

Don't Let Your Son or Daughter Leave for College Without Signing These Important Documents

By Theresa M. Varnet, Esq.

Shortly after registering for school in another state, my niece became very ill and required hospitalization. A friend called my niece's home and advised my sister-in-law of the name of the hospital where my niece had been admitted.

When my sister-in-law called the hospital, they initially refused to give her any information about my niece. Fortunately, after a brief delay, my niece was able to give verbal permission for information to be shared with her mom so the family was assured that she was getting the care she needed and would be all right.

Had my niece signed a power of attorney and/or a health care proxy prior to her departure for school, this moment of panic could have been avoided. Few clients will associate the need for a health care proxy and a durable power of attorney for property with getting ready for school in the fall. The adult child is in his or her prime, health-wise, and often has too few resources to think about the need for a POA for property.

Upon reaching the age of 18, your child is an adult, and laws such as HIPAA or Massachusetts confidentiality laws provide total protection of his or her privacy. Even if you are paying for your adult child's tuition and/or living expenses, your son or daughter is entitled to medical and financial privacy. Should there be a medical emergency, as in the case of my niece, you may not be able to get the information you need to advocate for your child, especially if he or she is attending school many miles away from home.

If you have a son or daughter leaving for college this fall, be sure to have him or her sign a health care proxy and a durable power of attorney.

The power of attorney for health care, advocacy and property are documents that are equally helpful for families with adult children who are challenged with health impairments, visual, hearing or mild cognitive disabilities, or anyone who may need health services more than the average child. Once a child reaches the age of 18, the parents are legally "out of the loop" when it

comes to decision-making. If your son or daughter has a special need and may need help with making decisions or applying for benefits, you may want to consult with a Special Needs attorney to determine if a power of attorney is a viable option for your son or daughter. For more information, call our office and schedule a visit or phone conference with one of our Special Needs Law attorneys to discuss in more detail.

I would argue that regardless of a disability, when a child reaches the age of 18, he or she should consider signing a durable power of attorney designating a person he or she trusts to make decisions should an accident or a sudden illness occur. We who are able-bodied should never take our good health and abilities for granted. A single accident or illness could put any of us at need for protection.

It is better to have these documents and not need them than it is to need but not have them!

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