

Important Documents for College-Bound Children

Meal plans, shower shoes, USB bed lift – check, check, and check. While legal documents may not be on your pre-college checklist, they are important additions because (1) educational and medical privacy rules often prevent college and medical personnel from telling you that your student is injured; and (2) you have no standing to act on your adult child’s behalf without proper documentation authorizing you to do so. 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
	FERPA Authorization	A FERPA authorization allows your child to give his or her college the authority to share information without violating the Family Educational Rights and Privacy Act. Without it, your adult child’s college may have healthcare information that is part of your child’s educational record that they are reluctant to share, even if you have a Healthcare Directive. Each college’s FERPA Authorization options vary, but typically your child can grant you access to educational records that include healthcare records, grades, enrollment, and class schedule. It’s worth noting that your online parent portal will rarely grant you identical access to information available to your child on his or her student portal.	Your child can provide you a FERPA authorization through his or her college’s online admitted student portal or by contacting admissions to request the college’s FERPA Authorization or Release.
	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, 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. If you are a self-starter or don’t know an estate attorney in the state your child is going to college, consider using an online legal service providing state-specific document templates prepared by attorneys. LegalZoom¹ charges \$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.
	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, 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.	
	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 it, you may not be able to speak to landlords, creditors or financial institutions, pay bills or taxes on your adult child’s behalf.	

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. healthcare surrogate or representative) to make healthcare 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.

Does my child also need to get the healthcare directive, HIPAA and durable power of attorney specifically for our home state? Ideally, your child would get the same set of documents applicable to your home state (which may be available for as little as \$76 through LegalZoom) as there is no guarantee third parties will accept an out-of-state authorization as provisions in these documents vary from state to state.

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.

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 and ask your child to give copies to his or her college registrar or admissions office. 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.

Any other emergency tips? Create a "Parents of "[Your Child's Name]" sharable contact to text to your child's roommates and their parents on move-in day. We can tell you from experience that the ease of being reachable by your child's roommates has been the quickest route to information in the event of an emergency.

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