Connecticut Judicial Branch Law Libraries

2026 Edition

Torts of Minors in Connecticut

A Guide to Resources in the Law Library

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These guides are provided with the understanding that they represent only a beginning to research. It is the responsibility of the person doing legal research to come to one's own conclusions about the authoritativeness, reliability, validity, and currency of any resource cited in this research guide.

View our other research guides.

This guide links to advance release opinions on the Connecticut Judicial Branch website and to case law hosted on Google Scholar and Harvard's Case Law Access Project. The online versions are for informational purposes only.

References to online legal research databases refer to in-library use of these databases. Remote access is not available.

Connecticut Judicial Branch Website Policies and Disclaimers

- **Tort**: "[W]hen a plaintiff seeks to recover damages for the breach of a statutory duty, such an action sounds in tort." Bellemare v. Wachovia Mortgage Corp., 284 Conn. 193, 200, 931 A.2d 916 (2007).

- "A tort is defined to be a wrong independent of contract; 'the performance of an act forbidden by statute . . . .' Bouvier's Law Dictionary, Rawle's Third Revision." Ross v. Schade, 7 Conn. Supp. 521 (1940).

- "A breach of contract may be described as a material failure of performance of a duty arising under or imposed by an agreement, while a tort is a violation of a duty imposed by law, a wrong independent of contract." Wolf v. U.S., 855 F. Supp. 337, 340 (D. Kan. 1994).

- **Elements of a tort**: "In asserting any negligence claim, a Plaintiff must meet all essential elements of the tort to prevail. Those elements include: (1) duty owed by Defendant to Plaintiff; (2) breach of that duty; (3) causation; and (4) actual injury or damages. *LaFlamme v. Dallessio*, 261 Conn. 247, 251 (2002)." Schafrick v. Hartford Healthcare Corp., Superior Court of Connecticut, Judicial District of New Haven at Meriden, CV176009924S, December 7, 2018 (2018 WL 6721777).

- "Ordinarily, one who is guilty of a violation of a statute is held to be negligent as a matter of law, and if the violation is a substantial factor in causing his injuries, recovery for them is barred. *Essam v. New York, N.H. & H.R. Co.*, 140 Conn. 319, 325, 99 A.2d 138. However, where the violator is a minor under the age of sixteen years, as was the plaintiff, the issue of the violator's exercise of due care becomes, under General Statutes § 52-217, a question of fact for the trier." Worden v. Francis, 148 Conn. 459, 464, 172 A.2d 196 (1961).

Section 1: Tort Liability of Minors

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to tort liability of minors under Connecticut law.

DEFINITIONS:

- **Exercise of due care**: "In all actions for recovery of damages for injury to person or property, in which the plaintiff or defendant was a minor under sixteen years of age at the time such cause of action arose, it shall be a question of fact to be submitted to the judge or jury to determine whether or not such minor plaintiff or minor defendant was in the exercise of due care, when there is a violation of statutory duty by such plaintiff or defendant." Conn. Gen. Stat. § 52-217 (2025).

- **Child of tender years**: "is not required to conform to the standard of behavior which is reasonable to expect of an adult, but his conduct is to be judged by the standard of behavior to be expected from a child of like age, intelligence and experience. A child may be so young as to be manifestly incapable of exercising any of those qualities of attention, intelligence and judgment which are necessary to enable him to perceive a risk and to realize its unreasonable character. On the other hand, it is obvious that a child who has not yet attained his majority may be as capable as an adult. The standard of conduct of such a child is that which is reasonable to expect of children of like age, intelligence and experience.

  In so far as the child's capacity to realize the existence of a risk is concerned, the individual qualities of the child are taken into account." Lutteman v. Martin, 20 Conn. Sup. 371, 374-75, 135 A.2d 600 (1957).

STATUTES:

- Conn. Gen. Stat. (2025)
  Chapter 435. Dogs and Other Companion Animals
  § 22-357. Damage by dogs to person or property.

  Chapter 900. Court Practice and Procedure
  § 52-217. Violation of statute by minor

You can visit your local law library or search the most recent statutes and public acts on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

FORMS:

- 3 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris et al., 2025 ed., Thomson West (also available on Westlaw).
  - § 70:1. Action against minor and parents for injury to another minor—Commentary
  - § 70:2. Complaint against minor and parents for injury to another minor

- *Connecticut Torts: The Law and Practice*, 2d ed., by Frederic S. Ury et al., LexisNexis, 2025.
  - Chapter 5. Anticipating Special Issues Relating to Minors
    - Form 5.06.1. Complaint – Action by a Minor Plaintiff Against a Minor Defendant and His Parents

- 14A *Am Jur Pleading & Practice Forms* Infants, Thomson West, 2025 (Also available on Westlaw).
  - § 108. Complaint, petition, or declaration—Against infant— Fraudulent misrepresentation of age inducing contract
  - § 109. Complaint, petition, or declaration—Against infant and parent—Negligent entrustment of weapon
  - § 110. Answer—Defense--by guardian ad litem--Infant not liable for negligent breach of bailment

JURY INSTRUCTIONS:

- 1 *Connecticut Jury Instructions (Civil)*, 4th ed., by Douglass B. Wright and William L. Ankerman, Atlantic Law Book Co., 1993, with 2023 supplement.
  - § 130. Care required of child
  - § 131. Contributory negligence of a child
  - § 132. Violation of statute by child
  - § 134a. Concurrent negligence of parent
  - § 179. Contributory negligence—Child

- Connecticut Judicial Branch, Civil Jury Instructions - Part 3: Torts

- 14A *Am Jur Pleading & Practice Forms* Infants, Thomson West, 2025 (Also available on Westlaw).
  - § 82. Instruction to jury—Misrepresentation of age constituting fraud
  - § 111. Instruction to jury—Standard of care required of infant—Personal injury case—As compared to adult
  - § 112. —As compared to children of like age
  - § 113. —As compared to persons of like age, capacity, and intelligence

CASES:

- Ulitsch v. Pinamang, Superior Court, Judicial District of Hartford-New Britain, No. CV93-0527442-S (Feb. 10, 1998) (1998 WL 61918) (1998 Conn. Super. LEXIS 350). "In ordinary negligence, including the operation of a motor vehicle, the standard of care of a minor is measured by the standard of conduct which will vary according to his age, judgment and experience. *Mahon v. Heim*, 165 Conn. 251,

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.

254-5, 32 A.2d 69. However in statutory negligence, where a violation of the statute is negligence per se, such negligence applies to minors of the age of sixteen or over pursuant to G.S. 52-217."

- Gangemi v. Beardsworth, Superior Court, Judicial District of Fairfield at Bridgeport, No. CV95-321378S (Dec. 13, 1995) (1995 WL 781424) (1995 Conn. Super. LEXIS 3490). "The defendants contend the count is deficient because Rebecca Gangemi has failed to allege that at the time of the injury the child was not teasing, tormenting, or abusing the defendants' dog. Section 22-357 creates a presumption that a child under seven years of age was not abusing the dog: 'If a minor, on whose behalf an action under this section is brought, was under seven years of age at the time the damage was done, it shall be presumed that such minor was not committing a trespass or other tort, or teasing, tormenting or abusing such dog, and the burden of proof shall be upon the defendant in such action.' Since Rebecca Gangemi has alleged that the child was six years old at the time of the incident, she need not allege any additional facts regarding the child's conduct with respect to the dog."

- Santor v. Balnis, 151 Conn. 434, 436, 199 A.2d 2 (1964). "Even though the boy may have violated his statutory duty to give a signal of his intention to make a left turn, that violation would not be negligence per se in the case of a minor under sixteen years of age, as it would be in the case of an adult. General Statutes § 52-217. The boy was entitled to have the jury measure his conduct by that reasonably to be expected of children of similar age, judgment and experience."

- Overlock v. Ruedemann, 147 Conn. 649, 654, 165 A.2d 335 (1960). "A minor is liable for injuries negligently inflicted by him upon another . . . . It is true that in determining the negligence of a minor the law applies to him a standard of conduct which will vary according to his age, judgment and experience, but the law does not grant him a complete immunity from liability for his torts, even in negligence. General Statutes 52-217; *Rappa v. Connecticut Co.,* 96 Conn. 285, 286, 114 A. 81; *Colligan v. Reilly,* 129 Conn. 26, 29, 26 A.2d 231; *Magaraci v. Santa Marie,* 130 Conn. 323, 330, 33 A.2d 424."

- Lutteman v. Martin, 20 Conn. Sup. 371, 375, 135 A.2d 600 (1957). "If the child is of sufficient age, intelligence and experience to realize the harmful potentialities of a given situation, he is required to exercise such prudence in caring for himself and such consideration for the safety of others as is common to children of like age, intelligence and experience. Restatement, 2 Torts § 283, comment e."

WEST KEY NUMBERS:

- *Infants*
  - V. Torts # 1191-1210
    - # 1191-1210. Liability in general
      - # 1195. Duty, degree, and standard of care
      - # 1196. Intent, state of mind, and willful injury
      - # 1197. Negligent conduct
      - # 1200. False representations and fraud
      - # 1202. Torts between siblings

- *Negligence*
  - XVI. Defenses and mitigating circumstances
    - #535. Plaintiff's conduct or fault—Diminished capabilities
      - (3). Infants
      - (4). – In general
      - (5). – Capacity for contributory fault
      - (6). – Care required in general
      - (7). – Knowledge or obviousness of danger
      - (8). – Particular cases

DIGESTS:

- *ALR Digest*: Infants
  - V. Torts, §§ 1191-1200
  - VII. Actions, §§ 1231-1369

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 42 *Am Jur 2d* Infants, Thomson West, 2020 (Also available on Westlaw).
  - V. Liability for torts §§ 112-132
    - §§ 112-115. In general
      - § 113. Liability for willful injuries
      - § 114. Tort liability for acts of infant's agent; infant as agent
      - § 115. Damages recoverable against infant
    - §§ 116-127. Negligence; standard of care
      - § 116. Reasonable care standard for infants, generally
      - § 117. Application of reasonable care standard for infants
      - § 118. Reasonable care standard for child at play
      - § 119. Questions of law and fact as to negligence of child
      - § 120. Effect of age or mental capacity on tort liability of child, generally; child of "tender years"
      - § 121. Factors to be considered in determination of child's capacity to commit tort; capacity to appreciate risk
      - § 122. Capacity of child for torts requiring particular intent and state of mind
      - § 123. Presumptions of capacity to commit tort based on age
      - § 124. Applicability of adult standard of care, generally
      - § 125. Applicability of adult standard of care to child engaged in potentially dangerous activities

§ 126. Effect of statutory provisions on tort liability of child, generally
§ 127. Effect of criminal liability immunity statutes on tort liability of child

§§ 128-132. Torts connected with contracts
§ 128. Liability of infant for torts connected with contracts, generally
§ 129. Tort liability for acts of infant bailee
§ 130. Tort liability for conversion of goods by infant
§ 131. Tort liability for fraud and misrepresentations by infant which induce contract
§ 132. —As to infant's age

- 59 *Am Jur 2d* Parent and Child, Thomson West, 2023 (Also available on Westlaw).
  § 101. Offenses of child against parents

- 43 *CJS* Infants, Thomson West, 2025 (Also available on Westlaw).
  VI. Torts
  A. In General
  § 372. Liability of infant for torts, generally
  § 373. Liability when acting at direction of or in concert with another; liability under agency theory
  § 374. Immunity of infant from tort liability
  § 375. Liability of infant for damages
  B. Particular Torts
  1). Negligence
  § 377. Standard of care required of infant
  § 378. —When infant can be held to adult standard of care, generally
  § 379. —Operation of motor vehicle
  § 380. Infant's contributory negligence
  § 381. Infant's liability for the negligence of another
  § 382. Presumption against infant's negligence
  2). Other Particular Torts
  § 383. Liability of infant for malicious or intentional injuries
  § 384. Liability of infant for torts connected with contracts
  § 385. Liability of infant for torts connected with contracts—Bailment
  § 386. Liability of infant for fraud and false representations
  § 387. —Misrepresentation as to age

ADDITIONAL RESOURCES:

ALR Annotations

- 27 *A.L.R.4th* 15, *Modern Trends as to Tort Liability of Child*

of Tender Years, by Donald Paul Duffala, Thomson West, 1984.

