
HOUSE BILL 2782

State of Washington

56th Legislature

2000 Regular Session

By Representatives Carrell, Sullivan, Skinner, Boldt, Cox, Mulliken, Schindler, Thomas, Talcott, Esser, Van Luven, Sump, Lambert, Delvin and Parlette

Read first time 01/20/2000. Referred to Committee on Judiciary.

1 AN ACT Relating to protecting marriage from wrongful interference;
2 adding a new chapter to Title 26 RCW; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that marriage is an
5 institution that predates our existence as a state and is of primary
6 importance to the continued welfare of the people.

7 Marriage establishes a relationship of companionship and affection
8 between a man and a woman and between parents and their children that
9 is in the best interest of each spouse and the best interest of the
10 children resulting from the marriage relationship.

11 Spouses and children have a right to expect that the marital
12 relationship will be protected from wrongful interference by third
13 parties as long as the marriage continues, especially when the
14 relationship is weak or struggling.

15 It is the policy of the state of Washington to encourage, nurture,
16 and protect the institution of marriage and the spouses and children
17 therein, and to provide legal redress against persons who wrongfully
18 interfere with the marital relationship.

1 NEW SECTION. **Sec. 2.** A party to a marriage has a legal cause of
2 action against a third party who wrongfully interferes with the marital
3 relationship, thus causing a loss of consortium to the injured spouse.
4 An act of adultery is conclusive proof of wrongful interference and
5 cause of loss of consortium.

6 NEW SECTION. **Sec. 3.** The definitions in this section apply
7 throughout this chapter unless the context clearly requires otherwise.

8 (1) "Marriage" means any duly recognized marriage under chapter
9 26.04 RCW that has included voluntary cohabitation within the three
10 months before the time an action is filed under this chapter, and for
11 which no decree of legal separation has been entered.

12 (2) "Wrongful interference" means wrongfully and intentionally or
13 negligently intervening in, intruding upon, or interrupting the marital
14 relationship.

15 (3) "Loss of consortium" includes, but is not limited to, loss of
16 love, affection, companionship, care, services, and society.

17 NEW SECTION. **Sec. 4.** An action brought under this chapter must be
18 filed within two years after the filing party has knowledge of wrongful
19 interference by a third party.

20 A party injured by wrongful interference with the marital
21 relationship is entitled to all general and specific damages, including
22 mental pain and suffering, attorney fees, and other costs of
23 litigation.

24 A party bringing an action under this chapter is entitled to
25 injunctive relief against any third party wrongfully interfering with
26 the marital relationship.

27 No bond may be required for such an injunction.

28 NEW SECTION. **Sec. 5.** The provisions of this chapter are to be
29 liberally construed to effectuate the policies and purposes of this
30 chapter.

31 NEW SECTION. **Sec. 6.** In the event of conflict between this
32 chapter and any other provision of law, the provisions of this chapter
33 shall govern.

1 NEW SECTION. **Sec. 7.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
6 preservation of the public peace, health, morals, and safety, or
7 support of the state government and its existing public institutions,
8 and takes effect immediately.

9 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
10 a new chapter in Title 26 RCW.

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