
SENATE BILL 5758

State of Washington 56th Legislature 1999 Regular Session

By Senators Kline, Costa and Roach

Read first time 02/08/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to the injury or wrongful 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 1998 c 237 s 2 are each amended to read
5 as follows:

6 A mother or father, or both, (~~who has regularly contributed to the~~
7 ~~support of his or her minor child, and the mother or father, or both,~~
8 ~~of a child on whom either, or both, are dependent for support~~)) may
9 maintain or join as a party or as a beneficiary in an action (~~as~~
10 ~~plaintiff~~)) for the injury or death of (~~the~~) a minor child, or for
11 the death of an adult child.

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

16 If one parent brings an action under this section and the other
17 parent is not named as a plaintiff, notice of the institution of the
18 suit, together with a copy of the complaint, shall be served upon the

1 other parent: PROVIDED, That notice shall be required only if
2 parentage has been duly established.

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

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

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