- 32 *A.L.R.4th* 56, *Modern Trends as to Contributory Negligence of Children*, by Donald Paul Duffala, Thomson West, 1984.

Proof of Facts

- 12 *POF3d* 247, *Negligence of Bicyclist*, by Russell L. Wald, Thomson West, 1991 (also available on Westlaw).

- 11 *POF3d* 503, *Motor Vehicle Accidents—Contributory Negligence by Bicyclist*, by Russell L. Wald, Thomson West, 1991 (also available on Westlaw).

TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can contact us or visit our catalog to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- *Connecticut Law of Torts*, 4th ed., by Douglass B. Wright et al., Atlantic Law Book Co., 2018, with 2023 supplement.
  - § 74. Liability of infant in tort
  - § 75. Standard of care for a child
  - § 76. Actions by or against a child

- *Connecticut Torts: The Law and Practice,* 2d ed., by Frederic S. Ury et al., LexisNexis, 2025.
  - Chapter 5. Anticipating Special Issues Relating to Minors
    - § 5.01. Determining whether a minor is subject to tort liability
    - § 5.02. Is a parent liable for the torts of his or her child?
    - § 5.03. When can a child sue his or her parents?
    - § 5.04. Procedures for bringing a suit by or on behalf of a minor
    - § 5.05. Checklist for issues related to minors
    - § 5.06. Form for issues relating to minors

- 3 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris et al., 2025 ed., Thomson West (also available on Westlaw).
  - § 70:1. Action against minor and parents for injury to another minor—Commentary

- *Tort Remedies in Connecticut*, by Richard L. Newman and Jeffrey S. Wildstein, LexisNexis, 1996, with 2014 supplement.
  - Chapter 5. Minors
    - § 5-1. Tort liabilities of minors
      - (a). Intent and the standard of care
      - (b). Conn. Gen. Stat. § 52-217
      - (c). Compared with adult conduct

- 1 *Legal Rights of Children*, 3d ed., by Thomas R. Young, 2024-2025 ed., Thomson West (also available on Westlaw).
  - Chapter 9. Children and the Law of Torts

I. Torts Committed by Children, §§ 9.1 - 9.9
§ 9.1. Intentional torts
§ 9.2. Negligence actions involving children
§ 9.3. —Adult standards applied to children
§ 9.4. Parental responsibility for tortious acts of children
§ 9.5. General litigation rights of children
§ 9.6. Trespass and Attractive Nuisance Doctrine
§ 9.7. Child litigation and statutes of limitation
§ 9.9. Tort waiver and litigation rights of children

- 2 *Harper, James and Gray on Torts*, 3d ed., by Fowler V. Harper et al., 2006, Wolters Kluwer, with 2025-2 supplement (also available on VitalLaw).
  Chapter 8. Tort Liability as Affected by Family Relationships
  § 8.13. Liability for torts of children

Figure 1: Complaint against Minor and Parents for Injury to another Minor

804.9

Complaint against Minor and Parents for Injury to another Minor

FIRST COUNT – ASSAULT

1. The plaintiff *[name],* hereinafter referred to as the minor plaintiff, is a minor, and brings this action by the plaintiff *[name],* hereinafter referred to as the plaintiff father, his parent and next friend.

2. The defendant *[name],* hereinafter referred to as the minor defendant, is a minor, and the defendant *[name of father],* and the defendant *[name of mother],* hereinafter referred to as the defendant parents, are the parents of the minor defendant.

3. On or about *[date and time]* the minor plaintiff, *[number]* years of age, was a lawful pedestrian on *[location-street, town, etc.].*

4. At that time and place, the minor defendant assaulted and beat the minor plaintiff, thereby causing the minor plaintiff to sustain and suffer personal injuries and losses.

5. The assault was willful, wanton and malicious.

6. [State injuries].

SECOND COUNT – NEGLIGENCE

1. Paragraphs 1 - 3 inclusive of the First Count are made paragraphs 1- 3 inclusive of the Second Count.

4. At that time and place, the minor defendant negligently and carelessly caused the plaintiff to be struck in the right eye, resulting in the severe personal injuries and losses hereinafter set forth.

5. Paragraph *6* of the First Count is hereby made paragraph 5 of this count.

THIRD COUNT - AGAINST PARENTS

1. Paragraphs 1 - 6 inclusive of the First Count are made paragraphs 1 - 6 inclusive of the Third Count.

7. At all times herein mentioned the defendant parents were the parents and natural guardians of the minor defendant, and the minor defendant was a member of his parents' household when the minor defendant willfully, wantonly and maliciously caused the severe personal injuries and losses of the minor plaintiff as herein set forth.

8. The minor plaintiff's injuries and losses were caused by the carelessness and negligence of the defendant parents, in one or more of the following ways:

a. In that they failed to exercise reasonable care in controlling their minor child so as to prevent him from harming the plaintiff;

b. in that the defendant parents negligently and carelessly failed to restrain their minor son, although they knew or should have known that the minor possessed a violent temper and had a propensity for violence.

9. At all times herein mentioned, the minor defendant was an unemancipated minor and the injuries described herein were caused by the willful or malicious acts of the

minor defendant, and claim is made against the defendant parents and natural guardians of the minor defendant pursuant to the provisions of Section 52-572 of the General Statutes.

FOURTH COUNT - PLAINTIFF FATHER AND ALL DEFENDANTS

1. Paragraphs 1 - 9 inclusive of the Third Count are made paragraphs 1- 9 inclusive of this Fourth Count.

10. At all times herein mentioned the plaintiff father was the father and natural guardian of the minor plaintiff.

11. As a further result of the willful, wanton, and malicious conduct of the minor defendant, the plaintiff father was forced to expend the sum of $ _____ for x-rays, medicines and medical care on behalf of his minor son, and will be forced to expend further sums for the same in the future.

The minor plaintiff claims damages of the minor defendant.

The minor plaintiff claims damages of the defendant parents.

The plaintiff father claims damages of all defendants.

(P.B.1978, Form 804.9; CT Civ Prac Forms 4th, Form 804.9)

Section 2: Parental Liability for Torts of Minors

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to parents' liability under Connecticut law for injuries or damages inflicted by their unemancipated children.

DEFINITIONS:

- **Parental liability for torts of minors**:
"(a) The parent or parents or guardian, other than a temporary guardian appointed pursuant to section 45a-622, of any unemancipated minor or minors, which minor or minors willfully or maliciously cause damage to any property or injury to any person, or, having taken a motor vehicle without the permission of the owner thereof, cause damage to the motor vehicle, shall be jointly and severally liable with the minor or minors for the damage or injury to an amount not exceeding five thousand dollars, if the minor or minors would have been liable for the damage or injury if they had been adults.
(b) This section shall not be construed to relieve the minor or minors from personal liability for the damage or injury.
(c) The liability provided for in this section shall be in addition to and not in lieu of any other liability which may exist at law.
(d) As used in this section, 'damage' shall include depriving the owner of his property or motor vehicle or of the use, possession or enjoyment thereof." Conn. Gen. Stat. § 52-572 (2025).

- **Willful and malicious injury**: "is one inflicted intentionally without just cause or excuse. It does not necessarily involve the ill will or malevolence shown in express malice. Nor is it sufficient to constitute such an injury that the act resulting in the injury was intentional in the sense that it was the voluntary action of the person involved. Not only the action producing the injury but the resulting injury must be intentional. 'A willful or malicious injury is one caused by design. Wilfulness and malice alike import intent. . . . [Its] characteristic element is the design to injure, either actually entertained or to be implied from the conduct and circumstances.' *Sharkey v. Skilton*, 83 Conn. 503, 507, 77 Atl. 950; *Simenauskas v. Connecticut Co.*, 102 Conn. 676, 129 Atl. 790; 20 R. C. L. p. 21." Rogers v. Doody, 119 Conn. 532, 534, 178 A. 51 (1935).

- **Exception**: "Consequently, the court finds that the language of count two sufficiently alleges that the defendant knew or should have known of her child's dangerous tendencies and therefore, the plaintiff has sufficiently alleged an exception to the general rule that a parent is not liable for the torts of its minor child." Robyn v. Palmer-Smith, Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. CV99-

0174453S (Feb. 20, 2001) (2001 WL 237112) (2001 Conn. Super Lexis 566).

STATUTES:

You can visit your local law library or search the most recent statutes and public acts on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2025)
  - Chapter 1. Construction of Statutes
    - § 1-1d. "Minor," "infant," "infancy," "age of majority," defined
  - Chapter 435. Dogs and Other Companion Animals
    - § 22-357. Damage by dogs to person or property.
  - Chapter 815t. Juvenile Matters
    - § 46b-140(d). Disposition upon adjudication of child as delinquent
    - § 46b-150d. Effect of emancipation
  - Chapter 925. Statutory Rights of Action and Defenses
    - § 52-572. Parental liability for torts of minors

LEGISLATIVE REPORTS:

Office of Legislative Research reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- *Parental Liability for Damages Caused by Their Children*, 2011-R-0061. By Jennifer Brady, Research Fellow, Connecticut General Assembly. Office of Legislative Research Report, February 4, 2011.
- *Parental Liability for Damages Caused by 16 & 17 Year-Old Children*, 2006-R-0213. By Susan Price, Principal Legislative Analyst, Connecticut General Assembly, Office of Legislative Research Report, March 2, 2006.
- *Parental Liability and Victims Rights*, 1998-R-0312. By George Coppolo, Chief Attorney, Connecticut General Assembly, Office of Legislative Research, July 20, 1998.
- *Foster Parents' Liability for the Violent Acts of Foster Children*, 1998-R-0285, by Saul Spigel, Chief Analyst, Connecticut General Assembly, Office of Legislative Research, March 13, 1998.
- *Parental Civil and Criminal Liability for Acts of their Children*, 1996-R-0942. By Lawrence K. Furbish, Assistant Director, Connecticut General Assembly, Office of Legislative Research, August 1, 1996.
- *Parental Responsibility Ordinances*, 1995-R-1430, by Kevin E. McCarthy, Principal Analyst, Connecticut General Assembly, Office of Legislative Research, December 3, 1995.

