

Wrongful Death Claims After The Loss Of A Child In Georgia

When Negligence Steals A Georgia Child's Future

There's absolutely nothing in this world that's more devastating than losing a child. One moment you're planning school events, holidays, and milestones that feel guaranteed, and the next you're sitting in a quiet room trying to understand how a phone call, a crash, or a single act of negligence could erase an entire future. Grief hits in waves, but underneath it, many Georgia families also feel something sharper: the sense that someone's careless choice turned an ordinary day into a lifelong absence.

At the [Law Offices of Gary Martin Hays & Associates, P.C.](#), our wrongful death attorneys have walked beside parents and families who never imagined they'd be talking to a lawyer about the death of a child. They aren't looking for a payout, they're trying to make sure their child's life is seen in full and that the person or company responsible doesn't simply move on without accountability. Georgia's wrongful death laws give families a way to do that by focusing on the "full value of the life" of the child who was taken.

When a child's death is linked to a [crash](#), unsafe property, or another act of negligence, a civil claim can't ever repair such a loss, but it can help protect a family's financial stability and send a clear message that a young life in Georgia isn't something anyone gets to treat as disposable.

How Georgia Law Treats Wrongful Death After A Child's Death

Georgia has a unique approach to [wrongful death](#). Instead of focusing only on what survivors lost, the law asks juries to measure the "full value of the life" from the viewpoint of the person who died. That standard applies when a child dies because of someone's negligence, whether the child was a toddler, a teenager, or a young adult with their whole life ahead of them.

For children, that "full value" has two broad parts:

- the economic value of the years of work and services that child likely would've contributed over a lifetime, and
- the intangible value of living a full life, including relationships, experiences, and the personal joys that were taken away.

[Georgia law](#) makes it clear that "in every case of the homicide of a child, minor or sui juris, there shall be some party entitled to recover the full value of the life of the child," either under the parental statute or the general wrongful death act. That means the system is designed so a child's life isn't left without a legal voice, even when they had no work history and hadn't yet started a career.

When families understand that Georgia law treats a child's life as having full value in its own right, it becomes easier to see a wrongful death claim as a way of honoring that life, not just a fight over numbers.

Who Can Bring A Wrongful Death Claim After The Loss Of A Child In Georgia?

One of the first questions we hear from grieving families is, “who actually has the [right to file the case](#)?” Georgia statutes outline that in a fairly specific order. For the death of a child, parents have a central role, but the exact structure depends on the child’s age and family situation.

Depending on the circumstances, Georgia law usually points to the following decision-makers:

- **Parents Of A Minor Child:** When a child under 18 is killed, the parents generally have the right to pursue the wrongful death claim, either jointly or through one parent if they’re separated or divorced.
- **Parents Of An Unmarried Adult Child With No Children:** If a young adult child dies without a spouse or children, Georgia law still allows the parents to bring the wrongful death claim for the full value of that child’s life.
- **Spouse Of An Adult Child:** If the deceased child was married, the surviving spouse usually has the primary right to bring the wrongful death claim, sharing any recovery with the couple’s children if they have them.
- **Personal Representative Of The Estate:** If there’s no spouse, no children, and no surviving parents with rights, a personal representative can often pursue claims on behalf of the estate and next of kin.

On top of the wrongful death claim, the child’s estate can also bring a [separate claim](#) for medical bills related to the final injury, [funeral and burial expenses](#), and any conscious pain and suffering between the injury and death. Those estate damages are different from the “full value of the life” claim and need to be pled and handled carefully so families aren’t leaving parts of the case on the table.

When everyone understands who has standing and how the claims fit together, it becomes easier for a family to move forward together instead of getting stuck in confusion about who’s “in charge” of the case.

How Do Juries Look At The Value Of A Child’s Life In Georgia?

Parents often worry that because their child didn’t have a long work history or a big salary, there won’t be any way to show value in court. Georgia’s wrongful death framework answers that concern directly by telling juries to look at both economic and intangible value, and to measure it from the child’s point of view rather than just the survivors’ grief.

For children, juries are typically asked to consider things like:

- **The Years Of Life Cut Short:** A young child or teenager loses decades of living, which carries its own powerful economic and human value even if there are no past tax returns or job records.

- **The Child's Personality And Joys:** Hobbies, friendships, favorite routines, and the simple pleasures of growing up all play into the intangible value of that life.
- **Future Milestones And Roles:** Graduations, marriages, careers, parenthood, and the ordinary adult experiences that child never gets to have are part of what the law recognizes as "full value."
- **Family Bonds And Shared Time:** The everyday connection with parents, siblings, grandparents, and extended family, including holidays, shared meals, and family traditions, is a critical part of the story.

Georgia doesn't use a statutory formula or damage cap for the "full value of life" in wrongful death cases, so the measure is left to the enlightened conscience of the jury once all the evidence is in front of them. That makes it even more important to present a child's life in a way that feels real and complete, not reduced to a single number or label.

When a jury can see a child as more than a name on a page, it's much harder for a negligent defendant or insurer to minimize the true depth of what was taken.

