



ADD CALLING YOUR TRUSTS AND ESTATES ATTORNEY TO YOUR TO DO LIST BEFORE YOUR HIGH SCHOOL GRAD HEADS OFF TO COLLEGE THE FALL

May 20, 2019

Congratulations! Your child has graduated high school, been accepted to college and has either turned 18 years old or is close to it. As you make your college prep to do list, you might want to add calling your trusts and estate attorney to the list. Believe it or not, 18 year olds are considered adults in the eyes of the law for most purposes. You no longer have an automatic right to their medical and other information or to make decisions for them -- unless they give legal permission to you. The good news is that as legal adults they now have the capacity to sign certain legal documents such as a Durable Power of Attorney and a Living Will that includes a Health Insurance Portability and Accountability Act ("HIPAA") authorization.

Although, in the past, colleges and universities freely shared information about a student with the parents of the student, schools have realized that this may have violated certain laws and are no longer willing to share information with a student's parents unless the following documents are in place. These documents are also needed if you wish to speak with medical professionals and financial institutions on behalf of or about your child.

Durable Power of Attorney

A durable power of attorney executed by a student naming the parent as agent which allows a parent to handle certain financial and legal matters for their child. The named agent can do all sorts of things such as open and close bank accounts, pay tuition, request financial records from the school, transfer money, sign tax returns, break a lease, etc. This allows the parent to assist a child while absent from home or in general.

Living Will and Appointment of Health Care Representative

An "Appointment of a Health Care Representative" appoints an individual to make medical decisions on student's behalf in the event the student is incapacitated. This document should also include a HIPAA release so that the student's parents have the right to access to the student's medical records and a "Living Will" which expresses the student's wishes regarding the removal or withholding of extraordinary life support measures in the event he or she is in a terminal medical condition or a permanent coma.

Family Education Rights and Privacy Act ("FERPA") Disclosure

Another document to consider is a FERPA disclosure form that allows the college or university to share the student's grades with his or her parents. You are not entitled to your child's grades just because you are paying the bill. Sometimes, the school has a special form for this which you can ask for when completing the enrollment paperwork.

Please contact your Cummings & Lockwood LLC attorney if you have any questions or would like us to prepare such documents.