



Raised Bill 1389
Public Hearing: 3-12-07

TO: MEMBERS OF THE JUDICIARY COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)
DATE: MARCH 12, 2007

RE: SUPPORT OF RAISED BILL 1389 – AN ACT CONCERNING THE TOLLING OF THE
STATUTE OF LIMITATIONS FOR A NEGLIGENCE ACTION BY A MINOR

The CTLA **supports bill 1389**, and respectfully contends that the bill should be passed.

This bill would allow for minors to bring tort actions up to two years after they attain the age of majority or they die, whichever comes first. This would effectively toll the statute of limitations for minors while they are unable to bring a claim because of the incapacity of their youth.

By not allowing some form of tolling of the statute of limitations the state has effectively kept children from asserting lawful claims for legitimate injuries they have suffered merely because the injury was suffered before they were of the legal age to bring a claim.

Guardians and parents can bring claims on behalf of children, but the CTLA contends that it is unfair to totally bar an action by a child merely because their parent, through neglect or ignorance, failed to timely seek compensation for injuries sustained by their children.

In addition, many injuries sustained by children cannot be properly evaluated within the normal statute of limitations. Neuropsychological testing used to identify traumatic brain injury cannot be fully utilized until a child has reached the age of six, well beyond the statute of limitations for injuries that may have occurred when the child was one.

- ❖ **Connecticut is one of only six states that do not allow some amount of tolling of the statute of limitations for minors to bring tort actions generally.**
- ❖ **Connecticut is the only state in the country which does not allow for some measure of tolling of the statute of limitations in general tort or medical malpractice claims.**

The CTLA believes that the complex issues surrounding the injuries sustained by children, and the system now in place allowing them to seek compensation for those injuries show the need for the tolling of the statute of limitations provided for in this proposal.

WE RESPECTFULLY URGE YOU TO SUPPORT RAISED BILL 1389. Thank you.