



Wrongful Death Checklist

Steps to help protect your family's rights after losing a loved one to someone else's negligence — in Missouri and Kansas.

1 FIRST, TAKE CARE OF YOUR FAMILY

Losing someone to another's negligence is devastating, and the legal questions can wait until your family has had room to grieve. When you are ready, these steps help protect your rights.

- **There is no rush to decide anything:** You do not have to make legal choices in the first days or weeks. Take the time you need.
- **Lean on people you trust:** Family, friends, your faith community, or a counselor — you do not have to carry this alone.
- **Keep important papers together:** As they arrive, set aside the death certificate, any medical records, the police or incident report, and related bills.
- **Be cautious about early outreach:** An insurer or company may contact you soon after. You are not required to answer questions, give a statement, or sign anything.

2 PRESERVE THE EVIDENCE

The facts of what happened can fade or disappear quickly. Preserving them early protects your family's ability to learn the truth.

- **Gather the records:** The death certificate, any autopsy or medical examiner's report, medical records, and any police, crash, or incident report.
- **Note what caused the death:** The person, business, vehicle, product, or property involved in what happened.
- **Find witnesses:** Names and contact information for anyone who saw the events or has knowledge of them.
- **Don't let key evidence be lost:** A vehicle, device, or other item involved may need to be preserved — an attorney can act quickly to protect it.



3 BE CAREFUL WHAT YOU SIGN AND SAY

In the weeks after a death, insurers and others may reach out. How your family responds can affect the claim.

- **Don't give a recorded statement:** You are not required to give one to any insurer. Decline politely and seek advice first.
- **Don't sign releases or accept a quick settlement:** Early offers come before the full picture is known, and signing can permanently end your family's claim.
- **Keep communication coordinated:** Decisions are best made together, ideally through one point of contact, to avoid confusion or conflict among family.
- **Stay off social media:** Posts about the loss or the circumstances can be used in ways you would not expect.

4 UNDERSTAND WHAT A WRONGFUL DEATH CLAIM IS

A wrongful death claim is the family's way of holding a negligent party accountable for the loss. Two related claims may apply.

- **The wrongful death claim:** Compensates surviving family for their losses – financial support, funeral and medical costs, and the loss of the love, companionship, and guidance your loved one provided.
- **A survival claim:** Separately, the estate may recover for what your loved one endured – pain, suffering, and expenses – between the injury and their passing.
- **Usually only one case:** A single wrongful death action generally covers all eligible family members, which is why coordinating early – and identifying who has the right to file – matters so much.

5 MISSOURI VS. KANSAS – KNOW WHICH RULES APPLY

Who may bring a wrongful death claim, and how long they have, is set by state law – and Missouri and Kansas handle both differently.



Who Can File

- **Missouri:** The law sets an order of priority. The spouse, children (or grandchildren), and parents come first; if there are none, siblings or their descendants may file; if there are none of those, the court appoints a representative to bring the claim.
- **Kansas:** Any heir at law who suffered a loss may file, and a single heir can bring the case for the benefit of all eligible heirs.

Deadlines to File

- **Missouri:** Generally three (3) years from the date of death – a different deadline than other injury claims, and easy to overlook.
- **Kansas:** Generally two (2) years from the date of death. Missing the deadline can permanently bar the claim.

Shared Fault

- **Missouri (pure comparative fault) vs. Kansas (50% bar):** If your loved one shared some fault, Missouri reduces the recovery by that share; Kansas bars recovery entirely if they were found 50% or more at fault.

EXTRA NOTES

You deserve clarity, representation, and a full pursuit of what is right.

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