

# Author's Introduction

## 2024-2025 Edition

The Third Edition of *Elder Law: Advocacy for the Aging* is a continued update of the work begun by Joan M. Krauskopf, Robert N. Brown, Karen Tokarz and Allan D. Bogutz, in 1983 and 1993. It is meant to serve as a broad overview of the many different areas of law and practice that are encompassed within elder and special needs law. As practitioners from other areas of law have turned towards elder law and the first generations of lawyers are emerging from law school with the intent of becoming elder and special needs law attorneys, the practice has not only evolved to include wider areas of the law, such as tax and family law, more is being asked of elder law attorneys in terms of client counseling, working with a client's fiduciaries and helping solve non-legal problems.

This most recent edition, updates relevant numbers and statistics throughout the book. In addition:

- Expanded discussions of third party payment of fees and the use of artificial intelligence to improve client communications in Chapter 3.
- Chapter 5 contains updates on small estate proceedings and the adoption of Uniform Acts.
- Chapter 7 has been expanded to include more in-depth state specific information on advance directives, such as out of hospital do not resuscitate orders and physician's orders on scope of treatment, along with an updated Health Care Power of Attorney Form and updates on aid in dying statutes.
- Chapter 8 expands the discussion on less restrictive alternatives to guardianship and how supported decision-making agreements can be used with aging clients.
- A new section in Chapter 9 covers the drafting of special needs trusts to qualify as eligible designated beneficiaries under the requirements of the SECURE Act.

- Chapter 12 has an expanded discussion of caregiver agreements and programs to pay family caregivers, along with updated information on state specific programs.
- Chapter 13 addresses the ability of individuals to designate a representative payee in advance of any need.
- Chapter 15 discusses the elimination of food from Social Security's definition of in kind support and maintenance.
- Chapter 16 has been updated to reflect the new Social Security policy of increasing the allowed amount for attorney's fees on an annual basis.
- Chapter 17 discusses expanded eligibility for service-connected disability payments based on exposure to Agent Orange and other toxins along with the PACT Act benefits for Gulf War veterans exposed to toxins.
- Chapter 20 covers the gradual increase of the age at which required minimum distributions must be taken along with the expansion of the availability of qualified longevity annuity contracts.

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