

A child's 18th birthday is momentous. He/she can register to vote, serve on a jury, marry without parental consent, and hold assets in his/her name. At 18, your child may also apply for a credit card and decide to spend spring break in Florida with college buddies. What if something happens to him/her?

As a parent, you no longer automatically have the ability to make financial and health care decisions for your child once he/she turns 18. Once your child is 18, a guardianship proceeding would be required in order to provide you with legal authority to make decisions for your child. A guardianship proceeding can be tedious, and at a minimum, create a 60-day waiting period before you can help your child. To avoid the time and expense of dealing with the court system, upon turning 18, your child should execute the following legal documents:

A FINANCIAL POWER OF ATTORNEY. This document allows your child to appoint an Agent (usually you as the parent) to step in and make financial decisions on your child's behalf. It can be effective immediately, allowing you to continue to manage your child's finances, and obtain information (such as college transcripts), until your child is ready to assume that responsibility.

A HEALTH CARE POWER OF ATTORNEY. This document allows your child to appoint an Agent (again, usually you, as the parent) to step in and make health care decisions if your child is unable to communicate his/her wishes.

A HIPAA RELEASE AUTHORIZATION. This is typically a one-page document (or a provision in the Power of Attorney) where your child authorizes health care professionals to release his/her medical information to another person (you). With this document, you can get the doctor, hospital, or student health center to talk to you about your child.

While the thought that your child is officially an adult at 18 may be amusing to some, it can be a frightening event if you are unprepared for the transition. For assistance with a Powers of Attorney for an adult child, please contact any of the attorneys in Helsell Fetterman's estate planning department.