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What is Elder Law?

Elder law exists to meet the varying legal needs of seniors. Elder law focuses on aiding seniors in solving problems such as accessing benefits and healthcare, obtaining and maintaining safe and secure housing, avoiding or escaping abuse and exploitation, and engaging in important estate planning activities. Elder law is a unique practice area of the law in that it is tailored to help people based on their age and not based on their legal problem.

Why Does Elder Law Focus On Age And Not On A Specific Legal Problem?

Elder law is a special sector of the law that focuses on a single age group and not a single legal problem so that it can best meet the legal needs of the senior on a holistic level. When a senior has a legal problem in one area (i.e. housing, healthcare, estate planning), it usually stems from or overlaps in the other legal areas. For example, when a senior is struggling to access benefits, this may cause them difficulties with getting proper healthcare, which will result in seniors paying out of pocket for medications and treatments. Paying out of pocket for expenses that used to be covered by other sources may cause a financial strain resulting in the inability to afford safe housing, necessary home repairs, food, and other bills.

Who Is Considered An Elder?

In the state of Tennessee, an elder is defined as someone who is sixty (60) years of age or older or suffers from some physical or mental disability as a result of aging.

What Legal Problems Do Elder Law Attorneys Address?

Elder law attorneys can assist with any legal problem so long as the client is 60 years or older or has a physical or mental disability as a result of aging. This includes, but is not limited to, Estate planning for management during life and after death, trust administration and probate, financial and medical powers of attorney, elder abuse, fraud, and exploitation, advanced directives for healthcare, consumer issues, and custody problems.

What Are The Age Requirements For Other Benefits Regarding Elder Care?

1. **Medicaid** – There is no age requirement for Medicaid. Eligibility for Medicaid is determined by income. For more information visit: <https://www.medicaid.gov/>
2. **Medicare** – An individual must be sixty-five (65) years of age or under sixty-five (65) years of age with a disability to be eligible for Medicare benefits. For more information visit: <https://www.medicare.gov/index>
3. **TennCare** – There is no age requirement for TennCare. Eligibility is determined based on eligibility for Medicaid. Certain other people who lack access to insurance may also qualify for TennCare. For more information visit: <https://www.tn.gov/tenncare.html>
4. **Social Security** – You can begin receiving social security benefits at the age of sixty-two (62) years old, but greater benefits are received by waiting until full retirement age. Full retirement age is sixty-six (66) years old for people born after 1942. For more information visit: <https://www.ssa.gov/>

Want to know more? Follow this link to read our blog on What Is Elder Law: <https://help4tn-test.openadvocate.org/elder-law >

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