

# THE DOCUMENTS YOUR COLLEGE-AGE CHILD NEEDS NOW

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What a strange time to be sending children off to college. And yet, even in this unprecedented time, the tradition of 18-year-olds leaving home for this new adventure goes on!

In addition to the endless list of logistics you must reckon with in order to get Jacob and Emily safely off to school, don't overlook the fact that the law says the moment Jacob and Emily turn 18, they are legally adults. That means that, in the eyes of the law, your child is now exclusively responsible for their own medical and financial decisions, and if they become unable to make those decisions, you do not have the right to step in on their behalf. A scary but common example is if your 18-year-old child is in a car accident. You would want to immediately contact the hospital to get information on his/her condition, but since your child is over 18, you no longer have the right to that information or to make medical decisions on his/her behalf, and in extreme cases, the doctors may refuse to communicate with you altogether. For this reason, we strongly advise you to get two simple legal documents in place to ensure you are able to intervene on behalf of your now adult child in the event your child is injured, becomes ill or is otherwise incapacitated.

1. **Advanced Health Care Directive**, also known as a power of attorney for medical decisions. In this document, your child appoints a person, called the "Agent", who has the authority to make health care decisions if he/she

becomes unable to make those decisions for himself/herself.

Sometimes, done as a separate document, an Advance Health Care Directive should include HIPAA Authorization permitting the named Agent to bypass strict privacy laws to obtain access to the child's medical information and allowing for communication to be open between the Agent and all medical personnel.

**1. General Durable Power of Attorney** (for Financial Decisions). In this document your child appoints a person who then has the authority to make financial decisions on his/her behalf.

There are some important considerations to keep in mind regarding these documents:

- Be prepared to have your adult child re-sign and re-execute these documents every few years. This is especially critical for Powers of Attorney. The institutions where you would be most likely to use these documents – such as hospitals and banks – might refuse to honor them if they perceive them to be outdated.
- These documents can be revoked at any time by your adult child either orally or in writing.
- For adult children attending college at an out-of-state university, it is recommended that the student execute separate documents in both the student's home state and the college state, to ensure their documents are compliant with both California law and the law of the state in which your child attends school.

Together, these documents will give you the authority as a parent to make health care decisions AND manage financial transactions for your child after he or she turns 18. These documents are meant to provide peace of mind and to prevent the confusion and chaos that so often accompany tragedies.

If you have an adult child and do not have these documents in place, please contact Hannah Shakin in our estate planning department to get started.