

Setting Up a Durable Power of Attorney for Your College Student



As a parent, you are responsible for making decisions for your minor child regarding their health, finances, education and residence. However, once your child turns 18, that legal authority changes. In most U.S. states, the age of majority is 18, with the exception of Alabama and Nebraska (19) and Mississippi (21). At this point, your child gains the right to vote, sign contracts and make their own medical and financial decisions.

Your child's educational rights shift as well. Under the Family Educational Rights and Privacy Act (FERPA), parents are no longer automatically permitted to inspect or review the education records of students age 18 or older once they enroll in a postsecondary institution. Similarly, federal medical privacy laws restrict access to your adult child's health information without proper authorization.

The transition to college is often marked by pride and excitement — move-in day, dorm room photos and the first taste of independence. Yet legally, that same milestone represents a significant shift. In a single moment, parents move from primary decision-maker to legal outsider. Most families do not fully understand how abrupt that change can be until a situation arises where access or authority is required.

Even routine matters can require formal authorization. A hospital may need consent before discussing treatment. A bank may require documentation to address a frozen account. A university may decline to share billing or academic information. In those moments, preparation — not panic — makes all the difference.

While independence is an essential part of early adulthood, there may be situations, such as a medical emergency, mental health crisis or study abroad complication, where the ability to step in quickly becomes critical.

A durable power of attorney is one way families can prepare for that possibility. Below, we explain what a durable power of attorney is, why families should consider one for their college-aged students, and how to approach this important conversation with your child.

What Is a Durable Power of Attorney?

A durable power of attorney (DPOA) is a legal document that allows a parent, guardian or other trusted adult to make important decisions on your child's behalf under defined circumstances. There are several types of powers of attorney, including durable and non-durable, as well as immediate and springing. Each differs in when the authority becomes effective and whether it continues if the individual becomes incapacitated. Powers of attorney are also generally divided into two categories: a financial power of attorney, which addresses financial and legal matters, and a healthcare power of attorney, which authorizes medical decision-making.

“Durable” refers to the document's ability to remain in effect even if your child becomes incapacitated. In contrast, a non-durable power of attorney typically terminates upon incapacity. Separately, a power of attorney may be structured as either immediate — taking effect as soon as it is signed — or springing, meaning it becomes effective only after a specified triggering event, such as a determination of incapacity. For college-aged students, durable powers of attorney — whether financial or healthcare — are often used to help ensure that a trusted adult can step in if needed, particularly in the event of a medical emergency or temporary incapacity. If an emergency arises, a designated agent under a financial power of attorney can help ensure financial matters continue to be managed efficiently, while an agent under a healthcare power of attorney can make medical decisions without court intervention.

Why This Matters for Families

When children leave for college, it is often the first time they have been away from family for an extended period. At this stage of life, they are fully responsible for managing their own health — scheduling doctor's appointments, maintaining good nutrition and sleep habits, and staying consistent with medications — as well as handling their finances, including paying bills and budgeting expenses.

But stepping into adulthood for the first time while also balancing coursework, social life and new responsibilities can be overwhelming. In the midst of that transition, money management and even personal health can easily be overlooked or deprioritized.

For students living with chronic conditions, such as diabetes or asthma, or navigating mental health challenges like depression or anxiety, the risk of a significant health event may be higher. That possibility can feel even more unsettling when your child is several states away or studying abroad.

By establishing a durable power of attorney in advance, families can help ensure that, in the event of an emergency, a trusted adult is able to communicate with doctors and hospitals and make timely decisions without unnecessary delays.

Key Considerations When Setting Up a Power of Attorney

Creating a durable power of attorney (DPOA) should be approached thoughtfully and in partnership with your child. Because your child is now legally an adult, they must be an active participant in drafting the document with an estate planning attorney. While parents often initiate the conversation, the authority ultimately belongs to the student, and the choice of agent should reflect their wishes.

Before meeting with your attorney, it can be helpful to think through several important questions.

01 | WHO IS THE RIGHT PERSON TO SERVE AS AGENT?

One of the first decisions is determining who should serve as your child's agent. While a parent is often the natural choice, your child may decide that another trusted adult — or even multiple agents — would be appropriate. Backup agents should also be considered.

It is important to recognize that, in an emergency, emotions can run high. The person serving as agent should be able to remain calm and act in your child's interest.

An effective agent is someone who is:

- Trustworthy and reliable
 - Able to make difficult decisions under pressure
 - Financially responsible and organized
 - Capable of understanding and honoring your child's wishes
 - Close enough geographically to respond if needed
 - Willing to accept the responsibility
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02 | WHEN SHOULD THE AUTHORITY TAKE EFFECT AND HOW LONG SHOULD IT LAST?

