

Emotional Distress Claims In Georgia Personal Injury Cases

The Injuries That Don't Show Up On An X-Ray

A crash doesn't have to break bones to break a person. Someone can walk away from a collision with no visible injuries, be cleared by the emergency room, and still spend the next year unable to sleep through the night, unable to drive past the intersection where it happened, and unable to function at work the way they did before. The psychological harm from a serious accident is real, it's well-documented in medical literature, and it's compensable under Georgia law even when there's no physical injury that a radiologist can point to on a scan.

What makes emotional distress claims difficult isn't their legitimacy. It's the documentation. Insurance companies don't question whether crash-related psychological harm exists in the abstract. They question whether it happened to you, how severe it is, and whether your legal team can prove it well enough that a jury will award it. Those questions require a different kind of evidence than a broken bone, and they require an attorney who knows how Georgia courts approach psychological harm claims.

At the [Law Offices of Gary Martin Hays & Associates, P.C.](#), our [Georgia personal injury lawyers](#) represent crash survivors dealing with anxiety, PTSD, depression, and other psychological consequences of serious accidents throughout the state. These aren't secondary claims. In cases where the physical injuries have resolved but the psychological consequences remain, emotional distress damages can be the most significant component of the recovery.

The Types Of Emotional Distress Claims Georgia Recognizes

Georgia personal injury law recognizes that crashes cause both physical and psychological harm, and it provides several legal pathways for recovering damages tied to emotional suffering. The framework for these claims has developed through both statute and decades of Georgia case law, and each pathway has its own requirements.

The emotional distress claim types available in Georgia personal injury cases include:

- **Pain And Suffering As Part Of A Physical Injury Claim:** The most straightforward path to emotional distress recovery is as a component of a physical injury claim. When a crash causes physical injuries, the non-economic damages include compensation for the pain, emotional suffering, and mental anguish that accompanies them. Under [O.C.G.A. § 51-12-6](#), Georgia courts allow recovery for injury to peace, happiness, or feelings, and that language has been consistently applied to cover crash-related anxiety, depression, and emotional suffering that flows from a physical injury.
- **Negligent Infliction Of Emotional Distress With Physical Impact:** Georgia applies a modified impact rule to standalone emotional distress claims, meaning a claim for emotional distress not attached to a physical injury generally requires that the plaintiff experienced some physical impact, even if the impact itself wasn't severe. A crash survivor who was struck, even gently, typically meets this threshold, and from that foundation the claim can reach the full scope of psychological harm that followed.

- **Negligent Infliction Of Emotional Distress As A Bystander:** Georgia courts recognize emotional distress claims for bystanders who witnessed a close family member being seriously injured or killed in a crash, even if the bystander wasn't physically struck. These claims require that the plaintiff was in the zone of danger, perceived the injury happening to the family member, and suffered severe emotional distress as a result.
- **Stand-Alone Psychological Injury Claims:** In some cases, the psychological consequences of a crash are severe enough to constitute the primary injury even when physical injuries were minor or transient. Post-traumatic stress disorder following a crash is a recognized medical diagnosis with defined criteria, and Georgia courts have allowed recovery for PTSD as a standalone injury when it's properly documented by qualified mental health professionals.

How Georgia Law Approaches Emotional Harm After A Crash

Picture a woman who walks away from a crash with no visible injuries, declines treatment at the scene, and returns to normal life within a week as far as anyone can see. Six weeks later, she can't drive at night. She's having recurring nightmares about the impact. She's been referred to a therapist by her primary care physician, who noted at her follow-up appointment that she was presenting with anxiety and sleep disturbance consistent with post-traumatic stress. Her physical injuries are healed. Her psychological injuries are just beginning to be understood.

Under Georgia law, this person has a viable claim for emotional distress damages. The pathway depends on whether she made any physical contact in the crash, how severe her documented psychological symptoms are, and whether she's receiving consistent treatment that creates a medical record connecting the crash to the psychological harm. If she did experience physical impact, even minor, her claim can proceed under the general personal injury framework that includes emotional suffering as a compensable element. If not, the analysis moves to whether she can meet the modified impact rule requirements or whether her psychological injuries have manifested physical symptoms, as PTSD often does through sleep disturbance, somatic pain, and altered physiological stress responses.

It's been shown that survivors of serious crashes experience elevated rates of anxiety, depression, and PTSD in the months following the event, regardless of whether they sustained visible physical injuries. As such, crash consequences frequently extend beyond the immediate medical emergency into long-term quality of life impacts that shape the full human cost of these events. That broader understanding of crash harm is exactly what Georgia law has evolved to address.

Documentation And The Gap Between What's Real And What's Recoverable

The gap in emotional distress cases isn't usually between what the injured person is experiencing and what Georgia law allows. It's between what's happening and what can be proven in a format that a jury will accept and a defense team won't be able to dismiss.

