



INSURANCE ASSOCIATION OF CONNECTICUT

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**Statement
Insurance Association of Connecticut
Judiciary Committee**

**SB 247, An Act Concerning a Cause of Action for Loss of Consortium by a Minor
Child with Respect to the Death of a Parent**

My name is Dallas Dodge, and I am Counsel to the Insurance Association of Connecticut ("IAC"). The IAC opposes **SB 247, An Act Concerning a Cause of Action for Loss of Consortium by a Minor Child with Respect to the Death of a Parent.**

We understand that SB 247 is an attempt to codify Campos v. Coleman, 319 Conn. 36 (2015), a recently decided case in which the Connecticut Supreme Court, for the first time, recognized a cause of action for loss of parental consortium. As it is currently drafted, however, SB 247 is missing several key elements of the Campos decision. To the extent a codification of Campos is necessary, we urge you to adopt all of the decision's reasonable restrictions and limitations on damages.

Loss of consortium is a form of third-party liability, in which a tortfeasor is held responsible for indirect emotional harms suffered by a person with a close relationship

to an injured or deceased party. Prior to the Campos decision, Connecticut courts had repeatedly refused to extend consortium beyond the marital relationship. In Mendillo v. East Haddam Board of Education, 246 Conn. 456 (1998), the Supreme Court reasoned that extending consortium claims to the parent-child relationship would significantly increase the risk of double-recovery, impose an unjustifiable economic burden on the public, and require arbitrary limitations to avoid the creation of a practically unlimited class of potential plaintiffs.

In Campos, the Supreme Court took the extraordinary step of overturning the Mendillo decision. At the same time, the Court took care to include several important restrictions and limitations on parental consortium claims. These restrictions include (1) limiting damages to the period between the date of the parent's injury and the date the child reaches the age of majority, and (2) limiting damages to the parent's life, thereby precluding damages that arise after the parent's death. **Neither of these important restrictions are contained in SB 247.**

The Campos decision represents a sea change in Connecticut tort law, the full costs of which have yet to be determined. There is no need to immediately expand such a novel cause of action. Parental consortium is fundamentally different from spousal consortium in that the potential for recovery is almost exponential. While an injured party can have only one spouse, they may have multiple children, all of whom are entitled to separately recover damages under both Campos and SB 247. The Campos decision will have significant economic consequences, impacting the number

of lawsuits brought in Connecticut, the monetary amount of jury awards, and the cost of insurance premiums. For the reasons set forth above, we respectfully ask you to either reject SB 247 or, in the alternative, amend it to include all of the reasonable and fair limitations set forth by the Supreme Court in Campos v. Coleman.