

# Chambliss Estate Planning Newsletter – September 2023

SAVE THE DATE!

Join us for a not-so-spooky webinar:

ESTATE PLANNING DOESN'T  
HAVE TO BE  
**SCARY**



OCTOBER 26



12-1 P.M.

Stay tuned for registration information coming soon!



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## Section 1.01      **A Parent's Tale — Preparing for the College Send-Off**

By: [Stephany Pedigo](#)

Days ago, I watched our baby girl back out of our driveway in her trusty SUV that once belonged to her grandparents to venture boldly to a new state and new chapter in her life. This fall marks the third and final time we will send one of our precious children off to begin their undergraduate career. We learned a little more with each successive launch. This article takes you along on some of our college adventures as a family and seeks to share some of what we have learned along the way.

Our children have attended large public universities and small private institutions. My husband and I have faithfully and tearfully attended parent orientation for each child. In our experience, parent orientation has things in common, no matter where your child attends school. First, after some lukewarm coffee, you and your child will be directed to a large auditorium where a video will be shown highlighting all the amazing things that await your child at their chosen university. At this point, you will begin weeping, and your child will move further away from you or console you as the case may be. Next, your child and all of the other students will be ushered off to their own orientation. You will be left with even colder coffee, an empty seat next to you, and a mix of emotions you cannot possibly process in the dark auditorium with similarly bereaved parents.

Usually, a speaker will follow the student exodus with some light-hearted banter, and you find that perhaps you will be able to smile and laugh again. Then, out of nowhere, they will hit you with seemingly impossible information. They will tell you that the university can and regularly will communicate with parents regarding tuition payment. However, there is no other information the university will voluntarily share or communicate with parents. “How can this be?” you will think, “they just showed me that video and gave me coffee.”

But you are at an advantage; you are reading this article written by a similarly situated parent from the lens of an estate planning attorney. Listed below are some tools that can assist in granting parental access to student information:

1. FERPA Waiver: The Family Educational Rights and Privacy Act of 1974 (FERPA) withholds parental access to important documents such as the student’s academic report, financial aid status, student account, and disciplinary records. However, your child may execute a FERPA waiver, granting parents access to this information. Each of our children signed the [FERPA waiver](#), and we have yet to encounter obstacles accessing information.
2. Health Care Power of Attorney: Access to health care providers is one area where preparation is essential. When a child turns 18, parents lose access to their child’s medical records. Additionally, parents can no longer communicate with their child’s health care providers to discuss their child’s diagnosis or treatment. To enable you to discuss your child’s medical needs with your child’s health care provider, your child, who has reached the age of majority, may execute a health care power of attorney. A health care power of attorney allows you or other specified individuals to make medical decisions for your child if your child is unable to do so and, if properly drafted, also serves as a HIPAA release form that grants access to your child’s medical records and medical provider.
3. Durable General Power of Attorney: This form of power of attorney allows your child to name an agent and empower the agent to act on the child’s behalf concerning the child’s financial accounts. Assuming your child has named you as the agent, you can assist your child as needed. Of course, you may be hoping to resign from this job as a financial liaison. In this case, encourage your child to name her grandparents for this role. She does, after all, drive their SUV.

So, in the end, it is not as bleak as it sounds. You are more than just a source of tuition payment and, with your child’s consent, can continue to have access to her information. Now, go get an actual cup of hot coffee with your child, tell her you love her, and dream of all the adventure that awaits.

**For questions regarding parental access or assistance utilizing the tools above, contact [Stephany](#) or a member of our [estate planning](#) team.**

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## Estate Planning Resources

### **Inherited Retirement Accounts: Minimizing Tax Consequences**

The Setting Every Community Up for Retirement Enhancement Act, which went into effect in 2020, changed how beneficiaries of inherited retirement accounts must withdraw these funds. The Act’s passage made it more difficult for individuals to pass their retirement savings on to their heirs without tax liability...

