

### 13-1810A. Loss of consortium; definition.

Loss of consortium is a claim to recover compensation for damage to certain relationships. To recover for loss of consortium, \_\_\_\_\_ (*name of loss of consortium claimant or names of loss of consortium claimants*) must show that \_\_\_\_\_ (*name of loss of consortium claimant or names of loss of consortium claimants*) and [\_\_\_\_\_ (*name of injured party*)] [\_\_\_\_\_ (*name of decedent*)] had a mutually dependent relationship. Mutual dependence means that \_\_\_\_\_ (*name of loss of consortium claimant or names of loss of consortium claimants*) and [\_\_\_\_\_ (*name of injured party*)] [\_\_\_\_\_ (*name of decedent*)] relied on the relationship and could not enjoy life in the same way once [the injury took place] [after the death].

In deciding whether a relationship is mutually dependent, factors to consider may include:

- [The duration of the relationship;]
- [The degree of mutual dependence;]
- [The extent of common contributions to a life together;]
- [The extent and quality of shared experience;]
- [Whether \_\_\_\_\_ (*name of loss of consortium claimant or names of loss of consortium claimants*) and [\_\_\_\_\_ (*name of injured party*)] [\_\_\_\_\_ (*name of decedent*)] were members of the same household;]
- [Their emotional reliance on one another;]
- [The particulars of their day-to-day relationship;]
- [The manner in which \_\_\_\_\_ (*name of loss of consortium claimant or names of loss of consortium claimants*) and [\_\_\_\_\_ (*name of injured party*)] [\_\_\_\_\_ (*name of deceased party*)] related to each other in addressing life's day-to-day requirements;]
- [Other \_\_\_\_\_.]

#### USE NOTES

This instruction should be given when there is a jury question as to whether a claimant or claimants had a sufficiently close relationship with an injured or a deceased person to recover for loss of consortium. When this instruction is given, UJI 13-1810B NMRA should also be given.

[Adopted, effective October 1, 1996; as amended, effective March 20, 2000; as amended by Supreme Court Order No. 19-8300-014, effective for all cases pending or filed on or after December 31, 2019.]