

LOCAL FIRM, NATIONAL PROMINENCE

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Got an 18-year-old? Consider these documents

If you have an 18 year-old, you are probably chatting about the upcoming historic Presidential Election. Keep in mind that voting rules and regulations are different for each city and town in terms of how you need to request an absentee ballot or when you can vote early if need be. And every vote counts, so please encourage everyone in your family to do their civic duty.

In addition to enjoying the right to vote, plenty of other changes occur for your baby when he or she becomes an adult under the law. For instance, you no longer have the parental right to access his or her medical or financial information. That fact often worries parents, especially if their 18-year-old son or daughter is attending college or working far from home or taking a college semester abroad. Documents such as financial power of attorney, health care power of attorney and a health information authorization can help you retain access to the information that you might need to help your child. However, this is something not too many families think to take care of while they are running to Bed Bath and Beyond and countless other stores to get all the necessary dorm supplies.

A financial durable power of attorney can be limited or broad, depending on what works best for your family. Limited rights offer restricted access to your child's financial information. You might only be granted permission to see your child's bank account balances, so you can tell when the checking account balance is getting low. More broad rights could allow you full transactional capabilities on the account. Full access is worth considering if your child will travel out of the country. Keep in mind, however, that often banks have specific agent authorization forms they would prefer you to use to secure account access. Sticking with a financial institution's form may make it easier for you to transact on your child's behalf in an emergency.

A Health Insurance Portability and Accountability Act (HIPAA) authorization permits a health care provider—including a college's medical staff—to share information about your child's condition with you without violating any privacy regulations. Note that once your child turns 18, schools and hospitals aren't required to notify parents if their children are being treated for a medical condition. This is the case even if your child is still covered by your health insurance plan.

The college health center or even your pediatrician's office may be able to provide you with the appropriate HIPAA authorization form. Filing this document with the college health center helps ensure you're the one authorities contact if your child has a serious medical attention. While the HIPAA authorization allows you to be informed about your child's medical condition, your child will need to execute a health care power of attorney if he or she wants to give you the authority to make medical decisions for them if they cannot. This document is also referred to as health care proxy or health care directive. More often than not, a health care power of attorney will contain the necessary HIPAA language so that if your attorney is preparing the document, your child might not need to execute a HIPAA form.

Finally, you might be familiar with the Family Educational Rights and Privacy Act (FERPA), a federal law that affords parents the right to have access to their children's education records, the right to seek to have the records amended, and the right to have some control over the disclosure of personally identifiable information from the education records. What you may not know is that when a student turns 18 years old, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents to the student. Some colleges require that the student complete a form before their grades can be shared with parents. FERPA provides ways in which a school may, but is not required, to share information from an eligible student's education records with parents, without the student's consent. For example, according to the U.S. Department of Education:

- Schools may disclose education records to parents if the student is claimed as a dependent for tax purposes.
- Schools may disclose education records to parents if a health or safety emergency involves their son or daughter.
- Schools may inform parents if the student, if he or she is under age 21, has violated any law or policy concerning the use or possession of alcohol or a controlled substance.
- A school official may generally share with a parent information that is based on that official's personal knowledge or observation of the student.

Naturally, you want your young adult to be healthy and happy and ready to successfully take on the world. However, there may be times when he or she still needs a helping hand. Executing the appropriate power of attorney documents can give you confidence that you will be there and able to act if your child needs your help.

Stay Diversified, Stay the Course!



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