

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 400

Short Title: LRC Study Wrongful Death Proceeds.

(Public)

Sponsors: Representatives Haire; and Barefoot.

Referred to: Rules, Calendar, and Operations of the House.

March 1, 2001

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO
2 STUDY THE DISTRIBUTION OF WRONGFUL DEATH PROCEEDS IN
3 CERTAIN CASES AS RECOMMENDED BY THE CIVIL LITIGATION STUDY
4 COMMISSION.
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6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** The Legislative Research Commission may study State law
8 pertaining to the distribution of wrongful death proceeds in certain cases involving
9 minor children where the children's parents are living separate and apart or are divorced
10 from each other at the time of death. The study may include consideration of the
11 following issues:

- 12 (1) Whether the wrongful death statute needs revision to modify the
13 distribution of wrongful death proceeds under circumstances involving
14 the death of a minor child where the child's parents are living separate
15 and apart or are divorced and where the parents have provided unequal
16 support for the child not rising to the level of willful abandonment
17 under G.S. 31A-2, Acts barring rights of parents.
- 18 (2) Whether circumstances other than willful abandonment should bar a
19 parent from receiving all or part of his or her share of wrongful death
20 proceeds resulting from the death of the parent's child.
- 21 (3) Whether in situations involving the death of a minor child the courts
22 should be authorized to make findings regarding the relationship of
23 each beneficiary to the deceased to determine each beneficiary's
24 equitable share of wrongful death proceeds.
- 25 (4) Whether the definition of "abandonment" under G.S. 31A-2, Acts
26 barring rights of parents, should be modified, or whether the
27 distribution of a minor's estate under intestate succession should be
28 based on equitable considerations.

1 **SECTION 2.** The Legislative Research Commission may make an interim
2 report to the 2001 General Assembly, Regular Session 2002, and shall make a final
3 report to the 2003 General Assembly upon its convening. The reports may include
4 proposed legislation to carry out the recommendations of the study.

5 **SECTION 3.** This act is effective when it becomes law.