FORMS:

- 3 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris et al., 2025 ed., Thomson West (also available on Westlaw).
  - § 70:1. Action against minor and parents for injury to another minor—Commentary

- *Connecticut Torts: The Law and Practice,* 2d ed., by Frederic S. Ury et al., LexisNexis, 2025.
  Chapter 5. Anticipating Special Issues Relating to Minors
  § 5.06. Form for issues relating to minors
  Form 5.06.1. Complaint – Action by a Minor Plaintiff Against a Minor Defendant and His Parents

- 19 *Am Jur Pleading & Practice Forms* Parent and Child, Thomson West, 2017 (Also available on Westlaw).
  IV. Liability of Parent for Acts of Child
  § 109. Complaint, petition, or declaration—Against parents of minor child--Injury to property by minor
  § 110. Complaint, petition, or declaration—Injury inflicted by minor child using hammer and butcher knife—Negligent failure to control child
  § 111. Complaint, petition, or declaration—Injury, inflicted by minor child—Negligent failure to control child
  § 112. Complaint, petition, or declaration—By minor plaintiff—By guardian ad litem—Injury inflicted by minor child with gun—Negligence of parent in leaving gun accessible to child
  § 113. Complaint, petition, or declaration—Against parent and minor child—Injury inflicted by minor child with gun—Negligent entrustment of firearm
  § 114. Complaint, petition, or declaration—Injury inflicted by minor child using air rifle—Negligence of parents in entrusting air rifle to minor child
  § 115. Complaint, petition, or declaration—For damages to automobile taken by defendant's minor child—Statutory liability of parent for willful acts of child
  § 116. Complaint, petition, or declaration—Against parents and their minor child—Negligent entrustment of automobile—Damages for personal injury

JURY INSTRUCTIONS:

- 2 *Connecticut Jury Instructions (Civil)*, 4th ed., by Douglass B. Wright and William L. Ankerman, Atlantic Law Book Co., 1993, with 2023 supplement.
  § 517. Parent's liability for misconduct of child

- Connecticut Judicial Branch, Civil Jury Instructions - Part 3: Torts

CASES:

- Madison Brenes v. Dale McSwyny, Superior Court, Judicial District of Waterbury at Waterbury, UWY-CV19-6049725-S (March 1, 2023) (2023 WL 2385804). "The court examined the current status of the law in Connecticut. 'At common

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law, the torts of children do not impose vicarious liability upon parents qua parents, although parental liability may be created by statute ... or by independently negligent behavior on the part of parents.'. . .'Thus, absent statutory liability, parents are not liable for the torts of their children unless they themselves are independently negligent, as where they had entrusted a dangerous instrumentality to their children or had failed to restrain their children who they knew possessed dangerous tendencies. In recognizing a cause of action for negligent supervision of a minor child by the child's parents, Connecticut trial courts follow the 2 Restatement of Torts, Standard of Conduct, § 316, p. 123 (1965), whereby: A parent is under a duty to exercise reasonable care so to control his minor child as to prevent it from intentionally harming others or from so conducting itself as to create an unreasonable risk of bodily harm to them, if the parent (a) knows or has reason to know that he has the ability to control his child, and (b) knows or should know of the necessity and opportunity for exercising such control.'" (Internal citations omitted.)

- Delmedico PPA v. Panda Properties, LLC, Superior Court, Judicial District of New London at New London, KNL-CV16-6027376-S (Aug. 7, 2017) (65 Conn. L. Rptr. 17, 19) (2017 WL 4106088) (2017 Conn. Super. Lexis 4165). "All of the defendants' counterclaims are third-party actions based on the parent's alleged negligent supervision of her child. All are within the purview of the doctrine of parental immunity as defined in *Crotta v. Home Depot, Inc.*, *supra*. The doctrine is not limited to tort actions. *Squeglia v. Squeglia*, 234 Conn. 259, 263, 661 A.2d 1007 (1995). The doctrine bars claims both sounding in tort and contract. See *Keeney v. Mystic Valley Hunt*, Superior Court, judicial district of New London, Doc. No. CV 562120-S (November 13, 2003, Hurley, J.T.R.) [35 Conn. L. Rptr. 749]; but see *Segal v. Brownstone Exploration & Discovery Park, LLC*, Superior Court, judicial district of Waterbury, Doc. No. CV 13-6021132-S (May 12, 2014, Roche, J.).

  Defendants attempt to distinguish this case from several trial court decisions cited by the plaintiffs in support of their motion. However, they fail to address, let alone persuasively distinguish, the language of our Supreme Court in *Crotta v. Home Depot, Inc., supra,* which applies the parental immunity doctrine to third-party claims like those made by the defendants in the instant case. Accordingly the court grants the plaintiffs' motion to strike on this ground."

- Blitz v. Lovejoy, Superior Court, Judicial District of Litchfield at Litchfield, LLI-CV15-6013124-S (December 13, 2016) (63 Conn. L. Rptr. 547, 548-549) (2016 WL 7975766) (2016 Conn. Super. Lexis 3301). "39 Am. Jur., Parent and Child, § 55 is now 59 Am.Jur.2d, Parent and Child, § 91. It provides,

in part: 'In general, one owes no duty to control the conduct of another person, but there are limited exceptions based on various special relationships between a defendant and the person whose conduct needs to be controlled; the relationship between parent and child is one such special relationship. Thus, a parent may be liable for the consequences of failure to exercise the power of control over his or her children where he or she knows, or in the exercise of due care should have known, that injury to another is a probable consequence. However, to render a parent responsible, his or her negligence in the exercise of parental supervision must have some specific relation to the act complained of. Also, the injury committed by the child must be one that ought reasonably to have been foreseen as likely to flow from the negligent act. There is no blanket rule that imposes civil liability upon parents who fail to control their minor child's criminal behavior. Parents are not liable for negligent supervision where the record lacks any evidence indication that the parents were aware that the child was prone to commit *the particular act* or course of conduct that led to the plaintiff's injury. Without specific evidence, based upon prior acts, of a propensity to cause *the actual harm* that occurred, a plaintiff may not rely on speculation or unsupported inferences to prove that because a child may exhibit certain propensities, that child also possesses other propensities. A child's deed that is unrelated to any of his or her previous acts will not render that parent liable though an act that climaxes a course of conduct involving similar acts may do so.' (Emphasis added.)"

- Pike v. Bugbee, 115 Conn. App. 820, 974 A.2d 743 (2009), cert. granted, 293 Conn. 923 (2009). "Notwithstanding the lack of a specific reference to § 52-572, the plaintiff's complaint suffers from a more significant deficiency; the minority status of Blake Bugbee is not alleged. Although the plaintiff refers to Blake Bugbee as the defendants' minor son in subsequent filings, the question before us is whether the complaint contains sufficient factual allegations to support the claim. Here, the complaint lacks a specific allegation of his age and does not reference the statute that would indicate the plaintiff's intention to allege the defendants' vicarious liability for the actions of their minor son. Furthermore, even when the pleadings are construed broadly, the minority of Blake Bugbee is not a reasonable inference that can be derived from the facts alleged. The plaintiff's claim is, therefore, without merit." (pp. 827-828)

  "The common-law rule regarding social host liability in Connecticut states that 'no tort cause of action [lies] against one who furnished, whether by sale or gift, intoxicating liquor to a person who thereby voluntarily became intoxicated and in consequence of his intoxication injured the person or property either of himself or of another' . . .

In *Ely v. Murphy,* 207 Conn. 88, 540 A.2d 54 (1988), our Supreme Court recognized this common-law principle; however, the court then proceeded to carve out an exception for circumstances in which alcohol is furnished to a minor. The court noted that the 'proposition that intoxication results from the voluntary conduct of the person who consumes intoxicating liquor assumes a knowing and intelligent exercise of choice, and for that reason is more applicable to adults than to minors.' Id., 93. The court then recognized various legislative enactments that were indicative of 'a continuing and growing public awareness and concern that children as a class are simply incompetent by reason of their youth and inexperience to deal responsibly with the effects of alcohol.' Id., 94. . . In *Ely,* the court specifically acknowledged that the exception created by its analysis does not stand for the proposition that 'the social host or other purveyor of alcohol is absolutely liable to the minor served or innocent third parties thereafter injured. Rather, the matter of proximate cause of the injury and ensuing damage becomes one of fact to be determined in each instance by the court or jury as the parties elect.'" (pp. 828-830)

- Szollosy v. Hyatt Corp., 396 F. Supp. 2d 147, 157, 2005 A.M.C. 2501 (D. Conn., 2005). "Therefore, in its application of federal admiralty law to this action, the Court will not import Connecticut's rules of decision on parental immunity. The Court denies Charles Szollosy's motion for summary judgment on the third-party complaint."

- Robyn v. Palmer-Smith, Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. CV99-0174453S (Feb. 20, 2001) (2001 WL 237112) (2001 Conn. Super. LEXIS 566). "In this case, the plaintiff alleges that the defendant failed to exercise reasonable care in controlling her son and preventing him from harming others and that she failed to control his abuse of illegal substances although she knew or should have known that her son was involved with them. Consequently, the court finds that the language of count two sufficiently alleges that the defendant knew or should have known of her child's dangerous tendencies and therefore, the plaintiff has sufficiently alleged an exception to the general rule that a parent is not liable for the torts of its minor child."

- Robyn v. Palmer-Smith, Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. CV99-0174453S (Feb. 5, 2003) (2003 WL 460335) (2003 Conn. Super. LEXIS 303). "Based on the evidence presented, viewed in the light most favorable to the plaintiff, this court holds that, in this situation, the defendant did not have a duty to exercise reasonable care to control the conduct of her minor child. Therefore, the defendant is entitled to judgment as a matter

of law and her motion for summary judgment is granted."

- Crotta v. Home Depot, Inc., 249 Conn. 634, 732 A.2d 767 (1999). "The parties do not dispute that the parental immunity doctrine shields Crotta from liability to the plaintiff for his allegedly negligent supervision of the plaintiff. The defendants nevertheless maintain that the doctrine of parental immunity does not operate to bar them from asserting against Crotta, on the basis of his allegedly negligent supervision of the plaintiff, claims for apportionment of liability pursuant to § 52-572h (c), common-law contribution and common-law indemnification." (p. 638)

  "We conclude, therefore, that the doctrine of parental immunity operates to preclude the parent of a minor plaintiff from being joined as a third party defendant for purposes of apportionment of liability, contribution or indemnification based on the parent's allegedly negligent supervision of the minor plaintiff." (pp. 644-645)

- Kaminski v. Fairfield, 216 Conn. 29, 30, 578 A.2d 1048 (1990). "The sole issue in this appeal is whether a request for mental health assistance to control the behavior of an adult son supports the imposition of tort liability on his parents for injuries inflicted by the son on a police officer accompanying the requested mental health workers to the parents' home."

- Gearity v. Salvo, 40 Conn. Supp. 185, 187, 485 A.2d 940 (1984). "This court concludes that 'control of the minor' is a determining factor in the imposition of liability under § 52-572 . . . . "

- Lamb v. Peck, 183 Conn. 470, 473, 441 A.2d 14 (1981)."The applicable statutory requirement for parental liability is that the minor wilfully or maliciously causes injury to a person. General Statutes § 52-572. We conclude that this requirement is met where a minor intentionally aids another who intentionally injures a third person. Because there was evidence indicating that all four minor defendants acted intentionally and in concert, the trial court correctly imposed liability on the defendant parents under § 52-572."

- Watson v. Gradzik, 34 Conn. Supp. 7, 10-11, 373 A.2d 191 (1977). "The legislature passed this statute [§ 52-572] for two apparent reasons. One reason is to deter juvenile delinquency by placing upon the parent the obligation to control his minor child so as to prevent him from intentionally harming others . . . . The other is to compensate innocent victims for the damage caused by minor tortfeasors. The court is of the opinion that the regulation has a rational relationship to the preservation and

promotion of the public welfare and that the defendants have failed to prove otherwise. The court holds the statute to be constitutional."

- Groton v. Medbery, 6 Conn. Cir. Ct. 671, 673, 301 A.2d 270 (1972). "In order for the plaintiff to recover, the court, after such consideration, must find from the facts provable under the substituted complaint that the injury to the police officer was caused willfully and maliciously by the minor defendant. This statutory limitation to the vicarious liability of the parent is directly related to the purpose of the law, which is to place upon the parent the obligation to control his minor child as to prevent the child from intentionally harming others."

