

## YOUR MONEY

# Beyond a Parent's Reach: When a Child Legally Becomes an Adult

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Shortcuts

By **ALINA TUGEND**

A COLLEGE freshman walked to a hospital emergency room at midnight and said she feared that she was going to harm herself.

Twelve hours later, after it was determined that she was no longer in danger, she decided to call her parents — but only after a long conversation with a nurse at the hospital about whether she wanted to talk with family members about her experience.

“It was initially a shock to realize that if this had happened the day before, we would have been called immediately,” said her mother, who asked to be identified only by her middle name, Jo, to protect her daughter’s privacy.

Why the difference? The daughter turned 18 at midnight that night and by law had the right to keep the episode private — even from her own parents and even though they would ultimately pick up the bill.

Most parents know — in theory, at least — that their children are no longer children when they turn 18. But the full significance may not be apparent until something happens that drives that reality home.

“It’s an abrupt transfer of power,” said Bonnie Snyder, author of “The Unemployed College Graduate’s Survival Guide” and “The New College Reality.”

The change in legal status may be especially surprising nowadays for parents who try to control so many aspects of their children’s lives. So when their offspring turn 18 and gain the ability to vote, serve on a jury, sign a contract and marry

without parental consent, it may be the first time they have ever had any real autonomy.

“Gone is the homework hotline and every other check and balance,” said Nancy Berk, author of “College Bound and Gagged.” “It’s time to separate, but not every kid hits the ground running.”

Having a conversation about their rights and responsibilities when they turn 18 is a good first step, Ms. Snyder said. The “enormous gaps in the knowledge” of her two daughters — one now a college graduate and one a college freshman — surprised her, she said, on things like understanding health insurance and balancing checkbooks. Many boys don’t realize, for example, that when they turn 18 they must register for the military draft, or are in violation of the law.

All newly minted adults should also know that not only do they have responsibility for their health and education records — including grades, schedules and financial accounts — but also that their parents cannot get access to them without the student’s permission.

That means even tuition bills go directly to the student, not the parent, no matter who is paying.

That is because of a 1974 federal law, known as the Family Educational Rights and Privacy Act, or Ferpa, that all institutions of higher education receiving federal money must follow.

Colleges tell parents this at orientations and have the information about the law on their websites, but it can easily get lost in the masses of information.

All students have the right to sign a waiver — and in most colleges it is as easy as clicking on a page on the school website — permitting parents access to their school records. “I see nothing wrong with saying, ‘If I’m writing the check, your part of the contract is that you share your grades with us,’ ” Ms. Berk said. “It’s just like a boss would want to see what is produced before you get the paycheck.”

Mark Snyder, Ms. Snyder’s husband and an academic adviser at Millersville University in Pennsylvania, says he gets calls about once a week from parents asking for — or more typically, hinting that they want to know more about — their child’s schedule or grades.

“We have to say, ‘No, we can’t talk to you about that,’ and they don’t like that,” said Mr. Snyder, who is also a professor of applied engineering. “I’ve sometimes been on the phone for an hour explaining it.”

The issue can become even touchier when talking about health matters, particularly mental health.

Once Jo got the phone call, she raced to be with her daughter, who has since seen a counselor and is doing fine. And, Jo said, ultimately she was not sorry her daughter had been left to handle things on her own.

“This legal technicality has helped me keep it her business — which keeps me from picking it up and making it my own,” she said. “She is 18. She got herself the help she needed when she felt she could not go another minute without it. Which is all you want to achieve as a parent, right?”

As so many parents are discovering, Jo added, “so much of her life is private now, after 18 years of so little being private.”

Of course, there are far too many stories that do not turn out well, where young adults harm themselves or others. One of the most dire was the massacre at [Virginia Tech](#) in 2007, when a student shot and killed 32 people and wounded 17 others before committing suicide.

After that tragedy, the requirements of the [Family Educational Rights and Privacy Act](#) were clarified to let school officials know they have more discretion in sharing information with parents when students’ health and safety are believed to be at risk.

While the most extreme cases stir up parental terror — what is going on with my child (or that matter someone else’s child) that I don’t know about — most of the time the system works pretty well, said Josh E. Gunn, past president of the American College Counseling Association and a counselor at [Kennesaw State University](#) in Georgia.

Here is what parents too often don’t know they have a right to know, said Dr. Victor Schwartz, medical director for the [Jed Foundation](#), a nonprofit group that helps colleges and universities address mental health issues:

- School officials can contact parents if they feel that a student is homicidal or suicidal.

- Schools can let parents of students under the age of 21 know of any violations involving drugs or alcohol.

- In addition, if a student is considered a tax dependent, the schools can release any information to parents. Nevertheless, most universities will still be cautious about contacting parents, Dr. Schwartz said.

■ Parents and friends should realize that while they may not be able to get information about their child, they can give information, by notifying a dean of students or counselor if they are worried about someone.

Most times, college counselors do not want to call the parents “because it’s bad policy, not because they’re afraid of the Ferpa police,” Dr. Schwartz said. “If the schools are too quick to bring in families, there’s a fear that the students won’t come in for help.”

Outside college, federal privacy laws bar parents from getting information about their over-18-year-old without permission.

That is why Laurie Ohall, a Florida lawyer specializing in estate law, suggests that it is a good idea to get your adult child to sign a health care designation or health proxy in case you are faced with an acute situation.

While in some states parents will be allowed to make decisions without official forms if they are the closest living relatives, that is not always the case, and they might have to go to court to seek guardianship.

The same is true with financial power of attorney.

“If a 19-year-old gets into a car accident and has brain damage, without a power of attorney, you have no right to sign up for benefits for him,” Ms. Ohall said.

These are not decisions that should be taken lightly. Having the ability to act in extreme circumstances seems prudent, but both sides need to discuss how much access that means. Should parents oversee their grown children’s banking? Doctor’s appointments? Medication?

All these things are a matter of balance, said Ms. Berk. It is time to let go, but perhaps not all at once. You don’t want to remind your child she has an exam, but maybe to get that meningitis or flu shot.

As she said, “You might need to stay on the nagging train just a little while longer.”

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