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## DESCHENE: College-age children still need your advice

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Posted: Sunday, September 22, 2013 2:00 am

BY ROBERT DESCHENE | 0 comments

For parents of college-bound children, September can be hectic and stressful.

Amid all the hustle and bustle, you can easily overlook that your kids are no longer children in the eyes of the law, but adults who are entitled to keep their lives private if they choose. Whether or not you pay their tuition bills, or still consider them your babies, your legal role transforms from that of their 24/7 guardian, with the right to make all personal and financial decisions for them, to that of an advisor.

As you send your kids off to college, it's crucial that you recognize this change in legal status, and encourage them to take simple, inexpensive steps to prepare for their time away from home.

Unfortunately, accidents and unexpected illness can happen anywhere, and the stress of college might take its toll on your children's mental health. Consider asking your college-age child to get these legal documents in place:

HIPAA Release.

If your adult child is injured and hospitalized, you are not automatically entitled to know their medical condition.

Under the Health Insurance Portability and Accountability Act, healthcare/insurance providers will not discuss your child's medical information with you without a HIPAA release, naming you as a person entitled to that information.

It is stressful enough to learn your child is hospitalized in some far-off location. Being unable to get the medical details in a crisis is needlessly frustrating and heart-breaking.



### Health Care Proxy.

If you learn that your child is physically or mentally incapacitated, don't assume that you will be able to make health care decisions for them as you did when they were minors. Instead, your child must sign a health care proxy, a document naming you as their health care agent to make medical decisions for them if they become disabled.

To be legally effective, a proxy must be witnessed by two persons not named as health care agents. If your child does not have a proxy, you may have to go to court to be appointed his or her guardian, which is a very time-consuming process.

### Durable Power of Attorney.

Just because you foot the bills for tuition, room and board, don't assume that you have the right to step in during a health crisis to handle your child's finances, such as school loans, bank accounts, car title and insurance. You will only be able to manage their financial affairs if your child has a durable power of attorney, naming you as their financial agent or "attorney in fact."

Without this document, you might need to go to court to be appointed as your child's conservator.

All three documents are relatively simple, quick and inexpensive to create, and are far preferable to the cost and delay of getting a court to appoint you as guardian or conservator for your child.

You should encourage your children to act, since you cannot act for them. They are now adults, and must transact their own legal affairs, including consulting an attorney who will explain fully to them the consequences of the three documents they are signing.

Once they have these documents, keep backup copies on your and your child's computers, send copies to the school to keep in its files, and have your child carry a DocuBank card in their wallet, which allows doctors and hospital personnel immediate access to their health care proxy and HIPAA Release. DocuBank is an online confidential access site for legal documents. Verify with the school that you are listed as the emergency contact.

If your children take these easy steps, you can think about them at school with peace of mind.

Robert Deschene is an attorney who does estate and elder law planning from Deschene Law Office in North Attleboro. The information provided in this column is for informative purposes only. Contact him at 508-316-3853.

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