

Coming of Age Means Doing Estate Planning

There are many milestones on the way to adulthood. Almost every American remembers those rites of passage, like getting a driver's license. The age of majority is 18 (in every state of which I am aware) and is one of these milestones. It is the age at which an individual may make decisions for themselves concerning a wide range of issues, such as contracts, health care, and disposition of assets upon death. It is the age at which every child should have their own estate plan, even if they do not have much in the way of assets.

While there may be the rare affluent 18-year-old (such as Justin Bieber), for most people that age assets are not the primary issue. The primary concerns relate to health care. Who is allowed to make health care decisions for the new adult? Who has access to their health information? What would happen in the unthinkable event of a situation requiring end-of-life decisions? These questions can be answered simply and elegantly by a simple estate plan.

The typical package for a newly-minted adult would be:

A Health Care and Mental Health Care Power of Attorney. These documents are also called Health Care Proxys in some states. It is a document which designates who can make decisions for the person if they are unable to make decisions for themselves. Such a document will enable the power holder to be more readily recognized as the decision-maker, even if state law might allow them to make decisions.

A Living Will. In many states, this is combined with a Health Care POA. As you know, it expresses the individual's preferences regarding end-of-life decisions. Unfortunately, young adults can face these issues, too.

A HIPAA Power of Attorney. This power is necessary to designate that the power holders (presumably the Health Care agent and other close family members) have a right to the disclosure of protected health care information.

Planning is the adult thing to do. It makes life easier for everyone involved.