

## **THREE IMPORTANT LEGAL DOCUMENTS ADULT CHILDREN SHOULD NOT BE WITHOUT**

Something most parents overlook when a child enters into adulthood is having the child execute a power of attorney, living will and HIPAA authorization. Under Connecticut law, after a child reaches the age of eighteen, parents are no longer deemed to be his or her legal representative. Having these three documents in place is advisable for not only convenience purposes but also to avoid the need for probate court involvement in the event a child is incapacitated or otherwise unable to manage his or her own financial affairs or health care. Unfortunately, without proper planning, the need for these documents becomes alarmingly apparent when it is too late to put these documents in place (*i.e.*, a child becomes incapacitated due to an accident or sudden illness and parents are unable to access the child's bank accounts or communicate freely with health care providers). Bearing this in mind, parents should discuss the importance of creating a power of attorney, living will and HIPAA authorization with an adult child to help him or her navigate this new territory.

**Durable Power of Attorney.** A power of attorney is a legal document in which a child appoints a parent or other individual as an agent to act on his or her behalf with regard to legal and financial matters. The agent's powers can be as broad as the child, as principal, wants or be limited to specific matters. By having a power of attorney in place, a parent or other trusted adult will be able to act on behalf of the child for convenience purposes and continue to do so in the event of the child's incapacity or absence.

**Living Will.** With a living will, a child is in charge of making his or her own medical decisions and consulting with whomever he or she chooses regarding medical care. However, in the event of a child's incapacity, the living will serves a dual purpose. First, it expresses an individual's wishes regarding his or her desired medical care in the event he or she is deemed to be terminally ill or has a serious accident. Second, it designates a health care agent to make medical decisions on an individual's behalf in the event he or she is unable to do so.

**HIPAA Authorization.** This document goes hand in hand with the living will. The Health Insurance Portability and Accountability Act (HIPAA) prohibits medical care providers from disclosing private medical information to third parties including the parents of an adult child. However, medical care providers may share confidential medical information with individuals specifically authorized in this form. A child should execute a HIPAA authorization naming the same health care agent identified in his or her living will so that if the need arises, a parent or other designated health care agent can make informed medical decisions.

In the absence of proper planning, parents would need to petition the local probate court to begin conservatorship proceedings in order to assume control of a child's medical care and financial affairs in the event of incapacity. This process would cost both time and money and also deplete energy and attention that would otherwise be allocated to addressing the real-time needs of an incapacitated child. This is the single most compelling reason to take these actions.

It is important to highlight that a child may select any trusted adult to manage his or her health care and finances in the event of incapacity. Furthermore, all three documents may be revoked at any time.

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