

2010 Edition

Torts of Minors in Connecticut

- **Tort:** "Breach of a statutory duty or one imposed by case law, and not by a contract, is a tort." A & S Council Oil Co., Inc. v. Saiki, 799 F. Supp. 1221, 1230 (D.D.C. 1992).
- "A tort is defined to be a wrong independent of contract . . ." 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 general, the tort must be in the breach of a legal duty comprising three distinct elements, to-wit: (a) Existence of legal duty from defendant to plaintiff; (b) breach of that duty; and (c) the damage as a proximate result." Laclede Steel Co. v. Silas Mason Co., 67 F. Supp. 751, 759 (D. Louisiana, 1946).
- "Under General Statute § 52-217, in actions for recovery of damages for injury to person or property, a minor under sixteen is entitled to have the trier of fact determine whether his violation of a statutory duty was negligence, while one sixteen years of age or older is subject to the general rule that the violation of an applicable statute is negligence per se." Moore v. Bunk, 154 Conn. 644, 648, 228 A.2d 510 (1967).

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These guides are provided with the understanding that they represent only a beginning to research.

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The links to cases in this guide are to advance release slip opinions and are for informational purposes only.

§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. STATS. § 52-217](#) (2009).
 - **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. STATS. (2009).
[Chapter 435](#). Dogs and other companion animals
[§ 22-357](#). Damage to person or property
[Chapter 900](#). Court practice and procedure
[§ 52-217](#). Violation of statute by minor

- FORMS:**
- [3A CONN. PRACTICE BOOK](#) (2004).
FORM 804.9. Action against minor and parents for injury to another minor
 - 14 [AM JUR PL & PR FORMS](#) *Infants* (2004 Revision).
§ 96. Complaint, petition, or declaration—Against infant—Fraudulent misrepresentation of age inducing contract
§ 97. Complaint, petition, or declaration—Against infant and parent—Negligent entrustment of weapon

- JURY INSTRUCTIONS:**
- DOUGLASS B. WRIGHT AND WILLIAM L. ANKERMAN, [CONNECTICUT JURY INSTRUCTIONS](#) (CIVIL) (4th ed. 1993).
§ 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
 - 14 [AM JUR PL & PR FORMS](#) *Infants* (2004 Revision).

- § 83. Instruction to jury—Misrepresentation of age constituting fraud
- § 94. Instruction to jury—Standard of care required of infant—Personal injury case
- § 98. Instruction to jury—Standard of care required of infant
- § 99. Instruction to jury—Standard of care required of infant—Alternate form

CASES:

- Ulitsch v. Pinamang, No. CV93-0527442-S, (Feb. 4, 1998), 1998 WL 61918. "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 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, No. CV95 32 13 78 S (Dec. 13, 1995), 1995 WL 781424. "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."

WEST KEY NUMBER:

- *Infants*
 - Torts # 59-64
 - # 59. Liability in general
 - # 60. Wilful injuries
 - # 61. Negligence
 - # 62. False representation

63. Acts continued after majority

64. Damages

DIGESTS:

- [ALR DIGEST: Infants](#)
Capacities, disabilities, and liabilities, §§ 34-42
Torts, §§ 37-42

ENCYCLOPEDIAS:

- 42 [AM JUR 2d Infants](#) (2000).
Liability for torts §§ 127-148
§§ 127-130. In general
§§ 131-142. Negligence; standard of care
§§ 143-148. Torts connected with contracts
- 59 [AM JUR 2d Parent & Child](#) (2002).
§ 105. Offenses of child against parents
- 43 [C.J.S. Infants](#) (2004).
VI. Torts
A. In General
§ 276. Liability of infant, generally
§ 277. Liability when acting at the direction or in concert with another; liability under agency theory
§ 278. Immunity from liability
§ 279. Damages
B. Particular Torts
§ 280. Generally
§ 281. Standard of care
§ 282. Standard of care—When infant can be held to adult standard of care, generally
§ 283. Standard of care—Operation of motor vehicle
§ 284. Infant's contributory negligence
§ 285. Infant's liability for the negligence of another
§ 286. Presumption of intentional injury
§ 287. Malicious or intentional injuries
§ 288. Torts connected with contracts
§ 289. Torts connected with torts—Bailment
§ 290. Fraud and false representations
§ 291. Fraud and false representations—Misrepresentation as to age

