

# Accident Victim Assistance

## Educational Content

### 7. Address estate and financial matters

Separately from wrongful death claims, the estate often must be opened in probate.

1. Determine if the deceased left a will or trust; if so, identify the named executor or personal representative.
2. If there is no will, a court will usually appoint an administrator; consult a probate or estate attorney in the relevant county.
3. Work with the estate/probate attorney to:
  - Open an estate in probate court.
  - Get letters testamentary or letters of administration so someone has legal authority to act for the estate.
  - Coordinate with the wrongful death attorney if survival claims (the decedent's own claim) will be brought through the estate.
4. Notify key institutions of the death: employers (for final wages, benefits), Social Security, banks, pension administrators, and insurers.
5. Avoid transferring or selling major assets until you understand the estate plan and any claims that might attach to those assets.

### 8. Understand what compensation may be available

Every state's law is different, but wrongful death damages commonly include:

- Funeral and burial expenses.
- Medical bills related to the final illness or injury.
- Loss of financial support (the income and benefits the deceased would have provided).
- Loss of household services (childcare, home maintenance, guidance).
- Emotional pain, mental anguish, and loss of companionship for close family.
- In rare cases, punitive or exemplary damages for grossly reckless or intentional conduct (e.g., extreme drunk driving, intentional harm).

Survival actions (through the estate) may add damages for the deceased's own pain and suffering and lost earnings between injury and death

### 9. Ongoing emotional and practical support

The legal process can take years, emotional support and practical planning matter just as much.

1. Use victim compensation or crime-victim funds if available in your state for counseling, funeral costs, or lost income in certain criminally-involved deaths.
2. Consider support groups for grieving spouses, parents, or children; hospitals, churches, and nonprofits often host these.
3. Keep a journal of how the loss affects the family (emotional, financial, daily life); this can later help document damages in a wrongful death case.
4. Periodically review financial plans (insurance, budgeting, long-term support for children) with a financial planner who has experience with sudden loss situations.

### 10. High-level checklist

- Call 911, cooperate with police/EMS, get the report number.
- Preserve evidence: photos, witnesses, vehicles, physical items, possible video.
- Stabilize family needs: notifications, funeral home, coroner/medical examiner, emotional support.
- Organize documents (ID, insurance, employment, medical, estate papers).
- Avoid detailed insurance statements or quick settlements before getting legal advice.
- Consult a wrongful death / serious-injury lawyer promptly to protect evidence, explain who can sue, and track deadlines.
- Open and manage the estate in probate as needed, coordinating with any survival claims.
- Seek ongoing counseling and support; use victim-assistance and compensation programs where available.

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