

## 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)
Massachusetts	<p>Damages are distributed to the class of people described below, in proportion to their pecuniary loss.</p> <ol style="list-style-type: none"> <li>1. If the deceased was survived by a spouse and no children, then all to the surviving spouse.</li> <li>2. If the victim was survived by a spouse and by one child or by the issue of one deceased child, then 1/2 to the surviving spouse and 1/2 to the child or descendants.</li> <li>3. If the deceased was survived by a spouse and by more than one child, then 1/3 to surviving spouse and 2/3 to the surviving children or grandchildren.</li> <li>4. If there is no surviving spouse, then to the “next of kin” as defined by the laws of intestate succession.</li> </ol> <p>Pecuniary loss is defined by the Massachusetts Wrongful Death statute and cases interpreting that statute.</p> <p>See Mass. Gen. Laws Ann. ch. 229, § 1 (2000).</p>	<ol style="list-style-type: none"> <li>1. Spouse, no children, but other relatives -- the spouse takes the first \$200,000, and 1/2 of the remainder of the estate. Next of kin takes balance.</li> <li>2. Spouse and children -- spouse takes 1/2 and children take balance.</li> <li>3. Spouse with no children or relatives -- the surviving spouse takes all.</li> <li>4. Children, no spouse-- The whole to the children in equal shares divided equally among those in the same generation.</li> <li>5. No spouse or children -- the parents take equal shares of the estate.</li> <li>6. No spouse, children or parents -- shares then proceed to the brothers and sisters or descendants of deceased siblings divided equally among those in the same generation.</li> <li>7. No one listed above -- Whoever is the next closest in kinship, takes all.</li> </ol> <p>See Mass.Gen. Laws .Ann. ch. 190, §§ 1, et. seq. (2002).</p>	<p>The estate is divided into as many shares as there are living members of the nearest generation of children, including deceased children in the same generation who left behind children. Each surviving heir in the nearest generation to the victim receives one share and the share of each deceased person in the same generation is divided among his or her descendants in the same manner.</p> <p>See Mass.Gen. Laws .Ann. ch. 190, §§ 1, et. seq. (2002).</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.