FOULSTON
ATTORNEYS AT LAW

ELDER LAW

OVERVIEW

Foulston Siefkin attorneys have substantial experience in providing the full breadth of elder law services. The firm provides traditional estate planning services as well as advice and counseling with respect to a wide range of legal issues that affect the elderly. These issues include governmental resource planning (including Medicaid and planning for Supplemental Security Income (SSI)), social security, distributions from qualified retirement plans and individual retirement accounts (IRAs), conversion of regular IRAs to Roth IRAs, long term care insurance, long term care contracts, marital rights and legal benefits issues, elder care and representing clients in conservatorship and guardianship proceedings. Additionally, Foulston Siefkin serves the elderly by providing individually tailored estate planning documents, including wills, revocable, testamentary and inter vivos trusts, powers of attorney for business and financial decisions, powers of attorney for health care decisions and living wills.

Our elder law services are provided by the firm's Estate Planning and Probate group, which takes pride in providing streamlined, efficient estate planning and elder law advice while emphasizing the family harmony goals of clients throughout the estate planning process. Foulston Siefkin lawyers frequently speak and write on elder law matters and are active and have held leadership positions in elder law and estate planning professional organizations, including the National Academy of Elder Law Attorneys (NAELA), the Real Property, Probate and Trust Sections of the American Bar Association and Kansas Bar Association, and the American College of Trust and Estate Counsel (ACTEC). Our lawyers are also active in civic affairs, serving in numerous capacities on various community organizations.

AREAS OF REPRESENTATION

Governmental Resource Long-Term Care Planning

- Medicaid

- Medicare
- Social Security
- Veterans Benefits

Elder Rights

- Consumer Protection
- Elder Abuse and Fraud
- Age Discrimination in Employment
- Housing

Disability Planning and Related Documents

- Guardianships and Conservatorships
- Durable Powers of Attorney for Disability, Financial and Health Care Decisions
- Do Not Resuscitate Directives (DNRs)
- Living Wills
- Long-Term Care Insurance
- Long-Term Care Contracts

Estate Planning Documents and Related Planning

- Wills
- Revocable Trusts
- Special Needs Trusts
- Testamentary Trusts
- Charitable Trusts
- Family Harmony Preservation Strategies
- Probate Avoidance Techniques
- Irrevocable Trusts
- Private Retirement Income Planning
- Qualified Retirement Plans and IRAs
- Gifting Programs
- Charitable Giving
- Life Insurance Planning
- Premarital and Postmarital Agreements

Marital Planning

- Premarital and Postmarital Agreements

- Advice Regarding Effect of Marriage on Legal Rights and Obligations, Taxation and Governmental Benefits

Business Succession Planning

- Corporations
- Partnerships
- Family Limited Partnerships (FLPs)
- Limited Liability Companies (LLCs)
- Sales to Third Parties
- Transfers to Family Members
- Buy/Sell Agreements

Estate & Trust Administration

- Representing Fiduciaries: Trustees, Executors, Guardians, Conservators, Administrators, Personal Representatives
- Representing Estate and Trust Beneficiaries
- Mediation
- Court Proceedings, Mediation and Litigation

Taxes

- Gift Federal Tax Returns
- Federal & State Income, Estate and Inheritance Tax Returns

RELATED LINKS

- National Academy of Elder Law Attorneys (NAELA)
- The American College of Trust and Estate Counsel (ACTEC)
- SeniorAdvisor.com
- AARP

EXPERIENCE

The firm has represented a great number of individuals who have needed elder law advice in the following areas:

- Medicaid eligibility
- Medicaid planning

- Medicaid appeals
- Special Needs Trusts
- Long Term Care
- Family Harmony Preservation Strategies
- Marital Rights
- Family income shifting
- Life insurance trusts
- Tax planning
- Asset protection
- Planning for qualified and non-qualified employee benefits including rollover IRAs, and suitable payouts and beneficiary designations
- Advice to resident and non resident aliens on estate and income tax matters
- Structuring of investments
- Estate and gift taxation
- Situs wills
- Family Limited Partnerships (FLPs) and Limited Liability Companies (LLCs)

We have performed extensive work in the administration of estates and trusts including:

- Post mortem income tax planning
- Controversies with the Internal Revenue Service
- Will contests
- Will and trust construction suits
- Settlement of complex estate matters

Foulston Siefkin has provided advice regarding marital property issues, including:

- Planning for community and separate property
- Negotiation and drafting of premarital and prenuptial agreements

PUBLICATIONS

ISSUE ALERTS

2019
Kansas Supreme Court Ruling Uncaps Damages for "Pain and Suffering"

ARTICLES

2023
Consideration of Mediation and Arbitration Provisions in Wills and Trusts
-The Journal of the Kansas Bar Association

2007

- Presentation on Uniform Trust Code (Five State American College of Trust and Estate Counsel (ACTEC) Meeting (Kansas City))
- Recent Estate Planning Developments and Medicaid Planning (Professional Advisors Seminar (Pittsburg, KS))
- Recent Estate Planning Developments (Wichita Estate Planning Council)

FOULSTON
ATTORNEYS AT LAW

ATTORNEYS/OTHER PROFESSIONALS

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