

Key Differences Between Wrongful Death and Survival Claims

Wrongful Death

A wrongful death lawsuit can be brought by the deceased person's surviving family member or beneficiaries against the at-fault party for the death.



Survival Claim

Unlike a wrongful death suit, a survival claim isn't filed on behalf of the remaining family members. Instead, it's an action undertaken based on the deceased person's estate to compensate the person who died.



Significant Differences

Parties Involved

In the wrongful death claim, the deceased's surviving family members or beneficiaries are entitled to file the case, demanding recompense for their losses and mental & emotional suffering.

Legal Basis

Wrongful death claims are based on the notion that the death was triggered by the carelessness or misconduct of someone else, and the emphasis is on the damages sustained by the remaining family members.

Source:

<https://writeupcafe.com/what-is-the-difference-between-wrongful-death-and-survival/>