

What Is Loss of Consortium in Personal Injury Cases?

Alabama Attorneys Fighting to Recover Compensation for the Injured

When a serious [personal injury](#) changes your spouse's life, it also changes yours. You're suddenly doing everything alone. The person who used to share the weight of the household, be present with you at the end of the day, and be your partner in every sense of the word is now managing pain, recovery, and limitations. You're managing everything else. That loss is real. It's also compensable under Alabama law, and it's a claim that far too many families never know to pursue.

Loss of consortium is a legal claim belonging to the non-injured spouse in a personal injury case. It's separate from the injured person's own claim, and it exists to compensate the spouse for what they've lost as a result of the defendant's negligence. At [Dean Waite & Associates, LLC](#), we help clients and their families recover compensation for the full impact of a serious injury.

What Does "Loss of Consortium" Actually Mean?

The phrase sounds legal and distant, but what it describes is deeply personal. Consortium refers to the full set of benefits that a married person receives from their spouse, including companionship, emotional support, shared physical affection, and practical help managing life together. When an injury caused by someone else's negligence strips those things away, Alabama law recognizes that the non-injured spouse has suffered a genuine harm worth compensating.

The claim is technically classified as a derivative, noneconomic tort claim. That means it doesn't stand on its own; it flows from the primary injury lawsuit. If the injured spouse's claim succeeds, the consortium claim can succeed alongside it. If the primary claim fails, the consortium claim falls with it. This is why both claims need to be filed together from the very beginning, handled with the same level of preparation and attention.

Courts have long described consortium as covering "the right of each other to the company, society, co-operation, affection, and aid of the other in every conjugal relation." That language might sound formal, but it's capturing something straightforward: a marriage is more than a legal arrangement, and when negligence shatters it, there are two people who are owed a remedy.

The Four Components of Loss of Consortium That Courts Recognize

When evaluating a loss of consortium claim, courts and juries look at four distinct categories of loss. Each of these components carries weight in a well-developed claim, and the strongest

cases document loss across all four. Understanding each one helps a spouse see the full picture of what they're entitled to recover.

- **Companionship and Society:** The daily presence of a partner, including shared activities, conversations, plans, and the simple comfort of not being alone in life. When a serious injury isolates the injured person or limits their ability to participate in daily life, their spouse loses this too.
- **Affection and Love:** The emotional bond between partners, including the warmth, attentiveness, and emotional availability that are the foundation of a healthy marriage. A spouse who becomes a full-time caregiver often describes watching this fade in real time.
- **Sexual Relations:** Recognized under Alabama law as a component of the marital relationship, physical intimacy can be directly affected by injury and is a legitimate element of damages.
- **Household Services and Practical Aid:** The contributions a spouse makes to managing the home, such as cooking, childcare, maintenance, finances, and the hundred other tasks that keep a household functioning. When those contributions disappear, the burden shifts entirely to the non-injured spouse.

Who Can File a Loss of Consortium Claim in Alabama?

Alabama is a spousal-only state when it comes to loss of consortium. Only a legal spouse has the right to bring this claim. Unlike some other states that have expanded consortium rights to children or parents of injured people, Alabama has not done so. That distinction matters if your family is weighing whether to pursue every available avenue of recovery.

The marriage must have existed at the time of the injury. Someone who marries an injured person after a personal injury accident has no consortium claim, because the right to compensation is tied to the loss that occurred during the marriage. If the couple was legally married when the accident happened, both the injured spouse's claim and the non-injured spouse's consortium claim should be evaluated at the same time.

That evaluation needs to happen early. Missing the consortium claim at the outset doesn't create an opportunity to add it later. In most cases, failing to raise it from the beginning may make it much harder or impossible to pursue later.

What Types of Accidents and Injuries Trigger These Claims?

Loss of consortium claims arise most often when an injury is serious, long-term, or permanent. A minor injury that heals completely within a few weeks rarely supports a meaningful

consortium award, because the loss isn't sustained long enough to cause measurable harm to the marital relationship. The claims that carry the most weight typically involve the following types of incidents.

- [Car accidents](#) resulting in significant physical harm
- [Truck and commercial vehicle collisions](#)
- [Motorcycle crashes](#)
- [Slip and fall accidents](#) with serious orthopedic or neurological injuries
- [Workplace accidents](#) causing lasting disability
- [Medical malpractice](#) resulting in permanent complications

The severity and permanence of the injury are directly tied to the strength of the consortium claim. A spinal cord injury, a traumatic brain injury, a serious burn, or a disabling orthopedic injury all create conditions where the impact on the marital relationship is lasting and documentable.

How Is Loss of Consortium Calculated?

Unlike medical bills or lost wages, consortium damages don't come with a receipt. They're noneconomic, which means no formula automatically produces a number. Instead, the jury evaluates the evidence and arrives at a figure that fairly compensates the non-injured spouse for what was lost.

That doesn't mean the calculation is arbitrary. Two commonly used approaches help anchor the analysis. The first is the multiplier method, which takes the primary spouse's economic damages and multiplies them by a factor reflecting the severity of the injury and its impact on the relationship. The second is the per diem method, which assigns a daily dollar value to the loss and multiplies it by the projected number of days the impact will continue.

The non-injured spouse can't use the consortium claim to recover the same economic damages already included in the primary lawsuit, like household services or nursing expenses that have already been calculated as part of the primary claim.

Our Law Firm Pursues the Evidence That Builds a Strong Claim

Consortium claims are won or lost on the quality of the evidence presented. Jurors are being asked to place a dollar value on something invisible, so the evidence needs to make the loss tangible.

The most compelling consortium cases typically include medical records documenting the severity and permanence of the primary injury, testimony from both spouses about what the relationship looked like before and after, statements from family members or friends who've witnessed the change firsthand, records of household services now being handled by outside providers, and documentation of activities, travel, or traditions the couple can no longer share. In some cases, testimony from a psychologist or marriage counselor can reinforce the relational harm in clinical terms.

Jurors aren't indifferent to these losses. When the evidence is organized and presented clearly, consortium damages can represent a meaningful portion of the total recovery. When a case involves injuries this serious, having legal representation that understands both claims and builds them together from day one can make a big difference. It's how full compensation gets pursued.

If your spouse was seriously injured in an accident anywhere in Alabama, don't leave any part of your family's recovery on the table. [Contact](#) Dean Waite & Associates, LLC for a free consultation. There's no fee unless we recover for you, and we handle every aspect of your case from investigation through resolution.