

HB 2164 -- WRONGFUL DEATH ACTIONS

SPONSOR: Dolan

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Judiciary by a vote of 11 to 0. Voted "Do Pass" by the Standing Committee on Rules-Administrative by a vote of 9 to 0.

Currently, certain classes of people can bring an action for damages in a wrongful death lawsuit.

This bill states that, if the spouse, children, or surviving lineal descendants of the deceased are not entitled to bring such an action, the brother or sister of the deceased can seek to establish their right to file suit, regardless of whether the father or mother of the deceased had his or her parental rights terminated.

PROPOSERS: Supporters say that the bill relates to motions to dismiss actions for wrongful death. In wrongful death actions, there are classes of beneficiaries, and the court goes through the levels to make a determination. The question arose when people were unsure about what happens to the hierarchy when parental rights have been terminated. If there is an adoption, then you have parents, but there is not always an adoption or a parent. Different states have done something like this, but every state does it differently. This bill preserves the bond between biological siblings even if the biological parent has had his or her rights terminated.

Testifying in person for the bill were Representative Dolan and Arnie C. Dienoff.

OPPOSERS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.