

## PLANNING FOR BACK-TO-SCHOOL EMERGENCIES

Once a child turns 18 years old and is recognized as a legal adult, there are some useful legal documents to help in case of an emergency. Should an emergency pop up, these forms could be used for when a child is taking trips far from home, away at school, participating in gap-year programs, or even traveling around town.

To help clients with young-adult children, we'll focus on a few essential forms to have in the event of medical or other emergencies. For broader authority, additional documentation may be needed. When children turn 18 years old, parents may no longer have the authority to make healthcare decisions for them, even if the children are still covered by the parents' health insurance. This means that if a child has an accident or illness and is temporarily disabled, parents may need court approval to act on the child's behalf or even to be informed of medical status. Here are some forms that may help parents have some accessibility should an emergency arise:

- **HIPAA Authorization (Health Insurance Portability and Accountability Act):**

This form will allow the young adult to authorize release of medical information to a person(s) of his/her choosing. A young adult also can limit the scope of information that is released so that sensitive issues such as sexuality, drug usage, or mental health will not be shared.

- **Healthcare Proxy or Durable Power of Attorney for Healthcare:**

This document authorizes someone to make medical decisions on the parent's behalf (should the designated person not be able to), have access/release to medical

records, and discuss treatment with providers. Often, this document will be combined with a HIPAA authorization and potentially a living will, specifying end-of-life care.

- **Durable Power of Attorney:**

This document allows parents (or a designated person(s)) to make financial decisions on behalf of their child, such as signing tax returns, accessing bank accounts, and a variety of other financial matters. This authority can be enabled immediately or limited to conditions such as incapacity.

One additional document that parents may want to have on file with the school is a FERPA waiver (Family Educational Rights and Privacy Act (FERPA) of 1974). This waiver allows parents to access their student's academic records including grades, coursework, academic warnings, and disciplinary records. This form is required even if parents are paying for school.

While a young adult may still be a child and a legal dependent, in the eyes of the law, he/she is a legal adult with responsibilities and consequences. Many parents don't realize that they may not be able to make vital decisions should an accident or emergency befall a child who is age 18 or older. Being prepared with valid legal documents can make a huge difference in times of emergency.

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## Additional Resources and Links

[Healthcare and Medicare Planning](#)

[Three Documents Every College-Bound Student Might Consider](#)

[Types of Power of Attorney](#)

[Sample HIPPA Right of Access Form](#)

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