



Special Report – How to Protect Your College Aged Child

Is your family prepared for emergencies? What happens in the event the unthinkable happens? Kids...you take care of them their whole lives, then they officially become an adult at 18. Parents know that their responsibilities do not end there. They leave for college, get jobs, get married and have kids of their own. But what happens if tragedy strikes? What happens if your adult child gets into an accident and cannot care for themselves? Can you help them? Unfortunately, the answer to that question is often “no” without cutting through some serious red tape.

Recently, I had a client who experienced something that parents never wish to experience and I wanted to take this opportunity to share her story and offer some solutions so that you have the ability to be fully prepared. With her permission, here is “Lisa’s” story.

On January 3rd, 2010 my husband and I received a knock on our front door at 2:00am in the morning. It was a police officer letting us know that our 19 year old son was being air lifted to the John Muir Hospital as he was in a major car accident. We were confused because we thought our son was with his friend, spending the night. We arrived at the hospital and we were told that he had major head trauma with severe head lacerations and was put into a chemically induced coma. In the next couple of days we were faced with many complications trying to handle both medical decisions as well as our son’s personal affairs. Since he was over 18 and considered an adult, my husband and I had to go through several loops in order to get him the help he needed.

The most important decisions that had to be made, that we had trouble making immediately, included placing a filter in his vein to protect against heart attacks, food tube and trachea insertion, orbital (eye socket) surgery, major jaw and nose surgery. Since our son was in a coma and unable to consent, and he was an adult, we were not able to immediately consent to life saving procedures on his behalf because we had no legal paperwork giving us this right. We were also unable to handle his personal affairs outside of the hospital. For example, he had a court date set up to contest a speeding ticket. This date was set in mid January 2010 and there was no way he could attend nor sign any documents. His college classes needed to be cancelled since his medical condition prevented him from attending classes. The staff at the college would not allow his parents to cancel the classes on his behalf since he was an adult. The last issue involved the disposal of his car that was in his name, but was declared a total loss, which meant dealing with the DMV and the police.

Because we had no legal means to resolve this situation, we had to utilize the services of a social worker to write up a letter explaining our son was in a coma due to a car accident on the hospital’s letterhead. While this letter worked to resolve some of our issues, we still had to deal with multiple people, telephone calls and forms to get around the red tape to resolve the remaining problems. We had to deal with all the legal hurdles ourselves. Luckily our insurance coverage was sufficient to cover his entire medical bill, but that is conditioned on being a full time college student. A social worker helped us with the letter to explain what had happened to our son, but it would have been easier and much less



complicated if we had the necessary legal documents to care for our son. After speaking with Daniela, we will be better prepared for our other two sons.

So, how does this get fixed? How can your family prevent this sort of thing from happening to you? You can begin by getting a Will Package for each of your college aged adult children. This package, which includes a Will, Durable Power of Attorney, and Advance Health Care Directive, gives the parents the legal right to make decisions for their adult children, while they are unable to do so on their own. These documents are amendable at any time, so when your college aged child chooses, due to their changed circumstances, such as getting married, they can amend them to always ensure that they can get the assistance they need at any time.

For a complimentary consultation of your legal needs, and to determine whether your children need a Will Package, please call Daniela Lungu at the Law Offices of Daniela Lungu at (925) 558-2710 or by email at lungu@lungulaw.com.

Daniela Lungu, principal of the Law Offices of Daniela Lungu, is an established local attorney specializing in asset and family protection through business and estate planning. Additional information about Daniela Lungu and various forms of planning can be found at www.lungulaw.com.