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It's a growing trend to make children responsible for their parents' bills. Adult children need to talk to their parents and plan for future expenses. GANNETT NEWS SERVICE

## Elder-care dilemma

In some states, children can be found liable for parents' bills

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*While no one can foresee what will happen in New York, planning is the best defense against all contingencies. Although parents may be reticent about discussing their finances, it's clear that adult children have a "need to know" their economic situation.*

The sandwich generation could soon be further squeezed. Already caught between spiraling college tuition and care for aging family members, baby boomers could also become liable for their parents' bills. This on top of worries concerning their own retirement.

In approximately 30 states, "filial support" statutes make adult children legally responsible — on paper — for their parents' expenses. In recent times, most jurisdictions have chosen not to enforce such laws, but that could change. A Pennsylvania court recently found an elderly woman's son liable for

her \$93,000 nursing-home bill. New York currently has no filial-responsibility law, but states are observing the Pennsylvania scenario with interest.

While filial-responsibility laws date from colonial days, they largely fell into disuse with the creation of Social Security. The establishment of Medicare and Medicaid further rendered them unnecessary. But now the national conversation is focused on deficit reduction, and entitlement programs are increasingly at risk.

Filial-support laws typically don't apply unless a parent receives finan-

cial aid from the government or is in danger of defaulting on medical or nursing-home bills. In such cases, interested parties are entitled to file lawsuits seeking payment. Courts have discretion to consider the adult child's ability to pay, but in Pennsylvania, the son facing a \$93,000 charge had an annual income of \$85,000.

The AARP reports that Medicaid is the primary source for 72 percent of the \$13.4 billion spent annually for New York's 108,000 nursing-home residents. Medicaid reform in New York has been ongoing, and, depending upon its future course, legislators and health-care providers could be tempted to follow Pennsylvania's lead.

### Planning is crucial

While no one can foresee what will happen in New York, planning is the best defense against all contingencies. Although parents may be reticent about discussing their finances, it's clear that adult children "need to know" their economic situation.

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More states are holding children responsible for their parents' bills. With high medical costs often accompanying the end of life, families need to prepare together. GANNETT NEWS SERVICE

## Krooks

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Do they have long-term-care insurance? If meeting premium payments is an issue, it may be advisable for the younger generation to pitch in. Be aware, though, that not all long-term-care policies are created equal. Have an unbiased and qualified professional — such as a

certified elder-law attorney — analyze the options to ensure that seniors sign up for adequate coverage.

Then there's the question of establishing and maintaining eligibility for the public benefits that are now in place. In Pennsylvania, nursing homes are largely using the filial-support law to prod adult children into filing Medicaid paperwork for their parents. But the process can be

confusing, so again, it makes sense to consult an attorney to ensure that there are no payment lapses for which family members could be held responsible.

Many adult children already juggle intergenerational responsibilities. But being aware of potential changes in the elder-care landscape could help avoid sleepless nights and economic headaches.