The Timeline of an Auto Accident Claim

A car accident claim moves through stages that can take months or longer. The property damage part often resolves within weeks, while the injury claim usually waits until treatment has run its course. A car accident attorney can explain where a given claim stands, though every claim is different.

The first hours and days

Getting medical care comes first, even if injuries seem minor at the scene, and the records made that day often become important evidence. Police usually write a crash report, and the report number is used to request a copy. Most policies require prompt notice of a crash to the policyholder's own insurer, even if the other driver was at fault. Photos of the scene, the cars and any visible injuries are easiest to get early, and dashcam files should be saved before they https://caraccidentlawyers.wiki/topics/claims/ are recorded over.

The first weeks

The car is either repaired or declared a total loss, and the insurer pays for repairs or the actual cash value. Some states allow a diminished value claim. An adjuster from the other driver's insurer may ask for a recorded statement or offer an early settlement. Many people consult a car accident attorney at this point, before signing any release. A preservation letter can ask that video and event data recorder (EDR) data be kept.

Treatment and documentation

While treatment continues, medical records and bills are gathered, together with proof of missed work. Many claims are not valued until the injured person reaches maximum medical improvement, meaning the point at which doctors can describe the long-term outlook. A car crash attorney then prepares a demand package for the insurer with the medical records and bills plus a damages summary. Some states regulate time-limited settlement demands by statute.

Why timing matters for a settlement

Once a release is signed, the claim is usually over for good, including any future medical costs tied to the crash. When a doctor expects surgery or ongoing care, those future costs are usually estimated before a demand goes out. The treating doctor's written opinion can document them, and in serious cases a life care plan may be prepared. An early settlement can leave those costs uncovered, while waiting too long can run into the filing deadline.

If the claim does not settle

The adjuster may accept, reject or counter the demand. If negotiations stall, the next step is usually a lawsuit, which has to be filed before the statute of limitations runs. Each state sets its own deadline, and claims involving a government agency may require written notice much sooner. Discovery brings written interrogatories, document requests and depositions, and the defense may request an independent medical examination. Many courts order mediation before trial, and most cases settle rather than reach a verdict.

Settlement and closing

Settling a claim usually means signing a release. Before money is distributed, liens from health plans, Medicare or Medicaid may need to be resolved, and in many states a settlement for a minor requires court approval. A motor vehicle accident attorney typically provides a written closing statement showing the fee, the costs and the net amount. This timeline is general information, not legal advice, and no article can predict how long a claim will take.