

Frequently Asked Questions (FAQ)

1. The CAR was titled in my spouse's name... What do I do?

The answer depends on your state and its specific laws and Department of Motor Vehicle regulations. In any state, if there is a WILL and an executor/administrator/personal representative appointed, then that person has the authority to transfer title to the car.

Virginia

<http://www.dmv.state.va.us/webdoc/citizen/guide/index.asp>

The Virginia DMV website lists step-by-step instructions and contains all of the necessary forms to transfer title to an automobile following the death of a family member. The NOK may also need to transfer the license plates (Form VSA-14) or apply for a REFUND on license plate decals (Form FAA-210)

NOK will need:

- Certified Copy of the Death Certificate
- The Car Title to be changed
- Notarized Copy of the WILL - if one exists
- Court-executed document naming the executor or administrator of the estate if one has been named.

In Virginia, if no Executor has been named, the Next Of Kin (NOK) can complete Form VSA-24 - Statement of Authority to Assign Title.

JOINT OWNER with Right of Survivorship - Need only present a certified copy of the Death Certificate and the Vehicle Title

Washington D.C.

http://dmv.washingtondc.gov/registrations/register_title.htm

To register a vehicle acquired through the death of the owner, the NOK needs:

Original letter of administration from a court with a seal and
Legal heir application, available at 301 C Street, Room 1157, and
Accompanying original Death Certificate

The Car Title to be changed

MARYLAND

To register a vehicle acquired through the death of the owner, the NOK needs:

Original letter of administration from a court with a seal and

Certified Copy of the Death Certificate
The Car Title to be changed

2. Do I need to File an Income Tax Return for my spouse?

YES. The Executor/Administrator/Personal Representative must file a final income tax return for the deceased. Spouses may still file as Married/Filing Joint for this year. Speak to tax advisor or a member of the Fort Myer Tax Center when you are ready to file your taxes.

3. My spouse did not have a will... What do I do?

FIRST: Contact your Casualty Assistance Officer and have him/her schedule an appointment for you to speak to a Legal Assistance Attorney.

SECOND: Gather all of your spouse's information and important paperwork (i.e. insurance policies, bank/checking account information, car title).

THIRD: Keep your appointment with your Legal Assistance Attorney

Depending on your circumstances, a will might not have been necessary. Any person dying without a will is termed "INTESTATE." Every state has procedures for probating the estate of a person who dies "INTESTATE." Generally, the assets of an INTESTATE person will be distributed first to a surviving spouse and children. Your Legal Assistance Attorney can guide you further.

4. My Spouse has a will... What do I do?

FIRST: Contact your Casualty Assistance Officer and have him/her schedule an appointment for you to speak to a Legal Assistance Attorney.

SECOND: Gather all of your spouse's information and important paperwork (i.e. insurance policies, bank/checking account information, car title).

THIRD: Keep your appointment with your Legal Assistance Attorney

In order to transfer certain assets, it will be necessary to Probate the Will. Persons named as beneficiaries under the Will should be notified. Your Legal Assistance Attorney can guide you further.

5. My Spouse was the only one on the checking account, credit card, savings account... What do I do?

FIRST: Contact your Casualty Assistance Officer and have him/her schedule an appointment for you to speak to a Legal Assistance Attorney.

SECOND: Gather all of your spouse's information and important paperwork (i.e. insurance policies, bank/checking account information, car title).

THIRD: Keep your appointment with your Legal Assistance Attorney

You will probably need to begin PROBATE or INTESTATE proceedings to be appointed as Executor/Administrator/Personal Representative (or have that person appointed as directed by the will). The person appointed will be authorized to sign for the estate and transfer title to bank accounts. Credit card companies should be notified separately. Credit card companies may either terminate the account or transfer it to your name. Your Legal Assistance Attorney can guide you further.

6. My Spouse's WILL was in the Pentagon... What do I do?

FIRST: Contact your Casualty Assistance Officer and have him/her schedule an appointment for you to speak to a Legal Assistance Attorney.

SECOND: Gather all of your spouse's information and important paperwork (i.e. insurance policies, bank/checking account information, car title).

THIRD: Keep your appointment with your Legal Assistance Attorney

If your spouse's will was destroyed in the Pentagon, it may be possible to Probate a COPY of the will. Your Legal Assistance Attorney can guide you further.

7. Will my children and I receive Social Security

<http://www.ssa.gov/pubs/10127.html#Part-6>

If you are a widow/er with children, you may be eligible for a widow's/ widower's benefit at any age when you are caring for a child who is under age 16 or disabled and entitled to benefits. Unmarried children may receive survivors benefits on your husband's record until they are age 18, or until age 19 if they are attending elementary or secondary school full time.

Your benefits will stop when you no longer have a child under age 16 or disabled in your care. Usually, your benefits also will stop if you remarry, but there are some exceptions to this rule (see above). Benefits to your children will continue as long as they remain eligible for payments, even if you remarry.

