



Senate

General Assembly

File No. 698

January Session, 2011

Senate Bill No. 1233

Senate, May 2, 2011

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING PARENTAL IMMUNITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-572c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) In all actions for negligence in the operation of a motor vehicle,
4 and in all actions accruing on or after October 1, 1979, for negligence in
5 the operation of an aircraft or vessel, as defined in section 15-127,
6 resulting in personal injury, wrongful death or injury to property, the
7 immunity between parent and child in such negligence action brought
8 by a parent against [his child] the parent's child or by or on behalf of a
9 child against [his] the child's parent is abrogated.

10 (b) In all actions accruing on or after October 1, 2011, for the
11 reckless, wilful, wanton or intentional act or omission of a parent in
12 providing parental supervision and care of the parent's child resulting
13 in personal injury, wrongful death or injury to property, the immunity
14 between parent and child in such action brought by or on behalf of a

15 child against the child's parent is abrogated.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	52-572c

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which eliminates parental immunity in certain cases, will not result in a fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**SB 1233*****AN ACT CONCERNING PARENTAL IMMUNITY.*****SUMMARY:**

This bill eliminates parental immunity for a parent's reckless, willful, wanton, or intentional acts or omissions in providing parental supervision and care of his or her child resulting in personal injury, wrongful death, or property damage.

The bill applies to such cases brought by a child, or someone on a child's behalf, against the child's parent, and applies to actions that accrue on or after October 1, 2011.

EFFECTIVE DATE: October 1, 2011

BACKGROUND***Parental Immunity***

The common law doctrine of parental immunity generally prevents unemancipated minors and their parents from suing one another for personal injuries. The Connecticut Supreme Court first adopted it in *Mesite v. Kirchenstein*, 109 Conn. 77 (1929) and retains it today, although modified by case law and statute (*Squeglia v. Squeglia*, 234 Conn. 259, 264-65 (1995)).

The court has abrogated parental immunity in two circumstances: (1) where the alleged negligence involves the parent's business operations away from the home (*Dzenutis v. Dzenutis*, 200 Conn. 290 (1986)), and (2) where a child sues for sexual abuse, sexual assault, or sexual exploitation (*Henderson v. Wooley*, 230 Conn. 472 (1994)).

The legislature has modified the doctrine by excluding negligence in the operation of a motor vehicle, aircraft, or waterborne vessel (CGS §

52-572c).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 25 Nay 17 (04/14/2011)