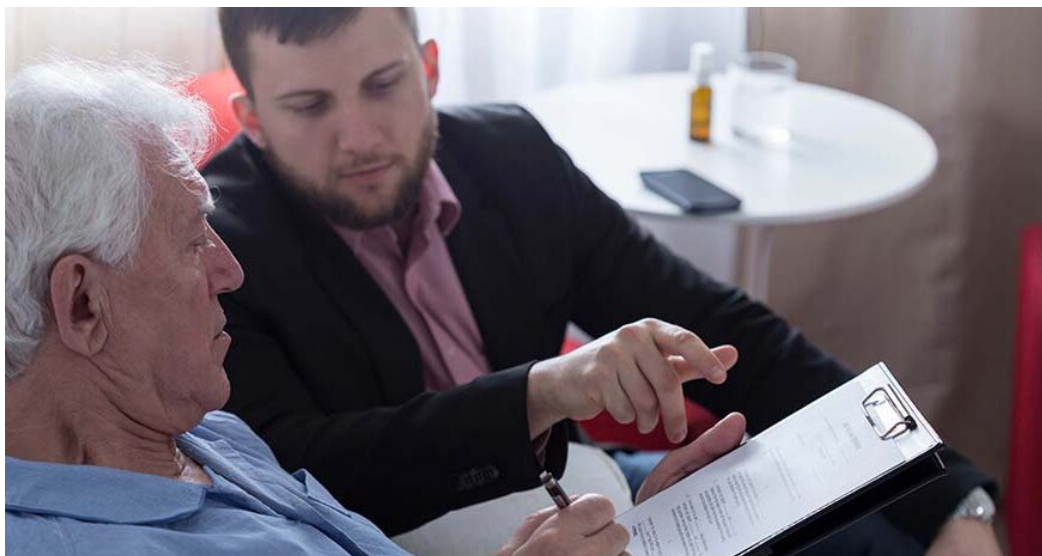


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Elder law attorneys likely to face growing demand as Missouri's aging population grows



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## Elder law attorneys likely to face growing demand as Missouri's aging population grows

Erin Achenbach

(mailto:?subject=Elder law attorneys likely to face growing demand as Missouri's aging population grows&body=In Missouri and across the country, elder law attorneys are encountering a growing need for their services as the population ages. By 2034, older Americans are projected to outnumber children... You can read the content in details following link https%3A%2F%2Fmolawyersmedia.com%2F2025%2F02%2F13%2Fmissouri-elder-law-attorneys-demand-aging-population%2F)

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In Missouri and across the country, [elder law](https://molawyersmedia.com/tag/elder-law/?taxo-tag-body) attorneys are encountering a growing need for their services as the population ages. By 2034, older Americans are projected to outnumber children for first the time in U.S. history and Missouri's demographic trends mirror this national shift.

From 2012 to 2022, the state's 65-and-older population grew by 23 percent, per Empower Missouri, with rural areas seeing particularly high concentrations of elderly residents — 17.5 percent in rural areas versus 13.8 percent in urban areas. This growth has not only created opportunities for legal practitioners but has also introduced challenges that demand adaptability and specialized expertise.

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- Missouri's 65+ population grew 23% from 2012 to 2022, increasing elder law needs.
- **Estate planning** (<https://molawyersmedia.com/tag/estate-planning/?taxo-tag-body>) remains essential, with probate cases on the rise.
- **Elder abuse** (<https://molawyersmedia.com/tag/elder-abuse/?taxo-tag-body>) and financial exploitation cases continue to grow statewide.
- **Medicaid planning** (<https://molawyersmedia.com/tag/medicaid-planning/?taxo-tag-body>) is complex, with rising long-term care costs impacting families.

## Estate planning is a cornerstone

For elder law attorneys, estate planning remains a cornerstone of their practice, yet the demand for their services often fluctuates based on broader economic and social trends.

"I think for us, what ebbs and flows is the types of cases that we see. We handle ... estate planning, anything in probate ... long-term care and special needs planning," partner Angela Myers of The Elder Law Group in Springfield said. "It seems like right now, we got a lot of probate cases, so people have not done their estate planning and passed away, and stuff ended up in probate."



Angela Myers

The COVID-19 pandemic also has reshaped public perceptions of estate planning and elder law.

"Since COVID, there's been a greater recognition of the need for estate planning, so I would say that we're seeing younger individuals coming to get their estate planning done," Danielle Kincaid, also a partner with The Elder Law Group, said. "I also think there's a greater understanding of what an elder law attorney is ... and I think there's a greater recognition in the difference in an elder law attorney, and an estate planning attorney, and as people age, I think they now understand more why they need to see an elder law attorney."

## Expanding beyond estate planning

Elder law can encompass far more than estate planning. One area of focus is combatting workplace age discrimination. The federal Age Discrimination in Employment Act, or ADEA, prohibits employment discrimination against people who are 40 years and older. Missouri's Human Rights Act prohibits age discrimination in employment for people between the ages of 40 and 69.

