



Raised Bill 1268
Public Hearing: 2-26-07

TO: MEMBERS OF THE JUDICIARY COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)
DATE: FEBRUARY 26, 2007

**RE: SUPPORT FOR RAISED BILL 1268 – AN ACT CONCERNING LOSS OF LIFE OR
PERMANENT INJURY OF A FAMILY MEMBER**

The CTLA **supports raised bill 1268**, and respectfully contends that the bill should be approved.

- Under current Connecticut Law, a minor child whose parent dies or suffers permanent injury caused by a wrongdoer (tortfeasor) cannot make a claim against the tortfeasor for loss of society, companionship, love and affection of his/her parent.
- Also, a parent whose child dies or suffers permanent injury cannot make such a claim against the tortfeasor.
- This bill would allow such claims, recognized in many other states (see reverse), to be brought in Connecticut.

**WE RESPECTFULLY URGE YOU TO SUPPORT RAISED
BILL 1268. Thank you.**

OTHER STATES (from C.G.A. Office of Legislative Research Report – Sept. 5, 1995 95-R-0737)

At least eight states recognize the right of a child to recover for loss of consortium in connection with an injury to a parent caused by someone's negligence under their common law:

1. Arizona Villareal v. State Dept. Of Transp. , 774 P2d 213 (1989)
2. Iowa Gail v. Clark, 410 NW2d 662 (1987)
3. Louisiana Kelly v. Tel. . James Co. 603 F. Supp. 390 (1985)
4. Massachusetts Ferriter v. Daniel O_Connel_s Sons, Inc. , 413 NE2d 690 (1980); Barbosa v. Hopper Feeds, Inc. 537 NE2d 99 (1989); Glicklich v. Spievack, 452 NE2d 287, app den 454 NE2d 1276
5. Michigan Berger v. Weber, 303NW2d 424 (1981)
6. Washington Ueland v. Pengo 691 P2d 190 (1984)
7. Wyoming Craft v. Hermes Consol, Inc. 797 P2d 559 (1990)
8. Wisconsin Theamia v. Kenosha, 344 NW2d 513 (1984)

The following six states, by statute, recognize the right of a child to collect loss of consortium damages.

Florida

Anyone who negligently causes significant permanent injury to the parents of an unmarried dependent that results in permanent total disability is liable to the dependent for damages including the loss of services, comfort, companionship, and society (Fla. Stat. Ann. _ 768. 0415). In wrongful death actions, the decedent_s minor children, and all his children if there is no surviving spouse, may recover for lost companionship, instruction, and guidance (Fla. Stat. Ann. _ 768. 21).

Maryland

Under Maryland_s wrongful death statute, minor children may be awarded damages for the loss of a parent that include such things as loss of society, companionship, comfort, protection, parental care, attention, advice, counsel, training, guidance, or education (Md. Code Ann. , Courts and Judicial Proceedings _ 3-904).

Oregon

Under Oregon_s wrongful death statute, children may recover damages for loss of their parent_s society, companionship, and services (Or. Rev. Stat. _ 30. 020).

Rhode Island

An unemancipated minor is entitled to damages for the loss of parental society and companionship caused by the negligent or intentional injury to his parent (R. I. Gen. Laws _ 9-1-41). This right also applies to wrongful death actions (R. I. Gen. Laws _ 10-7-1. 2).

Vermont

Under Vermont_s wrongful death statute a minor child may recover for the loss of love and companionship, and for destruction of the parent-child relationship (Vt. Stat. Ann. Tit. 14, _ 1492).