

# Filial Support Laws

*Could you end up paying for your parents' nursing home care?*

Provided by IWM Partners

Ever hear of “filial piety”? How about “filial support”? You may be unfamiliar with these phrases – and the laws based on them. A recent, notable court ruling has brought filial support laws back into the spotlight. Some attorneys and retirement planners are wondering if more nursing homes will use these laws to force adult children to pay their parents’ long term care bills.

**“Filial piety” is a centuries-old moral principle.** It is the belief that adult children have a duty to respect, obey and personally care for elderly parents and relatives. Confucius (Kong Qui) made *xiao* or “filial piety” a moral precept of his philosophy, which entered into many Asian cultures. In many societies around the world, it is disgraceful to ignore this responsibility.<sup>1</sup>

While the American dream of retirement glorifies independence (and even freedom *from* family to some degree), the essence of filial piety isn’t lost here – in 29 states, nursing homes can still potentially use filial support laws to demand that adult children pay for their parents’ eldercare bills if Medicaid doesn’t.<sup>2,3</sup>

**Aren’t these laws antiquated, though?** While many of them were written prior to the advent of Medicaid, filial piety statutes – as musty as they may be – represent a creative way for eldercare facilities to collect outstanding payments. Long term care providers in Pennsylvania, New Jersey and South Dakota are taking advantage of these laws, a Penn State University study notes; the worry is that facilities in other states will follow suit.<sup>2,3</sup>

In 2012, a Pennsylvania superior court upheld a lower court ruling (*Health Care & Retirement Corp. of America v. Pittas*) allowing a nursing home to demand a lump sum of \$93,000 from the son of a woman who relocated to Greece with her bill unpaid. (She had turned to Medicaid for help, but the ruling came before her Medicaid claim could be resolved.)<sup>2,3</sup>

In New Jersey, a man decided to pay a nursing home more than \$30,000 when it went after him citing a need for filial support. The circumstances were unusual here to say the least. The nursing home had failed to monitor the bank account in which his uncle’s Social Security payments had collected, and it went over the Medicaid assets limit. The uncle was now disqualified for Medicaid, and Medicaid refused to pick up the tab for the nursing care costs amassed during the months in which the nursing home had dropped the ball. So the facility turned to his nephew, who was regarded to be his closest living relative. The nephew could have sued in response, but instead he wrote a check, electing to avoid continued “aggravation.”<sup>3</sup>

**Filial support laws differ from state to state.** In Nevada, for example, adult children aren’t responsible for supporting their parents unless a written promise has been made. In

Connecticut, the legal duty of filial support only extends to parents younger than 65. In Arkansas, the only filial piety requirement is for mental health services for parents.<sup>2</sup>

Will more nursing homes seek to collect overdue payments via these old laws? It could happen.

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**Citations.**

1 - [www.britannica.com/EBchecked/topic/273807/xiao](http://www.britannica.com/EBchecked/topic/273807/xiao) [4/22/13]

2 - [www.foxbusiness.com/personal-finance/2012/11/15/are-responsible-for-mom-nursing-home-bill/](http://www.foxbusiness.com/personal-finance/2012/11/15/are-responsible-for-mom-nursing-home-bill/) [11/15/12]

3 - [www.forbes.com/sites/feeonlyplanner/2012/08/13/new-financial-burden-for-boomers-forced-to-pay-parents-long-term-care-bill/](http://www.forbes.com/sites/feeonlyplanner/2012/08/13/new-financial-burden-for-boomers-forced-to-pay-parents-long-term-care-bill/) [8/13/12]