

2021-2022 Academic Year

# Legal Forms



**ΑΕΠ**

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## AGE OF MAJORITY

As students head off to college it is important to note that most states and provinces will consider them to be adults above the age of majority (generally 18 in most states). As such, a student will be fully responsible for compliance with laws, university regulations, and financial and contractual obligations. Likewise, the obligations of parenthood are far more limited as is your ability to intercede on your student's behalf if and when issues arise.

Alpha Epsilon Pi highly recommends that each family takes a proactive approach by having a discussion with students about what it means to be considered an adult and what the expectations are of an adult in your family. What financial or other support-related arrangements are being made? What academic or behavioral expectations do you have? What happens if these expectations are not met?

In addition to the critical conversations that each family must have, it is beneficial to consider some legal and financial issues that may be new to your family.

## HIPAA

In the United States, HIPAA, or the Health Insurance Portability and Accountability Act of 1996, is a federal law that safeguards who can access an adult's private health data. This law will prohibit a medical professional from revealing health information to you – or anybody else – about your adult child even in the event of an emergency. Can you imagine knowing that your child had been involved in an accident but not being able to find out any additional information?

This thought illustrates why a HIPAA authorization, signed by your adult child and naming you as an authorized party, is so critical. It gives you the ability to ask for and receive information from health care providers about your son's health status, progress, and treatment. This is particularly important in the event your adult child is unconscious or incapacitated for a period of time. Without a HIPAA authorization in place, the only other way to obtain information regarding your child's health would be to have a court appoint you as his guardian. This process could be lengthy during a critical time.

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The idea of an accident is not as farfetched as it may seem. Accidents are the leading cause of death for young adults ages 18 to 24 and each year more than 250,000 Americans between ages 18 and 25 are hospitalized with non-lethal injuries.

## **HEALTH CARE POWER OF ATTORNEY**

A Health Care Power of Attorney is a document that names you as a “medical agent” and will give you the ability to view medical records and make informed medical decisions on behalf of your student in the event that they are unable to do so.

Again, imagine the terrifying scenario where your student is involved in an accident and is incapacitated. Without this document or a court-appointed guardianship, health care decisions concerning their diagnosis and treatment will be solely in the hands of health care providers. While this is not always a bad thing, a physician’s primary duty is to keep the patient alive. So, a health care provider might not pursue a risky or experimental course of treatment at the risk of exposure to liability.

Keep in mind that doctors prefer to see one medical agent named rather than multiple medical agents. The concern is that multiple medical agents may not agree on the medical course of action to take on behalf of the incapacitated adult. As a best practice, it’s prudent to name multiple agents in priority order with single authority. For example, the adult child’s mother might be listed first as the medical agent; if the mother is unable or unwilling to serve in that capacity, the second person listed—say the child’s father—would be empowered to step in.

## **GENERAL DURABLE POWER OF ATTORNEY**

If your adult child were ever incapacitated, you would also benefit greatly from having a General Durable Power of Attorney in place, where you were named as the agent authorized to make financial decisions on his behalf. This would allow you, as the named agent, to manage bank accounts, pay bills, sign tax returns, apply for government benefits, break or apply for a lease, and conduct similar activities relating to your son’s financial and legal affairs. Otherwise, you may not be able to assist him in managing his financial affairs without a court-appointed conservatorship.

## **INSURANCE**

Prior to sending your student off to college, it is a good idea to discuss various insurance coverage with your agent or carrier. Oftentimes, homeowner policies contain very specific language that pertains to the coverage afforded to you and your

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student. It is important to examine this language to determine if you are comfortable with the coverage that is in place.

We find that it is a good idea to obtain policies that provide property, liability, health, and identity coverage for your student, along with auto coverage, if your student is bringing a vehicle to school.

## **PROPERTY**

Unfortunately, theft or damage to personal property is common on campuses. It is important to take stock of the possessions that your student is taking with them to college. Laptops, cell phones, small electronics, expensive clothing, jewelry, and furnishings can all add up to be of substantial value. A simple renter's insurance policy is a good option, especially for students who are living in dormitories or occupying private housing. These policies can also offer other types of protections that can be valuable. Several companies such as Allstate, Lemonade, GradGuard, and Gallagher offer products geared toward college students. Be careful to select a policy that protects the possessions your student owns.

## **GENERAL LIABILITY**

College campuses, like the rest of the world, are increasingly litigious places. It is a good practice for your student to carry a general liability policy that can help cover against claims made against them. This is especially important if students rent apartments or other student housing where they may have premises liability. A simple renter's insurance policy is a good option and can also provide protection for personal possessions.

## **IDENTITY**

Another good insurance product to look into is one that covers identity theft. On college campuses shared internet networks can leave computers and personal information open to data breaches, malware, and virus attacks. Likewise, students often have clean credit histories, which makes it easier for criminals to make new charges, open accounts, and more. Most carriers that specialize in this market offer packages that bundle insurance with computer security software and credit monitoring tools. Obtaining a package that protects one from these threats is money well spent. Some reputable companies include Lifelock, Identity Guard, and Identity Defense.

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## **HEALTH INSURANCE**

It's important that your student has proper health insurance coverage in case of emergencies. Young adults have the highest uninsured rate of any group. In fact, about 30% of young adults don't have insurance coverage, leaving them in jeopardy if they face medical bills. Luckily, there are multiple options, including coverage from a parent's plan or school-offered insurance. If your student does not have access to those types of policies, they can obtain coverage on their own.

## **AUTO**

Full-time college students can usually remain covered on their parents' auto policy if their primary address is the parents' house, even if they attend college out of state. It is important to make sure that the policy meets the minimum auto liability requirements for the state where your student is enrolled.