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2018 Edition

Torts of Minors in Connecticut

A Guide to Resources in the Law Library

Table of Contents

Introduction	3
Section 1: Tort Liability of Minors	4
Figure 1: Action against Minor and Parents for Injury to another Minor	9
Section 2: Parental Liability for Torts of Minors	11
Section 3: Tort Actions By or Against Minors.....	21

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Introduction

A Guide to Resources in the Law Library

- **Tort:** "When 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" [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).
- "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 fact 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 become, under General Statutes , 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](#) (2017).
- **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:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stats. (2017)
 - [Chapter 435](#). Dogs and other companion animals
 - § [22-357](#). Damage to person or property
 - Amended by [P.A. 17-12](#), An Act Concerning Liability for Damage Caused by a Dog Assigned to a Law Enforcement Officer.
 - [Chapter 900](#). Court practice and procedure
 - § [52-217](#). Violation of statute by minor

FORMS:

- 3A [Connecticut Practice Series, Civil Practice Forms](#) (2004).
Form 804.9. Action against minor and parents for injury to another minor
- 14A [Am Jur Pl & Pr Forms Infants](#) (2013).
§ 99. Complaint, petition, or declaration—Against infant—
Fraudulent misrepresentation of age inducing contract
§ 100. 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
- 14A [Am Jur Pl & Pr Forms Infants](#) (2013).
§ 81. Instruction to jury—Misrepresentation of age constituting fraud
§ 102. Instruction to jury—Standard of care required of infant—Personal injury case—As compared to adult
§ 103. Instruction to jury—Standard of care required of infant—As compared to children of like age
§ 104. 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.

- [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 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 C.G.S. 52-217."
- [Gangemi v. Beardsworth](#), Superior Court, Judicial District of Fairfield at Bridgeport, No. CV95 32 13 78 S (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."

WEST KEY NUMBER:

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

DIGESTS:

- [ALR Digest](#): ***Infants***
 - Torts, §§ 59-64
 - Actions, §§ 70-116

ENCYCLOPEDIAS:

- 42 [Am Jur 2d](#) ***Infants*** (2010).
 - Liability for torts §§ 116-136
 - §§ 116-119. In general
 - §§ 120-131. Negligence; standard of care
 - §§ 132-136. Torts connected with contracts

- 59 [Am Jur 2d Parent & Child](#) (2012).
§ 96. Offenses of child against parents
- 43 [C.J.S. Infants](#) (2014).
 - VI. Torts
 - A. In General
 - § 362. Liability of infant, generally
 - § 363. Liability when acting at the direction or in concert with another; liability under agency theory
 - § 364. Immunity from liability
 - § 365. Damages
 - B. Negligence
 - 1). Damages
 - § 366. Generally
 - § 367. Standard of care
 - § 368. Standard of care—When infant can be held to adult standard of care, generally
 - § 369. Standard of care—Operation of motor vehicle
 - § 370. Infant’s contributory negligence**
 - § 371. Infant’s liability for the negligence of another**
 - § 372. Presumption of negligence
 - 2). Other Particular Torts
 - § 373. Malicious or intentional injuries
 - § 374. Torts connected with contracts
 - § 375 Torts connected with contracts—Bailment
 - § 376. Fraud and false representations
 - § 377. Fraud and false representations—Misrepresentation as to age

ADDITIONAL RESOURCES:

ALR Annotations

- Donald Paul Duffala, Modern Trends as to Tort Liability of Child of Tender Years, 27 [ALR4th](#) 15 (1984).
- Donald Paul Duffala, Modern Trends as to Contributory Negligence of Children, 32 [ALR4th](#) 56 (1984).

Proof of Facts

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

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

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

§ 75. Actions by or against a child

- Joel M. Kaye et al., 3A [Connecticut Practice Series, Civil Practice Forms](#) (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
- Thomas R. Young, [Legal Rights of Children 3d](#) (2015-2016) 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
 - § 9.4. Parental responsibility for tortious acts of children
 - § 9.5. Tort waiver and legal rights of children
- Frederic S. Ury and Neal L. Moskow, [Connecticut Torts: The Law and Practice](#) (2015).
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

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

2 Conn. Practice Book (1978)
Form 804.9

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.

