

Denver Wrongful Death Lawyer FAQ

Understanding your rights and options after a tragic loss in Colorado.

Based on Denver Wrongful Death Lawyer by McCormick and Murphy

Q: Who can file a wrongful death lawsuit in Colorado?

A: In Colorado, the surviving spouse has the exclusive right to file a wrongful death claim during the first year after the death. If there is no spouse, the deceased person's children may file. If there is no spouse or children, the parents can bring the claim.

Q: What happens if no one files a lawsuit within the first year?

A: After one year, if no lawsuit has been filed, a designated beneficiary or the personal representative of the estate may file on behalf of eligible family members. This ensures that a claim can still be pursued even if the immediate family does not initiate it.

Q: Why does Colorado law specify who can file a claim?

A: The law is specific about standing to ensure that the people most directly impacted by the loss control the case. This provision aims to give priority to those who have suffered the most significant emotional and financial consequences.

Q: What is a wrongful death claim?

A: A wrongful death claim is a legal action brought by the surviving family members of someone who has died as a result of another party's negligence or intentional act. It seeks to recover damages for the losses incurred due to the death.

Q: What kind of damages can be recovered in a wrongful death case?

A: Damages can include loss of financial support, loss of companionship, and other losses that the surviving family members have suffered as a direct result of the death.

Q: How long do I have to file a wrongful death claim in Colorado?

A: The surviving spouse has an exclusive right to file within the first year. After that, other parties may have the right to file, but it's crucial to act promptly due to potential statutes of limitations.

Q: What if the deceased person had a will?

A: A will may designate a personal representative or a beneficiary who could have the standing to file a wrongful death claim after the initial one-year period if no immediate family member has filed.

Q: Can a personal representative file a wrongful death claim?

A: Yes, if no lawsuit has been filed within the first year by eligible family members, the personal representative of the estate may file on behalf of eligible family members.

Q: What is the purpose of having a 'designated beneficiary' file a claim?

A: A designated beneficiary can file a claim after the first year if no lawsuit has been initiated by immediate family. This ensures that claims are not barred simply because the closest relatives did not file within the initial timeframe.

Q: Does the law prioritize certain family members?

A: Yes, Colorado law prioritizes the surviving spouse, then children, then parents, and finally a designated beneficiary or personal representative. This order ensures those most affected have the primary right to pursue a claim.

Resources & Further Reading

Related guides for these FAQs:

■ 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>

■ Navigating a Wrongful Death Claim in Denver (Process Flow)

<https://storage.googleapis.com/mccormick-and-murphy-checklists-20260706-d25222/mccormick-and-murphy/Process%20Flow/denver-wrongful-death-lawyer-process-flow.pdf>

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