

**1838 INJURY TO PARENT: MINOR CHILD'S LOSS OF SOCIETY AND COMPANIONSHIP**

Question \_\_\_\_\_ asks you to determine (child)'s loss of society and companionship resulting from injuries sustained by (parent).

Society and companionship includes the love, affection, care, protection, and guidance the child would have received from (parent) had (he) (she) not been injured. It does not include the loss of monetary support from the parent or the grief or mental suffering caused by the parent's injury.

In determining (child)'s loss of society and companionship, you should consider the age of the child and the age of parent; the past relationship between the child and the parent; the love, affection, and conduct of each toward the other; the society and companionship that had been given to the child by the parent; and the personality, disposition, and character of the child and parent. The amount inserted by you should reasonably compensate (child) for any loss of society and companionship (child) has sustained since the injury to (parent) and the amount you are reasonably certain (he) (she) will sustain in the future.

If you find that (parent)'s disability (injuries) will continue in the future as a natural result of the injury and that (child) will suffer a loss of the (parent)'s aid, comfort, society, and companionship in the future, you should include in your award such sum as will fairly and reasonably compensate (child) for this future loss but only until (child) reaches (his) (her) 18th birthday.

**COMMENT**

The instruction and comment were approved in 1989 and revised in 2000.

In Theama v. City of Kenosha, 117 Wis.2d 508, 344 N.W.2d 513 (1984), the court held that a minor child may recover for the loss of care, society, companionship, protection, training, and guidance of an injured parent. See also Bell v. County of Milwaukee, 134 Wis.2d 25, 396 N.W.2d 328 (1986). See Wis JI-Civil 1837.

A child's claim will be barred or the amount permitted as recovery reduced by any defenses against the injured parent, such as contributory negligence. Recovery by a child is limited to the child's minority. Theama, supra at 527.