

**CODE:** HHEC.AR**EFFECTIVE DATE:** (22-09-1983)**TOPIC:** Legal Custody of Children**ISSUE DATE:** ( )**REVIEW YEAR:** (To be Reviewed)**REGULATION****A. GENERAL**

1. Custody disputes between parents or other family members may be complicated by the fact that legal custody of the child has not been assigned. In such cases, de facto custody lies with the parent with whom the child lives.
2. While it is preferable to avoid becoming involved in a custody dispute, the protection and best interest of the child must be the major factor in a principal's decision whether or not to release a student to a person claiming custody.
3. Students who are the subjects of custody claims are not to be released from school until the normal morning or afternoon dismissal time.

**B. PROCEDURES IN THE EVENT OF A CUSTODY CLAIM**

1. All claims for the custody of students must be referred to the Principal.
2. Where there is a demand for custody of a student and legal custody is uncertain, the Principal shall:
  - a. ask the claimant to identify himself/herself and to produce a legal order for custody;
  - b. inform the claimant that the student will not be released from school until the normal morning or afternoon dismissal time, AND that the parent or guardian with whom the student lives will be informed that the claim for custody has been made;
  - c. notify the parent or guardian with whom the student lives that the claim for custody has been made;
  - d. attempt to bring the two parties to agreement as to whom the student will be released. The school social worker should be called upon for assistance in the mediating role.
  - e. If the parent or guardian with whom the student lives cannot be contacted and thus the two parties cannot be brought together, then the parents may seek the assistance of the school social worker in making temporary arrangements for the child's care.
3. A record shall be kept in the school of any custody claims which may be received, including dates, times, names and demeanor of persons involved, and as much of their actual statements as it may be possible to record.
4. The Assistant Superintendent shall be informed by the school of all demands for custody which it may receive.

### C. REQUESTS FOR ACCESS TO OR INFORMATION ABOUT STUDENTS

1. Any request for access to a student or information about a student from a parent with whom the student does not live shall be referred to the Principal.
2. Principals should use their discretion in dealing with such requests, bearing in mind that a court order restricting the access of a parent to his or her child applies while the child is in school or on school property.
3. The school social worker should be consulted for advice and assistance in dealing with such requests.