

Don't Let Your Child Leave For College Until You Read This!

Litigation Quarterly Advisor

Don't Let Your Child Leave for College Until You Read This!

Amy Van Fossen
Counsel, Trusts and Estates

BRACH | EICHLER^{LLC}
Counsellors at Law

July 12, 2024

The summer before sending your child away to college for the first time is hectic. There is a seemingly endless checklist of things to buy, appointments to schedule, and forms to fill out. One more thing to add to your list before your new freshman moves into the dorm - a Designation of Healthcare Agent form.

What is a Designation of Healthcare Agent form and why is it needed?

If your child is already 18, you may have noticed that your access to their medical records has been restricted because they are legally an adult. The only way to access your child's medical information now is if they share it with you. If your child still lives at home with you, this is easy. But what happens if your child is away at college and you need to access their medical records, or worse, they have a medical emergency? This is why they need a Designation of Healthcare Agent form.

The Designation of Healthcare Agent form allows your child (who is over 18) to name an "agent" who will always have access to their medical records and who can make healthcare decisions for them in the event that they cannot. The form can list one or both parents as the child's agent and remains in effect unless and until the child revokes it. The Designation of Healthcare Agent form works best when it is signed before it is actually needed. The best course of action is to have your child sign one as soon as they turn 18, keep the original in your files, and to put a copy on file with your child's medical providers.

What other forms should your 18 year old sign?

It may seem impossible to you, but your 18 year old child is a legal adult. If they were to become incapacitated, you would not

be able to access their financial or digital accounts. For this reason, you should consider having your child sign a Durable Power of Attorney naming you as their attorney-in-fact, which would allow you to access these accounts. A Durable Power of Attorney would remain in effect unless and until your child revokes it. It could also be beneficial to have your child sign a simple Will to appoint an estate representative. In the unfortunate event of your child's death, having even a basic Will would greatly simplify the probate process.

[Click Here to read the entire Summer 2024 Litigation Quarterly Update: Family Law Edition now!](#)

If you are interested in learning more about the Designation of Healthcare Agent form and where to find it, please contact:

Amy Van Fossen | 973.447.9675 | avanfossen@bracheichler.com

Authors

The following attorneys contributed to this insight.



Amy Van Fossen

Counsel

Trusts and Estates

973-447-9675 • 973-618-5939 Fax

avanfossen@bracheichler.com