

**2015 DRAFTING REQUEST**

**Bill**

Received: 10/14/2015 Received By: phurley  
For: Dana Wachs (608) 266-7461 Same as LRB: -1364  
May Contact: By/Representing: Bob  
Subject: Courts - limitations Drafter: phurley  
Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Rep.Wachs@legis.wisconsin.gov  
Carbon copy (CC) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Claims for loss of adult children

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**Instructions:**

allow parent to claim for loss of child up to age 27

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	phurley 10/14/2015	kfollett 10/23/2015	_____	lparisi 10/23/2015	sbasford 10/23/2015	State

FE Sent For:

at  
intro

<END>



State of Wisconsin  
2015 - 2016 LEGISLATURE

LRB-1364/1  
PJH:kjf&ahe

J657/1  
comp  
ion

2015 BILL

body  
10-23

1 AN ACT *to amend* 655.007; and *to create* 655.018 of the statutes; **relating to:**  
2 claims for loss of society and companionship in medical malpractice cases.

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***Analysis by the Legislative Reference Bureau***

Under current law, as stated in *Estate of Wells v. Mt. Sinai Medical Center*, 183 Wis. 2d 677 (1994), a parent does not have the right to recover for the loss of society and companionship of an adult child who dies 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, and the adult child had not reached the age of 27 when he or she died.

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

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

3 SECTION 1. 655.007 of the statutes is amended to read:  
4 **655.007 Patients' claims.** ~~On and after July 24, 1975, any~~ Any patient or the  
5 patient's representative having a claim or any spouse, parent, minor sibling, or child  
6 of the patient having a derivative claim for injury or death on account of malpractice  
7 is subject to this chapter.

**BILL**

1           SECTION 2. 655.018 of the statutes is created to read:

2           **655.018 Claim by parent of an adult child for loss of society and**  
3 **companionship.** If an adult child who has not attained the age of 27 at the time  
4 of his or her death dies as the result of medical malpractice, the parent of that adult  
5 child has a cause of action for damages for loss of society and companionship against  
6 the person who committed the medical malpractice. This section does not affect any  
7 other claim available under this chapter.

8           **SECTION 3. Initial applicability.**

9           (1) This act first applies to acts or omissions occurring on the effective date of  
10 this subsection.

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(END)

**Basford, Sarah**

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**From:** Meyer, Bob  
**Sent:** Friday, October 23, 2015 11:14 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -3607/1

Please Jacket LRB -3607/1 for the ASSEMBLY.