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](#) (2017).

- **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).
- **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. Stats. (2017)
 - [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 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.

- Kevin E. McCarthy, [Parental Responsibility Ordinances](#), Connecticut General Assembly. Office of Legislative Research Report no. 95-R-1430.
- Saul Spigel, [Foster Parents' Liability for the Violent Acts of Foster Children](#), Connecticut General Assembly. Office of Legislative Research Report no. 98-R-0285.
- George Coppolo, [Parental Liability and Victims Rights](#), Connecticut General Assembly. Office of Legislative Research Report no. 98-R-0312.
- 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.
- Jennifer Brady, [Parental Liability for Damages Caused by Their Children](#), Connecticut General Assembly. Office of Legislative Research Report no. 2011-R-0061.

FORMS:

- 3A [Conn. Practice Series, Civil Practice Forms](#) (2004)
 - Form 804.9. Action against minor and parents for injury to another minor
- 19A [Am Jur Pl & Pr Forms Parent and Child \(2007\)](#).
 - Liability of parent for acts of child
 - § 109. Complaint, petition, or declaration—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 GAL—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:

- Douglass B. Wright and William L. Ankerman, [Connecticut Jury Instructions](#) (Civil) (4th ed. 1993).
§ 517. Parent's liability for misconduct of child

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.

- [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) (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) (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). "**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.**"
- [Szollosy v. Hyatt Corp.](#), 396 F. Supp. 2d 147, 157, 2005 A.M.C. 2501 (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." [page 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." [pages 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 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. 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 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:

- 59 [Am Jur 2d](#) *Parent & Child* (2012).
 - Liability of parent for conduct of children; Offenses of child against parents §§ 88-96
 - § 88. Generally
 - § 89. Where instrumentality is entrusted or accessible to child
 - § 90. —Gun
 - § 91. Failure to control child
 - § 92. Liability of parent as employer or principal
 - § 93. When parent directs, consents to, or ratifies act of child
 - § 94. Statutory liability
 - § 95. Criminal responsibility
 - § 96. Offenses of child against parent
- 67A [C.J.S.](#) *Parent & Child* (2013).
 - Tort liability and rights of action, §§ 329-349
 - Liability of parent for torts of child
 - § 329. Generally

- § 330. Acts of child as agent of parent
- § 331. Negligence of parent as cause of injury
- § 332. Negligence of parent as cause of injury—
Negligent supervision, control, or entrustment
- § 333. Actions
- § 334. Actions—Evidence
- § 335. Actions—Questions of fact
- Special parental relationships
 - §§ 366-370. Persons in loco parentis
 - §§ 371-375. Stepparents
 - §§ 376-377. Grandparents

**ADDITIONAL
RESOURCES:**

ALR Annotations

- Fern L. Kletter, *Validity of Parental Responsibility Statutes and Ordinances Holding Parents Liable for Criminal Acts of their Children*, 74 [ALR6th](#) 181 (2012).
- 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).

TREATISES:

- Frederic S. Ury and Neal L. Moskow, [Connecticut Torts: The Law and Practice](#) (2015).
Chapter 5. Anticipating special issues relating to minors
§ 5.01. Determining whether a minor is subject to

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

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

- Douglass B. Wright et al., [Connecticut Law Of Torts](#) (3rd ed. 1991).
 - § 77. Parent and child
- Joel M. Kaye et al., 3A [Connecticut Practice Series, Civil Practice Forms](#) (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
 - §5-2 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
- Thomas R. Young, [Legal Rights of Children 3d](#) (2015-2016)
 - Chapter 9. Children and the law of torts
 - Torts committed by children, §§ 9.1 - 9.5
 - § 9.4. Parental responsibility for tortious acts of children
- Thomas A. Jacobs, [Children and the Law: Rights & Obligations](#)
 - Chapter 11. General Considerations
 - II. Parent-Child Issues
 - § 11:6. Parental liability for acts of child
- [Restatement of the Law of Torts 2d](#)
 - § 316. Duty of parent to control conduct of child
- Shaundra K. Lewis, Cost of Raising a Killer - Parental Liability for the Parents of Adult Mass Murderers, 61 Villanova Law Review 1 (2016)
- 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).

