

How to Talk to Aging Parents About Elder Law Planning

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Thomas J. Cleary

By Thomas J. Cleary on August 10, 2026

Talking about mortality, our own or that of the people we love, is uncomfortable for most of us. So it is understandable that many people find it hard to know how to raise elder law planning with their parents. The reassuring part is that there is no single right way to do it. What matters most is approaching the conversation with patience, openness, and genuine care.

At Cohen Cleary, our [Massachusetts estate planning and elder law](#) attorneys help individuals and families work through these difficult topics with knowledge and compassion.

Why Elder Law Planning Matters for Aging Parents

Elder law focuses on the needs of aging individuals and their families. It often includes things like estate planning, asset protection, and long-term healthcare planning. Addressing these topics early allows your parents to plan proactively for the later stages of life. It can help the family understand how future care might be funded, and who may be responsible for handling the situation.

As the cost of healthcare continues to rise, elder planning is becoming a more critical component in protecting the assets our parents have worked for their entire lives. Creating a detailed estate and elder law plan can protect your parent's legacy and ensure they can leave behind what they intend.

When Is the Right Time to Talk About Elder Law Planning?

Most elder law attorneys agree that the best time to begin discussing elder law planning is before a significant diagnosis or crisis. Starting early gives your parents time to make thoughtful decisions and clearly express their preferences. Key signs that the conversation may be more urgent include:

1. A parent receives a serious health diagnosis;
2. Your parents have no advance directive or durable power of attorney;
3. Their will or estate plan is out of date; and
4. A move to higher-level or nursing home care is becoming likely

The right time to raise the topic looks different for every family. Let your own dynamics and culture guide how and when you begin.

How to Bring Up Elder Law Planning Without Starting a

Fight

Family dynamics can be complex and difficult, and addressing this topic can be difficult even for the strongest relationships. We know that you care about your loved ones and likely want to avoid conflict whenever possible. With this in mind, we have several tips for making this discussion as easy as possible.

Identify Goals and Setting

Before you start the conversation, take time to think about what concerns you have and what questions you hope your loved ones will begin to consider. You may also want to factor in the setting of the conversation. Some families may respond better to a more casual, matter-of-fact conversation over a family brunch, while others may appreciate privacy. Think carefully about who you might want to be involved in the conversation and what your parents may prefer.

Start Casual

Many people are more receptive when you enter into a difficult conversation with curiosity and support, rather than directives. Try asking your parents whether they have considered elder law and estate planning, and whether they already have anything in place. It may be helpful to tie this into your own experience with estate planning, or evoke a friend's experience with their parents who did or did not have detailed plans.

Examples of these may sound like "I'm not trying to tell you what to do, I just want to make sure I'm clear about your wants and expectations," or "I've been working on my own estate plan, and I realized that I'm not sure what you would want. Have you had a chance to put anything in writing?"

Focus on Empowerment

We often advise children of aging parents to avoid jumping into discussing estate planning and long-term care from a standpoint of inheritance when they are gone, but rather, to focus on helping them make the most of life as they age. It can help highlight the benefits of elder law planning and how making plans can support their goals.

Invite Feedback

Finally, you may want to ask them if there is any way they would like additional support. This may mean helping them identify other people who may be appropriate support people or a neutral third party.

Follow their Lead

Remember, this can be a daunting and overwhelming topic for everyone. Emotions often run high, and it can be helpful to break up this discussion into small pieces. You don't have to have the whole conversation at once. Follow your parents' lead and offer support for their goals.

Important Elder Law Documents and Topics to Cover

It can be tempting to try to handle all of the pieces at once. If this is overwhelming, try focusing on some of the most important components. These often include:

1. Durable power of attorney and advance directives;

2. Long-term care insurance and planning; and
3. Guardianship.

Additionally, it can be tremendously helpful to have a plan for coordinating benefits. If your parents receive [Social Security](#) or [VA pension](#) benefits, or assistance from any other public programs, it is important to know how these can work together to avoid unnecessary out-of-pocket costs.

How an Elder Law Attorney Can Help Your Family Plan Ahead

An [elder law attorney](#) can help you identify the most pressing legal documents to focus on and help your parents create a strategy based on informed decisions, including identifying someone who can handle healthcare and medical decisions on their behalf.

Speak With a Massachusetts Elder Law Attorney

It will likely take more than one conversation for you and your loved ones to find resolution on these topics. Sometimes the best thing you can do is get it started. Whether you are interested in planning your own future or trying to learn more about how to help your elderly parents, you can contact our Massachusetts elder law attorneys at Cohen Cleary. Call us today for a [case consultation](#) so we can learn more about your situation and help you develop a plan for moving forward.