

Summary of State Wrongful Death and Intestacy Statutes

State	Wrongful Death Laws	Intestacy Laws	
	Economic Portion of the Presumed Award	Priority Under Intestate Laws	When there are Children of Different Generations (ie. grandchildren)
District of Columbia	<p>Damages are distributed to those eligible to recover under intestate law, in proportion to their pecuniary loss.</p> <p>Pecuniary loss is defined by the DC Wrongful Death statute and cases interpreting that statute.</p> <p>See D.C. Code Ann. § 16-2703 (2000)</p>	<ol style="list-style-type: none"> 1. Spouse and no children or parent -- entire estate goes to the spouse. 2. Spouse and children -- spouse takes 2/3 or 1/2 of the estate. If the children are also the spouse's, the spouse 2/3. If they are not, spouse only takes 1/2. Whatever remains is divided equally among the children, as long as they are in the same generation. 3. Spouse and no children, but a parent -- 3/4 of the estate to the spouse. Parents divide the remainder equally. 4. No children or spouse -- shares are divided equally between the parents. 5. No parents, children, or spouse -- the brothers and sisters (or their descendants) take the remainder. <p>See D.C. Code. Ann. §§ 19-301, et. seq. (2000)</p>	<p>The property is divided into as many equal shares as there are children of the victim who survive the victim and children of the victim who did not survive the victim but had children who did.</p> <p>Each child of the victim who did survive receives one share and the surviving issue of each child of the victim who did not survive divide one share.</p>

This is a general summary. It is only meant to provide information to personal representatives regarding relevant state law in order to guide them in devising plans for distributions that are consistent with state law. It does not include distributions when none of the relatives set forth in these charts is alive. Calculation of the total award is determined by the Fund's regulations. This is not a substitute for state law, and to the extent state law varies with this chart, state law controls. For more information, an attorney familiar with state statutes and case law should be consulted.