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- Chad Silver, *Note: 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).
- Richard G. Kent, *Parental Liability for Torts of Children*, 50 [Connecticut Bar Journal](#) 452 (1976).

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.

DEFINITIONS:

- **Next Friend:** "A next friend is a 'person who appears in a lawsuit to act for the benefit of ... [a] minor plaintiff' Black's Law Dictionary (7th Ed.1999)." [Lowe v. City of Shelton](#), 83 Conn. App. 750, 755, 851 A.2d 118 (2004).
- **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).
- **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).

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. Stats. (2017)
 - [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
 - [§ 52-572c](#). Parent-child immunity abrogated in certain negligence actions

LEGISLATIVE REPORTS:

- Benjamin H. Hardy, [Parental Immunity](#), Connecticut General Assembly. Office of Legislative Research Report No. 99-R-0667.
- George Coppolo, [Parental Immunity--Personal Injuries Arising out of Sexual Abuse](#), Connecticut General Assembly. Office of Legislative Research Report No. 94-R-0970.

FORMS:

- 3A [Connecticut Practice Series, Civil Practice Forms](#) (2004).
 - Form 804.9. Action against minor and parents for injury to another minor
- 14A [Am Jur Pl & Pr Forms *Infants*](#) (2013).
 - § 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
 - § 91.30. Complaint, petition, or declaration—By next friend of infant—Against multiple defendants—For injuries incurred while riding a subway escalator
 - § 91.50. Complaint, petition, or declaration—By next friend of infant—Failure to correctly file medical malpractice claim prior to expiration of statute of limitation
 - § 91.60. Complaint, petition, or declaration—By next friend of infant—Against owner of shopping center—Burn injuries sustained due to recessed

- spotlight bulbs
- § 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* (2017).
 - § 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 loss of service of **parent’s** minor child injured while employed in dangerous occupation without **parent’s consent**
 - § 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

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
- 14A [Am Jur Pl & Pr Forms](#) *Infants* (2013).
 - §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:

- [Martinez v. New Haven](#), 328 Conn. 1 (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

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.

also conclude that the trial court implicitly granted the **defendants' request to amend their answer to plead governmental immunity as a special defense. Accordingly, we reverse in part the judgment of the trial court."**

- [Munn v. Hotchkiss School](#), 326 Conn. 540, 543, 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),¹ 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."**
- [Munn v. Hotchkiss School](#), 326 Conn. 540, 545, 165 A.3d 1167 (2017) "**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."**
- [Kwiatkowski PPA Jamie Urkevic v. Beatty et al.](#), Superior Court, Judicial District Waterbury, No. UWY-CV-16-6033094-S (June 16, 2017) (64 Conn. L. Rptr. 719) (2017 WL 3081063) (2017 Conn. Super. LEXIS 3602). "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."
- [Morillo v. Georges](#), Superior Court, Judicial District Hartford, No. CV15-6058761-S (Dec. 31, 2015) (61 Conn. L. Rptr. 541) (2015 WL 9920782) (2015 Conn. Super. LEXIS 3191). "**A child of a parent who was killed in an automobile accident** which occurred while the child was in utero cannot recover for loss of parental consortium, because (a) recovery for loss of parental consortium is limited to parties who were "minors" on the date of the injury to the parent and a child in utero is not considered to be a minor until birth, and (b) loss of consortium damages are for the loss of parental love, care, and companionship, benefits which the claimant never **had an opportunity to enjoy during the parent's lifetime."**
- [Ruiz v. Victory Properties, LLC](#), 315 Conn. 320, 325, 107 A.3d 381 (2015). "**The plaintiffs subsequently commenced**

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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”**.

