

## Getting the Kid Ready for College

**Take-Away:** There are five documents that a child should sign before he or she goes off to college.

**Background:** A few weeks ago, I had the privilege of talking to a mother who was in the process of getting her oldest daughter ready to attend the University of Michigan. Her family was excited about this new chapter in the family's life, and they were optimistic about their daughter's ability to enter and succeed in that competitive educational environment. But to be expected, there was a fair amount of parental anxiety about living almost 250 miles away and a few brief comments were shared about 'something happening so far away' from home. That casual discussion brought back my own memories of when my kids went 'far away' off to college, and what I asked (dare I say 'forced') my kids to sign before they left home and decided to live independent lives (independent except for when they needed money!) Which brings me to the title of this missive, what should a child sign to mitigate Mom and Dad's anxiety? There are five documents that a child headed off to college should sign before waving good-bye.

**1. HIPPA Release:** The child, now age 18 and an adult, is entitled to keep any of their health information private, even from Mom and Dad. To enable Mom and Dad to deal with the child's health care providers, either hospitals or campus medical walk-in clinics, the child should sign a Health Insurance Portability and Accountability Act (HIPAA) waiver and release which names either one or both parents as possessing the ability to obtain medical information concerning the child's health condition and treatment.

**2. Durable Power of Attorney for Health Care, aka Patient Advocate:** In the unfortunate event that the child becomes incapacitated and thus unable to participate in his/her own medical decisions, this designation enables the child's parents who are named as patient advocates for their child, to directly consult with treating physicians and other health care providers.

**3. Durable Power of Attorney:** This instrument enables the parents to make decisions on behalf of the child when it comes to financial matters, like dealing with a campus bank from which the child 'bounced' checks, dealing with a landlord that refuses to return a

security deposit, or an auto mechanic that won't release the child's car that is subject to a bailment lien until the bill is paid.

**4. Simple Will:** While presumably the child does not own much at age 18, it is still a good idea to have the child sign a simple Will, particularly if the child is studying out-of-state. A Michigan based Will avoids the other state's *default* intestacy laws that might be far different than Michigan's intestacy laws.

**5. FERPA Release or Waiver:** Back in 1974 Congress passed the Family Educational Rights and Privacy Act, aka FERPA. This Act applies to any college or university that receives federal funding. The Act provides the right to inspect and review educational records, the right to request corrections of inaccurate or misleading information in educational records, and the right to control the disclosure of personally identifiable information in an educational record. Parents possess these rights, but only until their child attains the age 18, at which point these rights transfer to the student. However, the Act does provide for an authorization by the child that allows the parent to access school records like tuition bills, grades, and grade transcripts. This is a handy tool for parents who might worry that their child is not attending classes or ignoring their schoolwork.

**Practicalities:** While these are documents that parents will want their child to sign before departing for college, this is also the same time that their child, either on the cusp of or actually attaining the age 18, is now acting out their new-found independence, and the loss of control most of these instruments imply will be viewed by the child as either losing their new independence, or a lack of trust in them by their parents. No surprise, some 'push back' by the child can be expected. Perhaps one way to deal with this expected opposition is to use these documents as a manifestation of the family's recognition that the child has reached responsible adulthood, a time to be celebrated and not one that demonstrates mistrust.

**Conclusion:** Becoming 'empty nesters' is important for a family. It's a time filled with excitement, new beginnings, and a heavy dose of anxiety for the parents. Having a child sign these legal 'tools' will relieve some of that parental anxiety and probably also give the child (although he or she won't admit it) some level of comfort that, if needed, Mom or Dad can get involved to help solve a problem. [Yes, I had my kids sign all these documents

before the left the home for college. I do recall my daughter referring to me at the time as 'anal', which surprised me since I did not know that word was part of her high school vocabulary!]

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