

Wrongful Death FAQ

Answers to common questions about wrongful death claims in Colorado.

Based on Wrongful Death by McCormick and Murphy

Q: What is a wrongful death claim?

A: A wrongful death claim is a civil lawsuit brought by the surviving family members or beneficiaries of a person who died as a result of another party's negligence or intentional act. It seeks compensation for the losses incurred due to the death.

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

A: Colorado law specifies an order for who can file. During the first year, only the surviving spouse can file. If no spouse or if the spouse doesn't file, the children can bring the claim. After one year, parents or a designated person in the will may file. After two years, other heirs under Colorado intestacy law can pursue the claim.

Q: Can children file a wrongful death claim if there is a surviving spouse?

A: No, during the first year after the death, only the surviving spouse has the right to file a wrongful death claim. Children can only file if there is no spouse or if the spouse chooses not to file.

Q: What if the deceased person had a will?

A: If no claim is filed by the spouse or children within the first year, a person designated in the deceased's will may file a wrongful death claim after that first year has passed.

Q: What is the statute of limitations for a wrongful death claim in Colorado?

A: In Colorado, the statute of limitations for a wrongful death claim is generally two years from the date of death. However, the specific order of who can file within that timeframe is prioritized, starting with the spouse, then children, then parents or a designated person, and finally other heirs.

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

A: While this article doesn't detail specific damages, wrongful death claims typically seek compensation for losses such as funeral expenses, loss of financial support, and loss of companionship.

Q: What is the purpose of Colorado's specific filing order?

A: The law is designed to prioritize those closest to the deceased, such as a spouse or children, in seeking justice. It also ensures that someone can pursue a claim on behalf of the family if the primary parties do not.

Q: Does it matter how the person died?

A: Yes, a wrongful death claim arises when a death occurs due to another party's negligence or intentional act. It is not for deaths from natural causes or accidents where no fault can be assigned.

Q: How long do I have to decide if I want to file a claim?

A: The primary filing window is within two years of the death, but the specific order of who can file dictates who has the initial right to do so within the first year and subsequent periods.

Q: What if the deceased had no spouse, children, or will?

A: If there is no spouse, children, or designated person in a will, then heirs under Colorado intestacy law may pursue the claim after two years from the date of death.

Resources & Further Reading

Related guides for these FAQs:

■ Colorado Wrongful Death Claim Checklist

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

■ Colorado Springs Wrongful Death Action Sheet

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

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Understand who can seek justice for a wrongful death in Colorado.