

Filing a Wrongful Death Claim in Colorado

Understanding the legal process and who can file a claim.

Based on Wrongful Death by McCormick and Murphy

Step 1: Identify Eligibility: Surviving Spouse

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



Step 2: Identify Eligibility: Children

If there is no surviving spouse, or if the spouse does not file a claim within the first year, the deceased's children may file the claim.



Step 3: Identify Eligibility: Parents or Designated Person

After one year from the death, if no claim has been filed, the deceased's parents or a person named in their will can initiate a claim.



Step 4: Identify Eligibility: Other Heirs

Two years after the death, if no claim has been filed, other heirs as defined by Colorado intestacy law may pursue the claim.



Step 5: Understand Claim Prioritization

Colorado law prioritizes individuals closest to the deceased to ensure someone seeks justice for the family.



Step 6: Consult Legal Counsel

Given the specific timelines and eligibility requirements, it is advisable to consult with a wrongful death attorney to navigate the process.

- An attorney can help determine the correct order of filing and deadlines.
- Legal representation ensures your rights are protected.

Resources & Further Reading

Related guides for this process:

■ Wrongful Death Claim Checklist

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

■ Understanding Wrongful Death Claims in Colorado (Workbook)

<https://storage.googleapis.com/mccormick-and-murphy-checklists-20260706-ca0765/mccormick-and-murphy/Workbook/denver-wrongful-death-lawyer-workbook.pdf>

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Colorado law outlines a specific order for filing wrongful death claims to ensure justice for the family.