

What should we do with the belongings of an employee who died?

Q. One of our employees recently died. We still have his personal belongings and are wondering what we should do to return these items?

A. The answer may depend on your state's trust and estates law. Generally speaking, an employer should only release such property to an individual authorized to receive it. You should first obtain documentation of that person's authority.

In Minnesota, the company needs to determine the nature of the deceased employee's estate to decide who may receive the property. If the estate is in probate, a court will appoint a personal representative. You should provide the property only to that representative. Before releasing the property, have the personal representative provide a current or recent court-certified letter of general administration or letter testamentary that confirms his or her appointment.

If the estate is not a probate estate, the person entitled to receive the property will probably be a beneficiary of the estate or a trustee. In that event, you should obtain a signed and notarized Affidavit of Collection of Personal Property from the person collecting the property that confirms:

1. The estate is not a probate estate.
2. The person is authorized to collect the property.
3. There are no other beneficiaries with property rights.