

# Coping with a Student Death: Additional Details...\*

Composed by International Student Services, Texas A&M University  
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## Living Will (or Advanced Directive)

- Indicates student's preference for specific treatments (i.e. life support) if student cannot make decisions for him or herself (Lipson, 245)

## Durable Power of Attorney

- Designates someone to make business decisions and actions on their behalf (i.e. pay rent, buy/sell items, sign name to contracts, etc.), which continues beyond incapacitation
- Texas Durable Power of Attorney Act:  
<http://www.tlsc.org/lhot%20pubs/durable%20power%20of%20attorney%20act.pdf>

## Durable Medical Power of Attorney

- Designates someone (relative or trusted friend) to make life-or-death medical decisions for you if you cannot (Lipson, 245), which continues beyond incapacitation

## Will

- A legal document showing how an individual's property should be distributed and who should become the guardian for any children after a person's death (Lipson, 343)
- If single with no children, a will is likely not necessary unless the student owns property
- If married and/or with children, a will is highly encouraged
- Without a will, assets will be split evenly among parents and then siblings (if no parents).
- If a student wants someone else to obtain the assets (i.e. a life partner) then they should do will
- Students with children need to name both a guardian and a trustee for their children (can be the same person). A guardian raises the child and a trustee manages the money for the child.
- Best to complete a will within the State where currently residing and attending school
- A holographic will can be handwritten in pen and signed by the student without any witnesses
- If typed by the student, a will must have 2 witnesses and be signed by a Notary Public

## Payable on Death Form

- Indicates the beneficiaries of a bank account
- Students should complete and provide to bank when they set up account(s)
- Students should ask for this if bank does not offer it
- Beneficiaries designated on the form will need an ID and a death certificate to access the money
- If no beneficiary is named, money will go to spouse, children, or parents after probate

## Probate

- The process of going to court to decide who owns an individual's property after they die.
- Requires hiring an attorney.
- Family must go through probate if student owns house/condo/land/etc.
- Without a Payable on Death form at the bank, the family must go through probate to access the funds in the bank account.
- Assets of the estate are subject to the rights of creditors, less any exemptions, which vary by State
- The family is otherwise not personally liable for the student's debt

## Car

- Upon student's death, parent can take car title to tax office along with their ID and the death certificate to legally take ownership of the car
  - They may have to complete an Affidavit of Heirship to determine that the parents are the legal heir of the student (this is an alternative to probate).
  - Parents can then sell the car
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## **Autopsy**

- Depending on how & where person dies, an autopsy may be ordered & required by a Judge (Justice of the Peace) even if this is against the family's wishes
- "Unattended death" – When someone is not under care when they die
- An autopsy is more likely to be ordered in the case of an unattended death
- If the death appears to be a suicide, even if it's obvious, an autopsy will be ordered
- A Justice of the Peace can order an autopsy if anything surrounding the death is suspicious
- If the body goes to the Travis County Medical Examiners for autopsy, you should ask specifically about the condition of the body upon its return to the funeral home
- There is a designated funeral home in each county to take bodies when no other one is designated
- Estimated Time of Death can only be guessed within 24 hrs +/- 6 hours (I think)
- It takes 2 – 8 weeks for toxicology results to be finalized
- Judge will not sign death certificate until they have a complete autopsy report with toxicology results
- In some counties, the Justice of the Peace is the coroner
- If autopsy ordered, the body will go to a county-designated location
- The county where the death occurs pays for autopsy
- The cost of the autopsy depends on the county where the autopsy is performed
- Some counties will not order an autopsy to avoid paying for it
- The family can request & pay for an autopsy if the county does not or they want a second opinion
- Texas State Law (<http://www.statutes.legis.state.tx.us/>), Code: Code of Criminal Procedure, Article/Chapter: Chapter 49. Inquests Upon Dead Bodies, Leave Art./Sec. blank

## **Remains**

- Need to work with the home country Consulate to complete the necessary paperwork for bringing the remains (cremated or body) into home country
- Hospital does some prep of the body before releasing it to a funeral home
- Ensure all appropriate documents are attached according to requirements of the country where remains are being repatriated before body leaves funeral home
- Make sure air waybill is correct (destination, exact weight, amount billed to insurance)
- Check for any suicide exclusions for repatriation of remains

## **Police Reports**

- Police reports are generated by the primary responding officer
- All officers and detectives who visit the scene and/or perform any action related to the incident contribute to the police report
- Police reports for cases actively under investigation are exempt from open records requests
- If an autopsy is ordered, the police report will not be released until the autopsy report is finalized

## **Life Insurance**

- Form W-8BEN may be required if beneficiaries live outside U.S. and are not U.S. citizens or LPRs
- Check for any suicide exclusions

## **Medical Bills**

- The family could start a claim once they receive the Death Certificate.
  - The family can work with the hospital to make a settlement.
  - The hospital may take a certain percent off the hospital bill, if the family can pay that cost in full.
  - If the family is unable to pay this amount in full, they can make a payment plan and the hospital can make those arrangements.
  - The hospital is only able to talk with a spouse or parent.
  - The parents must give written consent if someone will work with the hospital on their behalf (i.e. due to language or distance barriers)
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## **Emergency Contacts**

- At least 1 U.S. phone number
- At least 1 person who speaks English
- At least 1 person who can translate between English and native language
- Make their information available to other campus officials
- Program an ICE (In Case of Emergency) number into cell phone (Lipson)

## **Important Documents**

- Students should keep important documents in a safe place (in their home, at the bank, and/or electronically) and let someone they trust know where these documents can be found
  - Banking institution(s) used, account numbers, balance in accounts
  - Birth certificate
  - Passport & other immigration documents
  - Social Security card
  - Car title
  - Overall list of all debts and assets (i.e. accounts, credit cards, etc.)
- Students should always carry important documents with them (Lipson, 118)
  - Photocopy of passport, visa, I-20/DS-2019
  - Health insurance/HMO card
  - Any other visa/immigration papers
  - Driver's license
  - University ID
  - Car registration and insurance card

## **References**

- *Burak, Patricia A. and William W. Hoffa, editors. Crisis Management in a Cross-Cultural Setting. National Association of International Educators (NAFSA): 2001 ed.*
  - *Drolesky, Suzanne. Handling Critical Incidents with Students. International Programs for Students, Texas A&M University: 2008.*
  - *Lipson, Charles. Succeeding as an International Student in the United States and Canada. The University of Chicago Press: Chicago, 2008*
  - *Personal Meetings with Texas A&M Staff:*
    - *Mr. Richard Darnell, Assistant Director, Student Health Services*
    - *Dr. Suzanne Droleskey, Assistant Vice President, International Programs for Students*
    - *Mr. Scott Gatlin, Detective, University Police Department*
    - *Dr. Gisela Lin, Psychologist, Student Counseling Services*
    - *Mr. Travis Lively, Detective, University Police Department*
    - *Mr. Rick Powell, Attorney, Student Legal Services*
    - *Ms. Desiree Rieckenberg, Coordinator, Critical Incident Response Team*
    - *Ms. Krista Tacey, Director, International Student Services*
    - *Mr. Bill Taylor, Associate Director, International Student Services*
    - *Ms. Courtney Waggoner, Patient Services Manager, Student Health Services*
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