ALR Annotations

- Donald Paul Duffala, Annotation, *Modern Trends As To Contributory Negligence Of Children*, 32 ALR4th 56 (1984).
- Donald Paul Duffala, Annotation, *Modern Trends As To Tort Liability Of Child Of Tender Years*, 27 ALR4th 15 (1984).
- Wade R. Habeeb, Annotation, *Weapons: Application Of Adult Standard Of Care To Infant Handling Firearms*, 47 ALR3d 620 (1973).
- A.D. Kaufman, Annotation, *Infant's Misrepresentation As To His Age As Estopping Him From Disaffirming His Voidable Transaction*, 29 ALR3d 1270 (1970).

Proof of Facts

- *Negligence of bicyclist*, 12 POF3d 247 (1991).
- *Motor Vehicle Accidents—Contributory negligence by bicyclist*, 11 POF3d 503 (1991).

TEXTS & TREATISES:

- DOUGLASS B. WRIGHT ET AL., [CONNECTICUT LAW OF TORTS](#) (3rd ed. 1991).
§ 73. Liability of infant in tort

§ 74. Standard of care for a child

§ 75. Actions by or against a child

- JOEL M. KAYE ET AL., [3A CONNECTICUT PRACTICE](#), PRACTICE BOOK ANNOTATED (2004).
Authors' comments following Form 804.9, pp. 63-66
- RICHARD L. NEWMAN AND JEFFREY S. WILDSTEIN, [TORT REMEDIES IN CONNECTICUT](#) (1996).
Chapter 5. Minors
§ 5-1. Tort liabilities of minors
 - (a). Intent and standard of care
 - (b). Conn. Gen. Stat. § 52-217
 - (c). Compared with adult conduct
- DONALD T. KRAMER, [LEGAL RIGHTS OF CHILDREN](#) (REV. 2D ED. 2004).
Chapter 9. Children and the law of torts
Torts committed by children, §§ 9.01 - 9.04
 - § 9.1. Intentional torts
 - § 9.2. Negligence actions involving children
 - § 9.3. —Adult standards applied to children

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Table 1: Damage to Person or Property

Conn. Gen. Stats. § 22-357 (2009)

If any dog does any damage to either the body or property of any person, the owner or keeper, or, if the owner or keeper is a minor, the parent or guardian of such minor, shall be liable for such damage, except when such damage has been occasioned to the body or property of a person who, at the time such damage was sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such 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 thereof shall be upon the defendant in such action.

Table 2: Violation of Statute by Minor

Conn. Gen. Stats. § 52-217 (2009)

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.

Figure 1: Action 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.

§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. STATS. § 52-572](#) (2009).
- **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. Willfulness 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 A. 950; [Simenauskas v. Connecticut Co.](#), 102 Conn. 676, 129 A. 790; 20 R. C. L. p. 21." [Rogers v. Doody](#), 119 Conn. 532, 534, 178 A. 51 (1935).

STATUTES:

- CONN. GEN. STATS. (2009).
 - [Chapter 1](#). Construction of statutes
 - [§ 1-1d](#). "Minor," "Infant," "Infancy," "Age Of Majority," defined.
 - [Chapter 435](#). Dogs and other companion animals
 - [§ 22-357](#). Damage to person or property
 - [Chapter 815t](#). Juvenile matters
 - [§ 46b-140\(d\)](#). Disposition upon conviction 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:

- *George Coppolo, Parental Liability And Victims Rights*, CONNECTICUT GENERAL ASSEMBLY. OFFICE OF LEGISLATIVE RESEARCH REPORT no. 98-R-0312. <http://www.cga.ct.gov/ps98/rpt/olr/98-r-0312.doc>
- *Susan Price, Parental Liability for Damages Caused by 16 & 17 Year-Old Children*, CONNECTICUT GENERAL ASSEMBLY. OFFICE OF LEGISLATIVE RESEARCH REPORT no. 2006-R-0213. <http://www.cga.ct.gov/2006/rpt/2006-R-0213.htm>

