

Navigating a Wrongful Death Claim in Denver

Understanding the steps and legal standing for filing a wrongful death lawsuit in Colorado.

Based on Denver Wrongful Death Lawyer by McCormick and Murphy

Step 1: Determine Standing to File

Identify who has the legal right to file a wrongful death claim based on Colorado law. The surviving spouse has the exclusive right for the first year. If no spouse, children can file. If no spouse or children, parents can file.

- Standing ensures those most impacted by the loss control the case.



Step 2: File Within the First Year (Spouse)

If a surviving spouse exists, they have the exclusive right to initiate a wrongful death claim during the first year following the death.



Step 3: Children File if No Spouse

If there is no surviving spouse, the deceased person's children are the next in line to file a wrongful death claim.



Step 4: Parents File if No Spouse or Children

If there is neither a surviving spouse nor children, the parents of the deceased have the right to bring the claim.



Step 5: Beneficiary or Personal Representative Files After One Year

If no lawsuit has been filed within the first year, a designated beneficiary or the personal representative of the estate can file the claim. This is done on behalf of eligible family members.



Step 6: Consult with a Wrongful Death Lawyer

Engage with a wrongful death attorney to understand your rights, the specific legal requirements, and to ensure your claim is filed correctly and within the appropriate timeframe.

- A lawyer can help navigate the complexities of standing and filing deadlines.

Resources & Further Reading

Related guides for this process:

■ Denver Wrongful Death Claim Checklist

<https://storage.googleapis.com/mccormick-and-murphy-checklists-20260706-65ee7b/mccormick-and-murphy/Checklist/denver-wrongful-death-claim-checklist.pdf>

■ Denver Wrongful Death Action Sheet

<https://storage.googleapis.com/mccormick-and-murphy-checklists-20260706-14eb7c/mccormick-and-murphy/Action%20Sheet/denver-wrongful-death-lawyer-action-sheet.pdf>

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Understand who can file and when to ensure your wrongful death claim is properly initiated.