



NEW YORK STATE SENATOR

Martin J. Golden

Malliotakis, Golden Rally for Affordable Long-Term Care

MARTIN J. GOLDEN February 7, 2013



Lawmakers advocate for right of spousal refusal

Assemblywoman Nicole Malliotakis (R,C,I-Brooklyn, Staten Island) and Senator Martin Golden (R,C,I-Brooklyn) recently held a press conference calling for the preservation of spousal refusal, a provision in state law that helps care-giving individuals afford long-term care for their spouses, in this year's budget. For the second consecutive year, Governor Cuomo has sought to eliminate the protection in his Executive Budget.

“No family should be forced to spend their life’s savings and give up everything they’ve worked their entire life to earn in order to provide critical, long-term care for a loved one,” said Malliotakis. “The cost of living is high enough without the unforeseen financial burden of terminal illness, and the emotional stress is even more taxing when dealing with a loved one in turmoil. New Yorkers need the right of spousal refusal to protect their families and to protect what they’ve earned. I urge my colleagues in both houses of the legislature to fight for its inclusion in this year’s state budget.”

“The new language in the executive budget, changing a single word from 'or' to 'and' regarding spousal refusal, causes an unbearable financial burden on New York's most vulnerable. This new language forces the sick and elderly, who for the last 40 years have relied on this system, to lose all their assets and possibly their homes. New Yorkers need to stand up for the seniors and the sick, and spousal refusal is a right which we must preserve.”

Spousal refusal allows seniors who are in the community to separate their income and resources from spouses in home care due to chronic health needs. Thousands of New Yorkers take advantage of this right in order to avoid unreasonable financial suffering when their spouse is in long-term care. With spousal refusal, the healthy spouse is able to keep a home, a car and up to \$113,640 in assets. Without spousal refusal, the couple would have to spend down and live the remainder of their lives on \$20,850 in assets.