

Determining Fault After a Car Accident in Delaware

Our experienced car accident lawyers explain how the legal process works

[Car accidents](#) in Delaware can be chaotic under any circumstances. That's why the legal process can be so confusing. All you want to do is focus on getting better. But the reality is you need to take action right away to make sure you get the compensation you rightfully deserve.

In many cases, how compensation is awarded to car accident injury victims in Delaware comes down to who's at fault for causing the collision. But how is fault determined after a Delaware car crash? The process is much more complicated than you might think. That's why it's critical that you fully understand your legal rights.

Our Delaware car accident attorneys at [Gill, Welsh, and Chamberlain, P.A.](#) believe it's important for injury victims to understand how this system works. That's why we want to help.

Who is at fault in a car accident?

Determining fault after a car accident in Delaware usually depends on who acted carelessly or violated traffic laws. In most cases, the at-fault driver is the one who failed to obey the rules of the road, such as running a red light or speeding through an intersection. When a driver breaks the law or acts negligently and causes harm to others, they can be held responsible for the resulting injuries and financial losses.

In Delaware, police officers and insurance adjusters typically investigate the crash scene to determine who was at fault. They review statements from drivers and witnesses, photographs of the scene, and physical evidence such as skid marks or debris. A driver who was distracted, impaired, or reckless is often found liable (legally responsible) because those actions directly increase the risk of causing a collision.

Fault can also involve more than one person. If both drivers share some responsibility, Delaware's comparative negligence system allows each party to be assigned a percentage of fault. This affects how much compensation each person can recover, which makes having clear evidence and strong legal representation crucial.

Who's at fault if multiple cars are involved in an accident?

When several vehicles are involved in a crash, fault can be complicated. Investigators look closely at how each driver's actions contributed to the chain of events. The goal is to identify who started the sequence and who made mistakes that worsened it. At-fault parties can include:

- A driver who caused the initial collision by following too closely or failing to stop in time.
- A distracted driver who hit another vehicle from behind after looking away from the road.
- A speeding driver who couldn't react fast enough to avoid the cars ahead.
- An aggressive driver who merged or changed lanes without checking blind spots.

- A driver who ignored traffic signals or weather conditions that required slowing down.

Because multi-car crashes often involve multiple points of impact, determining fault can take time. Investigators often piece together physical evidence and witness statements to understand what happened in the moments before the crash.

In these cases, even a small mistake by one driver can trigger a chain reaction that affects several others. A skilled car accident lawyer can gather evidence and establish liability (who was at fault) so that injury victims can seek the compensation they deserve.

How is fault determined in a car accident?

Fault in a car accident is determined through a careful review of evidence and circumstances. In Delaware, investigators, insurance companies and sometimes courts examine who acted negligently or violated the law. The process focuses on identifying the actions that directly caused the crash.

- Reviewing police reports and witness statements.
- Examining photographs and video footage from the crash scene.
- Analyzing vehicle damage and skid marks to reconstruct how the crash occurred.
- Considering traffic citations issued to any drivers.
- Consulting accident reconstruction experts when the evidence is disputed.

Each piece of information helps paint a clearer picture of what happened and who bears responsibility. Sometimes, both drivers share partial fault, which can affect how much compensation each person receives. Because fault affects legal rights and insurance outcomes, having strong documentation and a knowledgeable attorney can make all the difference after a serious Delaware car accident.

Is Delaware an at-fault car insurance state?

Delaware has what's known as a hybrid car insurance system that combines both at-fault and no-fault elements. Under Delaware law, drivers are required to carry Personal Injury Protection (PIP) coverage, which pays for medical expenses, lost wages and certain related costs after a crash — no matter who caused it. This no-fault coverage allows injured people to get immediate help with their bills without waiting for fault to be proven.

At the same time, Delaware law still recognizes fault-based liability for property damage, pain and suffering and other financial losses not covered by PIP. This means if another driver's negligence caused your accident, you can file a claim or lawsuit against that driver to obtain full compensation. In other words, your PIP benefits handle your immediate expenses, but the at-fault driver remains responsible for broader financial losses.

Delaware's car insurance structure is set out in [Delaware Code Title 21, Code 21 § 2118](#), which requires both liability insurance and PIP coverage for all vehicles registered in the state. [Delaware Code Title 18 § 3902](#), which covers uninsured and underinsured motorist protection,

also plays a role in such cases. These statutes make Delaware's system unique — blending no-fault medical benefits with the right to pursue compensation from an at-fault driver for the rest of your losses.