- LaBonte v. Federal Mutual Ins. Co., 159 Conn. 252, 256, 268 A.2d 663 (1970). "At common law parents were not liable for the torts of their children unless they themselves were independently negligent, as where they had entrusted a dangerous instrumentality to their children or had failed to restrain their children who they knew possessed dangerous tendencies . . . . Restatement (Second), 2 Torts § 316. The statute [§ 52-572] in question thus creates liability where none existed at common law, and the liability is absolute, in the sense that no negligence need be shown to exist on the part of the parents. If the child is liable, as is admitted in the present case, the parents are jointly and severally liable with him."

WEST KEY NUMBERS:

- *Parent and Child*
  - VI. Rights, Duties, and Liabilities Concerning Relation
    - (A) In General
      - 301. Actions and proceedings
      - 303. Right of action; parent-child immunity
    - (E) Parent's Liability for Torts or Misconduct of Child
      - 361. In general
      - 363. Duty of Parent; Parent's Own Negligence
      - 364. In general
      - 365. Supervision, restraint or control of child in general
      - 366. Propensities or proclivities of child; prior conduct
      - 367. Dangerous activities and instrumentalities; negligent entrustment
      - 368. Right of action; parent-child immunity
      - 370. Proceedings
  - VII. Nonparents in Parental Role, 381-396

DIGESTS:

- ALR Digest: *Parent and Child*
  - VI. Rights, Duties, and Liabilities Concerning Relation
    - (E) Parent's Liability for Torts or Misconduct of Child
      - 361. In general
      - 363. Duty of parent; parent's own negligence

364. —In general
365. —Supervision, restraint or control of child in general
366. —Propensities or proclivities of child; prior conduct
367. —Dangerous activities and instrumentalities; negligent entrustment
368. Right of action; parent-child immunity
370. Proceedings

VII. Nonparents in Parental Role, 381-396

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 59 *Am Jur 2d* Parent and Child, Thomson West, 2023 (Also available on Westlaw).
  - VII. Liability of Parent for Conduct of Children; Offenses of Child Against Parents
    - § 93. Generally
    - § 94. Where instrumentality is entrusted or accessible to child
    - § 95. —Gun
    - § 96. Failure to control child
    - § 97. Liability of parent as employer or principal
    - § 98. When parent directs, consents to, or ratifies act of child
    - § 99. Statutory liability
    - § 100. Criminal responsibility
    - § 101. Offenses of child against parents

- 67A *CJS* Parent and Child, Thomson West, 2023 (Also available on Westlaw).
  - VII. Tort liability and rights of action, §§ 319-355
    - 1. Liability of parent for torts of child
      - § 319. Generally
      - § 320. Acts of child as agent of parent
      - § 321. Negligence of parent as cause of injury
      - § 322. Negligence of parent as cause of injury—Negligent supervision, control, or entrustment
      - § 323. Actions
      - § 324. Actions—Evidence
      - § 325. Actions—Questions of fact
    - VIII. Special parental relationships, §§ 356-368
      - §§ 356-360. Persons in loco parentis
        - § 360. Tort liability and rights of action
      - §§ 361-365. Stepparents
        - § 365. Tort liability and recovery
      - §§ 366-368. Grandparents
        - § 368. Tort liability and recovery

ADDITIONAL RESOURCES:

ALR Annotations

- 74 *A.L.R.6th* 181, *Validity of Parental Responsibility Statutes and Ordinances Holding Parents Liable for Criminal Acts of their Children,* by Fern L. Kletter, Thomson West, 2012.
- 118 *A.L.R.5th* 513, *Liability of Parent Or Person In Loco Parentis For Personal Tort Against Minor Child—Willful Or*

Malicious Act, by Marjorie A. Shields, Thomson West, 2004.

- 66 *A.L.R.4th* 985, *Jurisdiction or Power of Juvenile Court To Order Parent of Juvenile To Make Restitution For Juvenile's Offense*, by Michael J. Yaworsky, Thomson West, 1988.
- 27 *A.L.R.4th* 15, *Modern Trends As To Tort Liability of Child of Tender Years*, by Donald Paul Duffala, Thomson West, 1984.
- 12 *A.L.R.4th* 673, *Criminal Responsibility of Parent For Act of Child*, by Eunice A. Eichelberger, Thomson West, 1982.
- 70 *A.L.R.3d* 611, *Liability of Parent For Injury Caused By Child Riding Bicycle*, by George Priest, Thomson West, 1976.
- 54 *A.L.R.3d* 974, *Parents' Liability For Injury or Damage Intentionally Inflicted By Minor Child*, by Wade R. Habeeb, Thomson West, 1973.
- 8 *A.L.R.3d* 612, *Validity and Construction of Statutes Making Parents Liable For Torts Committed By Their Minor Children*, by B.C. Ricketts, Thomson West, 1966.

Proof of Facts

- 45 *POF2d* 549, *Parental Failure to Control Child*, by Jeffrey S. Alford, Thomson West, 1986 (also available on Westlaw).
- 12 *POF3d* 247, *Negligence of Bicyclist*, by Russell L. Wald, Thomson West, 1991 (also available on Westlaw).
- 11 *POF3d* 503, *Motor Vehicle Accidents—Contributory Negligence by Bicyclist*, by Russell L. Wald, Thomson West, 1991 (also available on Westlaw).

Causes of Action

- 14 *COA2d* 459, *Cause of Action Against Parent for Minor's Misuse of Firearm*, by Catherine Palo, Thomson West, 2000 (also available on Westlaw).

TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can contact us or visit our catalog to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- *Connecticut Torts: The Law and Practice,* 2d ed., by Frederic S. Ury et al., LexisNexis, 2025.
  - Chapter 5. Anticipating Special Issues Relating to Minors
    - § 5.01. Determining whether a minor is subject to tort liability
    - § 5.02. Is a parent liable for the torts of his or her child?
    - § 5.03. When can a child sue his or her parents?
    - § 5.04. Procedures for bringing a suit by or on behalf of a minor
    - § 5.05. Checklist for issues related to minors
    - § 5.06. Form for issues relating to minors
- *Connecticut Law of Torts*, 4th ed., by Douglass B. Wright et al., Atlantic Law Book Co., 2018, with 2023 supplement.
  - § 78. Parent and child
- 3 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris et al., 2025 ed.,

Thomson West (also available on Westlaw).
§ 70:1. Action against minor and parents for injury to another minor—Commentary

- *Tort Remedies in Connecticut*, by Richard L. Newman and Jeffrey S. Wildstein, LexisNexis, 1996, with 2014 supplement.
  Chapter 5. Minors
  §5-2. Parental liability for torts of minors
  (a). Common law
  (b). Conn. Gen. Stat. §52-572
  (1). History
  (2). Custody and control
  (3). Necessary intent
  (4). Statute of limitations
  (5). Insurance

- 1 *Legal Rights of Children*, 3d ed., by Thomas R. Young, 2024-2025 ed., Thomson West (also available on Westlaw).
  Chapter 9. Children and the Law of Torts
  I. Torts Committed by Children, §§ 9.1 - 9.9
  § 9.4. Parental responsibility for tortious acts of children

- 2 *Children and the Law: Rights & Obligations*, by Thomas A. Jacobs and Natalie C. Jacobs, 2025 edition, Thomson West (also available on Westlaw).
  Chapter 11. General Considerations
  II. Parent-Child Issues
  § 11:6. Parental liability for acts of child

- *Restatement of the Law of Torts 2d*, 1965, Thomson West, with 2025 supplement (also available on Westlaw).
  § 316. Duty of parent to control conduct of child

LAW REVIEWS:

Public access to law review databases is available on-site at each of our law libraries.

- Lauren J. Wolter, *The Parental Immunity Doctrine: Should it Shield Parents from being Apportioned Fault in Products Liability Cases Where their Negligent Supervision Resulted in their Child Sustaining Harm from a Product that Present Obvious Dangers, and Can the Consumer Product Safety Commission Recall the Product?,* 41 Quinnipiac Law Review 135 (2022).

- D'Andra Millsap Shu, *When Food is a Weapon: Parental Liability for Food Allergy Bullying*, 103 Marquette Law Review 1465 (2020).

- Krystyna D. Gancoss, *"I'm Not a Regular Mom … I'm a Cool Mom": An Argument for Broader Civil Social Host Liability in Connecticut*, 35 Quinnipiac L. Rev. 351 (2017).

- Shaundra K. Lewis, *The Cost of Raising a Killer - Parental*

Liability for the Parents of Adult Mass Murderers, 61 Villanova Law Review 1 (2016).

- Nicole Palermo*, "The fiend whom I had let loose among them": Should parents be liable for their children's atrocities?*, 47 Conn. L. Rev*.* 1491 (2015).

- Elizabeth G. Porter, *Tort Liability in the Age of Helicopter Parent,* 64 Alabama Law Review 533 (2013).

- Lisa Gentile, *Parental Civil Liability for the Torts of Minors,* 16 Journal of Contemporary Legal Issues 125 (2007).

- Chad Silver, *Censure the Tree for Its Rotten Apple: Attributing Liability to Parents for the Copyright Infringement of Their Minor Children,* 3 Cardozo Public Law, Policy & Ethics Journal 977 (2006).

- Valerie D. Barton, *Reconciling the Burden: Parental Liability for the Tortious Acts of Minors,* 51 Emory Law Journal 877 (2002).

- Kathryn Calibey, *Connecticut's Parent-Child Immunity Doctrine*, 65 Connecticut Bar Journal 210 (June 1991).
  Includes in Appendix, "State Survey of Parent-Child Immunity in Negligence Action," pp. 220-223.

- Emogene C. Wilhelm, Note, *Vicarious Parental Liability In Connecticut: Is It Effective?*, 7 University of Bridgeport Law Review 99 (1986).

Section 3: Tort Actions By or Against Minors

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to tort actions brought by or against minors in Connecticut including parent-child immunity, governmental immunity and loss of parental consortium.

DEFINITIONS:

- **Next Friend**: "'A next friend is a person who appears in a lawsuit to act for the benefit of . . . [a] minor plaintiff . . . . It is well established that a child may bring a civil action only by a guardian or next friend, whose responsibility it is to ensure that the interests of the ward are well represented.' (Internal quotation marks omitted.) *Harris v. Neale*, 197 Conn. App. 147, 149 n.1, 231 A.3d 357 (2020). 'Next friend standing essentially allows a third party to advance a claim in court on behalf of another when the party in interest is unable to do so on his or her own. . . . The "next friend" does not himself become a party to the action in which he participates, but simply pursues the action on behalf of the real party in interest.' (Citations omitted; internal quotation marks omitted.) *Nonhuman Rights Project, Inc. v. R.W. Commerford & Sons, Inc.*, 192 Conn. App. 36, 42, 216 A.3d 839, cert. denied, 333 Conn. 920, 217 A.3d 635 (2019). '[T]he proper test for determining whether a person is the proper party to bring an action on behalf of a minor child as a guardian or next friend *is whether that person's interests are adverse to those of the child* . . . .' (Emphasis added; internal quotation marks omitted.) *Carrubba v. Moskowitz*, 274 Conn. 533, 550, 877 A.2d 773 (2005)." V.V. v. V.V., 218 Conn. App. 157, 168, 291 A.3d 109 (2023).

- **Parent-Child Immunity**: "bars an unemancipated minor from suing his or her parent for injuries caused by the negligence of that parent." Dubay v. Irish, 207 Conn. 518, 523, 542 A.2d 711 (1988).