As the population grows older, and as people choose to retire later, age discrimination could be a growing concern. Data from the Pew Research Center showed that between the 1990s and the end of 2023, the number of people employed who are older than 65 **nearly quadrupled in size** ([https://www.pewresearch.org/social-trends/2023/12/14/the-growth-of-the-older-workforce/st\\_2023-12-14\\_older-workers\\_1-01-png/](https://www.pewresearch.org/social-trends/2023/12/14/the-growth-of-the-older-workforce/st_2023-12-14_older-workers_1-01-png/)), making up approximately 11 million, or 19 percent of the workforce. The Equal Employment Opportunity Commission's Office of General Counsel Fiscal Year 2024 Annual Report showed 6.3 percent of the 111 merit lawsuits filed by the organization **were ADEA claims** (<https://www.eeoc.gov/office-general-counsel-fiscal-year-2024-annual-report>). For context, 8.4 percent of the 143 lawsuits in 2023 were ADEA claims, and 7.7 percent of 91 lawsuits in 2022 were ADEA claims.

One of the 2024 ADEA classes included a \$295,000 settlement with Dollar General for ageist practices out of the St. Louis regional EEOC office. In that lawsuit, a Dollar General regional director in Oklahoma harassed district managers who were in their 50s and older by making comments about ‘grumpy old men’ and ‘young blood.’

“Unfortunately, age discrimination in the workplace is pervasive and often goes unreported,” said regional attorney for the St. Louis EEOC office Andrea Baran at the time.

Another critical area for elder law attorneys is addressing elder abuse and financial exploitation. According to a report from South Carolina-based firm Rikard + Protopasas, Missouri ranks second for elder mistreatment with 3,309 reports per 100,000 people aged 65 and older.



*Mike Campbell*

Data from the National Adult Maltreatment Reporting System shows that self-neglect is the most common mistreatment report, with 13,129 average reports per year. NARMS defines self-neglect as elder abuse because someone is failing to intervene or get help in providing essential care that an older adult might require for their safety and wellbeing.

Mike Campbell, an attorney with Thomas Law Offices in Columbia, said that neglect cases often depend on family members stepping in when something seems amiss.

“Often, it’s not the resident reaching out for help, but their family members who notice something wrong,” Campbell said. We’ve had cases where grandchildren or nieces and nephews were the ones to step in after noticing that their loved one had fallen, wasn’t being repositioned properly or had developed serious bed sores.”

With the number of older adults steadily rising, more seniors may be entering long-term care facilities, increasing the demand on staff. Campbell said that his firm often sees cases of neglect – someone not getting the care they need versus outright abuse – in part due to the reality that many facilities are overburdened and understaffed.

“Neglect is the bigger issue. When a nursing home accepts a resident, they’re saying they can provide care,” he said. “But if they don’t have the staff or resources to meet that commitment, residents are the ones who suffer. They aren’t repositioned, they develop bed sores, they miss meals. We see this all the time.”

Accountability for neglect and abuse within nursing facilities can be another major concern for families. In some cases, even when negligence occurs, pursuing legal action can be difficult, since nursing homes are not required to carry liability insurance in Missouri.

“One of the biggest challenges we see is that nursing homes in Missouri are not required to carry liability insurance,” Campbell said. “This means that even if a facility is found negligent, there might not be a mechanism in place to ensure victims receive compensation. If a lawsuit is filed, it’s often unclear whether there’s even insurance coverage available to compensate the harmed individual.”

Financial exploitation is the second most common form of elder abuse, which shows an average of 6,808 reports per year.

“We have seen, at least in my firm, fewer cases of financial exploitation and things like that, even though I know statistically those numbers are going up,” said Nikki Mitchell of Mitchell, Brown & Associates in St. Louis. “I think there are some other resources that help people manage those things, so they’re not coming to elder law attorneys with that.”

## **Medicaid planning and long-term care needs growing**

Medicaid and MO HealthNet (Missouri’s Medicaid) planning is another growing service provided by elder law attorneys. The cost of nursing home care in Missouri is more than \$6,000 per month, making things like MO Health Net an essential resource for many families. However, the process

of qualifying for services through MO HealthNet and Medicaid can often be complex, something Kincaid had firsthand experience prior to getting into the elder law practice.

"I remember when my grandma went to a nursing home ... When Medicaid stopped paying, they handed us a stack of documents and said, 'Here, figure it out if you want Medicaid,'" Kincaid said. "Even though I had a law degree, I wasn't practicing in elder law, and I remember wading through that and just being so confused."

Navigating Medicaid eligibility in Missouri can be complex. MO HealthNet requires applicants to have countable assets below \$5,909.25 as of July 2024. Applications require documentation of income, assets and medical needs, which elder law attorneys can help families navigate.

Securing long-term care also remains a challenge for Missouri families.