Once your child has decided who should serve as agent, the next important question is when that authority should begin.

A durable power of attorney can be structured as either immediate or springing. While those terms may sound technical, the difference is straightforward and worth discussing carefully.

If the document is immediate, the agent's authority begins as soon as it is signed. That does not mean the agent takes over decision-making, but it does allow them to step in and assist if needed, even while your child is fully capable. For example, an agent could help resolve a banking issue, speak with a financial institution, or assist with administrative matters during a stressful time. However, it is important to note that medical decision-making authority, generally requires a separate healthcare power of attorney, and access to medical information may require a HIPAA authorization.

If the document is springing, the agent's authority does not begin unless a specific triggering event occurs — most often a formal determination of incapacity. In many cases, this requires written certification from one or more licensed physicians stating that your child is unable to manage their own affairs due to illness or injury. While this structure can feel more comfortable for families who want authority used only in emergencies, it can also create delays at precisely the moment swift action is needed.

03 | WHERE WILL IMPORTANT DOCUMENTS AND INFORMATION BE STORED?

In the event the agent needs to act, knowing where to locate essential documents can save valuable time.

Copies of the power of attorney, healthcare directives, insurance information and key financial account details should be stored securely but in a manner that allows the designated agent to access them if necessary. Your estate planning attorney should retain a copy as well.

Given that many students rely on digital records, families should also discuss secure password management and digital access. A reputable encrypted password manager or secure document vault may be preferable to informal sharing methods.

04 | SHOULD YOU REVIEW THE DOCUMENT FOR MULTI-STATE OR INTERNATIONAL USE?

Although many states recognize powers of attorney executed in another state, acceptance can vary in practice among financial institutions and healthcare providers. If your child will attend school out of state or study abroad, it is wise to review the document with counsel to confirm it complies with local requirements.

In some cases, additional documentation, notarization standards or certifications (such as an apostille for international use) may be advisable.



Essential Legal Documents for College Students

If your child is already in school, it is not too late. Even mid-semester, you can pause and put the proper safeguards in place. What matters most is approaching the process together. While your child is now legally an adult and must authorize these documents themselves, you can work as a team to make sure the right protections are in place.

The checklist below is designed to guide that conversation and help you confirm that each essential document has been thoughtfully addressed.

Durable Financial Power of Attorney

Allows your child to appoint a trusted agent to manage financial matters if needed.

- Decide who your child would trust to act on their behalf
- Understand what financial responsibilities may need coverage (banking, bills, leases, taxes, investments)
- Determine whether authority should begin immediately or only if incapacity occurs

Healthcare Power of Attorney

Authorizes someone to make medical decisions if your child cannot.

- Identify who your child wants speaking with physicians in an emergency
- Discuss your child's preferences for medical treatment
- Make sure the agent understands they may need to make time-sensitive decisions
- Confirm the document meets state-specific rules

HIPAA Authorization

Permits healthcare providers to share your child's medical information with designated individuals.

- Confirm who should have permission to receive updates
- NOTE: Understand that this is often required even if a health care power of attorney is in place

FERPA Authorization

Allows colleges and universities to release academic and certain financial records.

- Determine whether access to grades, billing or disciplinary matters is important
- Confirm the school's specific FERPA release process

Will (and, in Some Cases, a Revocable Living Trust)

Provides basic estate planning structure, even for young adults.

- Decide how personal belongings should be distributed
- Consider naming an executor
- Address guardianship for pets, if applicable
- Evaluate whether additional planning is needed if significant assets exist

Authorization for Release of Mental Health Records

Some states require separate consent for mental health information.

- Confirm whether a separate authorization is required in your state
- Discuss in advance to avoid communication barriers during a crisis

Emergency Contact and Travel Documentation

Important for students studying abroad or traveling internationally.

- Keep copies of passports and insurance information accessible
- Confirm emergency contacts are current
- Understand what additional documentation may be required for overseas medical decisions
- Make sure documents are available to the appropriate individuals



WORKING WITH THE RIGHT PROFESSIONALS

A durable power of attorney and related documents must be prepared and executed by a qualified estate planning attorney who is familiar with your state's laws.

At the same time, the decision to establish these documents often arises within a broader financial planning discussion. Financial advisors and estate planning attorneys work in complementary roles. While the attorney drafts and formalizes the documents, your financial advisor can help you think through who should serve as agent, how authority should be structured and how these decisions align with your family's overall financial plan.

Coordinating these conversations helps ensure that legal preparation supports, rather than operates separately from your long-term financial strategy.

Thoughtful preparation today can provide confidence and clarity tomorrow for both you and your child as they begin this next chapter. If you are looking to establish a durable power of attorney for your child, please give us a call and we can get started in the conversation.



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