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Governor Hochul Vetoes Grieving Families Act

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In June of 2022, New York State Legislature passed legislation that was labeled as “The Grieving Families Act”, which sought to expand New York’s Wrongful Death Statute. The legislation was pending approval from Governor Hochul, who on January 30, 2023 vetoed the Act.

As discussed in depth in our June 10, 2022 blog post, the Grieving Families Act intended to expand the class of parties permitted to bring a wrongful death action, by replacing the term “distributees,” a term with specific legal meaning, with surviving close family members, which may include, but are not limited to, spouse or domestic partner, issue, parents, grandparents, step-parents and siblings. Under the Act, the qualification of a surviving close family member would be determined by a finder of fact.

In addition to expanding the class of parties who may bring an action, the Grieving Families act sought to expand the statute of limitations from two years to three years and six months. Further, the Act expanded the scope of compensation to allow recovery for grief, loss of consortium and sympathy. Finally and significantly, the Act would have applied retroactively to all pending wrongful death lawsuits in New York.

In vetoing the legislation, Governor Hochul indicated her support for the intent of the bill, but determined it represents an extraordinary departure from New York’s wrongful death jurisprudence and may result in significant unintended consequences. Among those consequences, Governor Hochul referenced potential confusion as to the classification of “close family members” as well as the financial burden for struggling hospitals in underserved communities. Notably, Governor Hochul states the bill was passed without a serious evaluation of the impact of the massive changes on the economy, small businesses, individuals, and the State’s complex health care system.

We anticipate that Governor Hochul’s concerns will be addressed and a new iteration of the Grieving Families act will be presented to the legislature in the future. We will continue to monitor the developments and potential future iterations of the Grieving Families Act.

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