



“Filial Support”: Can You Be Billed for Your Parent’s Nursing Home Care?

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Under little-known laws of many states, an adult child can be determined to be financially liable for their parents’ nursing home bills. While Arizona, fortunately, does not have such a law, some Arizonans may still be subject to the laws of a state in which their parents incurred nursing home or other care-related debt.

This issue gained some exposure when several news outlets reported on a Pennsylvania man who was billed approximately \$93,000 after his elderly parents were released from their nursing home and moved overseas to stay with relatives. The nursing home tried to collect on the debt not by billing Medicare or the parents, but by going after their son. As reported in the June 22, 2012, Wall Street Journal (“[Are You on the Hook for Mom’s Nursing-Home Bill?](#)”), a Pennsylvania court found the son liable for the debt under a “filial support” or responsibility law, despite having no role in creating the debt.

Similarly, a Florida woman was sued for \$50,000 by her mother’s nursing home, which threatened to put a lien on her house (in that case, the company dropped their collection efforts against the daughter).

FILIAL SUPPORT

Although filial support laws are rarely used, 29 states have them, allowing companies to go after adult family members for unpaid medical bills. (In some cases, nursing homes use the law as leverage to coerce family members to complete Medicaid paperwork on the company’s behalf or to gather financial information to which frail parents no longer have access).

In addition to liens, courts can garnish an adult child’s wages, and any outstanding judgment will likely appear as an unpaid debt on an individual’s credit report. In some states, there are criminal penalties for family members who don’t pay.

Filial laws have been on the books in various states since the U.S. was founded and are based on England’s Poor Act of 1601. Essentially, filial laws maintain that individuals who are “financially able” are responsible for supporting their indigent relatives. In a few states, grandchildren are considered responsible parties as well. Some filial support laws are vague and do not define what makes one “financially able” to pay for a family member’s eldercare or what makes a parent “indigent.”

PROTECTIVE MEASURES

Experts seem to agree that the best defense to ensure a family’s financial security is planning.

If you have a parent for whom nursing home or other medical or life care services may be imminent, you should research the law of your parent’s state of residence before you or they sign any paperwork that could burden not only your own estate but your children’s and grandchildren’s. (See a list of [states with filial laws](#).)

Another solution is to invest in long-term care insurance, which can cover the gap between the cost of care and what the government pays through Medicare. Our website offers a number of articles related to long-term care insurance; to view them, type “long-term care” into the search box in the upper-right corner of this page.

Adapted from the Daily Plan-It newsletter.

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