

ADOPTED CHILD CANNOT BRING WRONGFUL DEATH CLAIM FOR DEATH OF BIOLOGICAL FATHER

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Edonna v. Heckman

Ct. Appeals, Div. One, May 3, 2011

Authored by the [JSH Appellate Team](#)

Plaintiff's biological parents, Edward and Donna, divorced when Plaintiff was 9 years old. Donna remarried. Stepfather adopted Plaintiff when he was 13. Years later, Edward was killed in an accident. Plaintiff sued for the wrongful death of his biological father.

The court of appeals held that Plaintiff lacked standing to bring the wrongful death suit. A.R.S. § 8-117 expresses the legislature's intent that upon adoption, the relationship between the child and his biological parents is completely severed and all legal consequences (including the right to bring a wrongful death action) cease to exist. Further, A.R.S. § 14-2114, which allows adopted persons to inherit, does not apply to wrongful death claims. The right to bring a wrongful death action does not depend on the right to inherit-it is a personal right to be compensated for one's own loss.