

What Constitutes a Wrongful Death Claim In Georgia?

Friday, January 06, 2023.

A wrongful death occurs when one person dies as a result of another person's intentional, reckless, negligent, or criminal actions. ATLINJ can help you prove the following elements if you feel that the fatal accident that led to the death of your loved one was the result of negligence.

- A defendant owes a duty of care to the victim; for example, they must stop at red lights
- Causation: the defendant's actions caused the death, e.g., crashing into the victim
- Negligence/breach of duty: the defendant acted negligently; for example, ran a red light

What are the eligibility requirements for filing a wrongful death claim?

Georgia's order of eligibility for wrongful death benefits is as follows:

- Survivor spouse and/or children: A surviving spouse can file a lawsuit for wrongful death and must represent the interests of any minor children. No matter how many minor children are represented, the surviving spouse will receive one-third of the wrongful death settlement.
- The parents of the deceased can file a claim if there is no surviving spouse or children.
- In the absence of a surviving spouse, children, or parents, a personal representative can file the claim.

In a wrongful death claim, what damages can I recover?

Survivors of the deceased can file wrongful death claims (wrongful death actions) to seek compensation for the loss of the deceased's life and its effects on the beneficiaries.



Wrongful death claims can result in damages such as:

- Losses that cannot be quantified (such as loss of companionship or parental care)
- Losses (for example, wages the deceased would have earned)

A survival action seeks compensation for the deceased's own damages and financial losses associated with his or her death. Damages can include:

- Funeral Expenses
- Medical Expenses
- Prior to death, the deceased endured pain and suffering

In a wrongful death case, how can I recover damages?

In that case, the ATLINJ Lawyers team is here to help you rebuild your financial and personal future following a fatal accident. We will guide you and your family through the filing requirements, hearings, and settlement process.

Our ATLINJ wrongful death attorneys are the right choice for your case for the following reasons:

- It is an emotional and stressful time for you, and ATLINJ lawyers will listen to your story with compassion and help you get the compensation you deserve.
- We will give you the highest level of personal attention. You, your family, and your future are very important to us.
- Evidence, eyewitness statements, police reports, etc., will be collected and organized to prove the at-fault party's negligence.

With ATLINJ our highest priority is ensuring that you are kept informed at all times. We have over a decade of experience handling cases just like yours.

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