Who determines who's at fault for a car accident in Delaware?

Several parties often play a role in determining fault after a Delaware car accident. This includes:

- Police officers who investigate the scene and issue citations.
- Insurance adjusters who review claims and assign fault percentages.
- Accident reconstruction experts who analyze vehicle damage and roadway evidence.
- Judges or juries who make final decisions when cases go to court.

The police report often serves as a key starting point, but it's not the final word. Insurance companies conduct their own investigations before deciding how to handle claims. When the evidence is unclear or the insurance company disputes liability, an attorney can step in to challenge those findings and advocate for fair treatment and full compensation.

How do insurance companies determine who is at fault?

Insurance companies determine fault by reviewing all available evidence related to the crash. They analyze police reports, driver statements and any photographs or videos of the scene. Adjusters look for violations of traffic laws or actions that show negligence, such as speeding or distracted driving.

Often, insurers rely on witness statements and physical evidence like skid marks or vehicle positions to recreate what happened. If necessary, they may consult experts or request additional documentation. Their goal is to assign a percentage of fault to each driver, which determines how much each insurance company pays.

Because insurers have financial interests in limiting payouts, they don't always make fair assessments. If you've been wrongfully blamed or your claim is undervalued, your car accident attorney can challenge the insurer's findings and fight for the compensation you're owed.

Does fault impact compensation for car accidents in Delaware?

Yes. Fault plays a direct role in how much compensation you can recover after a car accident in Delaware. The state uses a modified comparative negligence system, meaning your recovery depends on your percentage of fault. If you're less than 50 percent responsible, you can still recover damages, the legal term for compensation for financial losses.

For example, if you're awarded \$100,000 but found 20 percent at fault, you would receive \$80,000. This system allows victims who share some blame to still be compensated, but it also reduces their recovery based on their contribution to the crash.

Because insurance companies often try to shift blame onto victims, having strong evidence and legal representation is critical. A lawyer can gather proof, build a strong legal case and protect your rights throughout the claims process.

Can I be compensated if I was partially at fault for my accident?

Yes. Under Delaware's comparative negligence rule, you can still recover compensation as long as you are less than 50 percent at fault. Your compensation will be reduced based on your level of responsibility for the accident. This rule ensures that victims who share some blame can still pursue a fair recovery.

For instance, if you were 25 percent at fault and your total losses were \$80,000, you could still recover \$60,000. The key is to prove that the other driver was more responsible for the crash and that their actions caused the majority of the harm.

Working with an experienced lawyer can help you minimize your assigned fault and maximize your recovery. An attorney will present evidence, negotiate with insurers and make sure your rights are fully protected under Delaware law.

What to do after a car accident that's not your fault

After a car accident caused by another driver in Delaware, what you do next can make a big difference in your injury claim. Acting quickly and carefully helps protect your health, your finances and your legal rights. Such steps often include:

- Call 911 and request medical attention for anyone injured.
- Wait for police to arrive and ask for a copy of the accident report.
- Exchange information with the other driver.
- Don't discuss the accident with the other driver.
- Don't admit fault about the accident with the other driver or anyone else at the crash site.
- Take photographs of the vehicles, roadway and any visible injuries.
- Gather names and contact information from witnesses.
- Notify your insurance company as soon as possible.
- If the other driver's insurance company contacts you, don't talk to them.
- Keep copies of all medical bills and repair estimates.
- Contact a Delaware car accident lawyer to protect your rights.

Staying calm and organized after a crash helps make sure nothing is overlooked. The insurance process can be confusing and mistakes can hurt your claim. A lawyer can guide you through each step, deal with insurers and help you seek full compensation for all your financial losses.

Get the Delaware car accident lawyers who get results

When you're hurt in a car accident in Delaware caused by another driver, you need a lawyer who understands how the legal system works and knows what it takes to get you the evidence you need to win.

At [Gill, Welsh, and Chamberlain, P.A.](#), our legal team has decades of experience helping Delaware drivers hold negligent parties accountable. We understand how insurers operate and know how to build strong cases that get real results.

Our Delaware car accident attorneys handle every detail, from investigating the crash to negotiating with insurance companies. We fight to recover maximum compensation for your medical expenses, lost income and pain and suffering. With our experience and persistence, we've earned a reputation for securing fair outcomes for our clients.

If you've been injured in a car accident caused by another driver, [contact us](#) today for a [free consultation](#). We can answer your questions, review your case, explain your options and fight to get the compensation you deserve.