



What is Elder Law?

Elder law is a relatively new specialty area that focuses on the unique needs of the elderly and individuals with special needs, regardless of age. Elder law consists of many disciplines of law, including estate planning, probate and guardianship. Additionally, a qualified elder law attorney provides guidance regarding financing and planning for the long-term care needs of the client, including planning and advice on Medicaid, Medicare and Veterans Affairs benefits.

Elder law focuses not on one specific area of law, but rather focuses on the needs of a specific group of people. For example, an elder law attorney may assist with preparing “basic” estate planning documents, such as wills and trusts, but may do so with the intent to either qualify or maintain eligibility for a government benefit, such as Medicaid. Additionally, an elder law attorney may provide advice on real estate transactions and family law matters, as well as issues surrounding the resident’s rights in a nursing home or assisted living.

One of the main goals of an elder law attorney is to plan for the long-term care needs of the client. Many individuals will at some point in their lives require long-term care medical assistance. The cost of long-term care can be devastating on a family, especially in the instance of a married couple. Most couples want to ensure that after the payment of long-term care expenses, the “healthy” spouse maintains sufficient as-

sets for his or her living expenses. A qualified elder law attorney can provide guidance regarding financing long-term care by accessing the Medicaid program, as well as assist with preserving assets for a spouse or other family member.

In addition to providing legal guidance, an elder law attorney often acts as a coordinator of long-term care needs, giving advice on housing options, caretaking and medical providers. A qualified attorney can help navigate difficult family dynamics, as well as complicated rules for eligibility of government benefits, such as Medicaid, to ensure that the client receives the proper care, either in an institutional facility or at home.

Many attorneys list elder law as a one of their areas of practice; however, few attorneys dedicate their entire practice to the needs of the elderly. When searching for an elder law attorney, look for members in the National Academy of Elder Law Attorneys – an organization dedicated to improving the quality of legal services provided to the elderly and individuals with special needs. Additionally, some elder law attorneys are certified as specialists – referred to as “CELAs” – by the National Elder Law Foundation. Certified elder law attorneys must pass a comprehensive written exam and peer review in order to be certified as specialists.

Kelley M. Bentley is a certified elder law attorney practicing in the Sugar Land office of Roberts Markel Weinberg Butler Hailey P.C.



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T. Aaron Dobbs is board certified in Estate Planning and Probate Law by the Texas Board of Legal Specialization



Kelley M. Bentley is board certified in Estate Planning and Probate Law by the Texas Board of Legal Specialization and is a Certified Elder Law Attorney by the National Elder Law Foundation

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