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ESTATE PLANNING CHECKLIST BEFORE YOUR TEENAGER TURNS 18

By Sheri Stewart

In Minnesota, the age of majority is 18. Once teenagers reach that age, they are legally adults. This new status brings new responsibilities they may not understand. Now, their privacy rights spring into effect and the parent can no longer access their child's medical, financial, or academic records.

The most common transition during this time is usually starting college. College is an exciting time in most teenager's lives. Beginning this new journey comes with a lot of planning, and parents need to be aware of important documents that should be prepared before their child starts their first year of college. The checklist will include a laundry list of items to buy from Target, The Container Store, and other retailers who have a long list of items to give your child everything they need to feel comfortable in this new transition. In addition to the tangible items, there is also a list of necessary documents to complete – a task most teenagers will not be nearly as excited about.

To bridge this gap so parents can maintain a level of connection while their teenagers have this new level of autonomy. We at Sapientia Law Group can provide your family with the tools to assist with planning their future. Whether your teen is starting college out of state, attending remotely, or just becoming adjusted to their new legal status as an adult, the following documents allow a parent or legal guardian to make decisions on their child's behalf, while also respecting their new independence.

THE HEALTH CARE DIRECTIVE

A healthcare directive is a document that allows a person 18 years or older to name an agent to act on their behalf if they become incapacitated. However, it can give the agent authority even if your child retains legal decision making capacity.

The reason why this document is so significant is that in the unfortunate event that your child is in an accident or experiences an incident where they need medical attention and you want to request their medical records or status, the



ABOUT SHERI STEWART

Sheri Stewart handles a variety of estate planning matters including drafting wills and testamentary trusts, trusts with tax planning, trust amendments and restatements. She also has experience with probate and trust administration. As a litigator with estate planning experience, Sheri aims to create a welcoming presence to provide her clients with a safe space to be honest and genuine about the issues affecting them, their families, and their businesses. Sheri enjoys spending quality time with family and friends. She enjoys traveling to new places and cooking up new meals to channel her foodie tendencies.



We are a mid-sized law firm in Minneapolis, Minnesota, provides high-quality legal representation and consulting services in a variety of practice areas. Many of our attorneys are former “Big Firm” lawyers who came together to develop an innovative, non-traditional law firm model that distinguishes itself by achieving outstanding results with a diverse legal team while offering alternative fee structures to clients. Sapientia represents Fortune 100, Fortune 500, and Fortune Global 500 Companies, as well as entrepreneurs, startups, and small businesses. Since its founding in 2011, 55% of Sapientia’s annual revenue is earned under alternative fee structures. Sapientia’s team includes Martindale-Hubbell® AV-rated attorneys, non-profit board directors, former in-house counsel, two former presidents of the Minnesota State Bar Association, a former bar foundation president, several attorneys recognized as Minnesota “Attorneys of the Year”, a recipient of the 2018 Minnesota Lawyer Diversity & Inclusion Award, one of Minnesota’s top 100 “High Stakes Litigators®”, and several SuperLawyers®. In 2015, Sapientia was recognized in the 12th Annual Edition of “Top 500 Go-To Law Firms” published by Corporate Counsel®. In 2018, it was named “MVP Law Firm of the Year” by the National Association of Minority and Women Owned Law Firms. In 2019, Sapientia was awarded Minnesota Lawyer’s® “Diversity and Inclusion Award”.



facility that is taking care of your child is not obligated or under any legal duty to share information with you if there is no healthcare directive giving the parent or guardian access to such information. Although rare, incapacitating incidents such as car accidents and unforeseen health conditions do happen, if you and your family plan ahead, you'll be insulated from contending with these hurdles, letting you focus on what's important.

THE DURABLE POWER OF ATTORNEY

The Durable Power of Attorney document selects an Attorney-In-Fact, also known as an agent, who can make financial decisions and access financial records on your child's behalf. The Attorney-In-Fact only has authority while your child, who is the Principal, is alive.

HIPAA AUTHORIZATION

The Health Insurance Portability and Accountability Act, or HIPAA, is a privacy law that prevents healthcare providers from disclosing your child's current medical condition or medical records to unauthorized persons. To gain access to these records, you will need to sign a HIPAA waiver. Once a HIPAA waiver is signed, healthcare providers can disclose your child's medical information to you as a designated person without privacy violations. Therefore, a HIPAA authorization document must be on file to maintain access to that information.

FERPA WAIVER

The Family Educational Rights and Privacy Act waiver, FERPA, is specific to young adults pursuing further education after high school graduation. FERPA is a federal law that protects the privacy of student education records. The law applies to schools that receive funds under an applicable U.S. Department of Education program. Typically, a college will ask your child to complete the FERPA form during orientation. You should have your child list you on this form so that you will be able to contact the school's Financial Aid Office, the Bursar's Office, or the Registrar's Office to get information regarding their grades and loans or general payment.

DIGITAL DATA RELEASE

Social media is the new way many of us communicate and the environment most young adults are familiar with. A Digital Data Release is a document that will authorize the release of your child's electronic data in the event of their incapacity or death. The number of online subscriptions, social media accounts, Internet, computer passwords, and cellular phone accounts can be voluminous. Being granted access to these digital accounts on the front end will be tremendously helpful in the event of an unfortunate circumstance. This release may sound like wishful thinking because many young adults are so particular about their privacy, but if we are being serious, who is paying the bill for most of these subscriptions? So, it is worth making the point that without authorization, many tech companies are obligated to protect the privacy of such data and not release it.

THE SIMPLE WILL

Last but not least, the Simple Will ties all of these components together. A simple will is a legal document you use to decide who should inherit your property and assets after your passing.

We look forward to assisting your family during this exciting transitional period and with any other estate planning needs you may have. So consider scheduling an appointment now before your young adult takes off for college, or for the holidays when they return home.

Contact us for an appointment at estateplanning@sapientialaw.com.