

Colorado Springs 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 legal action 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 to recover damages for the losses suffered by the survivors 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 person designated in the will may file. After two years, other heirs under Colorado intestacy law can pursue the claim.

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

A: The statute of limitations for a wrongful death claim in Colorado is generally two years from the date of the death. However, the order of who can file is prioritized within the first year and then expands.

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

A: Damages can include compensation for the financial support the deceased would have provided, loss of services, funeral and burial expenses, and in some cases, damages for the grief and loss of companionship suffered by the survivors.

Q: What if the deceased had a will?

A: If the deceased had a will, the person designated in the will may be able to file a wrongful death claim after one year, if no spouse or children have filed a claim.

Q: How does Colorado law prioritize who can file?

A: Colorado law prioritizes those closest to the deceased first. The surviving spouse has the first right to file, followed by children, then parents or a designated person in the will, and finally other heirs.

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

A: The law is designed to prioritize those closest to the deceased while ensuring that someone can seek justice and compensation on behalf of the family.

Q: Can siblings file a wrongful death claim?

A: Siblings generally cannot file a wrongful death claim unless they fall under the category of 'heirs under Colorado intestacy law' and the statutory timeframes have passed without claims being filed by closer relatives.

Q: What if the death was caused by a car accident?

A: If a death is caused by a car accident due to someone else's negligence, a wrongful death claim can be pursued by the eligible surviving family members.

Q: What if the death was caused by medical malpractice?

A: Wrongful death claims can be filed if a death results from medical malpractice, where a healthcare provider's negligence led to the fatal outcome.

Q: Do I need a lawyer for a wrongful death claim?

A: While not strictly required, navigating the specific legal procedures and statutes of limitations for wrongful death claims can be complex. An experienced attorney can help ensure all requirements are met and maximize the chances of a successful outcome.

Resources & Further Reading

Related guides for these FAQs:

■ Wrongful Death Claim Filing Rights in Colorado (Comparison)

<https://storage.googleapis.com/mccormick-and-murphy-checklists-20260710-3eaad2/mccormick-and-murphy/Comparison/denver-wrongful-death-lawyer-comparison.pdf>

■ Wrongful Death Claim Checklist

<https://storage.googleapis.com/mccormick-and-murphy-checklists-20260710-3eaad2/mccormick-and-murphy/Checklist/wrongful-death-claim-checklist.pdf>

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Seeking justice for families impacted by wrongful death in Colorado.