S-0850.2

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**SENATE BILL 5782**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Nelson, Pedersen, Frockt, Habib, Darneille, Kohl-Welles, Benton, and McAuliffe

AN ACT Relating to allowing a parent to bring an action for the injury or death of a child younger than twenty-six years old who has not been emancipated; amending RCW 4.24.010; and creating a new section.

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

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

(1) A ((~~mother or father, or both,~~))parent who has regularly contributed to the support of ((~~his or her minor child~~))a child younger than twenty-six years old who has not been emancipated, ((~~and the mother or father, or both, of a child on whom either, or both, are~~))or a parent who is dependent on a child for support may maintain or join ((~~as a party~~)) an action as plaintiff for the injury or death of the child.

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

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

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

(5) In ((~~such~~)) an action under this section, in addition to damages for medical, hospital, medication expenses, and loss of services and support, damages may be recovered for the loss of love and companionship of the child and for injury to or destruction of the parent-child relationship in such amount as, under all the circumstances of the case, may be just.

NEW SECTION. **Sec.**  This act may be known and cited as Katie's law.

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