

1845 INJURY TO CHILD: PARENTS' DAMAGES FOR SERVICES RENDERED TO CHILD: PAST AND FUTURE

Subdivision __ of question __ asks what sum will reasonably compensate (name) for additional home and personal nursing care and services rendered to (his) (her) minor (son) (daughter) because of the injuries sustained in this (collision) (accident).

You will carefully consider the credible evidence, and reasonable inferences therefrom, bearing on this inquiry and in answer name such sum as will fairly and reasonably compensate (_____) for such additional home and nursing care and services as the parents necessarily furnished and rendered to their minor (son) (daughter) in the care and treatment of the injuries sustained by (him) (her) as a natural result of this (collision) (accident).

The amount you will allow for such services, however, will not exceed an amount (_____) would have been compelled to pay others to render such or similar services.

If you find that such nursing care and services will continue to be incurred in the future, you may allow, and include in your award, an amount which will fairly and reasonably compensate (_____) for such home nursing care and services as the parents will necessarily render and furnish to their minor (son) (daughter) in the care and treatment of the injuries sustained by (him) (her) as a natural result of this (collision) (accident), during the period of (his) (her) minority, up to but not beyond the time (he) (she) will have reached (his) (her) 18th birthday. Such sum shall not exceed the amount (_____) would be compelled to pay others to render such or similar services.

COMMENT

The instruction and comment were originally published in 1960. The comment was updated in 1990. Editorial changes were made in 1992 to address gender references in the instruction. No substantive changes were made to the instruction.

Sulkowski v. Schaefer, 31 Wis.2d 600, 608, 143 N.W.2d 512 (1966); Johnson v. St. Paul & Western Coal Co., 131 Wis.2d 627, 630-31, 111 N.W.2d 722, 723 (1907). See also Herman v. Milwaukee Children's Hosp., 121 Wis.2d 531, 361 N.W.2d 297 (Ct. App. 1984).

In each of the instructions 1835 through 1845 is included a paragraph on future damages. These paragraphs would be employed only where called for by the fact situation.

Parents may also recover damages for loss of aid, comfort, society, and companionship of a minor child who has been injured by the negligence of a third person. Shockley v. Prier, 66 Wis.2d 394, 225 N.W.2d 495 (1975); Comment, "Children: Chattels to Chums – Shockley v. Prier," 59 Marq. L. Rev. 169 (1976).

See also Wis JI-Civil 1835 and 1837.