

Navigating a Wrongful Death Claim in Colorado

Understanding the process for filing a wrongful death lawsuit.

Based on [Denver Wrongful Death Lawyer](#) by McCormick and Murphy

Step 1: Determine Standing (First Year)

In the first year after a death, the surviving spouse has the exclusive right to file a wrongful death claim. 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.

- The law prioritizes those most directly impacted by the loss.
- Consult an attorney to confirm your standing.



Step 2: Consider Filing After One Year

If no lawsuit has been filed within the first year, a designated beneficiary or the personal representative of the estate may file the claim.

- This option is available to ensure eligible family members can still seek compensation.
- The personal representative acts on behalf of the eligible family members.



Step 3: Gather Evidence

Collect all relevant documentation and evidence related to the death and its circumstances. This may include police reports, medical records, and witness information.

- Detailed evidence is crucial for building a strong case.
- Preserve any physical evidence carefully.



Step 4: Consult with a Wrongful Death Attorney

Seek legal counsel from an experienced wrongful death lawyer who can guide you through the complexities of the legal process.

- Look for attorneys specializing in wrongful death cases in Colorado.
- Discuss your case details and potential legal strategies.



Step 5: File the Lawsuit

Your attorney will prepare and file the necessary legal documents to initiate the wrongful death lawsuit within the statutory deadlines.

- Timely filing is critical to preserve your rights.
- Understand the specific statutes of limitations in Colorado.



Step 6: Negotiate or Litigate

The legal process may involve negotiations with the at-fault party's insurance company or proceeding to trial if a settlement cannot be reached.

- Be prepared for a potentially lengthy process.
- Your attorney will advocate for fair compensation.

Resources & Further Reading

Related guides for this process:

■ Navigating a Wrongful Death Claim in Colorado (Timeline)

<https://storage.googleapis.com/mccormick-and-murphy-checklists-20260707-0e9aa4/mccormick-and-murphy/Timeline/denver-wrongful-death-lawyer-timeline.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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Understand who can file and when to act in a Colorado wrongful death claim.