



# SENDING YOUR CHILD TO COLLEGE?

Make Sure They Sign These Two Documents First

With the fall semester rapidly approaching, many parents are frantically trying to help their soon-to-be college student buy dorm room furniture, sign up for classes or ponder the seemingly endless possibilities of what their child's newly-empty bedroom could become (a workout space or home office perhaps?). Often lost in this hectic time are some basic, but important, steps parents should take to ensure their child, now 18 and technically an adult, is adequately protected in the event of an emergency.



## What If Your “Now Adult” Child Gets Sick At School?

Imagine your college student is 1,000 miles away from you at school and gets sick. What seems like a minor bout with the flu turns more serious and soon your student is being admitted to the hospital. As a parent, you are desperate for information on your student's health status while trying to make travel arrangements to get there as soon as possible.

Although you will more than likely always think of your college student as your baby, because he or she is 18, the hospital will treat your baby as an adult. This means the hospital will not release any information regarding your student's medical status or treatment to you. You will need to rely on your sick student to relay information to you, if He or she is able. If your child is unconscious or unable to speak, you would be left without any information.

That is a terrible feeling that we are sure no parent would want to experience.

## What Can You Do?

Addressing medical records, healthcare decisions, the Health Insurance Portability and Accountability Act (HIPAA), and the Family Educational Rights and Privacy Act (FERPA) are not typically on the to-do list before sending a child off to school, but they should be.

HIPAA was enacted to provide data privacy and security rules to better safeguard individuals' medical records and information.<sup>1</sup> For example, if a patient goes to the doctor for a blood test, the physician will provide a form inquiring if it's okay to leave the patient a voicemail with the results or share them with a specific family member. FERPA, by comparison, has a similar objective in protecting the privacy of individuals' information, but applies more to educational records of students. However, because colleges typically have on-campus health clinics provided by the school, records kept within those clinics may be FERPA protected and subject to many of the same types of restrictions as a child's HIPAA records would be at a hospital.<sup>2</sup>

Under HIPAA and FERPA regulations, if a child is over 18 and becomes incapacitated while at school, a parent may not be able to receive

medical information or help make decisions on behalf of their child. To prevent this from happening, it's vital to have a healthcare power of attorney and durable power of attorney in place. The healthcare power of attorney is a document allowing a parent to act as an agent for the child in medically related matters; granting them access to the child's medical records and to make healthcare decisions on their child's behalf. This document may also dictate the child's wishes if an end-of-life decision needs to be made.

Similar to its healthcare counterpart, a durable power of attorney allows a parent to act as an agent for a child in other matters (primarily financial) in the event their child becomes incapacitated or is unable to handle medical issues. It may also grant parents access to their child's grades, information that is also restricted once the child turns 18 under FERPA. Keeping both a

physical and electronic copy of these documents (your wealth advisor can assist you in finding a good way to manage these kinds of documents digitally) allows a parent to offer guidance or help make potentially life-saving decisions on behalf of their child when the child may not otherwise be able to do so on his or her own.

Because healthcare proxies and durable powers of attorney are legally binding documents, it's important to have an attorney with experience drafting these types of documents handle the paperwork for the parent and child. While perhaps not as exciting as shopping for the perfect dorm room decor, having the proper planning documentation in order when a child leaves for college can deliver peace of mind and help ensure, should a scary situation arise, you and your family are well prepared.

<sup>1</sup> <https://www.hhs.gov/hipaa/for-professionals/privacy/index.html>

<sup>2</sup> <https://www.worldprivacyforum.org/2015/02/student-privacy-101-health-privacy-in-schools-what-law-applies/>

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