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## ELDER LAW MINUTE

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On September 24, 2007, John Pittas admitted his mother to Liberty Nursing and Rehabilitation Center in Allentown, Pennsylvania, where she remained for five months before moving to Greece. A large portion of the bills incurred there were not paid. As a result, Liberty filed an action against John seeking payment of \$92,943.41, based upon Pennsylvania's filial support statute, which provides:

*(a)(1) Except as set forth in paragraph (2), all of the following individuals have the responsibility to care for and maintain or financially assist an indigent person, regardless of whether the indigent person is a public charge: (i) The spouse of the indigent person. (ii) A child of the indigent person. (iii) A parent of the indigent person.*

*(a)(2) Paragraph (1) does not apply in any of the following cases: (i) If an individual does not have sufficient financial ability to support the indigent person. (ii) A child shall not be liable for the support of a parent who abandoned the child and persisted in the abandonment for a period of ten years during the child's minority.*

*23 Pa.C.S.A. § 4603*

The trial court entered a verdict in favor of Liberty. John appealed. John argued that the trial court improperly placed the burden of proving his inability to support his mother on him. The appellate court agreed but found that Liberty had met its burden. John also argued that the trial court was obligated to consider other sources of income, such as his mother's husband, other children and Medicaid which was pending. The appellate court disagreed. According to the court, if John wanted other family members to share the support obligation, he should have joined them in the law suit. And, if Medicaid was approved, John would be reimbursed by Liberty. Finally, John argued that his mother was not "indigent." The court applied the common-law definition, *those who do not have sufficient means to pay for their own care and maintenance*. Judgment for Liberty was affirmed.

Did you know that 30 states have similar statutes, and Georgia is one of them? Take a look at O.C.G.A. § 36-12-3. Thankfully, it only seems to apply to counties trying to recoup the cost of supporting paupers.

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