

# FINAL BILL REPORT

## SSB 6153

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C 237 L 98

Synopsis as Enacted

**Brief Description:** Revising procedures for bringing actions for the injury or death of a child.

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators Fairley, Thibaudeau, Kohl and Winsley).

**Senate Committee on Law & Justice**

**House Committee on Law & Justice**

**Background:** Existing law authorizes either a mother or a father, or both, to file a wrongful death action for the death of a minor child. However, in the case of a minor child whose parents have never married, the statute requires the father to have contributed regularly to the financial support of the child before the father can maintain an action. The statute places no such contribution requirement on the mother of such a child.

In *Guard v. Beeston*, the Washington Supreme Court declared that the support requirement violates the Equal Rights Amendment of the state Constitution (Article 31, Section 1). The court held that differential treatment of the sexes can only be based upon actual differences between the sexes.

**Summary:** The wrongful death statute is amended to require that an action for the injury or death of a minor child can only be maintained by a mother or father, or both, who has regularly contributed to the support of his or her minor child.

**Votes on Final Passage:**

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|--------|----|---|
| Senate | 44 | 0 |
| House  | 97 | 0 |

**Effective:** June 11, 1998