

Health Care, Financial, and Educational Records Protections for Your College Student

August 28, 2019

August has arrived and some of you may be preparing to send children off to college or back to college. If your child is age 18 or older, you can take some simple steps to improve your access to your child's medical information and financial accounts in the event of an emergency, as well as access to your child's educational records.

Medical Information. The Health Insurance Portability & Accountability Act of 1996 (generally known as "HIPAA") protects the privacy of an individual's medical information, and health care providers may require written consent from a patient to share information with family members, including the parents of an adult child. Your child's college or university may also have policies in place preventing it from sharing medical information without the student's consent.

As a result, if you have a child age 18 or older, you should consider having your child grant you written permission to access his or her medical information *before* you have a need for it. There are several steps you can take in this regard before you send your child off to college:

1. Have your child execute a "Health Care Proxy" naming you as his or her agent for health care decisions. In this document, your child authorizes you to make health care decisions on his or her behalf should the child be unable to make or communicate such decisions him or herself. The child may also share his or her own wishes regarding medical treatment.
2. Have your child sign a "HIPAA Authorization Form." This form will serve as written permission authorizing those providing health care services to your child to share medical information with you as your child's health care agent.
3. Be in contact with the health services department of your child's college or university. The institution may provide its own form for authorizing the release of medical information that can be kept on record with the institution's health services department.

Financial Accounts. In addition, you should also consider having your child execute a "Durable Power of Attorney" naming you as your child's agent for financial matters. If your child is attending college far away, is studying abroad, or undergoes a medical emergency, it may be useful for you to access your child's accounts on his or her behalf. This allows you to pay bills for a child out of those accounts, make deposits and open or close accounts. In addition, a durable power of attorney allows you to handle other financial tasks for the child, like filing tax returns or renewing a lease.

Educational Records. Finally, the Family Educational Rights and Privacy Act (FERPA) protects the educational records of a child who has turned 18 or enrolled at postsecondary institution from access by his or her parents. If the child's parents claim the child as a dependent on their tax returns, the parents may still access the child's education records without the child's consent. However, institutions may be reluctant to allow access to education records for any child over the age of 18 without a "FERPA Waiver" signed by the child, regardless of their status as a dependent. If you would like to have access to your child's educational records, you may consider having him or her sign a FERPA Waiver in advance. The institution may provide its own form authorizing the disclosure of their protected educational records.

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All of these steps are straight forward to set up and may provide some welcomed peace of mind as your child begins the next stage of his or her life. If you would like to discuss whether any of the documents mentioned in this advisory make sense for you and your family, please contact your Goulston & Storrs attorney or any member of the [Private Client & Trust Group](#).

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