、钢琴、艺术品、家具等其它值钱物品也应当记录在册, 并在遗嘱或信托中指定接受对象。

### 4. 给所有金融账户指定primary、contingent beneficiary 或者 POD

- Bank account- joint account or POD (payable on death)
- Brokerage account – POD
- IRA, 401(k) - primary and contingent beneficiary
- Annuity - primary and contingent beneficiary
- Life Insurance – contingent owner, primary and contingent beneficiary
- Teachers Retirement System (TRS) - primary and contingent beneficiary

### 5. 银行保险箱

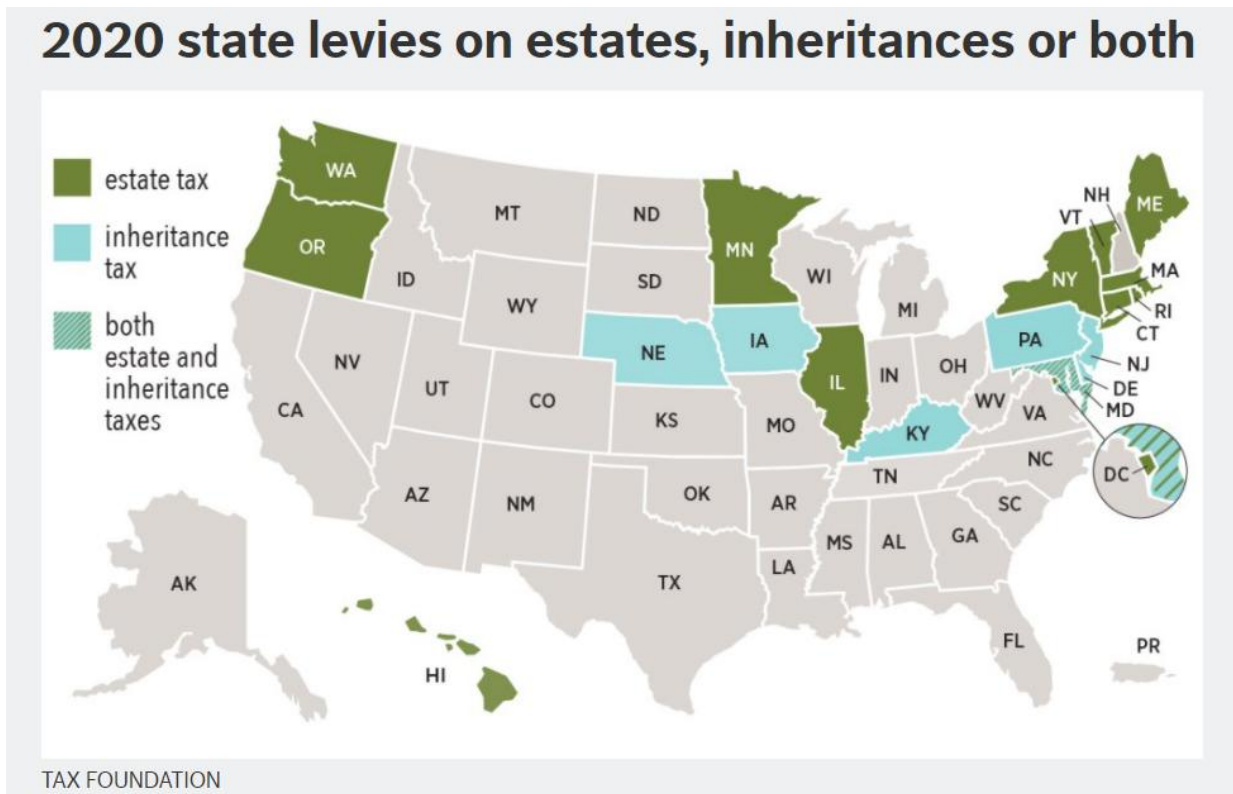
最好在账户上加上子女中的一个, 或者在生前就把保险箱中文件和贵重物品取回。



### III. 关于遗产税

朋友父母的子女分散在几个州，两位老人也曾经考虑过移居其它州，后来还是留在了德州。因为子女散布各州，遗产认证比较麻烦。

因为德州没有州遗产税，联邦遗产税的免额夫妻合计高达一千一百多万，所以朋友家庭不涉及遗产税。



不过很多州遗产税的免额远低于联邦遗产税免额，比如麻州的州遗产税免额只有一百万，超过部分可能要交16%的税。6个州还有inheritance tax (受益人交)。

此外可能在2025年后联邦遗产税免额也有可能降到每人300万。因而在我们的规划中，遗产税和赠予税也应当是一个考虑因素。

## Death Taxes by State

- **Connecticut:** Estate tax of 10 percent to 12 percent on estates above \$5.1 million
- **District of Columbia:** Estate tax of 12 percent to 16 percent on estates above \$5.8 million
- **Hawaii:** Estate tax of 10 percent to 20 percent on estates above \$5.5 million
- **Illinois:** Estate tax of 0.8 percent to 16 percent on estates above \$4 million
- **Iowa:** Inheritance tax of up to 15 percent
- **Kentucky:** Inheritance tax of up to 16 percent
- **Maine:** Estate tax of 8 percent to 12 percent on estates above \$5.7 million
- **Maryland:** Estate tax of 0.8 percent to 16 percent on estates above \$5 million; inheritance tax of up to 10 percent
- **Massachusetts:** 0.8 percent to 16 percent on estates above \$1 million
- **Minnesota:** 13 percent to 16 percent on estates above \$3 million
- **Nebraska:** Inheritance tax of up to 18 percent
- **New Jersey:** Inheritance tax of up to 16 percent
- **New York:** Estate tax of 3.06 percent to 16 percent for estates above \$5.9 million
- **Oregon:** Estate tax of 10 percent to 16 percent on estates above \$1 million
- **Pennsylvania:** Inheritance tax of up to 15 percent
- **Rhode Island:** Estate tax of 0.8 percent to 16 percent on estates above \$1.6 million
- **Vermont:** Estate tax of 16 percent on estates above \$2.8 million
- **Washington:** Estate tax of 10 percent to 20 percent on estates above \$2.2 million