

What documents should you keep after a person's death?

If you are the personal representative or executor of a person's estate, you will need to sort through the deceased person's belongings and distribute his or her personal property to the people named in the deceased person's will or a separate personal property memorandum.

While certain items of a deceased person's belongings, such as jewelry, photographs, paintings, silverware, china and furnishings, may be more straightforward to distribute because they are items that family members would like to receive due to monetary and sentimental value, other items, such as financial statements, insurance policies, utility bills and tax returns, may be less straightforward.

What documentation should be kept?

As estate administration attorneys, we recommend that the following documents be kept:

- Original birth and death certificate (both for the deceased person and any predeceased spouse);
- Original marriage certificate, prenuptial agreement and decree of divorce; Original stock, bond and other asset ownership certificates;
- Income tax returns from the past three years and supporting documents (e.g., Form W-2, Form 1099, Form 1099-R, receipts for charitable deductions, etc.);
- Gift tax returns;
- Estate tax returns for a predeceased spouse;
- Check registers, bank account statements, retirement account statements, credit card statements, medical statements and utility bills for the year of death (and for any prior year for which the decedent has not filed an income tax return);
- Retirement plan documents (e.g., pension paperwork, annuity contracts, etc.); and
- Insurance documents (life insurance policy, homeowners' insurance policy/umbrella coverage, etc.).

What to do if you are unsure if a document should be kept?

As a general rule, if a document that is not named on the above list looks important, it is better to save it than throw it away. If you are unsure about whether you should keep a particular document, you should send it to your estate administration attorney who can review it and advise you on how to proceed.

How long should these documents be kept?

With the exception of birth certificates, death certificates, marriage certificates and divorce decrees, which you should keep indefinitely, you should keep the other documents for at least three years after a person's death or three years after the filing of any estate tax return, whichever is later.

What should be done with the remaining documentation?

Once you sort through the deceased person's papers and set aside the above documents, you may be left with a pile of papers. Generally, it is a good idea to shred documents that have any personal or financial information on them to lessen the risk of identity theft.

If you do not have a shredder or the volume of papers is such that it would be impractical to shred them at home, you can hire a document management company to pick up the papers and securely shred them at an offsite facility. The cost of hiring a document management company is generally a reimbursable expense of the estate.