



CONNECTICUT
TRIAL
LAWYERS
ASSOCIATION

150 Trumbull Street, 2nd Floor
Hartford, CT 06103
p) 860.522.4345 f) 860.522.1027
www.cttriallawyers.org

Raised Bill 1028
Public Hearing: 3-6-2015

TO: MEMBERS OF THE JUDICIARY COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION
DATE: MARCH 5, 2015

RE: SUPPORT OF RAISED BILL 1028 – AN ACT CONCERNING THE TOLLING OF THE
STATUTE OF LIMITATIONS FOR A NEGLIGENCE ACTION BROUGHT BY A MINOR

The CTLA supports raised bill 1028 and respectfully contends that the bill should be passed. This bill would allow for minors to bring tort actions up to one year after the age of majority, but in no event more than eight years from the act or omission complained of. This would effectively toll the statute of limitations for minors while incapacitated by their youth, subject to a time limit.

- Connecticut is the *only* one of the 50 states and the District of Columbia that does not allow some measure of tolling the statute of limitations in general tort or medical malpractice claims.
- Statutes of Limitations date back to at least 1623 and universally allowed children to bring claims after reaching the age of majority. *See Comment, Judicial Encroachment on Statutes of Limitations*, 34 YALE L. J. 432, 433-34 (1925).
- Connecticut's law harms children and is inconsistent with our State's values in this regard.

By not allowing any form of tolling of the statute of limitations except in the sexual abuse context, 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 the child's parent, through neglect or ignorance, failed to timely seek compensation for injuries sustained by the child.

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 an infant or toddler.

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 1028. Thank you.