

Important Documents to Have in Place Now that Your Child is an Adult

While your son or daughter may always be your child, at 18 years of age he or she is an adult with rights that may prevent you from helping out during an emergency. You might think as a parent you would be able to step in during an emergency, but unless you have some key documents in place privacy rules can prevent medical personnel from communicating with you and third parties will say you have no standing to act on your child's behalf to access his or her home, records or handle any financial or legal matter.

Fortunately, you only need to put these key documents in place once and this checklist can get you started.

✓	Document	What the Document Does and Why It's Important	How to Get It
	Healthcare Directive	A healthcare directive allows your child to name you as agent to make healthcare decisions on his or her behalf if one or more physicians determine your child is incapable of making healthcare decisions on his or her own. Without it a healthcare directive, you have no standing to participate in the care of your adult child in an emergency.	Your estate attorney can prepare all three documents, typically for \$200-\$400.
	HIPAA Authorization	A HIPAA Authorization allows your child to give medical professionals the authority to share protected health information with you without violating the Health Insurance Portability and Accountability Act of 1996 (HIPAA). It can give you access to your child's medical records and allow you to speak to medical professionals. However, it is not a substitute for a healthcare directive allowing you to make decisions on your child's behalf. Without it a HIPAA Authorization, medical professionals must determine whether it is in your child's best interest to share information with you but may not be willing or able to do so or even confirm that your child is a patient or hospitalized.	If you are a self-starter, consider using an online legal service providing state-specific document templates prepared by attorneys. LegalZoom ¹ charges under \$76 for all three documents, gives you the option to review all questions before purchase and 30 days to make changes. A LegalZoom contracted attorney can help you prepare the documents for a reasonable additional cost.
	Durable Power of Attorney	A durable power of attorney allows your child to name you as agent to take listed legal and financial actions on his or her behalf either immediately or written to spring into effectiveness on incapacity (if one or more physicians determines your child is incapable of making decisions on his or her behalf). Without a durable power of attorney, you may not be able to speak to landlords, creditors or financial institutions, pay bills or taxes on your adult child's behalf.	LegalZoom contracted attorney can help you prepare the documents for a reasonable additional cost.

1. LegalZoom provides access to independent attorneys and self-help services at your direction but is not a law firm. Beacon Pointe does not promote LegalZoom's services nor guarantee their documentation. LegalZoom's costs and services are subject to change.

Frequently Asked Questions

Is a healthcare directive the same as thing as a living will? Your adult child's healthcare directive that appoints you as agent (a.k.a. health care surrogate or representative) to make health care decisions on your child's behalf can also contain living will language which provides end of life care instructions if your child is terminal or in a permanent vegetative state. Alternatively, a living will can be a standalone document. Note that a healthcare directive is also referred to as a power of attorney for healthcare or healthcare proxy.

Is a HIPAA authorization a standalone document? Some attorneys create a separate HIPAA authorization, but many embed the authorization in the healthcare directive. Note that LegalZoom includes the HIPAA authorization within each state's healthcare directive.

Why do I need a "durable" power of attorney to take legal or financial actions for my child? If your adult child's power of attorney was non-durable, it would expire if your child became incapacitated. A durable power of attorney will remain effective even if your child becomes incapacitated.

Can my child only choose one parent to be agent to make either healthcare or financial decisions? Documents typically appoint one parent as the initial agent and the other parent as successor agent for both the healthcare directive and the durable power of attorney; however, your personal attorney might draft these documents to have both parents serving as agents simultaneously.

How long will it take to get the healthcare directive, HIPAA and durable power of attorney and who signs these documents? It typically takes about a week for the documents to be prepared by an estate attorney or printable through LegalZoom given their internal reviews before allowing you to print. Your attorney or the instructions from the online document services will let you know whether you will need to sign as agent or authorized party in addition to your child signing the documents. These documents typically require witness signatures or notarization as well.

Will my child also need to get the healthcare directive, HIPAA and durable power of attorney again if my child moves out of state? Ideally, your child would get the same set of documents applicable to whatever state in which they live for a period of time as there is no guarantee third parties will accept an out-of-state authorization as provisions in these documents vary from state to state.

Where do we keep these documents? While you will keep the signed copies, you will want ready access in case of an emergency so store PDFs or pictures of the pages on your smartphones. Some states, including Arizona and California, also allow you to register your healthcare directive with a state registry, but there is no guarantee medical providers will review such state registries.

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