



# Before You Send Your Kids to College, Make Sure They Sign a Power of Attorney Form



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A parent's job is never done, but when kids head off to college, things get more complicated. Most of those heading off to school are 18-year-olds and are legal adults, which means parents are no longer entitled to make decisions on their behalf. That can be a problem in a medical emergency.



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will ever need this—but it can still bring you peace of mind.

## What Is Power of Attorney?

A general power of attorney designates a competent adult to make important decisions for another adult if doctors believe they can no longer make those decisions for themselves. A medical power of attorney creates that right specifically for health care decisions. It gives the designated person (called the agent) more rights than a living will would, because [a living will only applies](#) when it's time to make end-of-life decisions.

Hospital legal departments are aware of their legal responsibilities and may not allow you to make decisions on behalf of an incapacitated young adult even if you prove you're the parent. If your child doesn't have a spouse, [doctors who don't know your family may end up making important decisions for you.](#)

It can get worse. If a young adult is incapacitated in the long term without a power of attorney, attorney [Neil Siegel](#) of Beachwood, Ohio, says parents will have to go to court to ask for a guardianship—the legal right to make the child's medical decisions. That can take weeks.

"If you don't have it in place, you have to go to probate court to get that person appointed, which [costs] thousands of dollars and very, very time consuming," Siegel says.

### Is a Durable Power of Attorney a Better Choice?

Accidents can happen to anyone, but a durable power of attorney is even more important if your child has a chronic condition such as diabetes or depression. That's especially true because college students don't always take care of their health.

It can also provide an opportunity to put any restrictions on care required by your family's religious or cultural practices. Attorney [Jacob Acers](#) of Smith Slusky Pohren & Rogers in Omaha, Nebraska, has put limitations on medications, blood transfusions or organ donations into health care power of attorney documents in Nebraska and Iowa. He suggests that you [talk to](#)



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through an [advance health care directive](#) or [living will](#), which many states bundle together with a medical power of attorney form.

"That is the section where you could say, 'These are care items that I want. These are things that I don't want to happen,'" Zlimen says. "As long as it complies with the hospital's policy, it should be honored."

### When Your College Student Is Out of State

You may be wondering in what state to have power of attorney for an out-of-state college kid. A durable power of attorney document applies only in the state in which it was formed—so if your concerns are about what might happen at school, you should at a minimum secure power of attorney for the other state.

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But Siegel suggests creating one for both states, because it's not unusual for hospitals to discharge seriously injured people into rehabilitative or long-term care. Parents will want to be near that facility, and that means they'll need decision-making power at home.

### Setting up College Power of Attorney

In many states, setting up a medical power of attorney for college students is as easy as [filling out a form](#) that calls for names, contact information, signatures and what powers the student is delegating. You don't necessarily have to use this form but it's a good idea because it's the standard, which means [hospital legal departments are likely to accept it](#). Some states require the signature of a witness or a notary public.

The procedure might be slightly different [if your student is under 18](#) when you set up a medical power of attorney. In that case, the parent(s) have decision-making authority until the student is 18, but might want to delegate it to a local relative or trusted friend.

To use your power of attorney, bring it to the hospital where it's needed; a doctor or hospital legal department will typically review it. Acers says it's



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keep a copy with them at all times."

## Explaining Power of Attorney to Young Adults

Young adults who are eager for independence may push back against a request to sign a college power of attorney, believing they don't really need it or you're trying to control them.

But because a medical power of attorney only goes into effect after doctors certify that the student can't make their own decisions, it gives parents no control unless there's an emergency. Under normal circumstances, students retain their privacy and their autonomy. In addition, you can write in start and end dates to reassure your student that this is a limited power of attorney for college.

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"Remember, the health care power of attorney only goes into effect when you can't make a decision," Siegel says. "It doesn't mean your mom or dad or anyone who's listed as the [power of attorney] can get that information without you meeting that medical criteria."

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