

Are You Forgetting Something Before Your Child Heads Off to College?

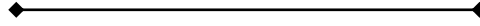
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As the summer nears its end, you are probably working on multiple checklists of things your soon-to-be college student needs to do before the beginning of school. Many parents may be unaware that your child is legally an adult after attaining age 18 and entitled to the same privacy protections as you are. Privacy laws prohibit health care providers and financial institutions from disclosing private information concerning your child to you without the child's authorization. This means that after your child turns 18, you can no longer make decisions or respond to inquiries on your child's behalf without the child's authorization. Generally, parents may welcome the opportunity for the child to become more responsible. However, what happens in case of an emergency when your child is away in college? Will you be able to access information about your child's condition if your child is ill, injured or in a hospital? What will happen when your child needs your assistance with financial affairs at home or at school?

To allow you to access your child's health and financial information after the child turns 18, your child should execute health care and property powers of attorney naming you as agent (also referred to as attorney-in-fact). By naming you as agent under a property power of attorney, your child authorizes you to manage the child's financial affairs either immediately or in the future, should the child become mentally or physically unable to do so. This means that you are authorized to handle daily tasks, such as responding to a jury duty summons, renewing a passport or car registration, paying bills, or opening and closing accounts, if necessary. More importantly, as an agent for your child under a health care power of attorney, you are authorized to make medical decisions for your child in the event of an emergency and obtain information about your child's medical care and medical records.

These two documents are easy to prepare and we would be glad to assist you and your child with their preparation. If you have a child heading off to college this year, it's essential that you discuss the importance of these documents with your child. You should also consider informing the college that your child has executed health care and property powers of attorney and authorized you to be his agent.

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