

**SUPPORT SB 32 Wrongful Death Amendments
By Senator Scott McCoy**

Grandparents, siblings, and partners should not be locked out of the courts when a loved one is killed by negligence or malpractice.

Bill Summary: This bill would allow people to designate another adult to have standing in court if they die due to negligence or malpractice.

- **Many family members are locked out of court when a loved one is killed by negligence or malpractice.** Utah code currently lists three relatives who can sue in case of wrongful death: a spouse, a parent, and a child. No other person can ask courts for help if their loved one dies a wrongful death.

- **Dependent family members who are excluded from the courts are likely to become burdens on the state.** Many people who are financially interdependent can not adequately care for themselves when a breadwinner dies. A sudden death can force them out of their homes and onto welfare. In cases of wrongful death, the wrongdoer should be accountable instead of the taxpayers.

- **Minor children get priority for limited awards.** Sometimes a court grants less money in damages than have been requested. Under Wrongful Death Amendments, minor children will receive first access to any awarded money. For example, If the deceased's partner has \$50,000 in damages and the deceased's minor children have \$50,000 in damages, the first \$50,000 will go to the children. If the court only awards fifty thousand, then only the minor children will receive compensation.

- **Illustrating the Harm: Christie Lee Littleton.** Christie Lee Littleton had been married to her husband for seven years when he died suddenly at a doctor's office. When Littleton tried to sue the doctor for her husband's death, the court discovered Littleton was transgender, held her marriage invalid, and threw out her case stating she had no right to sue. Wrongful Death Amendments will provide access to the courts for families like the Littleton's.