

# COMING OF AGE:

## *LEGAL DOCUMENTS FOR COLLEGE STUDENTS AND OTHER YOUNG ADULTS*

By: Nicholas A. Reister, Attorney

It's that time of year when we look at the calendar and brace ourselves for the final days of summer. A few weeks from now, school will be back in session and college kids will be moving back to campus. For your children who are heading to college, it's important to remember that those children are now most likely adults, so they should have a few legal documents in place should they need mom and dad's help. Those critical legal documents include general durable powers of attorney, health care powers of attorney (also known as "patient advocate designations" in Michigan), and HIPAA authorizations.

### **General Durable Power of Attorney**

A general durable power of attorney may come in handy for helping your college student with legal and financial transactions. If you help your child with banking, paying bills, filing tax returns, applying for government benefits, housing arrangements or leases, etc., this document will give you the authority to deal directly with institutions or other third parties on your child's behalf.

### **Health Care Powers of Attorney (Patient Advocate Designations)**

Many people think that health care providers will communicate with a child's parent even after the child has become an adult. While there may be occasions when that may happen, when a child becomes an adult, the law instills in that adult child the sole responsibility of his or her own affairs, eliminating a parent's responsibility for, but also power to make decisions on behalf of, his or her child. In addition, each provider, hospital, and health care system has different policies and procedures which seek to protect patient information. At a time when your student is not able to make medical decisions for his or herself, parents are often the logical decision makers. By executing a health care power of attorney or patient advocate designation, your child appoints the person or people who have the legal right to make decisions on your child's behalf when he or she is incapacitated or otherwise unable to make his or her own decisions. Unfortunately, the need for making medical decisions on behalf of your child usually arises following a traumatic, life-threatening event, so the importance of a health care power of attorney cannot be overstated.

## HIPAA Authorization

The Health Insurance Portability and Accountability Act (HIPAA) prohibits the disclosure of a patient's medical information without authorization. A HIPAA authorization is written consent by your adult child for health care providers, health insurance companies, and other similar parties to disclose your adult child's medical information to you. In the event of an illness or accident, odds are that you will not be given information about your child's condition without this authorization. Similar to the health care power of attorney, planning for the worst and not needing it is far better than waiting until the document is needed and not having it.

Even though these last days of summer are swiftly passing us by, the good news is that the attorneys at Smith Haughey stand ready to quickly and affordably help you check these to-do items off your back-to-school list. If you have any questions or would like to discuss this further, please contact attorney Nick Reister at [nreister@shrr.com](mailto:nreister@shrr.com) or (616) 458-2377.



Nick Reister is a trusts, estates, and business attorney in West Michigan who chairs Smith Haughey's Trusts & Estates Practice Group and the firm's Agriculture & Agribusiness Industry Team. He may be reached at 616-458-8286 or [nreister@shrr.com](mailto:nreister@shrr.com).