"It's like estate planning on steroids. We do estate planning, and then we have the long-term care component added onto that, so they can ask questions about what happens if I go to a nursing home ... We can address some of those concerns and what options are available to them and that also allows us to give them advice on what not to do," Myers said. "Some people don't understand gifting, transfers, how that can affect them in the long run, and so I think being able to educate folks on what you need to consider five years down the road, 10 years down the road, we add that component."



Nikki Mitchell

Mitchell said that some of the challenges that stem from long-term care are a lack of good services for people, and that oftentimes the facilities their family members qualify for under Medicaid are not where the family may want to send them.

"The challenges ... are long-term care related because there just aren't enough good services for people who need them ... so many people tell me they want to live at home for as long as they can, but the cost of that is just prohibitive for a lot of people," Mitchell said. "(But) nursing homes and the costs of that is also cost-prohibitive for most people, so then you're looking into Medicaid planning, but the places that have Medicaid beds are not always the places that people want their loved ones going."

## Looking ahead

Missouri has recognized the importance of addressing the growing needs of the elderly population in the state. Efforts like the Missouri Master Plan on Aging and the Missouri Silver Haired Legislature aim to close gaps in services and improve resources for seniors.

The Silver Haired Legislature is a formally elected body of citizens 60 years and older that advocate at the legislature level for Missouri's older adults. The group has identified an increase in Medicaid asset levels as one of [its top five priorities](https://www.health.mo.gov/seniors/silverhaired/pdf/top-five-priorities.pdf) ([/health.mo.gov/seniors/silverhaired/pdf/top-five-priorities.pdf](https://www.health.mo.gov/seniors/silverhaired/pdf/top-five-priorities.pdf)) for the 2025 legislative session, in addition to increasing Medicaid income eligibility limits for the Aged and Disabled category from 85 percent of the federal poverty level to 133 percent, "in line with non-disabled adults accessing the Medicaid expansion category, a difference of around \$600 a month in allowable income."

Some legislators have also taken notice of the gaps in legal protections for nursing home residents, particularly the lack of mandated liability insurance. There is a bill in the legislature currently, [Senate Bill 164](https://www.senate.mo.gov/25info/BTS_Web/Bill.aspx?SessionType=R&BillID=192) ([https://www.senate.mo.gov/25info/BTS\\_Web/Bill.aspx?SessionType=R&BillID=192](https://www.senate.mo.gov/25info/BTS_Web/Bill.aspx?SessionType=R&BillID=192)), sponsored by St. Charles Republican Sen. Adam Schnelting, that would require long-term care facilities to maintain liability insurance coverage in a minimum amount of \$2 million dollars to "insure against losses from the negligent or criminal acts of the facility constituting abuse, neglect or wrongful death of any resident."



Under current law, abusing an elderly person, disabled person or vulnerable person is a Class A misdemeanor. Schnelting's bill would make it a Class E felony "when the person committing the offense is a care provider and he or she knowingly acts or knowingly fails to act in a manner that creates a substantial risk to the life, body, or health of an elderly person, a person with a disability or a vulnerable person. Care providers would face harsher penalties if they knowingly put vulnerable people at risk.

"Some legislators have recognized that it's unacceptable for nursing homes to operate without insurance, especially when we, as individuals, are required to carry minimum coverage just to drive a car," Campbell said. "These are the people who ... raised us, took care of us. Some of them served in the military ... Everyone has the right to life, liberty and pursuit of happiness, and we should treat our elderly with the respect they deserve ... If a nursing home falls short of that, then they should be held responsible, and there should be mechanisms in place to make sure. they if they are held responsible, that they're accountable ... (It) goes back to that insurance issue."



*Danielle Kincaid*

Kincaid highlighted the importance of elder law attorneys staying informed about legislative and administrative changes.

"Missouri may change some internal rules related to Medicaid, or we do some work with Social Security. We have individuals with disabilities," she said. "(Those) rules may change, so just trying to stay up to date on some of the day-to-day rules that apply on how to Medicaid applications, numbers."

Beyond direct legal services, elder law attorneys are increasingly called upon to advocate for their client bases. For instance, the American Bar Association, through its Commission on Law and Aging, has emphasized the importance of alternatives to guardianship and policies to combat elder exploitation and discrimination.

The field's future also hinges on encouraging new attorneys to enter elder law.

"We definitely have an aging group of people in Missouri who do this work, and as they start to retire, there just aren't as many younger people coming into it," Mitchell said.

For those already practicing elder law, the work is both fulfilling and intellectually challenging. Myers described the variety in her practice like "a puzzle."

"Some of them have large pieces and some of them have really tiny pieces that are a little harder to put together," Myers said. "It's just the challenge of everyone's unique situation, helping them come up with a plan and a solution."

As Missouri's aging population grows, ensuring that legal and policy structures keep pace will be a challenge and the push for more protections and benefits will require continued legal expertise.

"We all hope to live long lives, but with that comes the responsibility of making sure we're protecting those who reach old age before us," Campbell said. "If a facility accepts someone into their care, they have an obligation to meet their needs. We need to make sure the systems we put in place hold them to that standard."

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