

Documents You Need When a Child Turns 18

A lot of things change when a child turns 18. But one of the biggest is also one of the most surprising to a lot of parents: Once children turn 18, parents can no longer make legal decisions for them or receive information about them that is considered private, unless they have the children's permission. And not having that permission can be particularly problematic when a child is away at college.

For instance, parents can't be notified of a student's grades at college or enrollment status without written permission from the student. Parents also won't necessarily know about any bills in the student's name that are outstanding. Most disturbing, without express consent from the child, parents can't get details of their child's medical condition "and they no longer have the [legal] ability to make decisions regarding the child's health-care treatment.

Some colleges do a better job than others in advising parents and students on these matters. But families can take the initiative by having certain documents in place. Here are the primary ones a family needs:

Health-care power of attorney

Most people think of using a health-care power of attorney with an older parent, but it's equally important for their college-age adult children. Also known as a health-care proxy, this document gives parents the ability to make decisions about their child's health care. Typically, that power doesn't kick in unless the child physically or mentally is incapable of making medical decisions, but each state has its own criteria. If a student goes to school out of state, it's prudent to have a health-care power of attorney from both states, since some health-care professionals may be hesitant to accept an authorization form they don't recognize. Having a power of attorney for health care is especially important because college is a time when mental-health issues can manifest.

HIPAA Authorization

HIPAA authorization allows doctors to speak about a student's medical condition with whomever the student chooses. Some children may be hesitant about sharing private medical information with their parents, but students can set limits on how much or what type of information parents can receive. There's a section in the authorization form for special instructions, where students can describe the level of detail they want shared. It is recommended that students fill out a blanket HIPAA authorization, giving parents full access to the student's health information in any circumstances, which is especially valuable in situations that can't be anticipated. This authorization should be kept in a handy place, because you'll need to show it to a local doctor, hospital or college if you need to access that private information. Even with a blanket authorization, students might still need to sign a release that's specific to their college student health center. Different colleges have different policies, procedures and releases based on the confidentiality laws in their state.

Financial power of attorney

This document is a way to allow parents to manage their child's finances. Depending upon how it is worded, it can become effective immediately, or at a future point. It can authorize parents to act on the child's behalf in all financial matters, or it can set limits.

Financial power of attorney can be useful in many situations—for instance, if a student has a car accident or falls ill, leaving him or her either temporarily or permanently unable to make financial

decisions. If bank accounts, a car or other assets are titled in the name of the student, the power of attorney avoids the expensive and drawn-out court process of having a parent appointed a guardian for the student. Power of attorney also could be useful if the student plans to travel abroad, or if he or she has a bank account and is overdrawn—maybe due to fraud—but the student isn't acting responsibly and addressing the issues promptly.

Financial power of attorney can be useful in certain circumstances after children leave school, as well. Adult children are responsible for paying their student loans, even if the child is incapacitated in an accident or has a mental-health issue. Power of attorney would allow parents to act on their child's behalf to make the payments or facilitate a deferral or forbearance of the loan. A power of attorney remains in effect unless it is revoked or changed.

Education record release

The Family Educational Rights and Privacy Act, or FERPA, requires that students age 18 or older provide written consent before education records such as grades, transcripts and disciplinary records can be shared with their parents, with limited exceptions. Colleges commonly notify parents of this requirement. Even so, parents don't always understand what's at stake or they might forget. That can cause problems down the road, particularly when young people "forget" to take care of renewing scholarships, etc.

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