



General Assembly

Substitute Bill No. 247

February Session, 2016

* SB00247JUD__032216__ *

AN ACT CONCERNING A CAUSE OF ACTION FOR LOSS OF CONSORTIUM BY A MINOR CHILD WITH RESPECT TO THE DEATH OF A PARENT.

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

1 Section 1. (NEW) (*Effective from passage*) Any claim or cause of action
2 for loss of consortium by a minor child with respect to the death of a
3 parent shall be separate from and independent of all claims or causes
4 of action for the determination of damages with respect to such death.
5 Any claim brought pursuant to this section shall be derivative to the
6 claim for wrongful death to the same extent as claims for loss of
7 spousal consortium brought pursuant to section 52-555a of the general
8 statutes.

9 Sec. 2. (NEW) (*Effective from passage*) Any claim or cause of action for
10 loss of consortium by a minor child with respect to the death of a
11 parent, which claim or cause of action may include, without limitation,
12 claims for damages with respect to the loss of love, care,
13 companionship and guidance provided by the parent, suffered because
14 of the death of the parent. Only the minor child raising the claim shall
15 recover the pecuniary value of the parent's services to such child. Any
16 such claim or cause of action shall be brought with or joined with the
17 claims and causes of action with respect to the death of the parent.

18 Sec. 3. (NEW) (*Effective from passage*) (a) No action with respect to

19 any claim or cause of action for loss of consortium by a minor child
20 shall be commenced except within the time within which an action
21 may be commenced with respect to the death of the parent in relation
22 to which the action for loss of consortium arises.

23 (b) Any claim or cause of action for loss of consortium by a minor
24 child arising out of the claim or cause of action for the wrongful death
25 of a parent shall be contingent upon proof of facts sufficient to
26 establish recovery for the claim or cause of action for wrongful death.
27 Nothing in this section or section 1 or 2 of this act shall limit the
28 assertion of any defenses against the claim or cause of action for loss of
29 consortium that would be available against the claim or cause of action
30 for wrongful death.

31 (c) Any claim or cause of action for loss of consortium by a minor
32 child made pursuant to this section shall be limited to the time period
33 that the child is a minor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section

JUD *Joint Favorable Subst.*