- **Purpose**: "The purpose of the doctrine is to preserve the integrity and unity of the family and to avoid unnecessarily injecting 'the machinery of the state' into the day-to-day exercise of parental discretion." Squeglia v. Squeglia, 234 Conn. 259, 265, 661 A.2d 1007 (1995).

- **Exceptions**: "Connecticut law recognizes only four exceptions to the parental immunity doctrine. First, an unemancipated minor can sue the employer of a parent whose negligence in the course of employment injured the child, thereby putting the parent at risk of an indemnity suit. *Chase v. New Haven Waste Material Corp*., 111 Conn. 377, 380, 150 A. 107 (1930). Second, a minor can sue a parent if the child was emancipated prior to the tortious conduct. See *Wood v. Wood*, 135 Conn. 280, 283, 63 A.2d 586 (1948). Third, an unemancipated minor can sue a parent for injuries

received through the negligent conduct of a business enterprise conducted away from the home. *Dzenutis v. Dzenutis*, 200 Conn. 290, 300, 512 A.2d 130 (1986). Fourth, an unemancipated minor can sue a parent for injuries resulting from the negligent operation of a motor vehicle, aircraft or waterborne vessel. General Statutes 52-572c." Squeglia v. Squeglia, 34 Conn. App. 866, 869, 644 A.2d 378 (1994), cert. granted in part 231 Conn. 920, aff'd 234 Conn. 259.

- "At the outset, we note that the defendant has not cited, and our research has not revealed, any case in which this court has extended the parental immunity doctrine to bar an action alleging intentional or willful parental misconduct. In *Dzenutis* v. *Dzenutis*, supra, 200 Conn. 295-96, however, we recognized by way of dicta that '[f]or intentional torts involving malicious or even criminal conduct...[parental immunity] has now been generally repudiated.'" Henderson v. Woolley, 230 Conn. 472, 480, 644 A.2d 1303 (1994).

- "[T]he parental immunity doctrine does not bar an action by a minor child against his or her parent for personal injuries arising out of sexual abuse, sexual assault or sexual exploitation." Henderson v. Woolley, 230 Conn. 472, 486, 644 A.2d 1303 (1994).

- **Governmental immunity:** "Connecticut law is well-established that a municipality is immune from liability for common-law negligence, unless the legislature has enacted a statute abrogating such immunity. . . Connecticut General Statutes Section 52-557n is one of those statutory exceptions." Wright v. Kompan, Inc., Superior Court, Judicial District of New Haven at Meriden, NNICV176011226S (May 27, 2021) (71 Conn. L. Rptr. 33, 36) (2021 WL 2459791).

- **Exceptions:** "'[Section] 52-557n abandons the common-law principle of municipal sovereign immunity and establishes the circumstances in which a municipality may be liable for damages.... One such circumstance is a negligent act or omission of a municipal officer acting within the scope of his or her employment or official duties.... [Section] 52-557n (a)(2)(B), however, explicitly shields a municipality from liability for damages to person or property caused by the negligent acts or omissions which require the exercise of judgment or discretion as an official function of the authority expressly or impliedly granted by law.' (Citation omitted; footnote omitted; internal quotation marks omitted.) *Edgerton v. Clinton*, 311 Conn. 217, 229, 86 A.3d 437 (2014)." Haynes v. Middletown, 314 Conn. 303, 312, 101 A.3d 249 (2014).

STATUTES:

You can visit your local law library or search the most recent statutes and public acts on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2025)
  - Chapter 113. Municipal employees
    - § 7-465. Assumption of liability for damage caused by employee of municipality or member of local emergency planning district. Joint liability of municipalities in district department of health or regional council of governments.
  - Chapter 319a. Child Welfare
    - § 17a-114a. Liability of persons for personal injury to children placed in their care
  - Chapter 801b. Probate Court Procedures
    - § 45a-132. Appointment of guardian ad litem for minors and incompetent, undetermined and unborn persons
  - Chapter 900. Court Practice and Procedure
    - § 52-204. Recovery of expenditures by husband or parent
  - Chapter 925. Statutory Rights of Action and Defenses
    - § 52-557. Injury to children being transported to school
    - § 52-557n. Liability of political subdivision and its employees, officers and agents. Liability of members of local boards and commissions.
    - § 52-572c. Parent-child immunity abrogated in certain negligence actions

LEGISLATIVE REPORTS:

Office of Legislative Research reports summarize and analyze the law in effect on the date of each report's publication. Current law may be different from what is discussed in the reports.

- *Parental Immunity*, 99-R-0667, by Benjamin H. Hardy, Research Analyst, Connecticut General Assembly. Office of Legislative Research, June 4, 1999.
- *Parental Immunity--Personal Injuries Arising out of Sexual Abuse*, 94-R-0970, by George Coppolo, Chief Attorney, Connecticut General Assembly, Office of Legislative Research, October 27, 1994.

FORMS:

- 3 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris et al., 2025 ed., Thomson West (also available on Westlaw).
  - § 70:1. Action against minor and parents for injury to another minor—Commentary
  - § 70:2. Complaint against minor and parents for injury to another minor
- *Connecticut Torts: The Law and Practice,* 2d ed., by Frederic S. Ury et al., LexisNexis, 2025.
  - Chapter 5. Anticipating Special Issues Relating to Minors
    - § 5.06. Form for issues relating to minors
      - Form 5.06.1. Complaint – Action by a Minor Plaintiff

Against a Minor Defendant and His Parents

- *Library of Connecticut Personal Injury Forms 2d*, by Koskoff, Koskoff and Bieder, Connecticut Law Tribune, 2014.
  2-013. Complaint – Product Liability – Toy – Eye Injury

- *Library of Connecticut Personal Injury Forms 3d*, by Koskoff, Koskoff and Bieder, Connecticut Law Tribune, 2022.
  5-023. Minor, Civil Suit Against

- 14A *Am Jur Pleading & Practice Forms* Infants, Thomson West, 2025 (Also available on Westlaw).
  § 96. Complaint, petition, or declaration—Against department store—False imprisonment of minor
  § 98. Complaint, petition, or declaration—Allegation—Against manufacturer of drug—Birth defects resulting from drug
  § 99. Complaint, petition, or declaration—By next friend of infant—Against multiple defendants—For injuries incurred while riding a subway escalator
  § 100. Complaint, petition, or declaration—By next friend of infant—Against attorney-Failure to correctly file medical malpractice claim prior to expiration of statute of limitation
  § 101. Complaint, petition, or declaration—By next friend of infant—Against owner of shopping center—Burn injuries sustained due to recessed spotlight bulbs
  § 108. Complaint, petition, or declaration—Against infant—Fraudulent misrepresentation of age inducing contract
  § 109. Complaint, petition, or declaration—Against infant and parent—Negligent entrustment of weapon

- 19 *Am Jur Pleading & Practice Forms* Parent and Child, Thomson West, 2017 (Also available on Westlaw).
  § 120. Complaint, petition, or declaration—By minor child through guardian ad litem or next friend—Against parent—For compensatory and punitive damages—Intentional assault and battery
  § 134. Checklist—Drafting a complaint in parent's action for damages resulting from tortuous injury to child
  § 137. Complaint, petition, or declaration—By parents and their minor child—For injuries sustained at school—Medical expenses and loss of services
  § 138. Complaint, petition, or declaration—By parents—For injury to their child—Employment in hazardous occupation in violation of statute
  § 139. Complaint, petition, or declaration—By parent—For medical expenses and loss of service of parent's minor child injured while employed in dangerous occupation without parent's consent

JURY INSTRUCTIONS:

- 1 *Connecticut Jury Instructions (Civil)*, 4th ed., by Douglass B. Wright and William L. Ankerman, Atlantic Law Book Co., 1993, with 2023 supplement.
  - § 130. Care required of child
  - § 131. Contributory negligence of a child
  - § 132. Violation of statute by child
  - § 134a. Concurrent negligence of parent
  - § 179. Contributory negligence—Child

- Connecticut Judicial Branch, Civil Jury Instructions - Part 3: Torts

- 14A *Am Jur Pleading & Practice Forms* Infants, Thomson West, 2025 (Also available on Westlaw).
  - § 82. Instruction to jury—Misrepresentation of age constituting fraud
  - § 111. Instruction to jury—Standard of care required of infant—As compared to adult
  - § 112. Instruction to jury—Standard of care required of infant—As compared to children of like age
  - § 113. Instruction to jury—Standard of care required of infant—As compared to persons of like age, capacity and intelligence

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can contact your local law librarian to learn about the tools available to you to update cases.

Parental immunity:

Connecticut Supreme Court

- Crotta v. Home Depot, Inc., 249 Conn. 634, 732 A.2d 767 (1999). "Our analysis begins with the doctrine of parental immunity. This doctrine bars an unemancipated child from suing his or her parents for personal injuries. *Ascuitto* v. *Farricielli*, 244 Conn. 692, 697, 711 A.2d 708 (1998); *Squeglia* v. *Squeglia*, 234 Conn. 259, 264-65, 661 A.2d 1007 (1995); *Dubay* v. *Irish*, 207 Conn. 518, 523, 542 A.2d 711 (1988). 'Under this doctrine a parent is not liable civilly to his child for personal injury inflicted during [the child's] minority . . . . *Mesite* v. *Kirchenstein*, 109 Conn. 77, 82-83, 145 A. 753 (1929).' (Internal quotation marks omitted.) *Dubay* v. *Irish*, supra, 523.

  The parties do not dispute that the parental immunity doctrine shields Crotta from liability to the plaintiff for his allegedly negligent supervision of the plaintiff. The defendants nevertheless maintain that the doctrine of parental immunity does not operate to bar them from asserting against Crotta, on the basis of his allegedly negligent supervision of the plaintiff, claims for apportionment of liability pursuant to § 52-572h (c), common-law contribution and common-law indemnification." (p. 638)

"We conclude, therefore, that the doctrine of parental immunity operates to preclude the parent of a minor plaintiff from being joined as a third party defendant for purposes of apportionment of liability, contribution or indemnification based on the parent's allegedly negligent supervision of the minor plaintiff." (pp. 644-645)

- Ascuitto v. Farricielli, 244 Conn. 692, 711 A.2d 708 (1998). "The issue in this appeal is whether the doctrine of parental immunity, which generally bars unemancipated minors from suing their parents for personal injuries, prevents a child of divorced parents from bringing a negligence action against a noncustodial parent for injuries the child sustained while in that parent's home during a scheduled visitation period. Specifically, we must decide whether the trial court properly granted the defendant father's motion for summary judgment based on the doctrine of parental immunity. We conclude that the doctrine of parental immunity applies and, accordingly, we affirm the judgment." (p. 693)

  "The primary focus of the parental immunity doctrine in Connecticut is the protection of the relationship between the parent and the child. The protection of that relationship enables the parent to raise the child effectively without undue interference from the state. . . We explicitly noted in *Mesite* that the obligation to 'care for, guide, control and educate their child' may rest with 'either' the father or the mother. *Mesite v. Kirchenstein* . . . It is clear, therefore, that the protected relationship is the one between the parent and the child and not primarily the relationship between the parents." (p. 701)

- Squeglia v. Squeglia, 234 Conn. 259, 269-270, 661 A.2d 1007 (1995). "The decision to maintain a dog in the home is an example of parental discretion, and permitting a minor child to be exposed to the dog is within the parental supervisory function. This maintenance of the home environment typifies the day-to-day exercise of parental discretion that the state would rather not disrupt. Consequently, this action by an unemancipated minor child, who had been injured as a result of his parent's decision to keep a dog in the home and expose the child to it, falls directly within the scope of claims the doctrine is intended to bar.

