

Dependency claims – What can I claim if a loved one dies due to a car accident?

If a person is killed in a car accident that is caused by another driver, their family may be entitled to make a claim for compensation for the wrongful death.

The claim is normally for the benefit of the spouse, parent, child or domestic partner of the person who has been killed. The claim can be made if the person who was killed, would have been entitled to make a claim for compensation against the other driver, had they survived the accident.

Whilst the claim is made against the driver of the vehicle that was at fault for the accident, in South Australia, these claims are paid out by the Compulsory Third Party (CTP) insurer of the vehicle at fault.

What type of compensation can I seek?

The type and the amount of compensation available depends on who is making the claim and what their relationship is to the deceased. The claim may consist of compensation for funeral and medical expenses, solatium, financial dependency, domestic assistance, loss of nurturing and guidance and loss of services around the home and garden.

The reasonable funeral expenses and any medical expenses incurred by the deceased before they passed away are payable.

A spouse or domestic partner of the person killed is entitled to an amount for Solatium, which is to compensate for the suffering and grief they have sustained. Solatium is limited to a maximum of $10,000 in South Australia. This payment is also available to the parents of a child (under the age of 18) who is killed in a car accident.

A claim can be made for financial dependency, which is to cover the lost income that the deceased would have earned throughout their life. This claim is normally made by spouses, domestic partners and children of the deceased.

Children who lose a parent are entitled to a payment for loss of nurturing and guidance that they would have received from their parent. The amount of this payment often depends on the age of the child.

Compensation is also paid for the domestic services and tasks around the home and garden that the deceased would have provided.
It is also common for a claim for psychological injury to be made by a family member of someone who has been killed in a car accident. These types of claims are often referred to as nervous shock claims. There are certain requirements that must be met to make a claim for psychological injury.

The calculation of entitlement to compensation can be complex and many factors need to be taken into account to reflect the relationship to the deceased and their financial and non-financial contribution.

How Can Andersons Help?

It is important to see a lawyer early on who can advise whether you are eligible to make a claim and to assist with these investigations and calculations to ensure appropriate compensation is obtained.

Andersons has a team of lawyers experienced in Compulsory Third Party (CTP) claims and dependency claims as well as all of the processes and procedures required to successfully pursue these types of claims. We offer a free 30 minute consultation for initial advice and to assess your options. You can contact today's writer **Sarah Vinall** or any of the **personal injury claims team** to discuss your situation.

The information in this article is general in nature and was accurate at the time of publication. Laws and circumstances can change. For advice specific to your situation, please seek professional legal advice.