

Category: Hit-and-Run Accidents

## **No One Is Safe from Hit-and-Runs ... Including Children**

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In 2015, West Michigan residents were shocked by the news of the tragedy involving 4-year-old Gabriel Castillo, Jr., who was struck by a hit-and-run driver while sledding. How someone could run over a child, flee the scene, abandon their car, and disregard the parents' pleas to come forward is beyond comprehension.

This story not only pulls at our heartstrings but is also a reminder about the pervasive dangers of hit-and-run car accidents in Michigan. Although we cannot cure the dark human instinct that allows hit-and-runs to occur, there are things that all of us can do to protect our families against this kind of tragedy.

First, it is important to remember that a victim of a hit-and-run auto accident is almost certainly entitled to recover Michigan no-fault benefits. These benefits include lifetime medical care and up to three years of lost wages. As a general rule, the victim of a hit-and-run will be able to recover these benefits from their own auto insurance company. But people often ask: what about children who do not have their own auto insurance? Well, the first question is whether the child lives with any relative (e.g., mom, dad, or grandparent) who has auto insurance. If so, then the child will be able to collect auto no-fault benefits from the insurance company of what Michigan law calls these "resident relatives."

But what if the child's resident relatives have no auto insurance? Generally, in cases involving pedestrians, bicyclists, or anyone else that Michigan law refers to as "non-occupants" of a car, these victims recover no-fault benefits from the insurance company of the vehicle that struck the person. Unfortunately, in a hit-and-run, it is often impossible to determine what company insured the striking vehicle. The only bright spot in such a situation is that the victim will still be able to recover no-fault benefits through what is called the Assigned Claims Facility. These kinds of claims can be tedious to process. But the bottom line is that, under current Michigan law, hit-and-run victims are treated just like any car accident victim and are entitled to no-fault benefits.

Remember, however, that Michigan no-fault benefits do not include compensation for non-economic losses like pain, loss of function, or loss of enjoyment of life. No-fault benefits also do not include lost wages beyond three years of the date of the accident. These claims are typically made against the at-fault driver and that person's insurance

company. But what happens in a hit-and-run where no one knows the name of the at-fault driver?

This is precisely why purchasing uninsured motorist coverage is so important to protect you and your family. Uninsured motorist coverage kicks in when you are the victim of a negligent driver who did not have any insurance. It allows you to make the claims that you would normally make against the at-fault driver's insurance through your own insurance company. And what people often forget is that a hit-and-run driver is almost always an uninsured motorist. That is because, by definition, if you can't determine the identity of who struck you, the mystery person will be deemed to be uninsured. But remember: unlike no-fault benefits, uninsured motorist coverage is not mandatory. So you must make sure that you include it as part of your policy.

Hopefully, you will never find yourself in need of insurance against hit-and-runs. But just like we do with so many other things in life, please protect yourself from this danger by purchasing as much uninsured (and underinsured) motorist coverage as you can afford. It's typically very cheap, with \$500,000 in coverage often costing less than \$20/year. Moreover, if you are ever a witness to a hit-and-run accident, please contact law enforcement immediately. The information that you provide could be vital in helping a family in a time of crisis.