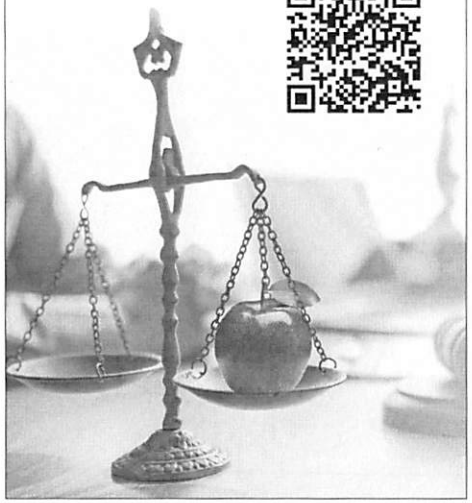
Attachment I

ILLINOIS STATE BAR ASSOCIATION

Civics Education

Part of our mission at the ISBA is to educate the public and students of all ages about the important role of lawyers and judges, the importance of an independent judiciary, and to foster an interest in our justice system and careers in the law. Visit isba.org/teachers for information about:

- High school mock trials;
- Having lawyers speak in classrooms and communities;
- Lesson plans and activities;
- and more.



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For the most current information, please consult your lawyer. If you need a lawyer and do not have one, call Illinois Lawyer Finder at (217) 525-5297 or online **www.IllinoisLawyerFinder.com**

Pamphlets Available

Adoption
Advice to Newly Marrieds
Advice for Aging LGBTQ Persons
Alternative Dispute Resolution
Auto Accidents
Auto Insurance
Bankruptcy
Being a Guardian
Buying a Car
Buying a Home
Buying on Time
Divorce
Estate Planning
Estate Planning for Married Couples
Gender Transitioning
General Practitioner
Guide to Jury Service
Health Care Privacy
Health Care Decisions
Hiring a Lawyer
Illinois Traffic Courts
Landlord-Tenant
Law-related Careers
Limited Scope Representation
Living Trusts
Nursing Home Problems
Organizing a Not-for-Profit Entity
Rights of LGBT
Selling a Home
Serving as a Guardian for an Adult with Disabilities
Starting a Business
Your Rights if Arrested
Your Rights in the Digital Age of AI

For more information on legal issues or to obtain single copies of each of the pamphlets listed above (free to individuals), please visit **www.isba.org/public**

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9/26

CONSUMER LEGAL GUIDE

Guidance to Parents and Guardians of Individuals Who Are to Become 18 Years Old

By Anne Bennett

ILLINOIS STATE BAR ASSOCIATION

When an individual reaches the age of 18, his or her parents are NO longer his or her legal guardian and can NO longer make decisions for that 18-year-old child medically or financially; therefore, if the 18-year-old is unable to make these decisions, his or her parent must petition the court for an expensive and time-consuming court-supervised guardianship to assist that child.

Mitigation of this risk: If an 18-year-old were to be involved in a pedestrian accident and was unable to make financial and medical decisions for herself or himself, that individual's parent could NOT immediately make those decisions unless their daughter or son had BOTH Powers of Attorney for Healthcare and Property.

Power of Attorney for Property (POAP) is a document in which an 18-year-old appoints an agent—usually a parent—to make decisions about her or his financial affairs, such as payment of bills, making investment decisions, and other financial decisions. This POAP should be made effective at the time of signature. The named agent can use the POAP when a disability occurs and when the individual is out of the country for school or military service.

Power of Attorney for Healthcare (POAHC) is a document in which an 18-year-old appoints an agent—usually a parent—to make healthcare decisions when she or he cannot make these decisions. The named agent can immediately make decisions regarding treatment, choice of physicians, and other healthcare related matters.

Other necessary documents and insurance issues to consider

HIPAA Waiver: This document permits named persons—POAHC agents, etc.—to be able to access information and documents that are covered by the Health Insurance Portability and Accountability Act, a federal statute that prevents third parties from access to personal private health care information without authorization.

Federal Education Rights and Privacy Act (FERPA) Waiver: FERPA recognizes an 18-year-old individual as an adult and her or his university information, including academic and disciplinary records, as a private possession; therefore, in order for parent(s) to access his or her child's university records, the student must give written consent to disclose that information to third parties, such as parent(s), guardians, and future employers, etc.

Property insurance: Parent(s) need to learn if his or her homeowner's or renter's property insurance covers the contents of your child's dorm room or college apartment, etc. If not, either a policy rider or an additional policy needs to be purchased to provide coverage of your child's possessions that includes immediate replacement. Damage or theft of personal property of electronic devices (computers and cell phones, etc.) can prohibit a student from participation in university programs where the use of electronic devices is required.

Health insurance: In most cases, a child can remain on his or her parent's health insurance plan until the age of 26, because the Affordable Care Act (ACA) requires health insurance plans to offer coverage for dependents up to that age. This coverage can continue even if a child is married, not in school, or not living in the parent's home.

If more information is desired, please contact an estate planning attorney.