The Hidden Estate Planning Crisis Facing the Sandwich Generation

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By Candace Dellacona

Why millions of families caring for two generations are legally unprepared for either.

Across the country, millions of adults are quietly living in what has come to be known as the sandwich generation. Statistics show that one in six Americans is in the sandwich generation, supporting aging parents while also raising children or helping launch young adults. Much of the public conversation around this group focuses on the emotional and financial strain of caregiving and those receiving the care. What receives far less attention, however, is the legal vulnerability many of these families face. Many estates and trusts attorneys see a growing and largely invisible problem: a hidden estate planning crisis affecting the very people holding multiple generations together.

Many people still consider estate planning something to address later in life. Yet the sandwich generation sits at the exact intersection where planning becomes essential for two generations at once. It is not uncommon for estate and trust attorneys to encounter families whose aging parents have not established even the basic vital legal documents, such as powers of attorney and health care directives. At the same time, and as a result, the adult children who are helping manage their parents' lives have no legal authority to make decisions on their behalf. Even more striking, those *same* caregivers—busy raising children and supporting parents—often have not completed estate planning for *their* own families.

In other words, the individuals coordinating care, finances, and medical decisions for everyone else are often doing so without a legal framework protecting anyone involved.

A common situation involves adult children informally stepping in to help aging parents. They begin by paying bills, organizing, advocating at medical appointments, and helping manage finances. Over time, those responsibilities expand. Without the proper legal documents in place, the adult child may technically have no legal authority to act. What these adult children find, often too late, is that financial institutions refuse to discuss accounts and medical providers limit the information they can share. Important decisions become delayed and complicated, even when everyone in the family agrees on what should happen.

If an aging family member or parent experiences cognitive decline before these documents are in place, the situation becomes even more difficult. Families may suddenly find themselves navigating court proceedings to obtain guardianship or simply to manage basic financial and medical matters. What could have been handled through proactive planning becomes a crisis-driven, stressful, and expensive legal process at precisely the moment families are already under inordinate emotional and often financial strain.

Another dynamic frequently emerges within sandwich generation families when one sibling becomes the primary caregiver for the aging parent. Often referred to as the "caretaker child," this person may take on the bulk of responsibility for coordinating care, managing finances, or in some cases, even housing a parent. While these arrangements are often made with the best intentions, they can create fractures within the sibling relationship as the parent grows more dependent. The opportunity for discord grows with certainty when estate plans are unclear or nonexistent. Questions about whether the caregiving child should be compensated or how caregiving contributions should be recognized, often surface only after a parent becomes incapacitated and can no longer take part in those discussions, or worse, after the parent dies. Without clear planning and communication, these issues can quickly evolve into family conflict or worse, family estrangement.

Making matters worse, the caregiver's own legal planning is frequently neglected. Many members of the sandwich generation are simply too busy managing daily responsibilities to focus on their *own* estate planning, creating another significant vulnerability. If something were to happen to the caregiver such as an illness, accident, or an unexpected death, there may be no legal structure in place to protect their children or guide decisions about their assets. The people responsible for stabilizing two generations of family life often overlook the fact that they remain central to their own household's future security. There are varying studies that indicate that a caregiver can be 18-40% more likely to die before the care recipient, a testament to the necessity that the caregiver, too, must consider their own planning.

The encouraging news is that this crisis is entirely preventable: addressing it does not necessarily require complex legal strategies. What it requires most is starting the conversation early and recognizing that estate planning is no longer a singlegeneration exercise. Families navigating the sandwich generation need planning that considers the needs of aging parents while also protecting the caregiver’s own family. When parents have clear legal authority in place for trusted decision-makers, when siblings communicate openly about caregiving roles, and when caregivers ensure their own families are protected, the most difficult and painful conflicts can be avoided.

Demographic trends suggest the sandwich generation will continue to grow as people live longer and families remain financially interconnected for longer periods. What once happened sequentially, raising children first and caring for parents later, is now happening simultaneously for millions of households. Yet the way many families approach estate planning has simply not adapted to this reality.

Planning today is no longer simply about preparing for the end of life. It is about creating stability for families managing the complex responsibilities of supporting multiple generations at once. The individuals carrying that responsibility deserve a legal framework that reflects the critical role they already play in their families’ lives. The question facing many families is not whether they will encounter these issues, it is whether they will confront them prepared or in crisis.