

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)
Maryland	<p>Damages are distributed to the class of people described below, in proportion to their pecuniary loss.</p> <p>Pecuniary loss is defined by the Maryland Wrongful Death Statute and cases defining the statute.</p> <p>The spouse, child and parent may recover lost financial support.</p> <p>If there is no spouse, child, or parent, then any person who is related by blood or marriage to the victim and who was substantially dependent upon the victim may bring the action.</p> <p>See Md. Cts. & Jud. Proc. § 3-904 (2000).</p>	<ol style="list-style-type: none"> 1. A spouse and minor children (does not include stepchildren) -- spouse receives ½ of the estate, minor children share remaining 1/2. 2. A spouse and all adult children (not including stepchildren) -- spouse receives \$15,000 plus 1/2 of remaining estate, adult children divide the remaining share of the estate (the interest of a predeceased child passes to issue of that child). 3. Children only -- children (does not include stepchildren) divide estate equally among children in the same generation. 4. A spouse and parents -- spouse receives \$15,000 plus 1/2 of remaining estate, both parents divide the balance or surviving parent receives the balance. 5. A spouse without other heirs listed above -- entire estate passes to spouse. 6. Parents without heirs listed above -- both parents divide entire estate or surviving parent takes all. 7. Brothers and/or sisters without other heirs listed above -- brothers and/or sisters divide estate equally (share of a deceased sibling goes to his or her issue—nieces and nephews of the victim). <p>See Md. Code Ann., Est. & Trusts § 3-102, et. seq. (2002).</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 their own 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> <p>See Md. Code Ann., Est. & Trusts § 3-102, 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.