[How pain and suffering is documented and valued](#) in Georgia personal injury cases starts with the treatment record. A crash survivor who sees a therapist regularly and has a documented

diagnosis from a mental health professional has a paper trail that connects the crash to the harm. A crash survivor who stops seeing anyone after two sessions, doesn't tell their primary care doctor about their anxiety, and tries to manage the psychological consequences on their own has a documentation problem that weakens an otherwise valid claim.

Insurance adjusters handling personal injury claims in Georgia routinely look for exactly those gaps. They'll argue that the lack of continuous treatment shows the distress wasn't that severe, or that the treatment gap reflects that the person has recovered, when in fact it may reflect that they couldn't afford continued therapy or that they didn't realize how important maintaining treatment records would be to the value of their claim.

The evidence that supports a strong emotional distress claim includes:

- **Contemporaneous Mental Health Treatment Records:** Therapy session notes, psychiatry records, and clinical assessments that document diagnosis, symptom severity, and functional impairment from the beginning of treatment through the present. These records are most valuable when they specifically connect the onset of symptoms to the crash event.
- **Primary Care Physician Notes Documenting Psychological Symptoms:** When a primary care doctor notes anxiety, sleep disturbance, or mood changes at routine follow-up appointments and connects those observations to the crash history, the treating physician becomes an important witness in addition to any mental health specialist.
- **Expert Psychiatric Or Psychological Evaluation:** In serious emotional distress cases, a forensic psychological evaluation by an expert qualified to testify about PTSD and crash-related psychological injury can establish both diagnosis and long-term prognosis in a format courts recognize and juries can follow.
- **Personal Journals And Documented Daily Impact:** Courts have consistently recognized that a crash survivor's own contemporaneous documentation of how the psychological harm has affected their daily life, documented consistently over time, is meaningful evidence. Journals that describe specific missed events, lost sleep, avoidance behaviors, and functional limitations add texture that clinical records alone don't capture.
- **Witness Testimony About Observable Changes In Behavior:** Family members, coworkers, and close friends who can describe specific observable changes in the injured person's behavior, personality, and daily functioning before and after the crash provide lay testimony that supports the expert evidence about psychological harm.

The SB 68 Framework And Why Non-Economic Damages Matter More Now

Georgia Senate Bill 68, effective for causes of action arising on or after April 21, 2025, changed how medical damages are presented to juries. Under SB 68's [phantom damages provisions](#), the defense presents both billed and insured amounts to the jury, creating pressure toward the lower number when juries evaluate medical damages. That shift makes the non-economic components of a personal injury claim, including emotional distress, pain and suffering, and loss of enjoyment of life, proportionally more important to the overall recovery.

When physical injury damages are pressed toward the insured amount, a well-built emotional distress case can recover damages that fully reflect the real human cost of the injury. Georgia law doesn't cap general non-economic damages in standard personal injury cases, which means there's no artificial ceiling on what a jury can award for documented emotional harm. The practical ceiling is the strength of the documentation and the persuasiveness of the expert testimony.

[Delayed symptoms that emerge after a Georgia car accident](#) are a related concern. Many crash survivors don't recognize the severity of their psychological harm until weeks after the event, when they've returned to normal routines and discovered that normal no longer feels the same. Connecting those delayed-onset symptoms to the crash requires early documentation of the crash event and a clinical narrative that accounts for the typical onset pattern of PTSD and anxiety disorders.

[Soft tissue injuries from car accidents](#) frequently occur alongside emotional distress claims because crashes that produce chronic pain also produce anxiety, depression, and the functional limitations that make psychological recovery harder. Treating those injury types as part of an integrated damages picture produces a more complete and persuasive claim than presenting physical and psychological harm in separate silos.

When a crash results in catastrophic physical injuries including [traumatic brain injury](#) or [spinal cord damage](#), the emotional distress component becomes part of a life care plan evaluation that addresses the full long-term impact, not just the acute treatment phase.

Proving Psychological Harm When The Physical Evidence Has Healed

Emotional distress claims don't resolve on their own timetable. A broken arm can heal in 6 to 8 weeks and produce an X-ray that shows healing. PTSD can persist for years, and its resolution isn't visible on any scan. The strength of these claims depends entirely on the quality of documentation that begins in the days and weeks after the crash, not months later when the case is already in litigation.

Since 1993, our law firm has recovered [over \\$1 billion for Georgia families](#). Our Georgia personal injury lawyers know how to build emotional distress claims that hold up against the insurance company's standard challenges, how to engage the right mental health experts, and how to present the full human cost of a crash in a way that resonates with Georgia juries.

Every case our firm handles comes with a simple guarantee: you pay us nothing unless we win. There's no retainer, no hourly billing, and no legal fees of any kind until we've secured compensation on your behalf. If a Georgia accident left you carrying psychological harm that no one can see but everyone in your life can feel, [contact us](#) today for a free consultation.