
SUBSTITUTE HOUSE BILL 1873

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Ormsby, Haler, Pedersen, Wood, VanDeWege, Campbell, Flannigan, Kessler, Williams and Lantz)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to actions for wrongful injury or death; amending
2 RCW 4.24.010; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 4.24.010 and 1998 c 237 s 2 are each amended to read
5 as follows:

6 A mother or father, or both, who has regularly contributed to the
7 support of his or her (~~minor~~) child who is under the age of twenty-
8 six, and the mother or father, or both, of a child on whom either, or
9 both, are dependent for support may maintain or join as a party an
10 action as plaintiff for the injury or death of the child.

11 This section creates only one cause of action, but if the parents
12 of the child are not married, are separated, or not married to each
13 other damages may be awarded to each plaintiff separately, as the trier
14 of fact finds just and equitable.

15 If one parent brings an action under this section and the other
16 parent is not named as a plaintiff, notice of the institution of the
17 suit, together with a copy of the complaint, shall be served upon the
18 other parent: PROVIDED, That notice shall be required only if
19 parentage has been duly established.

1 Such notice shall be in compliance with the statutory requirements
2 for a summons. Such notice shall state that the other parent must join
3 as a party to the suit within twenty days or the right to recover
4 damages under this section shall be barred. Failure of the other
5 parent to timely appear shall bar such parent's action to recover any
6 part of an award made to the party instituting the suit.

7 In such an action, in addition to damages for medical, hospital,
8 medication expenses, and loss of services and support, damages may be
9 recovered for the loss of love and companionship of the child and for
10 injury to or destruction of the parent-child relationship in such
11 amount as, under all the circumstances of the case, may be just.

12 NEW SECTION. **Sec. 2.** This act applies to any cause of action
13 filed on or after the effective date of this act, regardless of whether
14 the cause of action accrued before or after the effective date of this
15 act.

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