
SENATE BILL 6153

State of Washington 55th Legislature 1998 Regular Session

By Senators Fairley, Thibaudeau, Kohl and Winsley

Read first time 01/12/98. Referred to Committee on Law & Justice.

1 AN ACT Relating to actions for injury or death of a child; and
2 amending RCW 4.24.010.

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

4 **Sec. 1.** RCW 4.24.010 and 1973 1st ex.s. c 154 s 4 are each amended
5 to read as follows:

6 ((The)) A mother or father, or both ~~((may maintain an action as~~
7 ~~plaintiff for the injury or death of a))~~, who has regularly contributed
8 to the support of his or her minor child, ((or)) and the mother or
9 father, or both, of a child on whom either, or both, are dependent for
10 support ~~((: PROVIDED, That in the case of an illegitimate child the~~
11 ~~father cannot))~~ may maintain or join as a party an action ~~((unless~~
12 ~~paternity has been duly established and the father has regularly~~
13 ~~contributed to the child's support))~~ as plaintiff for the injury or
14 death of the child.

15 This section creates only one cause of action, but if the parents
16 of the child are not married, are separated, or not married to each
17 other damages may be awarded to each plaintiff separately, as the court
18 finds just and equitable.

1 If one parent brings an action under this section and the other
2 parent is not named as a plaintiff, notice of the institution of the
3 suit, together with a copy of the complaint, shall be served upon the
4 other parent: PROVIDED, That (~~when the mother of an illegitimate~~
5 ~~child initiates an action,~~) notice shall be required only if
6 (~~paternity~~) parentage has been duly established (~~and the father has~~
7 ~~regularly contributed to the child's support~~)).

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

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

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