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Can Senior Citizens Claim Damages After a Slip And Fall Accident?

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According to the Centres for Disease Control and Prevention, it is estimated that close to 3 million people visit emergency rooms each year due to slip and fall accidents. While everyone can be a victim of slipping and falling, a senior slip and fall accident can be fatal with many of the elderly victims facing a higher risk of getting serious injuries such as bone fractures, traumatic brain injuries, hip fractures and even death. Therefore, senior citizens are at a greater risk of a slip and fall than young people due to reasons such as diminished flexibility, decreased strength, loss of bone mass and much more.

However, these factors do not justify why a senior citizen fell on someone else's property or in a nursing home as the accident might have occurred due to the existence of hazardous conditions in the premises. For this reason, you may file a claim for compensation of damages incurred in a slip and fall accident but you will have to prove the defendant was negligent.

Therefore, if you believe the accident would have been avoidable here's what you should do to get compensation for damages incurred. Let's get started.

Prove Liability of the Property Owner

When presenting your case to the jury you will require evidence that proves the liability of the property owner. Therefore, you should be able to prove that there was the existence of dangerous conditions such as wet or slippery floors, inadequate lighting, or any other conditions that led to the accident. As a result, your case against the property owner should pinpoint his failure to repair the condition or take precautionary measures such as using warning signage to alert guests, and visitors.

Prove Negligence

By consulting an experienced slip and fall lawyer they should be able to prove that the defendant was negligent hence the occurrence of the accident. However, there are four elements that your attorney needs to prove for your case to be classified on grounds of negligence.

Duty of care is one of the elements that must be present in a case with a negligence claim. Therefore, you should prove that the property owner failed to act reasonably as opposed to what another party would have in such a situation.

You should also prove that the property owner breached their duty of care leading to the occurrence of the accident. In addition, your lawyer should prove that the cause of the accident was a result of the property's owner breach of duty of care.

Finally, the elderly person may not have been harmed if the property owner had urgently dealt with the hazardous condition. For this reason, the property owner endangered the safety of the defendant by putting them in harm's way condition.

You might also be at Fault

While you may claim compensation for damages such as financial losses, medical expenses, pain and suffering, just to mention a few, the defendant may also argue that you were equally at the fault of the accident. This is because most senior citizens suffer from poor eyesight, diminished flexibility, health concerns that can affect balance and many more.

As a result, the defendant may claim that this type of accident occurred due to the uneven walkway, or you were engaged in another activity such as looking at your phone which may have affected your eyesight ability in avoiding the accident. For this reason, these factors may affect the outcome of your senior slip and fall accident case.

Conclusion

These accidents may lead to the change of a victim's quality of life as it might lead to disability, psychological trauma, social withdrawal, death and much more. For this reason, property owners should ensure their premises are free from hazardous conditions or make appropriate repairs and replacements where needed.

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