If you are age 50 or older and getting Social Security benefits because you have young children in your care, you are eligible for Medicare if you become disabled. Even though you haven't applied for benefits based on the disability (because you are already receiving benefits as a mother), you may be eligible for Medicare if you have been disabled for 24 months or longer.

You will need to Contact a Social Security Representative. Below is some general information extracted from the Social Security Administration's website:

"If your husband dies, you can receive widow's benefits if you are age 60 or older. If you're disabled, you can get widow's benefits as early as age 50.

The amount of your monthly payment will depend on your age when you start getting benefits. It also will depend on the amount your deceased husband would have been entitled to, or was receiving, when he died.

Widow's benefits range from 71½ percent of the deceased husband's benefit amount, if they begin at age 60, to 100 percent, if they begin at age 65. So, if you start receiving benefits at age 65, you'll get 100 percent of the amount your husband would be receiving if he were still alive. (Starting in 2005, the age at which the 100 percent widow's benefit is payable will be increased gradually until it reaches age 66 in 2011 and age 67 in 2029.)

If you are a disabled widow between the ages of 50 and 59, your monthly benefit would be 71½ percent of your deceased husband's benefit amount.

The following are some points to remember:

- if you are entitled to retirement benefits on your own work record, you can take reduced retirement payments at age 62 and then receive the full widow's benefit at age 65;
- if you are eligible for benefits on your own work record, you may want to take reduced widow's benefits until you are age 65 and file a claim for retirement benefits on your own record; and
- if you delay your retirement beyond age 65, your future benefits will increase each year by a certain percentage. For example, if you were born in 1935, your benefit will increase six percent each year you delay retirement between ages 65 and 70.

A Social Security representative can tell you which choice would be to your advantage. **As a widow, you also may be eligible for Medicare.** You will be eligible for Medicare at age 65 if your husband would have been entitled to monthly benefits or had worked long enough under Social Security before his death. You should apply for Medicare about three months before you reach age 65.

If you remarry before you reach age 60, you cannot receive widow's benefits as long as that marriage remains in effect.

If you remarry after you reach age 60, you will continue to receive benefits on your deceased husband's Social Security record. However, if your current husband is a Social Security beneficiary, you may want to apply for a wife's benefit on his record if it would be larger than your widow's benefit. You cannot get both.

If you are a widow with children, you may be eligible for a widow's benefit at any age when you are caring for a child who is under age 16 or disabled and entitled to benefits. Unmarried children may receive survivors benefits on your husband's record until they are age 18, or until age 19 if they are attending elementary or secondary school full time.

Your benefits will stop when you no longer have a child under age 16 or disabled in your care. Usually, your benefits also will stop if you remarry, but there are some exceptions

to this rule (see above). Benefits to your children will continue as long as they remain eligible for payments, even if you remarry.

If you are age 50 or older and getting Social Security benefits because you have young children in your care, you are eligible for Medicare if you become disabled. Even though you haven't applied for benefits based on the disability (because you are already receiving benefits as a mother), you may be eligible for Medicare if you have been disabled for 24 months or longer. "

8. What Other money will I receive in addition to SGLI?

All pay and allowances due the deceased. In addition, there is a Death Gratuity paid by the Army, a lump sum death payment from social security, private (commercial) life insurance policies, and you may be eligible for Dependency and Indemnity Compensation (DIC).

Your Casualty Assistance Officer will advise you of all of your benefits.

9. Whom do I talk to about my Medical Benefits?

DA PAM 608-4, paragraph 6-3. Un-remarried spouses and dependent children (under 21, or under 23 and enrolled full time in school) are entitled to continued Medical Benefits. Your tri-care representative can advise you about your Medical Benefits. In addition, Your Casualty Assistance Officer will assist you with questions regarding your benefits.

10. Whom do I need to notify that my spouse is missing?

If your spouse is missing and you have not been contacted by the Army Casualty Affairs Office, you should contact your spouse's chain of command, or the Fort Myer Family Action Center at ACS.

11. How long can I stay in Government Quarters?

90 days.

12. How long am I entitled to receive my spouse's Housing Allowance (BAH)?

90 days.

13. Will the Government move me to where I want to go? If so, what are my entitlements for weight and location?

- The government will authorize one relocation move to one of the following destinations:
- Member's Home of Record (HOR)
- Residence of the Member's dependents

- Another location with a reasonable relationship between the condition and circumstances of the dependents and the requested destination.

Household goods must be shipped and relocation accomplished within 1 year (generally) of the Member's death.

14. What do I do about civilian insurance policies?

FIRST: Contact your Casualty Assistance Officer and have him/her schedule an appointment for you to speak to a Legal Assistance Attorney.

SECOND: Gather all of your spouse's information and important paperwork (i.e. insurance policies, bank/checking account information, car title).

THIRD: Keep your appointment with your Legal Assistance Attorney

Civilian (Commercial) life insurance policies have different claim procedures and different amounts payable depending on the circumstances of the death. Your Legal Assistance Attorney can guide you further.