FORMS:

- [3A CONN. PRACTICE BOOK](#) (2004).
FORM 804.9. Action against minor and parents for injury to another minor
- 19 [AM JUR PL & PR FORMS](#) *Parent and Child* (2007 Rev.).
Liability of parent for acts of child
 - § 109. Complaint, petitions, or declarations—Injury to property by minor
 - § 110. Complaint, petitions, or declarations—Injury inflicted by minor child using hammer and butcher knife—Negligent failure to control child
 - § 111. Complaint, petitions, or declarations—Injury, inflicted by minor child—Negligent failure to control child
 - § 112. Complaint, petitions, or declarations—Injury inflicted by minor child with gun—Negligence of parent in leaving gun accessible to child
 - § 113. Complaint, petitions, or declarations—Against parent and minor child—Injury inflicted by minor child with gun—Negligent entrustment of firearm
 - § 114. Complaint, petitions, or declarations—Injury inflicted by minor child using air rifle—Negligence of parents in entrusting air rifle to minor child
 - § 115. Complaint, petitions, or declarations—For damages to automobile taken by defendant's minor child—Statutory liability
 - § 116. Complaint, petitions, or declarations—Allegation—Parents' failure to exercise proper control over child

JURY INSTRUCTIONS:

- DOUGLASS B. WRIGHT AND WILLIAM L. ANKERMAN, [CONNECTICUT JURY INSTRUCTIONS](#) (CIVIL) (4th ed. 1993).
§ 517. Parent's liability for misconduct of child

CASES:

- [Pike v. Bugbee](#), 115 Conn.App. 820, 974 A.2d 743 (2009), cert. granted, 293 Conn. 923 (2009). "The plaintiff could not prevail on his claim that count thirteen set forth a legally sufficient cause of action for parental liability pursuant to statute (§ 52-572 [a]); the complaint lacked a specific allegation concerning the status of B as a minor and did not reference § 52-572 (a), which would have indicated the plaintiff's intention to allege the vicarious liability of W and J for the actions of their minor son, and the status of B as a minor was not a reasonable inference that could be derived from the facts alleged."
- [Robyn v. Palmer-Smith](#), No. CV99-0174453S, 2001 WL 237112 (Feb. 20, 2001). "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."

- 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 willfully 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. 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 veracious 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 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
NUMBER:**

- *Parent and Child*
 - #13.5. Torts
 - (1). In general
 - (2). Liability for torts or misconduct of child in general
 - (4). Negligent supervision or control of child by parent
 - (5). Proceedings

DIGESTS:

- [ALR DIGEST: Parent and Child](#)
§ 11. Liability for child's torts, negligence, or crimes

ENCYCLOPEDIAS:

- 59 [AM JUR 2d](#) *Parent & Child* (2002).
Liability of parent for conduct of children; Offenses of child against parents §§ 96-105
§ 96. Generally
§ 97. Where instrumentality is entrusted or accessible to child
§ 98. —Gun
§ 99. Failure to control child
§ 100. Tort of insane or mentally deficient child
§ 101. Liability of parent as employer or principal
§ 102. When parent directs, consents to, or ratifies act of child
§ 103. Statutory liability
§ 104. Criminal responsibility
- 67A [C.J.S.](#) *Parent & Child* (2002).
Tort liability and rights of action, §§ 309-344
Liability of parent for torts of child
§ 309. Generally
§ 310. Acts of child as agent of parent
§ 311. Negligence of parent as cause of injury
§ 312. Negligence of parent as cause of injury—Negligent supervision, control, or entrustment
§ 313. Actions
§ 314. Actions—Evidence
§ 315. Actions—Questions of fact
Special parental relationships
§§ 345-350. Persons in loco parentis
§§ 351-356. Stepparents
§§ 357-358. Grandparents