  In sum, we conclude that the plaintiff is barred by the doctrine of parental immunity from bringing an action in strict liability pursuant to § 22-357."

- Henderson v. Woolley, 230 Conn. 472, 644 A.2d 1303 (1994). "Furthermore, in enacting P.A. 91-240, the legislature could reasonably have believed that the common

law of the state would not shield a parent from an action based on an intentional tort because parental immunity had never been applied to such an act. This is underscored in *Dubay* and *Dzenutis* where, in dicta, we stated that the doctrine has been rejected generally in cases of willful, wanton or reckless parental misconduct. *Dubay* v. *Irish*, su2pra, 207 Conn. 532 n.7; *Dzenutis* v. *Dzenutis*, supra, 200 Conn. 295-96." (p. 485)

"[T]he parental immunity doctrine does not bar an action by a minor child against his or her parent for personal injuries arising out of sexual abuse, sexual assault or sexual exploitation." (p. 486)

- Dzenutis v. Dzenutis, 200 Conn. 290, 291, 512 A.2d 130 (1986). "The principal issue in this appeal is whether this court should continue to adhere to the doctrine of parental immunity from liability for negligence to an unemancipated minor child who was injured in the course of a business activity conducted by the parent away from the home. We conclude that in the limited context of the circumstances presented by this appeal the doctrine no longer serves the purposes for which it was designed and that we must, accordingly, modify the breadth of our decisions in previous cases that have unconditionally endorsed parental immunity as a defense to a negligence suit by a child."

Connecticut Superior/Trial Court

- Richardson v. Schochat, Superior Court, Judicial District of New Haven at New Haven, no. LPL-CV-970398264S (Jan. 29, 1998) (21 Conn. L. Rptr. 254, 255) (1998 WL 46623) (1998 Conn. Super. LEXIS 255). "Intentional parental conduct . . . may not be protected by the doctrine of parental immunity."

- Squeglia v. Squeglia, Superior Court, Judicial District of New Haven at New Haven, No. 323748 (July 14, 1993) (9 Conn. L. Rptr. 367, 369) (1993 WL 280173) (1993 Conn. Super. LEXIS 1776) (8 CSCR 984). "It seems to the court that to allow an unemancipated child to sue his parent under the dog bite statute because the family dog bites the child is the type of case which the Supreme Court had in mind when it expressed concern about bringing discord into the family by allowing actions at law by children against their parents. If this doctrine is to be further narrowed by allowing this kind of suit based on statutory violations, then it is up to the Legislature or the Supreme Court to bring it about."

- Ficarra v. Southern Connecticut Gas Co., Superior Court, Judicial District of Fairfield at Bridgeport, No. CV910289172S (August 21, 1992) (1992 WL 209829) (1992 Conn. Super. LEXIS 2533). "Although the parental immunity doctrine has

been abrogated for actions involving negligence in the operations of motor vehicles, aircraft and boats, General Statutes 52-572c, and negligence of the parent in the course of conducting a business, *Dzenutis*, id. 301, nevertheless in Connecticut the doctrine has not been abrogated in cases of negligent supervision. *Dubay v. Irish*, supra at 527; *Pettengill v. Pettengill,* 18 Conn. App. 557, 559 (1989); *White v. Men-Boz, Inc.*, 4 CSCR 623 (July 21, 1989, Schaller, J.)."

Governmental immunity:

Connecticut Supreme Court

- Martinez v. New Haven, 328 Conn. 1, 3-4, 176 A.3d 531 (2018). "The principal issue in this appeal is whether the trial court properly determined that the named plaintiff, Anthony Martinez, proved the imminent harm to identifiable persons exception to the defense of governmental immunity with respect to facial injuries that he sustained when other students were engaged in horseplay by running with a pair of safety scissors in the auditorium of his school. . . We conclude that the plaintiff has failed to prove that the defendants' conduct had subjected an identifiable person to imminent harm. We also conclude that the trial court implicitly granted the defendants' request to amend their answer to plead governmental immunity as a special defense."

- Munn v. Hotchkiss School, 326 Conn. 540, 165 A.3d 1167 (2017) "The issues in this case, which comes to us on certification from the United States Court of Appeals for the Second Circuit pursuant to General Statutes § 51-199b(d), are: (1) Does Connecticut public policy support imposing a duty on a school to warn about or protect against the risk of a serious insect-borne disease when it organizes a trip abroad? (2) If so, does a damages award of approximately $41.5 million, $31.5 million of which are noneconomic damages, warrant a remittitur? We answer the first question in the affirmative and the second question in the negative." (p. 543)

  "Because it is widely recognized that schools generally are obligated to exercise reasonable care to protect students in their charge from foreseeable dangers…we conclude that the imposition of such a duty is not contrary to Connecticut public policy and, accordingly, answer the first certified question in the affirmative." (p. 545)

- Haynes v. Middletown, 314 Conn. 303, 322-323, 101 A.3d 249 (2014). "Accordingly, the proper standard for determining whether a harm was imminent is whether it was apparent to the municipal defendant that the dangerous

condition was so likely to cause harm that the defendant had a clear and unequivocal duty to act immediately to prevent the harm. We therefore overrule *Burns* and *Purzycki* to the extent that they adopted a different standard."

- Purzycki v. Town of Fairfield, 244 Conn. 101, 115, 708 A.2d 937 (1998). "They state that a teacher in a public school stands in loco parentis toward a pupil, and that the parental immunity doctrine bars an unemancipated minor from bringing an action against his or her parents for injuries sustained by the negligence of the parents. Completing the syllogism, they argue that the tort liability of school officials for negligence must also fall within parental immunity. We are not persuaded."

- Burns v. Board of Education, 228 Conn. 640, 638 A.2d 1 (1994). "We granted the plaintiffs certification to appeal limited to the following question: 'Whether there is a "foreseeable class of victim" exception to the governmental immunity doctrine which would include students allegedly the victims of improper school maintenance?' *Burns v. Board of Education*, 225 Conn. 927, 625 A.2d 825 (1993). We answer this question in the affirmative and, in the circumstances alleged by the pleadings in this case, reverse the judgment of the Appellate Court." (p. 644)

  "The plaintiffs contend that the plaintiff school child was a member of a foreseeable class of victims to whom the superintendent owed a special duty of care and, thus, the defense of governmental immunity should not lie. We agree." (p. 646)

Connecticut Appellate Court

- Palosz, Coadministrator et al. v. Town of Greenwich, 184 Conn. App. 201, 194 A.3d 885 (2018), cert. denied, 330 Conn. 930 (2018). "In this wrongful death action, the defendant, Board of Education of the Town of Greenwich, appeals from the judgment of the trial court denying its motion to strike the first count of the operative complaint filed by the plaintiffs, Anna Izabela Palosz and Franciszek Palosz, coadministrators of the estate of Bartlomiej F. Palosz (decedent), which stems from the decedent's tragic suicide. On appeal, the defendant claims that the court improperly concluded, as a matter of law, that it is not entitled to sovereign immunity from the plaintiffs' wrongful death claim, in which the plaintiffs allege, in part, that the defendant's employees failed to comply with the antibullying policy that the defendant developed and implemented pursuant to General Statutes (Rev. to 2011) § 10-222d, as amended by Public Acts 2011, No. 11-232, § 1. We affirm the judgment of the trial court." (p. 202)

"The court held that the defendant is not entitled to sovereign immunity because it was acting on behalf of the municipality, as opposed to the state, when it failed to comply with the policy. The court also held that there is no sovereign immunity protection for the defendant and its employees when their actions or omissions constitute gross, reckless, wilful, or wanton misconduct because the qualified immunity provided to them by General Statutes § 10-222/ specifically limits sovereign immunity in that regard." (pp. 206-207)

"[T]he gravamen of the plaintiffs' complaint is their allegation that the wrongful death of the decedent was caused by the defendant because its employees failed to comply with *the terms of the policy* that it had developed and implemented pursuant to § 10-222d. The narrow issue presented, therefore, is whether the defendant was acting as an agent of the state when its employees allegedly failed to comply with the terms of the policy that the defendant adopted in accordance with § 10-222d. We conclude that it was not." (pp. 211-212)

Connecticut Superior/Trial Court

- Wright v. Kompan, Inc., Superior Court, Judicial District of New Haven at Meriden, NNICV176011226S (May 27, 2021) (71 Conn. L. Rptr. 33) (2021 WL 2459791). "Connecticut law is well-established that a municipality is immune from liability for common-law negligence, unless the legislature has enacted a statute abrogating such immunity . . . Connecticut General Statutes Section 52-557n is one of those statutory exceptions. . . '[Under General Statutes § 52-557n, a municipality may be liable for the negligent acts or omissions of a municipal officer acting within the scope of his or her employment or official duties … The determining factor is whether the act or omission was ministerial or discretionary …" (p. 5)

  "The hallmark of a discretionary act is that it requires the exercise of judgment … In contrast, [m]inisterial refers to a duty which is to be performed in a prescribed manner without the exercise of judgment or discretion … In order to create a ministerial duty, there must be a city charter provision, ordinance, regulation, rule, policy, or other directive [compelling a municipal employee] to [act] in any prescribed manner." (p. 7)

  "'If a 'defendant's actions [are] discretionary, it then clearly [becomes] the plaintiffs' burden to plead and to prove the exception to that immunity.' *Haynes v. Middletown*, 122 Conn.App. 72, 80-81 (2019), reversed on other grounds, 314 Conn. 303, 101 A.3d 249 (2014)." (p. 8)

"But, the analysis does not stop there – as the court needs to consider, if the *identifiable victim/imminent harm* exception applies . . ." (p. 7)

"In considering whether this exception applies, the Supreme Court has explained that the *identifiable person-imminent harm* exception has three requirements: (1) imminent harm; (2) an identifiable victim; and (3) a public official to whom it is apparent that his or her conduct is likely to subject that victim to that harm. All three must be proven in order for the exception to apply. *Haynes v. Middletown*, 314 Conn. 303, 312-13, 101 A.3d 249 (2014)." (p. 8)

"In the case at bar, the plaintiff's exhibits do not support his claims that this accident and his resulting injuries were imminent or apparent. None of the plaintiff's supporting exhibits provide credible evidence of an unsafe condition or that the defendants were aware of such; or enough evidence to create a genuine issue of material fact on this issue. Arguably, the only semblance of some evidence is in the deposition transcript of minor plaintiff Dejon Wright, age eight (8) at the time of the accident and age eleven (11) at the time of his deposition. However, the court cannot find that his deposition testimony about the playground being unsafe constitutes admissible evidence to show an alleged defect or imminent danger claim to defeat summary judgment, even though he claims that the playground was unsafe and that he told his teachers about that before his incident. Also, the self-inspection reports from the Town of Branford found at Exhibit B in the plaintiff's opposition to the summary judgment motion further do not provide sufficient information to show any imminent danger or apparentness to justify an issue of fact for jury determination." (p. 9)

"There was insufficient evidence offered to demonstrate the existence of an unsafe condition prior to plaintiff's April 2016 incident. The court sees nothing to support a clear unequivocal duty arising as to the probability of harm to this plaintiff. Therefore, the plaintiff has not been able to satisfy the four-prong test requested for the imminent harm exception as articulated in *Williams v. Housing Authority of Bridgeport*, 159 Conn.App. at 703." (p. 10)

