

The Estate Tax 'Deadline' Is Gone: But Denver Attorney Says Colorado Families Are Focused on the Wrong Risk

With the federal exemption now set at \$15 million, the real threats to Colorado families are probate delays, incapacity, and outdated documents, not taxes



**The Law Office of
R. Garth Ferrell, P.C.**

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2026 /EINPresswire.com/ -- For years, Colorado families were warned about a looming estate tax deadline: the federal exemption was scheduled to be cut roughly in half at the end of 2025, prompting a nationwide scramble to make large gifts before the window closed. That deadline never arrived. Under the One Big Beautiful Bill Act signed into law in July 2025, the federal estate

and gift tax exemption rose to \$15 million per person, \$30 million for married couples, effective January 1, 2026, with no scheduled sunset.

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But according to Denver [estate planning attorney](#) R. Garth Ferrell, who has practiced law for more than 39 years, the change has created a new problem: many Coloradans now believe estate planning no longer applies to them.

“The estate tax was never the reason most families needed

a plan, and now it's even less so,” said Ferrell, principal of the Law Office of R. Garth Ferrell, P.C. “Colorado has no state estate or inheritance tax, and very few estates will ever approach \$15 million. What I see instead are families losing months, sometimes years, to probate, adult children with no legal authority to act when a parent becomes incapacitated, and documents signed twenty years ago that no longer reflect anyone's wishes.”

[Colorado probate](#) must generally remain open for at least six months to allow creditor claims to run, and contested or formal proceedings can stretch well beyond a year. Meanwhile, national surveys show fewer than one in four American adults has a will, the lowest rate in years, even as the largest generational wealth transfer in U.S. history gets underway.

Ferrell says the new law should prompt families to redirect their attention to the fundamentals

that determine whether an estate settles smoothly or ends up in court:

Probate avoidance. Revocable [living trusts](#), beneficiary deeds for Colorado real estate, and properly coordinated account designations can keep assets out of court entirely and keep family finances private.

Incapacity planning. A durable financial power of attorney and medical directives allow a trusted person to act immediately if illness or injury strikes, without a court-appointed guardianship.

Document reviews. Plans drafted around the old tax rules, prior marriages, or outdated beneficiary designations can produce results the family never intended.

"A well-drafted plan isn't about the IRS anymore, it's about sparing your family confusion, conflict, probate court, and making sure your family will be taken care of" Ferrell said. "The best time to review your documents is while everything is calm. The worst time is after something happens."

Ferrell also cautions that the new exemption is "permanent" only in the sense that no expiration date is written into the law. Congress retains the ability to change the exemption in the future, which is one more reason plans should be built to adapt rather than assume today's rules last forever.

About the Law Office of R. Garth Ferrell, P.C.

The Law Office of R. Garth Ferrell, P.C. provides estate planning, wills, trusts, powers of attorney, probate administration, and probate litigation services to families across Denver, Aurora, Lakewood, and the Front Range. With more than 39 years in practice, including more than 23 years focused on estate planning, attorney R. Garth Ferrell works directly with every client, offering plain-language guidance and a complimentary initial consultation. Learn more at <https://gferrell-law.com>.

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