

## **Two Basic Documents to Protect Your Children**

Estate planning solutions often involve numerous documents to achieve the desired results, but the fundamental goals are usually quite simple: protecting your children in the event of disaster. Two of the most important documents needed to protect your children are well known, but many parents never complete them. The first document names a guardian for your minor children, the second names the parents as authorized recipients of the children's medical information after the child turns 18.

Given the weightiness of the topic, choosing a guardian for minor children is often a client's most difficult decision in the entire estate planning process. To ease that burden, here are some factors to consider that might point toward one potential guardian over another. Realize that one immediate goal is to lessen as best as possible the trauma impacting the child. With this in mind, consider a guardian that can step into the parenting job quickly, and ideally someone who already has an established relationship with the child. Also, consider someone who won't have to make significant changes to their lifestyle to accommodate your child, for instance someone who has similarly aged children. Finally, consider who shares your core values and beliefs.

When naming a guardian, be sure to name an individual, not a couple. If the couple later separates, you don't want a fight over who should have custody. Try to name a backup guardian in the case that your first choice is unavailable for any reason. Lastly, it's generally a good idea to talk to the potential guardian first to gauge their willingness and enthusiasm for taking on the responsibility.

Second, when your child turns 18, ask them to complete a HIPAA Release authorizing you to receive the child's health care and medical information. This is particularly important when the child heads off to college. You might think that as their parent you still have access to their medical information, but technically you do not once the child turns 18. If a child is far from home and unable to provide their consent because they are unconscious, and the hospital refuses to release information over the phone, it can be a very frustrating experience trying to learn what has happened.

With a HIPAA Release, the child has already signed a document authorizing you to receive their medical information. The HIPAA Release also indemnifies the hospital or other health care organization from liability if it releases the adult child's information in good faith to the specified recipients. With a HIPAA Release on file, hospitals are far more willing to release information quickly, when it is most needed.

As your children age, there are additional ways to shield them from harm. For instance, you can protect their inheritance against divorcing spouses and creditors and ensure they won't waste an inherited IRA. These additional financial protections are important, but planning for the well being of your child by naming a guardian and ensuring you have quick access to your child's medical information is beyond important, it is essential.

**Adam Bartsch, *Two Basic Documents to Protect Your Children*, The Shelburne News, April 2, 2009.**

This document was prepared by NorthEast Estates and Trusts, PLLC for informational purposes only,  
and does not constitute legal advice. © 2009, NEET

Please contact NEET if you have questions or require additional information.

Northeast Estates and Trusts, PLLC  
Shelburne Creamery Building, Suite 22-B  
5138 Shelburne Road; P.O. Box 928  
Shelburne, VT 05482  
802-985-8811