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Parents' Medical Bills: Are They Your Responsibility?

Just when you thought your days of paying others' medical expenses were behind you, Pennsylvania Courts are holding you responsible for your elderly parents' care.

It's a given that, as parents, you will have to care for your children. You are expected to provide for them, which, naturally, includes ensuring that they receive proper medical care and paying for that care, whether by providing insurance, covering deductibles and co-payments, and/or paying a health care bill when and if insurance is not available.

Many parents look forward to the day when their children are grown and are able to take care of themselves, a time when their children take responsibility for their own medical care and — more important — pay for that care. Yes, many parents look forward to the day when the financial responsibility of caring for their children is behind them.

None of this should come as a surprise to anyone with children.

However, what may come as a surprise is that, in

Pennsylvania, after a child is grown and has taken responsibility for his or her own care, the tables are turned and that child can be — and often is — held financially responsible for the care of his or her parents.

The law under which Pennsylvania children can be held financially responsible for their parents' medical bills is commonly known as the "Filial Support Law." It has been around for many years and, simply put, provides that certain relatives (including children) can "have the responsibility to care for and maintain or financially assist an indigent person." The law does not apply if the "individual does not have sufficient financial ability to support the indigent person" or if the parent abandoned the child for 10 years during the child's minority. Importantly, the law does not clearly define "indigent person" or "sufficient financial ability."

In these days of rising health care costs, difficult and confusing medical assistance applications, and more and more elderly individuals relying on Social Security and public assistance, courts in Pennsylvania permit nursing homes and other care providers to use Pennsylvania's Filial Support Law to sue a child for the unpaid costs of services provided to the child's parent. Although variations of the law exist in most states, Pennsylvania is one of only two states that have affirmed a decision to hold an adult child responsible for his or her parent's medical bills. Recent decisions in Pennsylvania have ordered a child to make monthly payments toward his mother's medical

bills despite evidence that the child's monthly expenses exceeded his own monthly income. Some saw this decision as an expansion of the law, which requires a relative to take responsibility for care only when that relative has "sufficient financial ability."

Subsequently, a Pennsylvania court ordered a child to pay her mother's medical bills upon evidence that the child had transferred her mother's assets to herself. The court found the child at fault for making her mother indigent. More recently, a Pennsylvania court ordered a child to pay a lump sum medical bill despite no evidence that the child had dissipated his mother's assets and despite the fact that an application for medical assistance was pending! Further, the court held that the nursing home was not obligated to sue the mother's spouse or other adult children.

As a result of the interpretation of the Filial Support Law by the court, it is clear that a child can be held responsible for paying a parent's medical bills even if the child did not sign a contract agreeing to pay them. Further, the child can be responsible regardless of the child's own expenses or a pending application for medical assistance. Nursing homes also now have the power to pick and choose which children they will hold responsible for medical bills.

There is no question that being presented with a significant and unexpected medical bill would destroy anyone's day, but, with many of our parents aging at the same time that we are struggling to provide for our own children, this is a law of which more families should be aware.

Moreover, it is an alarming statutory provision that causes a child to be financially responsible for services over which that child had no control in choosing.

Unfortunately, there appears to be no way to protect oneself or plan ahead — if you have the ability to pay and your parents do not, you

may be on the hook for their medical bills. This said, the best suggestion would be to consult an elder care attorney regarding your parents' important health care decisions and, when appropriate and necessary, complete applications for medical assistance sooner rather than later.

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