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Alienation of Affection; Adultery can get you Sued!

We learned last week that Adultery is a crime in Mississippi. To recap; adultery can get you divorced and adultery can get you arrested, but did you also know that adultery can get you sued for money?! It's the triple whammy. And don't think you are immune because you are the paramour (the b/f or g/f).



Alienation of Affection (AOA) is known as a common law tort. A tort is a civil wrong, as opposed to a criminal wrong. It is a legal remedy available, not by statute, but due to case law history and an equitable claim whose intent is to protect marriages. AOA allows the wronged spouse to sue the “significant other” of the guilty spouse for the breakdown of the marriage. There are only 6 states in the country that still recognize AOA, but Mississippi is one of them and as recently as the 1990's our Courts have refused to abolish this tort when it had the chance, reaffirming its place in the Mississippi legal system.

So what is AOA?

The elements are 1) Wrongful Conduct (ie: adultery, though not required), 2) loss of affections, and 3) a causal connection. All 3 must be present for a viable claim. There is a 3 year statute of limitations in which to bring the claim, beginning when the loss of affection is finally accomplished.

*As an aside, North Carolina has AOA and a separate tort called “**criminal conversation**” which only requires proof of sex with a married person for the “significant other” to be liable for damages. It does not require loss of affections or a causal connection or even a real relationship.

So what is the take away here? Just because you are not married does not mean you have no culpability in an affair. You will be a necessary witness in the divorce case and stand a chance of getting sued yourself for AOA. And if you go to North Carolina, you better behave.

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