

PUBLICATION

Wrongful Death: What You Need To Know

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December 3, 2020

If you've lost a loved one to wrongful death then the following guidance is offered to help you claim compensation from the wrongdoer to secure your family's financial future.

Loss is never easy. The added weight from the resulting financial burden only makes things more difficult. When someone dies as a result of a wrongful act, negligent act or negligent omission by another person, the *Fatal Accidents Act* can help lighten this load. Through the FAA, spouses or partners, children, parents and siblings of the deceased may sue the wrongdoer for monetary compensation.

If the estate — that is, the executor or estate administrator — of the deceased family member does not sue the wrongdoer within one year following the time of death, family members themselves may then pursue action. Different members qualify for different compensation in the immediate and long-term future. Sections 7 and 8 of the *FAA* outline the specifics.

Immediate expenses: covered

Section 7 addresses certain out-of-pocket expenses that all family members are entitled to claim from the wrongdoer. These include:

- Expenses for the care and well-being of the deceased person from the time of their injury to the time of their death.
- Travel and accommodation expenses for family members visiting the deceased between the time of their injury and the time of their death.
- Funeral expenses.
- Fees paid for grief counselling for the deceased's spouse or partner, parents, children and siblings.

Compensation by the numbers

Section 8 sets out specific damages for bereavement or grief to which each family member is entitled (note that siblings are not entitled to compensation under this section). The figures are as follows:

- The deceased's spouse or partner: \$82,000, so long as they were living with the deceased at the time of their death.

- The deceased's parents: \$82,000, split equally between them.
- Each child of the deceased, regardless of age: \$49,000.

"Loss of dependency" claims

If your loved one was an income provider, you might be asking: who will contribute to my child (or children's) education funds? How will I pay my bills?

Outside of the FAA, a "loss of dependency" claim can help. A spouse or child of the deceased can file the claim if they relied on the deceased's income to provide for future living and/or education expenses. These claims are typically brought on behalf of young children who have not yet reached maturity, and whose future educational expenses would likely have been paid for by the income of the deceased parent.

We're here to help

This might sound overwhelming, but that's why we're here to help. The personal injury lawyers at McLeod Law are happy to answer all of your questions so you can make informed decisions about how to proceed in difficult times. Reach out to any of our [personal injury lawyers](#) for a free initial consultation.

While wrongful death and loss of dependency claims can be crucial to the future of your family, they can also become complicated and speculative. Professional advice is almost always needed to determine the appropriate range of damages. When young children are involved, it becomes necessary to analyze each parent's respective educational levels to determine the likelihood of the children attending a similar level of education. Awards made in these claims are placed in structured settlement arrangements to ensure the funds are protected from tax and inflation until the children reach the age of 18. The release of the settlement funds can also be controlled by the structured arrangement to provide smaller amounts over time.
