

1999 ASSEMBLY BILL 771

February 17, 2000 – Introduced by Representatives SYKORA, KELSO, MUSSER, REYNOLDS, LA FAVE, COLON, KREUSER and GUNDERSON, cosponsored by Senator GEORGE. Referred to Committee on Judiciary and Personal Privacy.

1 AN ACT *to create* 655.018 of the statutes; **relating to:** claims for loss of society
2 and companionship in medical malpractice cases.

Analysis by the Legislative Reference Bureau

Under current law, as stated in *In re Wells*, 174 Wis. 2d 503 (Ct. App. 1993), a parent does not have the right to recover for the loss of society and companionship of an adult child who died as the result of medical malpractice. This bill provides that a parent does have the right to recover for loss of society and companionship if the parent’s adult child dies as the result of medical malpractice.

Under current law, as stated in *Dziadosz v. Zirneski*, 177 Wis. 2d 59 (Ct. App. 1993), an adult child does not have the right to recover for the loss of society and companionship of a parent who died as the result of medical malpractice. This bill provides that an adult child does have the right to recover for loss of society and companionship if the adult child’s parent dies as the result of medical malpractice.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 SECTION 1. 655.018 of the statutes is created to read:
4 **655.018 Claim by parent or adult child for loss of society and**
5 **companionship.** If a parent dies as the result of medical malpractice, the adult

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1 child of that parent has a cause of action for damages for loss of society and
2 companionship against the person who committed the medical malpractice. If an
3 adult child dies as the result of medical malpractice, the parent of that adult child
4 has a cause of action for damages for loss of society and companionship against the
5 person who committed the medical malpractice. The amount recoverable under this
6 section is subject to the limit under s. 893.55 (4) (f). This section does not affect any
7 other claim available under this chapter.

8 **SECTION 2. Initial applicability.**

9 (1) This act first applies to actions commenced on the effective date of this
10 subsection.

11 (END)