

30.08 Measure of Damages--Future Medical Expenses--Minor Plaintiff

The present cash value of [(medical) care, treatment, and services] (caretaking expense) reasonably certain to be incurred in the future after the plaintiff has reached the age of eighteen.

Instruction, Notes on Use, and Comment revised October 2021.

Notes on Use

This element is to be inserted between the two paragraphs of IPI 30.01 when the evidence justifies its use.

The legal age of majority is 18 years. 755 ILCS 5/11-1 (1994).

If the parents' right to recover medical expenses during the child's minority has been assigned to the child, then the child can recover all such expenses, not merely those commencing with his majority. In such cases, therefore, do not include the bracketed material concerning medical expenses in this instruction; use IPI 30.06 instead. If the assignment includes caretaking expenses, and there is evidence of such expenses, omit the bracketed reference to caretaking expenses and use IPI 30.09.

Comment

In actions for damages arising out of an injury to an unemancipated minor, the loss of earnings, medical and caretaking expense during the child's minority are recoverable by the parents. The child, therefore, is limited to the loss of medical or caretaking expense he would have incurred after reaching his majority. The usual practice in Illinois, however, is to sue for all damages in the minor's action. This is accomplished by an assignment of the parents' right to recover these damages. *Roberts v. Sisters of Saint Francis Health Serv. Inc.*, 198 Ill.App.3d 891, 904 (1st Dist. 1990). See Comment to IPI B11.06.01.

On the issue of present cash value, see the 34.00 Series.