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### **Mitigating the Impacts: Sunsetting the Tax Cuts and Jobs Act**

The Tax Cuts and Jobs Act took effect on January 1, 2018, and impacted personal income taxes, small businesses, estate tax rules, capital gains rules, special needs accounts, and more. The TCJA is scheduled to sunset at the end of 2025. This will lead to significant changes for taxpayers. So, are there ways to avoid potential tax impacts for you or your loved ones? Read on to learn more...

[Read More](#)

### **Should You Hire a Special Education Advocate?**

The Individuals with Disabilities Education Act makes public education available to children with disabilities ages 3 to 21. The U.S. Department of Education's Institute of Education Sciences reports that 7.3 million students received special education or related services under IDEA in 2021 and 2022 alone, comprising 15 percent of all public school students...

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## Upcoming Events

### T-Recs

**Where:** [Greenway Farms Conference Center](#) | **When:** Third Thursday of Each Month

T-Recs is a teen social and recreation group for individuals with disabilities, ages 13-17 years old, that meets monthly to play games, socialize, explore the outdoors, go on outings into the community and more! For more information or to participate, contact Jessie at [jmock@chattanooga.gov](mailto:jmock@chattanooga.gov) or (423) 643-6606.

### KeenAdventures

**Where:** Friday: TBD; Saturday: Lookout Mountain (Craven's House) | **When:** October 6-7, 2023

Dedicated one-on-one time for individuals with disabilities, ages 6+, and their parent to learn and practice outdoor skills from local expert and KeenAdventures founder, Bethany Keenan! Spend an evening learning in a group setting about how to prepare for a day hike, using a map & compass, simple first aid and more. Then craft your own first aid kit to take with you on your next adventure. The group will meet again the following morning to venture out on a guided hike with a wilderness scavenger hunt! For more information or to register, contact Elaine at [eadams@chattanooga.gov](mailto:eadams@chattanooga.gov) or (423) 643-6607 or Bethany at [bethany@keen-adventures.com](mailto:bethany@keen-adventures.com) or (865) 599-6138.

### Chillin' Like Villains Fall Festival

**Where:** [Greenway Farms Conference Center & Outdoor Space](#) | **When:** October 26, 2023

Chillin' Like Villains is an adult social group for individuals who have various disabilities, ages 18 and up. They meet once a month at different locations around town and do a variety of activities such as attend sporting events, potluck dinners, themed evenings, and more. October's event will be a free fall festival with food, games, and fun. Please **RSVP by October 20** to Josh at [jabbott1@chattanooga.gov](mailto:jabbott1@chattanooga.gov) or (423) 643-6091.

### 8th Annual North Georgia Autism Conference

**Where:** [Dalton Convention Center](#) | **When:** October 27, 2023

The 8th annual Autism Conference is intended for parents/caregivers, educators, health care professionals, young

adults on the autism spectrum, self-advocates, and other interested individuals. Plus, don't miss [Amy Boulware](#) and [David Roberts](#)' presentation! To register, visit the North Georgia Autism Conference [event page](#).

## Also Check Out

### [All Abilities Park Approved for Walker County](#)

[Walker Rocks Park](#) is an all-inclusive playground that will be located on the [Walker County Civic Center](#) campus in Rock Spring, Georgia. The park will meet the needs of children with differing abilities and will include a poured-in-place rubberized service and ramps with barriers to make it accessible to children of all abilities, along with traditional playground components like slides, rockers, and several climbing features. The park is set to be completed and operational by late 2023.

### [Chattanooga State Receives State Grant, Will Launch New Program for Students With Intellectual, Developmental Disabilities](#)

Chattanooga State Community College launched Tiger Access, a program for students with intellectual and developmental disabilities. The Tennessee Department of Intellectual and Developmental Disabilities Commissioner presented Chattanooga State with a \$411,000 grant to create the new program. The two-year program will focus on life skills, career exploration, and job readiness.