

2022 Regular Session

HOUSE BILL NO. 887

BY REPRESENTATIVE ROBBY CARTER

CIVIL/ACTIONS: Provides for the right of action in wrongful death and survival actions

1 AN ACT

2 To amend and reenact Civil Code Articles 2315.1(D) and 2315.2(D), relative to wrongful  
3 death and survival actions; to provide for actions brought by a child given in  
4 adoption; to provide for actions brought by a sibling given in adoption; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Articles 2315.1(D) and 2315.2(D) are hereby amended and  
8 reenacted to read as follows:

9 Art. 2315.1. Survival action

10 \* \* \*

11 D.(1) As used in this Article, the words "child", "brother", "sister", "father",  
12 "mother", "grandfather", and "grandmother" include a child, brother, sister, father,  
13 mother, grandfather, and grandmother by adoption, respectively.

14 (2) As used in the Article, the words "child", "brother", and "sister" include  
15 a child, brother, or sister given in adoption, respectively.

16 \* \* \*

17 Art. 2315.2. Wrongful death action

18 \* \* \*

19 D.(1) As used in this Article, the words "child", "brother", "sister", "father",  
20 "mother", "grandfather", and "grandmother" include a child, brother, sister, father,  
21 mother, grandfather, and grandmother by adoption, respectively.

1                   (2) As used in the Article, the words "child", "brother", and "sister" include  
2                   a child, brother, or sister given in adoption, respectively.

3   \*           \*           \*

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 887 Original                               2022 Regular Session                               Robby Carter

**Abstract:** Includes a child, brother, or sister given in adoption in the class of persons with a right of action in a wrongful death or survival action.

Present law survival action provides that if a person who has been injured by an offense or quasi offense dies, the right to recover all damages for injury to that person, his property or otherwise, caused by the offense or quasi offense, shall survive for a period of one year from the death of the deceased.

Present law wrongful death action provides that if a person dies due to the fault of another, suit may be brought by certain persons to recover damages which they sustained as a result of the death.

Present law provides that a wrongful death or survival action may be brought by the following classes of people:

- (1) The surviving spouse and child or children of the deceased, or either the spouse or the child or children.
- (2) The surviving father and mother of the deceased, or either of them if he left no spouse or child surviving.
- (3) The surviving brothers and sisters of the deceased, or any of them, if he left no spouse, child, or parent surviving.
- (4) The surviving grandfathers and grandmothers of the deceased, or any of them, if he left no spouse, child, parent, or sibling surviving.

Present law provides that the words "child", "brother", "sister", "father", "mother", "grandfather", and "grandmother" include a child, brother, sister, father, mother, grandfather, and grandmother by adoption, respectively.

Present law provides that for purposes of the wrongful death or survival actions, a father or mother who has abandoned the deceased during his minority is deemed not to have survived him.

Proposed law retains present law and further provides that "child", "brother", and "sister" as used in present law includes a child, brother, or sister given in adoption.

(Amends C.C. Arts. 2315.1(D) and 2315.2(D))