ALR Annotations

- Marjorie A. Shields, *Liability Of Parent Or Person In Loco Parentis For Personal Tort Against Minor Child—Willful Or Malicious Act*, 118 ALR5th 513 (2004).
- Kimberly C. Simmons, *Liability Of Adult Assailant's Family To Third Party For Physical Assault*, 25 ALR5th 1 (1994).
- Michael J. Yaworsky, *Jurisdiction Or Power Of Juvenile Court To Order Parent Of Juvenile To Make Restitution For Juvenile's Offense*, 66 ALR4th 985 (1988).
- Donald Paul Duffala, *Modern Trends As To Tort Liability Of Child Of Tender Years*, 27 ALR4th 15 (1984).
- Wanda Ellen Wakefield, *Liability Of Donor Of Motor Vehicle For Injuries Resulting From Owner's Operation*, 22 ALR4th 738(1983).
- Eunice A. Eichelberger, *Criminal Responsibility Of Parent For Act Of Child*, 12 ALR4th 673 (1982).
- Bruce I. McDaniel, *Liability Of Owner Of Powerboat For Injury Or Death Allegedly Caused By One Permitted To Operate Boat By Owner*, 71 ALR3d 1018 (1976).
- George Priest, *Liability of Parent For Injury Caused By Child Riding Bicycle*, 70 ALR3d 611 (1976).
- Wade R. Habeeb, *Parents' Liability For Injury Or Damage Intentionally Inflicted By Minor Child*, 54 ALR3d 974 (1973).
- B.C. Ricketts, *Validity and Construction of Statute Making Parents Liable For Torts Committed By Their Minor Children*, 8 ALR3d 612 (1966).

Proof of Facts

- *Parental Failure To Control Child*, 45 POF2d 549 (1986).
- *Negligence of bicyclist*, 12 POF3d 247 (1991).
- *Motor Vehicle Accidents—Contributory negligence by bicyclist*, 11 POF3d 503 (1991).

**TEXTS &
TREATISES:**

- DOUGLASS B. WRIGHT ET AL., [CONNECTICUT LAW OF TORTS](#) (3rd ed. 1991).
§ 77. Parent and child
- JOEL M. KAYE ET AL., [3A CONNECTICUT PRACTICE](#), PRACTICE BOOK ANNOTATED (1996).
Authors' comments following Form 804.9, pp. 47-50.
- RICHARD L. NEWMAN AND JEFFREY S. WILDSTEIN, [TORT REMEDIES IN CONNECTICUT](#) (1996).
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
- DONALD T. KRAMER, [LEGAL RIGHTS OF CHILDREN](#) (Revised Second ed.).
Chapter 9. Children and the law of torts
Torts committed by children, §§ 9.01 - 9.04
§ 9.4. Parental responsibility for tortious acts of children
- [RESTATEMENT OF THE LAW OF TORTS 2D](#)
§ 316. Duty of parent to control conduct of child

LAW REVIEWS:

- 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 BRIDGEPORT LAW REVIEW 99 (1986).
- Richard G. Kent, *Parental Liability For Torts Of Children*, 50 CONNECTICUT BAR JOURNAL 452 (1976).

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Table 3: Parental liability for torts of minors

Conn. Gen. Stats. § 52-572 (2009)
(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 wilfully 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.

§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.
- DEFINITIONS:**
- **Next friend:** "Under our practice an action on behalf of a minor is properly brought by the minor by next friend." Tulin v. Tulin, 124 Conn. 518, 522, 200 A. 819 (1938).
 - **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).
 - **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.
 - **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).
- STATUTES:**
- CONN. GEN. STATS. (2009).
[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
[§ 52-572c](#). Parent-child immunity abrogated in certain negligence actions
- FORMS:**
- [3A CONN. PRACTICE BOOK](#) (1997).

FORM 804.9. Action against minor and parents for injury to another minor

- 14 [AM JUR PL & PR FORMS](#) *Infants* (2004 Revision).
 - § 90. Complaint, petition, or declaration—Against department store—False imprisonment of minor
 - § 91. Complaint, petition, or declaration—Allegation—Against manufacturer of drug—Birth defects resulting from drug
 - § 96. Complaint, petition, or declaration—Against infant—Fraudulent misrepresentation of age inducing contract
 - § 97. Complaint, petition, or declaration—Against infant and parent—Negligent entrustment of weapon
- 19 [AM JUR PL & PR FORMS](#) *Parent and Child* (2007)
 - § 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. By parent—For loss of service of minor child injured while employed in dangerous occupation

JURY INSTRUCTIONS:

- 1 DOUGLASS B. WRIGHT AND WILLIAM L. ANKERMAN, [CONNECTICUT JURY INSTRUCTIONS](#) (CIVIL) (4th ed. 1993).
 - § 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
- 14 [AM JUR PL & PR FORMS](#) *Infants* (2004).
 - § 207. Instruction to jury—Standard of care required of infant
 - § 208. Instruction to jury—Standard of care required of infant—Alternate form
 - § 209. Instruction to jury—Standard of care required of infant—Personal injury case
 - § 210. Instruction to jury—Standard of care required of infant—Conclusive presumption against contributory negligence of child of very tender years
 - § 213. Instruction to jury—Misrepresentation of age constituting fraud

CHECKLIST:

- 19 [AM JUR PL & PR FORMS](#) *Parent and Child* (2007).
 - § 134. Checklist—Drafting a complaint in parent's action for damages resulting from tortious injury to child

CASES:

- [Crotta v. Home Depot, Inc.](#), 249 Conn. 634, 644-645, 732 A.2d 767 (1999). "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."
- [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."
- Ascutto v. Farricielli, 244 Conn. 692, 701, 711 A.2d 708 (1998). "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."
- LaRosa v. Lupoli, 44 Conn. App. 225, 228, 688 A.2d 356 (1997), cert. den. 240 Conn. 918. "Thus, there is no requirement for service on a parent or guardian in Connecticut when the defendant is a minor."
- 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.
- 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."

**WEST KEY
NUMBER:**

- *Infants*
Torts # 59-64
59. Liability in general
60. Wilful injuries
61. Negligence
62. False representation
63. Acts continued after majority
64. Damages

DIGESTS:

- ALR DIGEST: Infants
Capacities, disabilities, and liabilities, §§ 34-42
Torts, §§ 37-42

ENCYCLOPEDIAS:

- 42 AM JUR 2d Infants (2000).
Actions §§ 149-235
Representation of infant, §§ 158-201
§ 158. Generally; distinction between next friend and guardian ad litem
§ 168. Qualifications of representative; generally
§ 169. Disqualification of representative
- 59 AM JUR 2d Parent & Child (2002).
Actions involving parent and child §§ 106-121
§§ 106-107. In general
§§ 110-121. Child against parent
- 43 C.J.S. Infants (1978).
Torts, §§ 189-195
§ 276. Liability of infant generally
§ 277. Malicious or intentional injuries
§ 278. Torts connected with contracts
§ 290. Fraud and false representations
§ 191. Generally; capacity and responsibility – Presumptions as to capacity
§ 294. Prosecution under youthful offender status
§ 295. Prosecution under youthful offender status – Under federal law
- 67A C.J.S. Parent & Child (2002).
Tort liability and actions between parent and child
§ 316. Parent against child
§ 317. Child against parent

- § 318. Child against parent—Limitations to rule
- § 319. Child against parent—Exceptions to rule
- § 320. Child against parent—Abolishment of rule

ALR Annotations

- Elaine Marie Tomko, Annotation, *Liability Of Motorist For Injury To Child On Skateboard*, 24 ALR5th 780 (1994).
- Russell G. Donaldson, Annotation, *Running Of Limitations Against Action For Civil Damages For Sexual Abuse Of Child*, 9 ALR5th 321 (1993).
- Annotation, *Workers' Compensation Statute As Barring Illegally Employed Minor's Tort Action*, 77 ALR4th 844 (1990).
- John H. Derrick, Annotation, *Tolling Of Statute Of Limitations, On Account Of Minority Of Injured Child, As Applicable To Parent's Or Guardian's Right Of Action Arising Out Of Same Injury*, 49 ALR4th 216 (1986).
- Donald Paul Duffala, Annotation, *Modern Trends As To Contributory Negligence Of Children*, 32 ALR4th 56 (1984).
- Donald Paul Duffala, Annotation, *Modern Trends As To Tort Liability Of Child Of Tender Years*, 27 ALR4th 15 (1984).
- Romualdo P. Eclavea, Annotation, *Liability Of Parent For Injury To Unemancipated Child Caused By Parent's Negligence—Modern Cases*, 6 ALR4th 1066 (1981).