Evidence That Helps Tell A Child's Story In A Wrongful Death Case

In a child wrongful death claim, evidence doesn't just mean crash reports and medical records. Those documents matter, but the heart of the case often comes from the details that show who this child was and how they moved through the world.

Families are often surprised to learn how many pieces of everyday life can become powerful proof:

- **Photos And Home Videos:** Birthday parties, school events, family vacations, and casual moments at home can show a jury the child's personality, relationships, and the life they were building.
- **School And Activity Records:** Report cards, awards, sports participation, arts programs, and volunteer activities can help illustrate ambitions, talents, and the direction that child's life appeared to be heading.
- **Statements From Family And Friends:** Siblings, grandparents, teachers, coaches, and close friends can describe daily interactions, future plans, and the role the child played in the family and community.
- **Medical Documentation:** Records linking the fatal outcome to the negligent act, including trauma reports, hospital records, and specialist opinions, are critical for liability and for the estate's claim.

When those pieces are gathered thoughtfully and presented with care, they don't just satisfy legal elements, they help the court see the child as a full human being whose life had depth, direction, and meaning.

How Georgia Law Handles Family Dynamics After The Loss Of A Child

The legal side of a child's death doesn't happen in a vacuum. Parents might be divorced, remarried, or estranged, and extended family members may feel deeply invested in the case. Georgia's statutes try to balance those realities by giving parents a shared right to recover for the wrongful death of a minor child and, in some situations, for an adult child who wasn't married and didn't have children.

At the same time, Georgia law recognizes that a parent's rights can be questioned if they abandoned the child or failed to support them. In specific circumstances, a parent who didn't provide meaningful care or financial support may be restricted or even prevented from recovering in a wrongful death claim.

These are emotionally charged issues, and they can surface right when a family is trying to mourn. Having a clear explanation of how the law treats each parent's rights, what "abandonment" or lack of support might mean, and how any recovery will be shared can reduce conflict and keep the focus on honoring the child's life and holding the negligent party accountable.

When the legal team understands both the statutes and the family history, it's easier to protect the claim while respecting the real emotions underneath it.

Important Damages In Georgia Child Wrongful Death Claims

Every child wrongful death case is different, but many families in Georgia face similar categories of loss. The law separates the wrongful death claim from the estate claim, and both may be on the table after a child's death.

Families are often dealing with:

- **Full Value Of The Child's Life:** This includes both the economic value of work and services the child likely would've provided over a lifetime and the intangible value of living out that life, from relationships to daily joys.
- **Medical Bills Before Death:** If the child survived for any period after the incident, hospital stays, surgeries, emergency transport, and other treatment costs can be claimed through the estate.
- **Funeral And Burial Expenses:** Reasonable costs related to the child's funeral, burial, or memorial services are typically part of the estate's damages.
- **Conscious Pain And Suffering:** If evidence shows the child experienced pain or awareness between the injury and death, that suffering may be compensable through the estate claim as well.

Putting these damages together in a way that respects both the financial realities and the emotional truth of the loss is one of the hardest parts of this work. The goal isn't to reduce a child's life to line items, it's to give a jury the tools it needs to recognize how deep and far-reaching the harm really is.

Why Timing Still Matters After A Child's Wrongful Death In Georgia

Even in the middle of unimaginable loss, the clock doesn't stop. In Georgia, most wrongful death claims need to be filed within two years of the date of death, and estate claims follow their own timelines, with some situations allowing limited pauses or extensions.

Families who act early can put a legal structure in place without having to make big decisions right away. That usually means:

- confirming who has the right to bring the wrongful death claim,
- opening an estate so someone is authorized to handle the child's legal and financial matters, and
- protecting key evidence before it's lost, from crash data and scene photos to medical records and witness memories.

Taking those steps doesn't mean a family is "moving on" or turning grief into paperwork. It means they're preserving the ability to ask for full accountability when they're ready, instead of letting deadlines or lost evidence silence their child's story.

How Our Firm Supports Families After The Wrongful Death Of A Child

When a child dies because someone in Georgia chose speed over safety, profit over maintenance, or carelessness over basic rules, families deserve more than sympathy. They deserve a legal team that knows how to gather proof, navigate complex statutes, and present a child's life in a way that honors who they were and what they should've had.

At the Law Offices of Gary Martin Hays & Associates, P.C., we start by listening. We learn about your child, your family, and what's already happened with law enforcement, insurers, or prior lawyers. We then map out the wrongful death and estate claims that may be available, explain who has the right to bring each claim, and work to protect both the "full value of the life" claim and the financial realities of final medical bills and funeral costs.

As Georgia's Power Law Firm, our goal in a child wrongful death case is simple: tell the truth about what was taken, confront the people or companies who caused it, and pursue compensation that reflects both the legal standards and the human loss.

If you've lost a child in a crash or another preventable incident anywhere in Georgia, you don't have to face the legal system alone. [Contact the Law Offices of Gary Martin Hays & Associates, P.C.](#) for a free consultation with a Georgia wrongful death lawyer who understands how to handle child death claims with both strength and care, so you can focus on your family while we focus on accountability.