

# AJC's Call to Action for America: No Hate in Our States



BY MYRA CLARK-SIEGEL, AJC WESTCHESTER/FAIRFIELD DIRECTOR

At a time when antisemitism is on the rise, it is time to take action.

As AJC's groundbreaking 2021 State of Anti-

## Be Careful When Signing Nursing Home Agreements



BY BERNARD A. KROOKS, CERTIFIED ELDER LAW ATTORNEY

A client recently told us about a family member who was sued by a nursing home seeking to recover money on behalf of a deceased relative who had spent some time at that nursing home. While nursing homes suing family members is not a new development, many nursing homes have gotten way more aggressive recently in their attempts to collect monies they feel they are owed. If someone you know is entering a nursing home, you might be wondering whether you could be liable for the cost of their care.

Federal law prohibits a nursing home, as a condition of admission or continued stay, from requiring a family member or friend to guaranty payment of the nursing home resident's financial obligations to the nursing home. Unfortunately, nursing homes regularly attempt to find creative ways to make others responsible, some of these efforts are legal and some are not. One common technique is to require a family member or agent under a power of attorney who has access to the resident's funds to use those funds to pay for care. Even if someone signs this type of agreement, they are still not responsible to use their own funds to pay for the resident's care, unless they are considered a legally responsible relative. For these purposes, that generally means a spouse.

If you are helping someone who is going into a nursing home, it is important that you carefully review the admissions agreement and related documents before you or someone else signs it. Often, this is easier said than done since the nursing home that you are seeking placement at may have limited openings and there could be pressure to sign papers right away and worry about it later. The nursing home may even tell you that you could lose the bed for your relative and that others are waiting in line.

In virtually all cases of nursing homes against family members and even friends, the

semitism Report demonstrates, antisemitism is surging in the United States, with Jews the target of 55% of all religiously motivated hate crimes reported. The latest FBI figures on hate crimes corroborated this surge, even though Jews are just 2% of the U.S. population.

Often called the world's oldest hatred, antisemitism takes on many forms. It can originate from far-right groups such as neo-Nazis and white supremacists, by far-left factions that seek the destruction of Israel as a Jewish state, and by religious extremists.

That's why AJC (American Jewish Commit-

family member or friend had blindly signed the admissions agreement where instructed in order to get their friend or family member into the nursing home. Unfortunately, they didn't read the fine print which included a provision in which the signer promised to pay any monies owed to the nursing home, even if the patient's money ran out, even if the signer had no legal responsibility, and even if the signer was not a relative.

Here are some tips in case you are ever asked to sign an admissions agreement on behalf of someone else as a "responsible party" or otherwise:

When you are signing a family member or friend into a nursing home, read the agreement. Cross out anything that says or implies that you are accepting personal responsibility for the care costs.

Review the agreement for arbitration clauses. These usually benefit the nursing home (that's why they put them in there). If you can, delete these provisions from the agreement.

Pay particular attention to paragraphs where you are asked to initial or sign separately. Those are usually the ones where you are at the greatest risk. The nursing home will later say that not only did you sign the agreement, but you also initialed the provision which made you personally responsible.

Make sure that you indicate your actual role in signing. Do you hold a power of attorney? Sign as "attorney-in-fact" (write that after your signature). And do it on the patient's signature line, not on the "responsible party" line.

If you're not sure, don't sign at all. Tell the intake worker that you'll need to take the agreement home to read it. Ask a lawyer for review it. The best way to avoid a lawsuit is to plan in advance and work with a Certified Elder Law Attorney to protect your interests.

While nursing homes can't force you to sign any of these onerous provisions, they do sometimes rely on the anxiety, confusion, and discomfort of the moment to get you to sign something you don't have to sign. Proceed with caution.

*Bernard A. Krooks, Esq., is a founding partner of Littman Krooks LLP. He was named 2021 "Lawyer of the Year" by Best Lawyers in America® for excellence in Elder Law and has been honored as one of the "Best Lawyers" in America since 2008. He was elected to the Estate Planning Hall of Fame by the National Association of Estate Planners & Councils (NAEPC). Krooks is past Chair of the Elder Law Committee of the American College of Trust and Estate Counsel (ACTEC). Mr. Krooks may be reached at (914-684-2100) or by visiting the firm's website at [www.elderlawnewyork.com](http://www.elderlawnewyork.com).*

tee) issued a nationwide Call to Action for government, law enforcement, and other institutions to respond to and prevent antisemitism.

AJC released A Call to Action for America: A Society-Wide Nonpartisan Guide to Address Antisemitism, designed to help key sectors of society better understand antisemitism, so they are properly equipped to respond to and prevent anti-Jewish hate in their communities.

