

Pennsylvania Wrongful Death Claims vs. Survival Actions

One Fatal Accident Can Create Two Separate Legal Claims

Losing someone to another person's carelessness leaves a family with more than grief. It leaves them with medical bills that arrived before the funeral did, an income that stopped showing up, and an insurance adjuster who wants to close the file fast. A [Pittsburgh wrongful death lawyer](#) can tell you that Pennsylvania law recognizes that a single wrongful death causes two distinct kinds of harm, and it gives families two separate legal tools to address both.

The first tool compensates the family for what they lost when their loved one died. The second compensates the estate for what the victim suffered before death took that possibility away. Families who understand the difference are better positioned to recover everything the law allows them to recover, rather than settling for a fraction of it because nobody explained the second claim existed.

What a Survival Action Recovers for the Estate

A survival action exists because Pennsylvania law refuses to let a wrongdoer off the hook simply because their victim died before filing suit. Under Pennsylvania law, any legal claim the victim could have brought had they survived passes to their estate instead. The claim belongs to the estate, not the spouse or children directly, and it is filed by the estate's personal representative, meaning the executor named in a will or an administrator appointed by the county's orphans' court if no will exists.

- **Who Files the Claim:** The estate's personal representative brings the survival action on the estate's behalf, not the surviving spouse or children individually.
- **What Losses Are Covered:** The victim's conscious pain and suffering, lost earnings and earning capacity, and other damages the victim could have pursued had they survived.
- **Where the Money Goes:** Proceeds become part of the estate and are distributed according to the will or Pennsylvania intestacy law, subject to applicable estate obligations and tax rules.
- **What It Requires:** Proof of the same negligence that would have supported the victim's own personal injury lawsuit had they lived.

Sorting out what counts as a survival loss versus a wrongful death loss gets complicated fast, especially when a victim lingered for days or weeks before dying. That's exactly the kind of valuation mistake that costs families money when they try to handle it alone instead of putting a lawyer on it early.

What a Wrongful Death Claim Recovers for the Family

Wrongful death claims exist for an entirely different reason. This claim compensates the people who depended on the victim while they were alive, not the victim's own suffering. Pennsylvania limits who can recover these damages to the surviving spouse, children, or parents of the deceased.

The personal representative of the estate generally brings the wrongful death lawsuit. If no wrongful death action has been filed within six months after the death, an eligible beneficiary may bring the action as trustee ad litem on behalf of everyone entitled to share in the recovery.

- **Who Can Recover:** Only the surviving spouse, children, or parents of the deceased qualify as beneficiaries under this claim.
- **Funeral and Medical Costs:** Reasonable hospital, nursing, medical, funeral, and estate administration expenses resulting from the fatal injury may be recovered.
- **Lost Financial Support:** The income, benefits, and services the deceased would have provided going forward.
- **Loss of Companionship and Guidance:** The value of the relationship itself, including a parent's guidance and upbringing that children are left without.

A parent killed in a car accident, for example, leaves behind more than lost paychecks. Their children lose the guidance and upbringing only that parent could have provided, and Pennsylvania law recognizes that loss as compensable in its own right. Putting a dollar figure on that kind of loss is where families benefit most from a lawyer who's valued these claims before.

Why Pennsylvania Law Allows Both Claims Without Duplicating Compensation

Families sometimes assume filing both claims means double-dipping on the same loss. Pennsylvania courts have addressed this directly, treating the wrongful death and survival actions as separate and distinct claims that can proceed together as long as they target different categories of harm. The survival action covers what the victim personally lost before dying. The wrongful death claim covers what the family lost after.

Wrongful death and survival claims may be pursued in the same lawsuit. If separate actions are filed, Pennsylvania law requires them to be consolidated for trial. Keeping the claims together also helps ensure that damages are properly allocated between the losses suffered by the victim and those suffered by the family. That consolidation requirement is one reason these cases benefit from being handled by attorneys who track both claims from the beginning.

Steps That Protect Both Claims After a Fatal Accident

Grieving families rarely think about estate administration or legal deadlines in the days after a fatal accident, but delay can quietly shrink what's recoverable. Taking the right steps early

preserves both the survival action and the wrongful death claim before evidence disappears or deadlines close in.

- **Address Estate Administration Promptly:** A personal representative is generally needed to pursue the survival action and ordinarily brings the wrongful death action as well. Addressing estate administration early can prevent unnecessary delays.
- **Identify Every Eligible Beneficiary:** Spouses, children, and parents each may have a stake in the wrongful death recovery, and missing one can complicate distribution later.
- **Preserve Medical Records From the Injury Period:** Records documenting pain, treatment, and any period of survival before death support the estate's survival action damages.
- **Track Every Financial Loss the Family Absorbed:** Funeral costs, lost household income, and related expenses all factor into the wrongful death claim's value.

Handling these steps correctly from the outset, rather than scrambling to reconstruct them months later, often determines whether a family recovers the full value the law allows for both claims.

We Don't Back Down From a Fight

Losing a family member to someone else's negligence in Pittsburgh or anywhere in Western Pennsylvania is complicated by two overlapping claims, two sets of deadlines, and estate issues that often must be addressed while the legal claims are moving forward. Sorting that out alone, on top of grieving, is where families lose ground they can't get back.

[Romanow Law Group's](#) Pittsburgh wrongful death attorneys pursue both the survival action and the wrongful death claim together, so families aren't left recovering only part of what Pennsylvania law entitles them to. Our team has taken on insurance companies that would rather make a quick lowball offer than acknowledge the full scope of what a family lost.

If your family lost someone to a preventable accident, [contact us](#) for a free consultation before any deadline starts working against you. We handle every case on a contingency basis, so there's nothing owed unless we recover for your family, and we'll fight to make sure both claims the law allows you are pursued in full.