

JOHNSON, GASINK & BAXTER, LLP

# TWO THINGS CERTAIN®

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## The College Package

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It's that time of year again—high school seniors are entering the home stretch of college planning. Seniors and their parents will learn about FAFSA forms, compare scholarship offers, and choose dorm room furniture. What many parents forget, however, is that their child becomes a legal adult at eighteen. Once a child becomes a legal adult, mom and dad suddenly lose the legal right to receive their child's medical information, and may face difficulties making financial decisions for their child if he or she becomes incapacitated.

To provide peace of mind to both parents and college students, we have established the College Package—a HIPAA release, health care power of attorney, durable power of attorney, and living will—at an inexpensive, flat rate.

### HIPAA Release

Following the Virginia Tech shooting in 2007, our attorneys were inundated with calls from concerned parents of Tech students. These parents called hospitals in Blacksburg to find out whether their child was injured, and were shocked when the hospital would neither confirm nor deny if the child was admitted to the hospital due to HIPAA privacy laws.

HIPAA can also pose a problem if you pay your child's medical bills; even if your child is on your health insurance, you will be unable to get itemized billing from a hospital or medical institution unless your child has affirmatively given you a HIPAA release.

By signing a global HIPAA release in advance of an accident or crisis, parents or siblings of college students do not have to worry about HIPAA's red tape before speaking to hospitals or medical professionals about their loved one's condition.

### Health Care Power of Attorney

A health care power of attorney allows you to name who you want to make medical decisions for you in the event you cannot. A well-written health care power of attorney efficiently provides parents with the authority to make comprehensive medical decisions on an adult child's behalf.

### Durable Power of Attorney

Like the health care power of attorney, a durable power of attorney allows you to name people to make financial decisions for you in the event you cannot. If your child becomes incapacitated, a durable power of attorney can allow you to pay his or her bills, talk to the bank, talk to the college, and even apply for social security benefits on his or her behalf. An exhaustive durable power of attorney affords many of the same powers as a court would grant a legal guardian without the hassle and expense of a guardianship proceeding.

### Living Will

A living will lets you decide if you would like to have your life artificially prolonged if your condition becomes terminal and irreversible with no hope for recovery and you cannot communicate for yourself. Contemplating the mortality of a young person can be uncomfortable and difficult; however, this is an incredibly important document to ensure your child's wishes are met. The headline cases of whether to discontinue life-prolonging measures typically involve young people (e.g., Terri Schiavo, Karen Ann Quinlan, Nancy Cruzan, etc.). Making the decision ahead of time in a legally enforceable document shields the child and his or her family from a protracted legal battle that could become the next national story.

### Conclusion

As legal adults, soon-to-be college freshmen should protect themselves and their families by signing these key documents. If you are interested in getting the College Package for your high school senior (or current college student), please do not hesitate to call our office.



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About the Author:

Kelsey Swieringa is an exceptional problem solver who helps people and businesses successfully plan for the future. Kelsey has helped many clients achieve their goals through proper planning, management, and execution.