

What is Elder Law?

By: Christian S. Kelso, Esq.

While there is no perfect definition of ‘elder law,’ it can generally be thought of as the confluence of several traditional legal areas as they are of particular interest to the elderly. Thus, estate planning, special needs planning as well as veterans and retirement benefits planning are all important parts of elder law. Understanding social security is also an obvious component. Other areas, however, are less obvious aspects of elder law. For example, when it comes time to choose a home that specializes in elder care, such as an assisted living facility, or in-home nursing care, the law of contracts is important because agreements must be negotiated with the provider. Additionally, there are a whole host of crimes that Texas recognizes as been aggravated when committed against an elderly person.

As you can see, there are many components to elder law which don’t always fit into a single practice area. The common thread, of course, is that each of these components is affected somehow when the client is elderly. Thus, when elderly clients face a particular issue, they will not only need attorneys competent in the relevant area of law (Wills, contracts, criminal, etc...), they also need attorneys who understand the special ramifications involved with serving an elderly client.