

Fire the Parent; Get Sued by the Kids

June 2016

The Connecticut Supreme Court recently ruled that under certain circumstances children can bring claims against negligent parties, including employers, whose actions deprive the children of parental consortium. [Campos v Coleman](#). In doing so, the Court overruled a case it decided differently in 1998, *Mendillo V. Board of Education*.

In *Mendillo*, the Court held that the children of a school principal who claimed she was wrongfully terminated were not entitled to damages for loss of parental consortium, even though the principal was forced to take a new job far from home that required her to spend significantly less time with her young kids.

In reversing itself, the Court stated that the parent-child relationship is essentially different from other family relationships, and the inability of a parent who has suffered a tortious injury to provide the love, care, companionship and guidance to minor children is a uniquely harmful consequence of such an injury.

While now recognizing loss of parental consortium as a cause of action, the Court placed several restrictions on the claim. First, loss of parental consortium claims must be joined with the parent's negligence claim whenever possible, and the jury must be instructed that only the child raising the claim can recover the pecuniary value of the parent's services. Second, and relatedly, because a loss of parental consortium action "is derivative of the injured [parent's] cause of action, the consortium claim would be barred when the [action] brought by the injured [parent] has been terminated by settlement or by an adverse judgment on the merits." Third, a

loss of parental consortium claim may be raised only by a person who was a minor on the date that the parent was injured, and damages may be awarded only for the period between the date of the parent's injury and the date that the child reaches the age of majority. Also, loss of parental consortium claims are limited to claims resulting from a parent's injury during the parent's life. The nature of the parent's injuries and whether they were insignificant or serious, or were temporary or permanent, are factors to be considered in determining the amount of damages.

While this new cause of action will apply in limited circumstances, it exposes employers to an entirely new category of damages when a wrongful termination impacts the relationship a fired parent has with his or her minor children.

For more information or assistance, contact scott@schaffer-law.com or 860-216-1965.

www.schaffer-law.com