- Doe v. Westport Board of Education, Superior Court, Judicial District of Fairfield at Bridgeport, No. CV18-5035923 (March 28, 2019) (2019 Conn. Super. LEXIS 971). "In general, '[w]hile [a] school is not an insurer of the safety of its students, it is obligated to exercise such care over students in its charge that a parent of ordinary prudence would exercise under comparable circumstances . . .' (Internal quotation marks omitted.) *Munn v. Hotchkiss School*, 326

Conn. 540, 554, 165 A.3d 1167 (2017). Moreover, '[p]arents who have relinquished control and custody of their children to the school rightly expect that the school will exercise reasonable care, as long as their children remain under the school's custody and control.' *Strycharz v. Cady*, 323 Conn. 548, 579, 148 A.3d 1011 (2016). Nevertheless, even though the defendants had a duty to act with reasonable care, this duty does not, in and of itself, create a fiduciary duty between the defendants and the plaintiffs. See *Bass v. Miss Porter's School*, supra, 738 F. Supp. 2d 330 ('research has not revealed a single case in any state or federal court within the Second Circuit holding or even suggesting that a secondary school – public or private, boarding or day-session – or its employees owe a fiduciary duty to its students.'). Additionally, § 10-222d does not contain any provision that establishes a fiduciary relationship between a student and a teacher." (p. 5)

"As the defendant correctly argues, courts have considered the issue of whether §10-15c allows for a private cause of action and have consistently concluded that it does not. For example, the United States District Court for the District of Connecticut has previously held that there is no private right of action under §10-15c because §10-15c is only meant to be enforced specifically by the State Board of Education, pursuant to General Statutes §10-4b. . . Additionally, several Superior Court decisions have found that §10-15c does not establish a private cause of action." (pp. 15-16)

- Nicolas Gardner, By and Through His Parent and Next Friend Dallas Gardner v. Carrie E. Smith et al., Superior Court at Danbury, No. DBD-CV-17-6024080-S (January 3, 2019) (67 Conn. L. Rptr. 611). "Connecticut General Statutes § 52-557 provides: 'In any action brought by any person for personal injuries received while being transported to or from school in a vehicle owned, leased or hired by, or operated under contract with, any town, school district or other municipality, it shall be no defense that such transportation is in the line of governmental duty or is mandated by the state. In any such action brought against any town, school district or other municipality, the defense of sovereign immunity shall not be available and it shall be no defense that the transportation was being provided by an independent contractor.'

  The question of whether C.G.S. § 52-557 operates as a waiver of governmental immunity turns on whether the action is 'for personal injuries received while being transported to or from school . . .' The Board argues that the statute is limited to injuries sustained on the vehicle while being transported and notes that plaintiff's injuries were allegedly sustained after he exited the bus at a location other than his designated spot and ran across the street into oncoming traffic. . .

Applying the plain language of § 52-557 to the alleged facts of this case, it is evident the minor plaintiff was injured 'while being transported to or from school. . . .' The wrongful acts and omissions of the Board alleged all relate to safe transportation of students. The negligent act alleged to have caused the injuries was allowing the minor plaintiff to disembark at a bus stop other than the designated stop close to his home. That occurred on the bus, although the injuries were sustained shortly after he left the bus. No evidence was presented in support of this motion that there was any break in the causal link between his leaving the bus and plaintiff's injuries crossing the street from the bus stop so that it appeared as a matter of law that the defendant's responsibility for the safety of the student had concluded."

- Guarenoi v. Town of Stratford, Superior Court, Judicial District of Fairfield at Bridgeport, CV176066175S (December 19, 2018) (2018 Conn. Super. Lexis 6219). *Discussion of exception to discretionary acts government immunity for identifiable victims subject to imminent harm.*

Loss of parental consortium:

Connecticut Supreme Court

- Campos v. Coleman, 319 Conn. 36, 123 A.3d 854 (2015). "In *Mendillo* v. *Board of Education*, 246 Conn. 456, 461, 495-96, 717 A.2d 1177 (1998), this court declined to recognize a derivative cause of action for loss of parental consortium by a minor child. The primary issue presented by this case is whether we should overrule this holding in *Mendillo*. We conclude that we should." (p. 37)

  "...(H)owever, we impose the following restrictions on loss of parental consortium claims. First, loss of parental consortium claims must be joined with the parent's negligence claim whenever possible, and the jury must be instructed that only the child raising the claim can recover the pecuniary value of the parent's services....Second, and relatedly, because a loss of parental consortium action 'is derivative of the injured [parent's] cause of action, the consortium claim would be barred when the [action] brought by the injured [parent] has been terminated by settlement or by an adverse judgment on the merits.' Id. Third, a loss of parental consortium claim may be raised only by a person who was a minor on the date that the parent was injured, and damages may be awarded only for the period between the date of the parent's injury and the date that the child reaches the age of majority." (pp. 57-58)

"The defendants also contend that, if we recognize a cause of action for loss of parental consortium, we should limit liability to damages arising from injury to the parent during the parent's life and thereby preclude damages arising from the parent's death. For the reasons set forth in our decision in *Ladd v. Douglas*, 203 Conn. 187, 523 A.2d 1301 (1987), we agree with the restriction advocated by the defendants....Our reasoning in *Ladd* applies equally to loss of parental consortium claims. We therefore conclude that loss of parental consortium claims are limited to claims resulting from a parent's injury during the parent's life." (p. 58)

"In addition to adopting the foregoing limitations on liability, the fact finder necessarily must consider whether the parent's injuries were insignificant or serious, and whether they were temporary or permanent....Rather, 'the severity of the injury to the parent and its actual effect [on] the parent-child relationship ... the nature of the child's relationship with the parent, the child's emotional and physical characteristics, and whether other consortium giving relationships are available to the child; *Reagan* v. *Vaughn*, supra, 804 S.W.2d 467; are factors to be considered by the fact finder on a case-by-case basis in determining the amount of damages." (p. 60)

"No action for loss of parental consortium will be allowed, however, when a parent's 'claim for...injuries has been concluded by judgment or settlement or the running of [the] limitations [period] prior to the [issuance] of this opinion....' *Hopson* v. *St. Mary's Hospital*, supra, 496." (p. 64)

Connecticut Superior/Trial Court

- Morillo v. Georges, Superior Court, Judicial District of Hartford, No. HHD-CV15-6058761-S (Dec. 31, 2015) (61 Conn. L. Rptr. 541, 542-543) (2015 WL 9920782) (2015 Conn. Super. LEXIS 3191). "As set forth in *Campos,* a loss of parental consortium claim can only be raised by a person who was a minor child on the date that the parent was injured. A minor is defined as 'a *person* under the age of 18 who has not been legally emancipated.' (Emphasis added.) . . . Although there is no case precisely on point in Connecticut, our Supreme Court has found in analogous cases, that a child in utero has no assertible legal rights until birth. Thus, it follows that an unborn child at the time her father sustained injury is not a minor child under the law for purposes of asserting a loss of parental consortium claim. Further, damages in parental consortium cases are only available to compensate a minor child for the loss of a parent's love, care, companionship and guidance during the life of the injured parent. Since Arianna was in utero at the time of her father's death she cannot establish that she has been harmed by the injury to her father during his lifetime.

In a footnote to the *Campos* opinion, the court states that it does 'not suggest that the mere fact that a child's biological or adoptive parent has been injured automatically results in a compensable injury to the child. When the injured parent provided no affection, care, concern, guidance or services to the child prior to the injury, the child cannot establish that he or she was harmed by the injury, which is a required element of any tort claim.'"

Generally:

Connecticut Supreme Court

- Ruiz v. Victory Properties, LLC, 315 Conn. 320, 107 A.3d 381 (2015). "The plaintiffs subsequently commenced this action against the defendant, alleging that the defendant was negligent in failing to remove the loose concrete and other debris from the backyard of the apartment building and that this negligence was a cause of Adriana's injuries because it was a substantial factor in producing those injuries." (p. 325)

  "On appeal to this court following our grant of certification, the defendant contends that the Appellate Court incorrectly concluded that the defendant owed Adriana a duty of care and improperly rejected its claim that, even if the defendant did owe her such a duty, the defendant's conduct was not a proximate cause of her injuries. We disagree with both contentions and, accordingly, affirm the judgment of the Appellate Court." (pp. 327-328)

- Overlock v. Ruedemann, 147 Conn. 649, 654, 165 A.2d 335 (1960). "We see no logic or reason in affording an immunity when the plaintiff and the defendant are unemancipated minor children in the same family."

Connecticut Appellate Court

- Lowe v. City of Shelton, 83 Conn. App. 750, 756, 851 A.2d 1183 (2004), cert. denied, 271 Conn. 915. "The plaintiff's parents brought this action solely in a representative capacity as next friends. As we have noted, they did not raise any claims of their own. Accordingly, the party in interest in the underlying action and the aggrieved party to this appeal is the plaintiff, not his parents. 'It is the infant, and not the next friend, who is the real and proper party. The next friend, by whom the suit is brought on behalf of the infant, is neither technically nor substantially the party, but resembles an attorney, or a guardian *ad litem*, by whom a suit is brought or defended on behalf of another' . . .
  As nonattorneys, the plaintiff's parents lacked authorization to maintain this appeal without the appearance of an attorney."

- LaRosa v. Lupoli, 44 Conn. App. 225, 228, 688 A.2d 356 (1997), cert. den. 240 Conn. 918. "There is no requirement, whatsoever, that service be on the parent or guardian of a defendant who is a minor. The service is made in the usual way as though the defendant were of majority. E. Stephenson, Connecticut Civil Procedure (2d Ed. 1970) § 26 (j). Thus, there is no requirement for service on a parent or guardian in Connecticut when the defendant is a minor."

Connecticut Superior/Trial Court

- Jane Doe et al. v. Hewson et al., Superior Court, Judicial District of New Britain at New Britain, CV175018586 (July 23, 2018) (66 Conn. L. Rptr. 19, 737) (2018 Conn. Super. LEXIS 1508). "In count four of the amended complaint, the plaintiff alleges that Bayag owed the plaintiff a duty not to harm the plaintiff or to allow her to be harmed. In count five, the plaintiff alleges that Bayag breached the duties she owed to the plaintiff by failing to monitor and supervise her husband in order to prevent injury to the minor plaintiff." (p. 738)

  "'Sections 314A . . . and 320 . . . of the Restatement (Second) of Torts list special relations which, if existing, require one party to that relation to render protection to the other. The most important and widely recognized relation of this kind is that between an adult and a child in his custody. The duty of the adult to protect the child from harm is enhanced when the child is of tender years or is otherwise incapable of managing his own affairs. We learn this from comment b to Section 320 of the Restatement, which states that '[t]he actor who takes custody . . . of a child is properly required to give him the protection of which the custody or manner in which it is taken has deprived him.' This understanding is confirmed by comment l to the proposed version of Section 40 of the Restatement (Third) of Torts, which as adopted (though not yet published) states that '[w]hat constitutes reasonable care is contextual—the extent and type of supervision required of young elementary school pupils is substantially different from reasonable care for college students.' We also learn this from *Murdock*, which, in declining to find a duty running from the chief of police to one of his off-duty police detectives, expressly distinguished the factual situation before it from previous cases in which it had taken the position that children outside the supervision of their parents require special protection. [*Murdock v. Croughwell*, supra, 268 Conn.] at 572, 848 A.2d 363. The public policy embodied in the rule imposing a duty on adults to protect children in their custody is reflected in substantial case law which has dealt with the issue. The . . . cases show that this duty arises not only in the public school settings, but in private and other settings.' (Footnotes omitted.) *Doe v. Talabi*, Superior Court, judicial district of Hartford, Docket

