

Loss of Parental Services: A Guide to Categorization

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An increasing number of states now have statutes and case law which allow children to be compensated for the loss of parental services. This compensation is in addition to what a family or estate may receive for the lost income following the wrongful death of a mother or father.

The states include New York, California, Florida, Ohio, Texas and Washington. The author has testified in each of those states concerning death of a child's parent and associated psychological and psychiatric consequences. Other experts in child development are now increasingly being called upon throughout the nation to evaluate children forensically from the point of view of what consequences there are to a child as a result of the loss of parental services. A wrongful death case thus may present an exceptionally complicated task to a child psychiatrist or child psychologist who is asked to consider the impact on a child's development, his present and future functioning, and his present and future mental pain and suffering. In some states, such as California, mental pain and suffering are excluded from consideration, but the child may still be compensable there for other consequences of loss of a service.

The following is a list of parental services which uses categories derived from "Responsible Parenthood" (Kliman and Rosenfeld, 1980) and a related article by Paulina Kernberg (1987). It is offered in the hope that it may be helpful as a start in standardizing the framework of assessments:

1. Caretaking and protecting from the environment.
2. Having empathy — the capacity to understand and identify with the child's developmental status and emotional processes.
3. Accepting the child as an individual.
4. Teaching the child to play, speak, and develop new skills and knowledge.
5. Responding to the child by interacting with him emotionally, visually and through action.
6. Fulfilling the needs of the child by understanding his signals of need.
7. Assisting the contact of the child with persons and institutions in the environment, such as school personnel.
8. Providing containment for the child's emotions such as aggression, managing his emotional expressions so they are socially acceptable and yet do not get turned into the child being aggressive toward himself or depressed.
9. Comforting the child.
10. Controlling the amount of social and intellectual stimulation the child receives, in keeping with the child's developmental needs and tolerances.
11. Enriching the child's life with intellectual and social stimulation.
12. Animating the child's emotional life by reciprocal enthusiasm.
13. Conveying that the parent is in a state of relatedness to the child, and by visual, auditory or physical contact that the child is recognized as a person.
14. Communicating expectations of the child's capacity to develop new abilities in the future.
15. Enjoying and respecting the child's autonomous functions.
16. Fostering and accepting the child's voluntary intentionality, autonomy, individuality.
17. Seeing the child in his own right, not as a replica of someone the parent would like him to be.
18. Providing a sense of continuity in the child's psychological life, including constancy of relationship and connections between behavior and consequences of behavior.
19. Facilitating the child's verbalizations, language development and cognitive skills. Overseeing the child's schooling until the child is able to carry on its own education.
20. Providing physical comforts and appropriate pleasures.
21. Protecting the child from inappropriate pleasures.
22. Transmitting and providing approval and disapproval, with moral guidance and training.
23. Facilitating contacts with other persons, including other children, family, and neighbors.

24. Promoting the child's tolerances for socially necessary frustration, conveying to the child that frustration and even anxiety can be tolerated and mastered.
25. Conveying to the child positive expectations, thereby stimulating developmental achievements.
26. Conveying to the child that the parent provides a refuge where the child —when he is tired or overwhelmed — can be emotionally restored, refueled, integrated and organized, both cognitively and emotionally.
27. Setting reasonable behavioral standards and controls.
28. Reinforcing the child's cognition of male and female roles, and the child's appropriate understanding and identification of his or her own gender and future sexual functions.
29. Reinforcing generation boundaries and appropriate roles between generations, such as incest barriers and the appropriateness of children being cared for rather than children taking care of adults.
30. Facilitating a healthy fantasy through play or verbalization.
31. Serving as a beacon of orientation and a steady figure for emotional attachment, being reliable and regularly present for major interactions.
32. Providing a framework of reference for the child's understanding of the world.
33. Helping give a pattern to the child's daily life, including play, leisure, rest, eating, sleeping, use of space, use of equipment, schooling, and use of social resources.
34. Guiding, disciplining, and rewarding the child in moral and character development, and in ultimately becoming an independent person.
35. Providing the child with a basis for self-esteem by giving the child a sense that the parent is reliably committed to the child, and that the parent has a positive perception and pleasant emotional attitude toward the child.
36. Providing the child with a secure environment financially, emotionally and physically, and promoting the child's future identity as a parent who will provide security in turn for the next generation.
37. Providing a model of deep altruism, in which the child's needs are set before the parent's needs, and in which the child can in turn identify with the altruism as a goal for future development.
38. Educating and psychologically immunizing the child for the dangers of the world and the harshness with which the world can treat an unprepared person.
39. Evolving constructive parentally shepherded collaborations with community caregivers and institutions such as social and academic facilities, educational and medical facilities for the child's benefit and as a model for the child to understand the larger world outside the family can also be benevolent and promoting of the child's welfare.

REFERENCES

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