- [Ruiz v. Victory Properties, LLC](#), 315 Conn. 320, 327-328, 107 A.3d 381 (2015). “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.**”
- [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.¹⁵ We therefore overrule *Burns* and *Purzycki* to the extent that they adopted a different standard.¹⁶”
- [Crotta v. Home Depot, Inc.](#), 249 Conn. 634, 638, 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. *Ascutto 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.”
- [Crotta v. Home Depot, Inc.](#), 249 Conn. 634, 638, 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.”
- [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

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.

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."

- *Richardson v. Schochat*, Superior Court, Judicial District of New Haven at New Haven, no. LPL-CV-970398264S (Jan. 29, 1998)(21 CLR 254) (1998 WL 46623) (1998 Conn. Super. LEXIS 255). **"Intentional parental conduct ...may not be protected by the doctrine of parental immunity."**
- [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, 693, 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."
- [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](#), 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

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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."

- [Burns v. Board of Education](#), 228 Conn. 640, 644, 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."**
- [Burns v. Board of Education](#), 228 Conn. 640, 646, 638 A.2d 1 (1994). **"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."**
- [Squeglia v. Squeglia](#), Superior Court, Judicial District of New Haven at New Haven, No. 323748 (July 14, 1993) (9 CLR 367) (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."**
- [Henderson v. Woolley](#), 230 Conn. 472, 485, 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](#), supra, 207 Conn. 532 n.7; [Dzenutis v. Dzenutis](#), supra, 200 Conn. 295-96."

- 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.)."**
- [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 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."
- [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 NUMBERS:

- *Infants*
Torts # 1191-1193
1194. Nature, scope, and extent of liability...
1195. Duty, degree, and standard of care
1196. Intent, state of mind, and willful injury

DIGESTS:

- [ALR Digest: *Infants*](#)
Torts, §§ 59-64
Actions, §§ 70-115

ENCYCLOPEDIAS:

- 42 [Am Jur 2d *Infants*](#) (2010).
Actions §§ 137-220
Representation of infant, §§ 146-188
§ 146. Generally; distinction between next friend and guardian ad litem
§ 155. Qualifications of representative; generally
§ 156. Disqualification of representative
- 59 [Am Jur 2d *Parent & Child*](#) (2012).
Actions involving parent and child §§ 97-134
§§ 97-98. In general

§§ 101-111. Child against parent

- 43 [C.J.S. *Infants*](#) (2014).
Torts, §§ 362-377
 - § 362. Liability of infant generally
 - § 364. Immunity from liability
 - § 365. Damages
 - § 373. Malicious or intentional injuries
 - § 374. Torts connected with contracts
 - § 376. Fraud and false representations

- Crimes and Prosecutions, §§ 378-388
 - § 378. Generally; capacity and responsibility
 - § 379. – Presumptions as to capacity
 - § 380. Prosecution under youthful offender status
 - § 381. Prosecution under youthful offender status – Under federal law

- 67A [C.J.S. *Parent & Child*](#) (2013).
Tort liability and actions between parent and child
 - § 336. Parent against child
 - § 337. Child against parent
 - § 338. Child against parent—Public policy reasons behind parental immunity doctrine
 - § 339. Child against parent—Limitations to rule
 - § 340. Child against parent—Exceptions to rule
 - § 341. Child against parent—Abolishment of rule

**ADDITIONAL
RESOURCES:**

ALR Annotations

- Marjorie A. Shields, Annotation, Liability of parent or person in loco parentis for personal tort against minor child—Sexual Abuse, 125 [ALR5th](#) 133 (2005).
- Marjorie A. Shields, Annotation, *Liability of Parent or Person in Loco Parentis for Personal Tort Against Minor Child—Willful Or Malicious Act*, 118 [ALR5th](#) 513 (2004).
- 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 (1989).
- 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).
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 - § 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
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 - (b). Suits by or on behalf of minors
 - (c). Limitations of actions
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 - 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
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§ 11:9. Capacity to contract
§ 11:13. Capacity to sue and be sued

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