# Back To School Planning:
# The 3 Estate Planning Documents Your College-Aged Child Needs and Why

Help Your Young Adult Take the First Steps Toward Their Future

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# Presenter

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Cassidy is a Senior Associate in MRC’s Estate Planning practice with more than 11 years of experience. She has extensive experience in the areas of estate planning, trust and probate administration, and conservatorships.

**PRACTICE AREAS**

Estate Planning · Probate & Estate Administration · Business Succession · Asset Protection · Charitable Planning

# A Major Milestone for Your Child

- Having a child turn 18 years old is a major milestone for the entire family
- With this milestone comes new adventures and responsibilities:
  - Graduating high school
  - Going to college or starting a first or new job
  - Moving away from home
- This is also the beginning of a new chapter in life: adulthood

# Life of Your Minor Child

- All decisions and legal activities have been controlled by you:
  - Which doctors to see
  - Which course of medical treatment to pursue
  - Where to live and go to school
  - How to manage money
- Once your child becomes an adult, this all changes

# New Life As an Adult

- An 18-year-old is legally their own person
- The young adult now has the right to choose:
  - Which doctors to see
  - Who can access their medical information
  - Where to live and go to school
  - How to invest and manage their money

# What If They Need Help?

- With the passing of one day, an individual goes from being a child to an adult
- Young adults may still need help navigating newfound freedom and responsibility
- The authority now rests with the young adult to choose their helpers wisely
- Step one: Choose a trusted person
- Step two: Have legally binding documents prepared to grant that authority

IMPORTANT TOOLS

# Important Tools to Consider

# Financial Power of Attorney

- Allows young adult to choose a trusted person (agent) to manage their financial matters
- Amount of authority granted:
  - Limited financial power of attorney
  - General financial power of attorney
- When the agent can act:
  - Immediate financial power of attorney
  - Springing financial power of attorney
- Make sure it is durable

# Benefits of a Financial Power of Attorney

- Young adult can authorize an additional person to help manage their affairs
- Can be helpful if going away to college or traveling away from home
- May make it easier for parents to continue providing financial assistance

# Advance Directive

- Allows your young adult to appoint a trusted person to:
  - Communicate their wishes on their behalf
  - Make medical decisions for them when they cannot communicate

- Allows your young adult to convey their wishes regarding end-of-life decisions:
  - How long to continue artificial hydration and nutrition
  - How long to continue artificial respiration
  - Whether either should be administered in a terminal or persistent vegetative state

# Benefits of an Advance Directive

- Allows a hospital to quickly determine who has the authority to make decisions
- Can save time and money by avoiding court involvement
- Without it, the young adult's medical condition may become a matter of public record
- Provides, in writing, what your young adult's wishes are regarding end-of-life care
- Can make a difficult decision easier for the named agent

# HIPAA Authorization Form

- Allows your young adult to grant specific individuals access to their confidential and protected health information
- This document does not grant decision-making authority to those listed

# Benefits of a HIPAA Authorization Form

- Allows authorized loved ones access to your young adult’s medical information
- Can alleviate tensions between the decision-maker and loved ones
- Allows you to understand how your health insurance is being used if they are still on your plan

# What about FERPA?

## What is FERPA?

- The **Family Educational Rights and Privacy Act (FERPA)** is a federal law that protects the privacy of a student's education records.

Once a student:

- Turns **18 years old**, or
- Enrolls in a postsecondary educational institution,

the rights under FERPA transfer from the parent to the student.

## What Does This Mean for Parents?

Without the student's written consent, a college or university generally cannot disclose:

- Grades or transcripts
- Class schedules
- Academic standing
- Disciplinary records
- Information contained in the student's education records

Even if a parent is paying tuition, the school may be prohibited from discussing these matters without the student's authorization.

# How to avoid FERPA Communication Barriers

Most colleges and universities provide a **FERPA Authorization** or **FERPA Release** that allows a student to authorize the school to share educational information with designated individuals, such as parents.

Students should:

- Complete the school's FERPA authorization form or authorization on their student portal.
- Designate the individuals with whom the school may communicate.
- Submit the form according to the school's procedures.
- Update the authorization if circumstances change.

# Schedule Your Consultation

- These documents are essential for protecting your young adult as they step into adulthood
- Merhab Robinson & Clarkson can help your family put the right legal tools in place
- Visit www.mrclawcorp.com to schedule an in-person or virtual consultation
- Call us at (714) 972-2333 | Email: estateplan@mrclawcorp.com

# Questions?

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