The latest AJC State of Antisemitism in America report found that 90% of respondents believe antisemitism is a problem in the U.S. and that four in 10 American Jews changed their behavior, such as not wearing a Star of David or yarmulke in public, at least once in the past 12 months out of fear of antisemitism.

The trend of resurgent anti-Jewish hate in America follows the reanimation of antisemitism in Europe two decades ago. In response to a resurgence of European antisemitism, AJC launched a similar initiative in Europe in 2015 and hosted a groundbreaking summit after violent attacks that specifically targeted Jews.

The Call to Action aims to mobilize American leadership to at once understand, respond to, and prevent antisemitism. It outlines the challenges each sector faces in responding to antisemitism and offers best practices and steps that should be taken, such as the removal of antisemitic content on social media platforms or the need for law enforcement to accurately record and report hate

## Support for Holocaust Survivors in Westchester County

BY ALLISON DANZIG, JD, LL.M. AND GILLIAN RITTMASER, LCSW

Approximately 160 Holocaust Survivors reside in Westchester. At Westchester Jewish Community Services (WJCS), we are privileged and proud to offer a range of programs to Holocaust Survivors throughout the county, including support groups, social events, as well as services to Survivors, based on their individual needs.

Sadly, too many Holocaust Survivors residing in the U.S. live at or near poverty level. Thanks to a grant from The Conference on Jewish Material Claims Against Germany, WJCS is able to reimburse Survivors who are in need for home care expenses. Survivors and their families are so grateful for both the monetary assistance that helps them have sufficient and appropriate help in the home as well as the social connection that eases isolation. Over and over again, we hear that the peace of mind these services give our Survivors and their families has proven invaluable.

In partnership with UJA-Federation of NY and the Claims Conference, WJCS is also able to provide socialization events, which offers opportunities for Survivors to enjoy being together. These events include our annual Survivor Day luncheon, Sukkot celebration, and Hanukkah gathering, all of which are generously hosted by local Westchester synagogues. While during the height of the COVID pandemic, support groups and events took place virtually, fortunately, in-person events have now returned. These are amazing gatherings, filled with warmth, love, music, family, food, prayer, and storytelling. They are a stark contrast to the many months during the pandemic when Survivors were at home with little or no face-to-face contact with loved ones.

crimes, and is aimed at these sectors:

- The Public Sector (Federal, state, and local government and law enforcement)
- Media
- Private Sector and Civil Society (Corporations and Diversity, Equity, and Inclusion (DEI) personnel and coalition partners)
- Educational Institutions (Secondary schools, universities, and colleges)

We must raise awareness about the threat of antisemitism here in the United States with decision makers and opinion leaders. Antisemitism is not an issue for the Jewish community to solve alone. Levels of antisemitism reflect the health of civil society, and like all forms of racism, must be addressed by society overall, and leaders in particular.

Any act of racism or hatred against any community should be taken seriously and we expect that leaders would respond quickly, clearly, and as strongly as needed. That should be the case with government officials, corporations, and higher education. We call upon these leaders to stand with the Jewish community, just as they do with other minorities. When we say, "No Hate in Our States," we must work with our partners and leaders to ensure that becomes a reality. We hope you will join AJC's Call to Action.

*Myra Clark-Siegel is AJC Westchester/Fairfield regional director. To participate in our Call to Action for America, please contact us at: [westchester@ajc.org](mailto:westchester@ajc.org)*

WJCS recently launched a new initiative called "Share Shabbat." This program pairs a Survivor with a volunteer to share a Shabbat dinner every month. Currently, 36 Survivors are part of this program and we hope more will join. Food is generously provided by individual donors who sponsor a Survivor's monthly Shabbat dinner. A volunteer brings dinner to the Survivor, giving them the opportunity to spend time together. They light candles, say prayers, and break bread, as well as share stories and learn about each other's experiences. Our volunteers get as much out of this experience as our Survivors do. They have expressed to us that they are deepening their Jewish roots and have a greater understanding of Jewish culture, traditions and, most of all, the Holocaust. Our Survivors tell us they look forward to "Share Shabbat" every month and love hearing about current events and the jobs, interests, and families of the volunteers. It is a vital and much-appreciated connection to the outside world.

"Share Shabbat" has provided Survivors with another person in their lives with whom they can talk. It cultivates additional "memory keepers" of the Holocaust experience. It helps guarantee that the stories of the Shoah, will be passed on to future generations. We must never forget the horrors victims and Survivors of the Holocaust endured. The WJCS "Share Shabbat" program both provides social connection and is another way we make sure we never forget.

*To find out more about Share Shabbat and other WJCS Holocaust Survivor services, please contact: Allison Danzig at 914-761-0600 ext. 2241. Allison Danzig is Coordinator of WJCS Holocaust Survivor Support Services. Gillian Rittmaster, LCSW, is Assistant Executive Director of Jewish Programs at WJCS.*