No. CV 07 5009974 (August 7, 2009) (48 Conn. L. Rptr. 382)." (p. 740)

"However, there are no allegations that the defendant, Bayag, was present during these alleged overnight visits, nor are there any allegations that she arranged for the visits. . . There is no allegation that she was present in the home when any of the conduct took place, and no duty arises as a result. 'The fact that one knows that a tort is occurring at a particular location, even if one owns the location, does not translate, by itself, into a duty to the plaintiff to prevent the tort from occurring.' *Doe v. Pahl*, Superior Court, judicial district of New Britain, CV 10 5014881, 2011 Conn. Super. LEXIS 1517 (June 8, 2011). Therefore, the motion to strike count four is granted." (p. 740)

- Kwiatkiowski PPA Jamie Urkevic v. Beatty et al., Superior Court, Judicial District of Waterbury at Waterbury, No. UWY-CV-16-6033094-S (June 16, 2017) (64 Conn. L. Rptr. 719, 723) (2017 WL 3081063) (2017 Conn. Super. LEXIS 3602). "The employer-employee relationship does not create a custodial relationship, and just because the employee is a minor does not automatically necessitate a custodial relationship. An employer-child relationship is different from a hospital-child, school-child, or camp-child relationship. Adults, hospitals, schools, camps are charged with the care of a minor in their custody. Indeed, school attendance by minors is compulsory.
Employment is not mandatory for minors and is normally restricted to ages between sixteen and eighteen without additional criteria. The plaintiff provides no law in support of the action that (1) employers stand in the shoes of parents or guardians of minors in the workplace; (2) employers can deprive minor employees of their normal powers of self-protection; (3) minor employees are not free to quit their jobs at any time. Accordingly, the plaintiff has not provided any law which would support the extension of the special duty to children doctrine to this factual scenario."

WEST KEY NUMBERS:

- *Infants*
  Torts # 1191-1210
  # 1194. Nature, scope, and extent of liability and defenses thereto
  # 1195. Duty, degree, and standard of care
  # 1196. Intent, state of mind, and willful injury

- *Parent and Child*
  Parent's Claims for Injuries to Child # 321-350

DIGESTS:

- ALR Digest: *Infants*
  Torts, §§ 1191-1200
  Actions, §§ 1231-1369

- ALR Digest: *Parent and Child*
  - VI. Rights, Duties, and Liabilities Concerning Relation
    - (C) Parent's Claims for Injuries to Child
      - 322. Existence, nature, and grounds of action
      - 328. Persons entitled to sue or recover; standing
      - 333. Defenses in general
      - 334. Waiver
      - 335. Limitations and laches
      - 336. Contributory negligence of parent
      - 337. Contributory negligence of child
      - 338. Proceedings

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 42 *Am Jur 2d* Infants, Thomson West, 2020 (Also available on Westlaw).
  - VI. Actions Involving Infants §§ 133-217
    - A. Actions Involving Infants, in General §§ 133-141
    - B. Representation of Infants, §§ 142-185
      - § 142. Representation of Infants, generally; distinction between guardian ad litem and next friend
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    - G. Judgment and Decrees; Appeals in Actions Involving Infants §§ 206-217

- 59 *Am Jur 2d* Parent and Child, Thomson West, 2023 (Also available on Westlaw).
  - VIII. Actions Involving Parent and Child
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        - § 103. What law governs between parent and child
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§ 135. Contributory, comparative, or imputed negligence as defense in action by parent for tort against child
§ 136. —Negligence of child
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Torts, §§ 382-397
§ 372. Liability of infant for torts, generally
§ 374. Immunity of infant from tort liability
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§ 377. Standard of care required of infant
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§ 380. Infant's contributory negligence
§ 383. Liability of infant for malicious or intentional injuries
§ 384. Liability of infant for torts connected with contracts
§ 386. Liability of infant for fraud and false representations

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§ 388. Criminal capacity and responsibility of infant
§ 389. —Presumptions as to capacity
§ 390. Prosecution under youthful offender status
§ 391. —Under federal law

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2. Tort liability and actions between parent and child
§ 326. Tort action by parent against child
§ 327. Tort action by child against parent
§ 328. —Public policy reasons behind parental immunity doctrine
§ 329. —Limitations and exceptions to rule
§ 330. —Abolishment of rule

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ALR Annotations

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References to online databases refer to in-library use of these databases. Remote access is not available.

child?
§ 5.03. When can a child sue his or her parents?
§ 5.04. Procedures for bringing a suit by or on behalf of a minor
§ 5.05. Checklist for issues related to minors
§ 5.06. Form for issues relating to minors

- *Connecticut Law of Torts*, 4th ed., by Douglass B. Wright et al., Atlantic Law Book Co., 2018, with 2023 supplement.
  § 76. Actions by or against a child
  § 78. Parent and child

- 3 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris et al., 2025 ed., Thomson West (also available on Westlaw).
  § 70:1. Action against minor and parents for injury to another minor—Commentary
  § 70:2. Complaint against minor and parents for injury to another minor

- *Tort Remedies in Connecticut*, by Richard L. Newman and Jeffrey S. Wildstein, LexisNexis, 1996, with 2014 supplement.
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  § 5.3. Actions by or against a minor
  (a). Parent-child immunity
  (b). Suits by or on behalf of minors
  (c). Limitations of actions

- 1 *Legal Rights of Children*, 3d ed., by Thomas R. Young, 2024-2025 ed., Thomson West (also available on Westlaw).
  Chapter 9. Children and the Law of Torts
  II. Parental Torts and the Family Immunity Doctrine
  § 9:10. New and emerging torts
  § 9.11. Parental torts against children and the family immunity doctrine
  § 9.12. Judicial erosion of the parental or family immunity doctrine
  § 9:13. Exceptions to the parental immunity doctrine

- 2 *Children and the Law: Rights & Obligations*, By Thomas A. Jacobs and Natalie C. Jacobs, 2025 edition, Thomson West (also available on Westlaw).
  Chapter 11. General Considerations
  III. Rights, Privileges and Liabilities of Child
  § 11:9. Capacity to contract
  § 11:13. Capacity to sue and be sued

LAW REVIEWS:

- Lisa Gentile, *Parental Civil Liability for Torts of Minors*, 16 J. Contemp. Legal Issues 125 (2007).

Public access to law review databases is available on-site at each of our law libraries.

- Melissa B. Gosart-Convertito, *Casenotes, Ascuitto V. Farricielli: Connecticut's Failure To Reform Familial Tort Liability*, 19 Quinnipiac Law Review 581 (2000).

- Kathryn Calibey, *Connecticut's Parent-Child Immunity Doctrine*, 65 Connecticut Bar Journal 210 (1991).
  Includes in Appendix, "State Survey of Parent-Child Immunity in Negligence Action," pp. 220-223

- H. Peter Young, *Harmony or Dissonance? Dzenutis v. Dzenutis and the Policy Justifications for Parental Immunity in Connecticut*, 19 Conn. L. Rev. 679 (1987).

Contributory Negligence

CASES:

- Stafford v. Roadway, 312 Conn. 184, 93 A.3d 1058 (2014). "Specifically, the defendant claims that the existence of the claim of negligent service of alcohol to minors does not operate to wholly exempt minors from the consequences of their actions while intoxicated and that allowing the defense of contributory negligence allows the jury properly to consider the relative negligence of the minor depending on his or her age and experience. We agree with the defendant." (p. 189)

- "In the present case, the plaintiff asserts that the trial court should never have given the instruction on contributory negligence because this court's recognition of a cause of action for negligent service of alcohol to minors in *Ely v. Murphy,* supra, 207 Conn. at 88, 540 A.2d 54, means that a person under the age of twenty-one is incompetent as a matter of law to be contributorily negligent. We disagree." (pp. 189-190)

- "A close examination of *Ely* demonstrates that this court held that the consumption of alcohol by a minor does not automatically bar a finding of proximate cause. It did not, however, state that a minor's actions could not be taken into account in determining liability. Indeed, the holding in *Ely* incorporated an understanding that a minor's incompetence to deal responsibly with the effects of alcohol will vary depending on one's age and experience. See id., at 94, 540 A.2d 54." (pp. 190-191)

- "Allowing the jury to consider the special defense of contributory negligence in a claim for negligent service of alcohol to minors does not violate the rule announced in *Ely.* Instead, it allows the jury to consider, under the facts of a particular case, based on the minor's age and experience, the relative negligence of the parties. There is no indication in *Ely* that we intended to adopt the doctrine of strict liability in this type of situation. When we have adopted this doctrine in the past we have done so explicitly." (p. 191)

- "Moreover, Connecticut law has long recognized that minors can be contributorily or comparatively negligent for causing their own injuries. More than ninety years ago, this court considered this issue in the case of *Rutkowski v. Connecticut Light & Power Co.,* 100 Conn. 49, 123 A. 25 (1923)." (p. 191)

- Hernandez v. Dawson, 109 Conn. App. 639, 642, 953 A.2d 664 (2008). "'Contributory negligence is a question of fact to be determined by the trier from all the circumstances. The burden of proof is on the defendant. Where the trier concludes that one is free from contributory negligence, that conclusion must stand unless the conduct involved is manifestly contrary to that of the reasonably prudent ... [person].... When the actor is a child, the conduct of that child is to be measured by that which may reasonably be expected of children of similar age, judgment and experience.' (Citations omitted; internal quotation marks omitted.)

Clennon v. Hometown Buffet, Inc., 84 Conn. App. 182, 188-89, 852 A.2d 836 (2004)."

JURY INSTRUCTIONS:

- 1 *Connecticut Jury Instructions (Civil)*, 4th ed., by Douglass B. Wright and William L. Ankerman, Atlantic Law Book Co., 1993, with 2023 supplement.
  - § 131. Contributory negligence of a child
  - § 134a. Concurrent negligence of parent
  - § 179. Contributory negligence—Child

COURT RULES:

- Connecticut Practice Book (2026)
  Chapter 10. Pleadings
  - § 10-53. —Pleading Contributory Negligence

  Chapter 17. Judgments
  - § 17-37. —Notice of Defense to Be Specific

FORMS:

- 3 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris et al., 2025 ed., Thomson West (also available on Westlaw).
  - § 62:8 Contributory (comparative) negligence

- 14A *Am Jur Pleading & Practice Forms* Infants, Thomson West, 2025 (Also available on Westlaw).
  - § 95. Answer—Defense—Parents' failure to control child's actions as contributory negligence imputable to infant

DIGESTS:

- ALR Digest: *Parent and Child*
  - VI. Rights, Duties, and Liabilities Concerning Relation
    - (C) Parent's claims for injuries to child
      - 336. Contributory negligence of parent
      - 337. Contributory negligence of child

WEST KEY NUMBERS:

- *Negligence*
  - XVI. Defenses and mitigating circumstances
    - #535. Plaintiff's conduct or fault—Diminished capabilities
      - (3). Infants
      - (5). —Capacity for contributory fault

- *Parent and Child*
  VI. Rights, duties, and liabilities concerning relation
  (E) Parent's liability for torts or misconduct of child
  363. Duty of parent; parent's own negligence

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  2. Tort Actions Against Child
  c. Defenses
  § 135. Contributory, comparative, or imputed negligence
  § 136. —Negligence of child

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  VI. Torts
  B. Particular Torts
  1). Negligence
  § 380. Infant's contributory negligence

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- 11 *POF3d* 503, *Motor Vehicle Accidents—Contributory Negligence by Bicyclist*, by Russell L. Wald, Thomson West, 1991 (also available on Westlaw).