

Parents need power of attorney for college kids

Document opens students' medical and academic records to their parents



Mark Accettura

Although college-age children still need their parents' help or are seen as adults in the eyes of whether parents just have a hard the law, their parents often con-

time letting go continues to be waged at kitchen tables across America.

"We will never know whether Cho's parents could have prevented his killing spree. Nonetheless, had Cho's parents known of Cho's troubles, they could have worked with the school to get him help."

If you are a parent, however, there is no debate; you need to know if your adult child is in trouble medically, academically, or emotionally. The problem is that without powers of attorney you don't have access to the information you need to help them.

powers of attorney from their children. Parents should encourage—but can't require—their children to name them as agent and patient advocate under separate general and health care powers of attorney. Armed with powers of attorney, parents can monitor their child's academic and medical well-being. The following real-life cases illustrate the need for powers of attorney.

A mother in Texas receives a call from her son's roommate at Michigan State. The news is not good: her son has been in an accident and is in the hospital.

When she frantically calls the hospital, she is told that HIPAA (the Health Insurance Portability and Accountability Act of 1996) does not allow them to discuss her 19-year-old's medical condition. The most they can do is confirm that he has in fact been admitted.

It is not until she jumps on a plane and visits her son the next day that she discovers that he

The recent Virginia Tech tragedy and the state of our privacy laws dictate that parents get



Seung-Hui Cho

continue to support them financially and emotionally. The debate about whether college children

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will make a full recovery from his injuries.

Much of this mother's agony could have been avoided had her son appointed her as his patient advocate before he went off to school.

She could have simply faxed the document to the hospital and within minutes received a full account of her son's medical condition.

Another example is the case of Adam who lives at home and attends a local college. Adam's parents become suspicious of Adam's late night activities and his apparent disinterest in school.

When they ask to see Adam's report card, he refuses, insisting that he's an adult, it's his business, and he's doing fine.

When Adam's parents contact the school, they are informed that because of FERPA (the Family Education Rights and Privacy Act of 1974) the school cannot disclose Adam's grades without Adam's approval.

Adam's parents only learn that he is in deep academic trouble when they happen to beat Adam to the mailbox one day and dis-

cover that he is on academic probation.

A lot of time, effort, and money could have been saved had Adam signed a power of attorney appointing his parents as his agent. His parents could have spoken with school counselors and perhaps averted Adam's impending expulsion.

Finally, the case of Virginia Tech student Seung-Hui Cho comes to mind. As was widely reported, Cho was having serious emotional problems. FERPA and HIPAA prevented the school and the hospital from contacting Cho's parents.

We will never know whether Cho's parents could have prevented his killing spree. Nonetheless, had Cho's parents known of Cho's troubles, they could have worked with the school to get him help.

Had Cho's parents presented a power of attorney to the school, the school would have had the authority to contact them, and perhaps a tragedy could have been avoided.

If they had a special mental health care power of attorney

(available in Michigan since 2005 under "Kevin's Law"), they could have compelled Cho to get up to thirty days of outpatient psychiatric help.

If you take the view that you're still the parent and you need to know what's going on with your college-age children, you need to add medical and general powers of attorney to your child's list of school supplies.

The earlier you broach the subject the better; it's a lot easier to obtain their consent when they have nothing to hide.

Schools report that students tend to withhold academic trouble, drug and alcohol violations, and emotional difficulties such as suicidal thoughts from their parents. You may be denied if you ask for their consent after the cone of silence has descended.

Be proactive with the powers of attorney once obtained. Introduce yourself to the school counseling office and request that they add the powers of attorney to your child's file. Let them know that you want to be contacted at the first sign of trouble.

Since powers of attorney can be revoked, you may need to provide new powers each year to assure the school the powers are current.

With powers in place, you can continue to exercise a guiding hand over your child's life even if you might be a little guilty of not being able to let go.

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