

Avoid Sibling Disputes Over Caregiving By Putting It In Writing

By Bernard A Krooks | 07/01/07

Caring for an elderly parent can be stressful for families. Siblings may disagree over how to provide care or where a parent will live, and if these squabbles escalate into a guardianship battle, it can cost the family thousands of dollars. To avoid this, lawyers have begun drafting sibling agreements (also called family care agreements).

If a parent becomes incapacitated and can no longer take care of him- or herself, questions can come up between siblings over where a parent should live, who should manage the parent's money, or who will assume primary caregiving duties. A sibling agreement can address these issues and provide consequences if the agreement is not followed.

Sibling agreements are not meant to replace a trust or a power of attorney. Instead the agreement can complement these valuable estate planning tools by providing guidance for the trustee or the holder of the power of attorney. The following are some examples of topics an agreement might cover:

- Which sibling has primary care of a parent and how caregiving duties will be divided among siblings
- Whether a sibling will be reimbursed for caring for a parent
- Where the parent should live-with a child, in assisted living, in a nursing home?
- How to decide whether a parent should move into a nursing home
- How the parent's money will be managed
- Whether the siblings will contribute financially to the parent's care

If the siblings can't reach an agreement, a geriatric care manager or mediator can help draft the agreement. (For more on family mediation, [click here](#).) Mediators can also help if one of the siblings breaches the agreement. Consequences for breaching a sibling agreement could be losing a power of attorney or a reduction in inheritance.