Proof of Facts

- *Negligence of bicyclist*, 12 POF3d 247 (1991).
- *Motor Vehicle Accidents—Contributory negligence by bicyclist*, 11 POF3d 503 (1991).

TEXTS & TREATISES:

- DOUGLASS B. WRIGHT ET AL., [CONNECTICUT LAW OF TORTS](#) (3rd ed. 1991).
§ 75. Actions by or against a child
- JOEL M. KAYE ET AL., [3A CONNECTICUT PRACTICE](#), PRACTICE BOOK ANNOTATED (2004).
Authors' comments following Form 804.9, pp. 63-66.
- RICHARD L. NEWMAN AND JEFFREY S. WILDSTEIN, [TORT REMEDIES IN CONNECTICUT](#) (1996).
Chapter 5. Minors
§ 5.3. Actions by or against a minor
 - (a). Parent-child immunity
 - (b). Suits by or on behalf of minors
 - (c). Limitations of actions
- DONALD T. KRAMER, [LEGAL RIGHTS OF CHILDREN](#) (Revised second edition).
Chapter 9. Children and the law of torts
 - § 9:7. Parental torts against children and the family immunity doctrine
 - § 9:8. —Judicial erosion of the immunity doctrine
 - § 9:9. —Exceptions to the parental immunity doctrine
 - § 9:10. Expanding parental liability for torts against children
 - § 9:11. Parental discretion and the family relationship
 - § 9:12. Child's duty to parents

LAW REVIEWS:

- Melissa B. Gosart-Convertito, Casenote, *Ascutto 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 CONN. B.J. 210 (1991).

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* Originally compiled by Lawrence Cheeseman, retired Connecticut Judicial Branch Supervising Law Librarian.

Table 4: Doctrine of Parental Immunity in Connecticut

Doctrine of Parental Immunity in Connecticut	
<p><u>Ascutto v. Farricielli</u>, 244 Conn. 692, 693, 711 A.2d 708 (1998)</p>	<p>"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>
<p><u>Richardson v. Schochat</u>, no. LPL-CV-97-0398264S (Conn. Super. Ct., New Haven, Jan. 29, 1998)</p>	<p>"Intentional parental conduct . . . may not be protected by the doctrine of parental immunity." [Ingression of lead paint].</p>
<p><u>Squeglia v. Squeglia</u>, No. 323748 (Conn. Super. Ct. J.D. New Haven, Jul. 14, 1993), 8 C.S.C.R. 984</p>	<p>"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."</p>
<p><u>Ficarra v. Southern Connecticut Gas Co.</u>, No. CV910289172s (Conn. Super. Ct. J.D. Bridgeport, Aug. 21, 1992)</p>	<p>"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, <i>Dzenutis</i>, id. 301, nevertheless in Connecticut the doctrine has not been abrogated in cases of negligent supervision. <i>Dubay v. Irish</i>, supra at 527; <i>Pettengill v. Pettengill</i>, 18 Conn. App. 557, 559 (1989); <i>White v. Men-Boz, Inc.</i>, 4 CSCR 623 (July 21, 1989, Schaller, J.)."</p>

<p><u>Dzenutis v. Dzenutis</u>, 200 Conn. 290, 291, 512 A.2d 130 (1986).</p>	<p>"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 any 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."</p>
<p>Encyclopedias</p>	<ul style="list-style-type: none"> • Marjorie A. Shields, Annotation, <i>Liability of parent or person in loco parentis for personal tort against minor child—Sexual Abuse</i>, 125 ALR5th 133 (2005). • Marjorie A. Shields, Annotation, <i>Liability Of Parent Or Person In Loco Parentis For Personal Tort Against Minor Child—Willful Or Malicious Act</i>, 118 ALR5th 513 (2004).
<p>Text & Treatises</p>	<p>DOUGLASS B. WRIGHT ET AL. CONNECTICUT LAW OF TORTS (3rd ed. 1991). § 77. Parent and child.</p>
<p>Law Reviews</p>	<p>Kathryn Calibey, <i>Connecticut's Parent-Child Immunity Doctrine</i>, 65 CONN. B.J. 210 (1991).</p>