

College Checklist: 1. Laptop 2. Textbooks 3. Health Care Directive

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I do not remember much about my high school graduation. I do not remember the “words of wisdom” imparted upon me and my fellow graduates or even receiving my diploma. What I do remember is that midway through my senior year I became an “adult.” I no longer needed a note signed by my parents justifying my tardiness or authorizing me to leave school early. My parents did not need to attend my doctor appointments or co-own my bank account with me. While I was confident in my ability to manage my own affairs, I imagine my parents felt differently about my “adult” status and ability to make my own decisions.

High school graduation is an important milestone for parents and children alike – it is the platform from which children launch to pursue additional education, employment opportunities, and other adventures. However, regardless of the path they choose, high school graduates are now adults in the eyes of the law.

These young adults have independent decision-making authority. They have the ability to own property, enter into binding agreements, and control who has access to their personal information (e.g., medical, academic, and financial records). Absent deliberate steps to preserve the ability to participate in and make decisions on behalf of their child, parents could be excluded and precluded from helping make these decisions.

Regardless of the age of their children, parents plan, work hard, and make countless sacrifices to ensure that their children have the opportunity to succeed. As children embark on new adventures and undertake new endeavors, it is important for them to make sure their parents or other trusted individuals can participate in important decisions, access information, or make health care decisions in the event of an emergency. To that end, children who are 18 years of age should complete and sign powers of attorney and health care directives prior to leaving for college, starting a gap-year, or traveling abroad.

Power of Attorney

A power of attorney is a document through which a person authorizes another person to act on his or her behalf in a variety of situations. A power of attorney allows a parent to handle financial issues, including banking and insurance matters, on behalf of a child if the child is unavailable or incapacitated.

Health Care Directive

A health care directive allows a child to appoint an agent to act on the child's behalf if he or she cannot act. For example, if the child is unconscious or otherwise unable to communicate his or her wishes relative to health care, the agent identified in the health care directive will have the authority to make those necessary health care decisions. Such decisions may include selecting medical facilities, a treatment plan, or end-of-life care.

If you or your children have any questions about powers of attorney, health care directives, or the steps to implement these documents, please contact a member of Moss & Barnett's Wealth Preservation and Estate Planning Group.

Attorneys

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Practice Areas

Estate Planning and Wealth Preservation

