



**HAPPY 18<sup>th</sup> BIRTHDAY!  
YOUR CHILD IS A LEGAL ADULT!  
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Do you have a child that just turned 18 who is going off to college or beginning a new chapter in their life? It's an exciting time where they're thinking about what school they're deciding on, what majors they're picking, what experiences they'll have and what they want to purchase at Target and Ikea to decorate their newly assigned dorm room. What they're not thinking about is in case of an emergency who is going to be their "team" if they become incapacitated.

Having a child turn 18 is exciting but what does it mean for parents? This means that in California they are considered legal adults where you can no longer consent on their behalf. As adults you do not have access to any information on your child's condition if they are in an accident or experiencing an emergency because your child did not authorize you to act as their agent. This can be extremely difficult both for children and parents. What can one do to remedy this situation?

**What Can You and Your Child Do?**

Whether you are 18 through 100, we all need someone to help us if we're incapacitated. Your child can execute a Power of Attorney for Finances, an Advance Health Care Directive and HIPAA release which are documents that appoint an agent or person to help us. These documents listed below gives a parent the authority to make medical decisions on behalf of a child and help with any financial tasks that may need to be completed during this time.

**Advance HealthCare Directive**

An Advance Healthcare Directive is an individual's healthcare instruction. The Advance Healthcare Directive honors the right of an individual to control the course of their medical care in all circumstances, as well as the right to designate a family or friend to make these choices in the event a child's mental incapacity. The Advance Health Care Directive authorizes agents to make medical decisions if a child cannot express their wishes or make the decisions.

## **HIPAA**

HIPAA, or the Health Insurance Portability and Accountability Act allows the identified persons to obtain protected health information in order to make informed decisions about your care and the payment of medical bills.

## **Power of Attorney**

In the power of attorney, a child can appoint an agent who would be a family or friend who will act on a child's behalf from filing taxes, canceling credit cards, or to do anything else that needs to get done in the event that a child is unable to effectively manage your property or financial affairs.

## **Things to do: Execute Mini Estate Plan, Register for Classes...**

Without these documents, even if your child resides with you, do not have the legal authority over your adult child. In most cases, we want to appoint our family members and imbue them with the authority to help us during an emergency situation. This requires executing legal documents because your child, as an adult, needs to give consent to authorize a parent to act on behalf of them.

Take a moment and celebrate that your child is now an adult and off to a new chapter in their life. Also take a moment to think about having an Advance Health Care Directive, HIPAA Release, and a Durable Power of Attorney executed so that you can be there for your child if you need to be. Here at McDowall Cotter, APC we carefully craft a plan that is appropriate for each individual's need, including mini plans for your adult children. If you have any questions or would like more information please reach out to us.