



Don't Let Your Child Leave for College Without Signing Three Critical Documents

FOR IMMEDIATE RELEASE

Foster Swift Collins & Smith, PC encourages parents and students to plan ahead.

Global Newswire

August 2, 2022

Grand Rapids, Mich. - A critical item is often missing from back-to-school college checklists — and it could be far more valuable than anything else your student takes to school this fall: signed legal documents.

In most states in the U.S., as soon as a minor turns 18, they are considered a legal adult. This means that parents no longer have any authority to make decisions for their child, including financial and health care decisions.

So what if your adult child becomes sick or is in an accident and ends up hospitalized?

"Due to privacy laws, known as Health Insurance Portability and Accountability Act (HIPAA), you would not have any rights to get any information from the hospital regarding your child's condition," says Jonathan David, an estate planning attorney at Foster Swift. "Nor would you have the ability to access his or her medical records or intercede on your child's behalf regarding medical treatment and care."

Further, if your child is unable to communicate with doctors, David says you would have to petition the probate court to be appointed your child's guardian, before being able to be informed of your child's condition and to make any healthcare decisions for them.

"This is bad enough if your child is still living at home; it can become a nightmare if your child is attending college away from home," he says. "The good news is that there is a relatively easy fix to address this situation."

ATTORNEYS

Jonathan J. David

PRACTICE AREAS

Estate Planning

HIPAA Privacy & Security
Compliance



David recommends having an attorney prepare and your child sign three legal documents, starting with a Durable Power of Attorney (DPOA) for Health Care, naming you as your child's patient advocate. Because a DPOA for Health Care does not take effect unless your child becomes incapacitated, David also recommends having your child sign a HIPAA Authorization, which gives you access to your child's medical records and allows you to discuss his or her health condition with doctors. Finally, he also recommends having your child sign a DPOA for Financial Matters, naming you as your child's agent so that you can manage your child's financial affairs. This includes things like banking and bill paying, should your child become sick or injured, or is unable to act for any reason.

This guidance is not just for parents with college-aged kids. Every adult should implement these documents for themselves if they haven't already. To learn more, visit mielderlawblog.com.

