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## DIGEST

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HB 887 Engrossed

2022 Regular Session

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**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))