

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)
New Jersey	<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 New Jersey Wrongful Death statute and cases interpreting the statute.</p> <p>See N.J. Stat. Ann. § 2A: 31-4 (2002).</p>	<ol style="list-style-type: none"> 1. Spouse and no parents or children-- everything to spouse. 2. Spouse and children - spouse takes the first \$50,000 plus ½ of the balance of the estate if the children are also the spouse's. If they are not, spouse only takes ½ of the estate. Remainder is divided equally among the children in the same generation. 3. Spouse and parents (no children) - spouse takes the first \$50,000 plus ½ of the balance of the estate. Remainder is divided equally among parents. 4. No children but parents -- parents share equally. 5. No parents -- the parent's children take all (i.e. brothers and sisters or their descendants). Shares are divided equally among the children in the same generation. <p>See N.J. Stat. Ann. § 3B: 5-3 (2002).</p>	<p>The estate is divided into as many shares as there are living members of the nearest generation of children to the victim, 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 N.J. Stat. Ann. § 3B: 5-3 (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.