

HOUSE BILL ANALYSIS

HB 2689

Title: An act relating to the injury or wrongful death of a child.

Brief Description: Changing who may bring action for the injury or wrongful death of a child.

Sponsors: Representatives Constantine, Lambert, Santos, Dunshee, Dickerson, Lantz, Hurst, Murray, Barlean, Kessler, Ruderman and O'Brien.

Brief Summary of Bill

- Allows an action for the wrongful death of an adult child without requiring financial dependence on the adult child.
- Specifies that the support a parent must have regularly contributed to a child in order to bring a wrongful death action includes financial and emotional support.

HOUSE COMMITTEE ON JUDICIARY

Staff: Edie Adams (786-7180).

Background:

The child death statute allows a parent to bring a cause of action for the wrongful injury or death of a minor child. The parent may only bring the action if the parent has regularly contributed to the child's support. This support requirement has been interpreted to mean financial support. The parent of an adult child who is wrongfully killed or injured may bring a cause of action only if the parent is financially dependent on the adult child.

The damages that are available in a child death action include loss of services, support, love, and companionship; injury to or destruction of the parent-child relationship, including mental anguish and grief; and medical, hospital, and funeral expenses.

In 1998, the Legislature amended the child death statute to require that the parents must have regularly contributed to the support of the child in order to maintain a wrongful death action. Prior to 1998, this requirement of supporting the child was

only imposed on the father of an illegitimate child, which the state supreme court found was a violation of the state's Equal Rights Amendment.

Summary of Bill:

Two changes are made to the child death statute. First, a parent may bring a wrongful death action for the death of an adult child without showing that the parent is financially dependent on the adult child. Second, the requirement that a parent must have regularly contributed to the support of a minor child in order to bring the cause of action is amended to require financial and emotional support.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Office of Program Research