

Lawmakers Renew Efforts to Update New York's 175-Year-Old Wrongful Death Statute

Lawmakers send Grieving Families Act to Governor Hochul, seeking to modernize New York's wrongful death law to include non-economic damages.

NEW YORK, NY, UNITED STATES, August 21, 2025 /EINPresswire.com/ -- The New York Grieving Families Act has been delivered to Governor Kathy Hochul for review, marking the fourth time in recent years that legislators have advanced the measure to the executive office. The proposed law addresses longstanding debates surrounding New York's wrongful death statute, which was enacted in 1847 and limits recovery in such cases to economic damages.

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Under current law, families may only seek compensation based on financial contributions of the deceased.

Advocates for reform argue this framework fails to recognize the impact on families when infants, children, retirees, or stay-at-home parents die due to negligence, because such individuals rarely have measurable income.

The legislation has drawn widespread attention due to cases such as that of [NYPD Officer Mandy Fletcher](#), whose infant son died under circumstances that highlighted the limitations of New York's wrongful death law. Fletcher and other families have voiced support for expanding permissible damages to include emotional losses.

“New York has become an outlier in comparison to other states,” said Jeff S. Korek, Past President of the New York State Trial Lawyers Association and Senior Trial Partner at GLK Law. “The overwhelming majority of states allow recovery for grief, emotional suffering, and loss of companionship. New York remains one of the few that does not.”

Legislative History and Public Support

The Grieving Families Act has passed both chambers of the legislature multiple times—in 2021, 2022, and 2023—with bipartisan support. Each version was ultimately vetoed by the Governor, primarily due to concerns about the potential impact on insurance and healthcare costs.

The 2025 version of the legislation includes refined language intended to address prior cost-

related objections while retaining its main provision of allowing families to seek non-economic damages. A public petition supporting the measure has gathered more than 7,500 signatures, with expectations of reaching 10,000 prior to the Governor's deadline for action.

Reform advocates point out that insurers, healthcare providers, and businesses operate in other states where non-economic damages are permitted without disruption to economic stability. Legal practitioners note that other areas of personal injury law—such as medical malpractice or product liability—already allow claims for emotional suffering.

“Three previous vetoes have made clear the need for a comprehensive update rather than incremental changes,” Korek added. “The proposed law would bring New York in line with the contemporary legal landscape.”

Next Steps

With mounting legislative and grassroots momentum, the decision now rests with Governor Hochul, who must determine whether to sign or veto the bill. Supporters of the legislation emphasize that the current policy remains largely unchanged since the 19th century, despite broader legal recognition nationally of noneconomic loss in wrongful death claims.

The Governor's action on the Grieving Families Act is expected in the coming weeks.

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