

**The following table lists common custody arrangements and corresponding rights.**

In cases of dispute between parents, and in the absence of any written documentation limiting the rights of one parent, schools should advise parents that the school must abide by the *Education Act* which states that:

*13(2) The parent of a pupil has a right to reasonable consultation with the pupil's teacher or the principal of the school the pupil attends with respect to the education of the pupil.*

*13(3) It is the responsibility of the parent of a pupil and of school personnel to conduct themselves in a respectful manner and to follow established procedures when involved in communications concerning the pupil.*

Schools have no discretion to take the part of one parent over the other when there is no official, written guidance.

Custody Arrangement	Access to the Student	Access to Student Record (always subject to Ed. Act s. 54)	Decision-making Authority about Education/Welfare	What the School Does
<p><b>Informal</b></p> <p><i>Agreements about who will care for the child have been made between parents without involving the courts.</i></p> <p><i>The child may live with one parent, alternate between both parents or live with someone else.</i></p>	<ul style="list-style-type: none"> <li>Both parents have access.</li> <li>Anyone designated in writing by both parents has access.<sup>1</sup></li> <li>If the child is cared for by a person(s) other than his/her parents, this person has access.</li> </ul>	<ul style="list-style-type: none"> <li>Both parents have access.</li> <li>Anyone designated in writing by the parents has access.</li> </ul>	<ul style="list-style-type: none"> <li>Both parents have decision-making authority, or</li> <li>Decision-making authority is delegated to another person in writing, signed by both parents.</li> </ul>	<ul style="list-style-type: none"> <li>If authority for physical access to a child, access to information about the child, or decision-making is to be delegated to a person other than a parent, the school should request written authorization signed by both parents (if possible).</li> <li>In cases where both parents continue to be involved with the child and</li> </ul>

<sup>1</sup> Refer to the *Guardianship of Children Act* for particulars.

**SPECIFIC CUSTODY ARRANGEMENTS**

**APPENDIX C**

Custody Arrangement	Access to the Student	Access to Student Record (always subject to Ed. Act s. 54)	Decision-making Authority about Education/Welfare	What the School Does
				<p>one parent wishes to make changes to an established arrangement unilaterally, the school should maintain the established schedule/arrangement until both parents signify agreement or until the matter is settled via mediation or court order.</p>
<p><b>Joint Custody</b> <i>Agreement that both parents will care for the child has been reached through court.</i></p>	<ul style="list-style-type: none"> <li>• Both parents have access.</li> <li>• In cases of dispute, it is the parents' responsibility to seek private or court-ordered mediation or a court order.</li> <li>• Parents are to provide the school with written instructions regarding busing and other special requirements, and</li> </ul>	<ul style="list-style-type: none"> <li>• Both parents have access.</li> <li>• In cases of dispute, it is the parents' responsibility to seek private or court-ordered mediation or a court order.</li> </ul>	<ul style="list-style-type: none"> <li>• Both parents have decision-making authority.</li> </ul>	<ul style="list-style-type: none"> <li>• Notify parents that the school is required to provide information to both parents on request.</li> <li>• Provide information/ access to both parents as requested, in keeping with written instructions.</li> <li>• In cases where both parents continue to be involved with the child and one parent wishes to make changes to an established arrangement unilaterally, the school should maintain the established</li> </ul>

**SPECIFIC CUSTODY ARRANGEMENTS**

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Custody Arrangement	Access to the Student	Access to Student Record (always subject to Ed. Act s. 54)	Decision-making Authority about Education/Welfare	What the School Does
	<p>a list of those to whom the child can be released.</p>			<p>schedule/arrangement until both parents signify agreement or until the matter is settled via mediation or court order.</p>
<p><b>Sole Custody with Access</b></p> <p><i>A court has ruled that the child will live with only one of his/her parents. The other parent has access rights (i.e. has the right to continue to be involved with the child in a specified way).</i></p>	<ul style="list-style-type: none"> <li>• The non-custodial parent continues to have access.</li> <li>• In cases of dispute, (and when the court order is not clear on an issue), it is the responsibility of the parent who wants to change an established arrangement to seek private or court-ordered mediation or a new court order.</li> <li>• The custodial parent is to provide the school with written visitation schedules, busing</li> </ul>	<ul style="list-style-type: none"> <li>• Both parents have access, unless there is a court order prohibiting access by the non-custodial parent.</li> <li>• If access of the non-custodial parent is disputed by the custodial parent, it is the custodial parent’s responsibility to seek private or court-ordered mediation or a court order.</li> </ul>	<ul style="list-style-type: none"> <li>• The custodial parent has decision-making authority.</li> </ul>	<ul style="list-style-type: none"> <li>• Notify custodial parent that school is required to provide information to non-custodial parent at non-custodial parent’s request.</li> <li>• If the <i>Access to Student Records</i> form (<a href="#">Appendix B</a>) is completed, inform the non-custodial parent of educational matters pertaining to the child, but defer to the instructions of the custodial parent for decision-making, unless otherwise stated in the court order.</li> <li>• Follow the visitation schedule and busing requirements when releasing the child. Release the child only to those on the list provided</li> </ul>

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	<p>requirements, and a list of those to whom the child can be released.</p>			<p>by the custodial parent.</p> <ul style="list-style-type: none"> <li>• Maintain established arrangements unless both parents signify agreement to new arrangements or until the matter is settled via mediation or court order.</li> </ul>
<p><b>Children in the Care of the Minister of Family and Community Services</b></p> <p><i>The child is temporarily or permanently in the care of the Province. In most cases this will involve children placed in foster homes or group homes.</i></p>	<ul style="list-style-type: none"> <li>• The child’s social worker will advise the school in writing about any issues concerning access to the child.</li> <li>• In cases of dispute, the child’s social worker must be notified.</li> </ul>	<ul style="list-style-type: none"> <li>• The child’s social worker will advise the school in writing about any issues concerning access to information about the child.</li> <li>• In cases of dispute, the child’s social worker must be notified.</li> </ul>	<ul style="list-style-type: none"> <li>• The child’s social worker will advise the school in writing concerning who will make decisions about the child.</li> </ul>	<ul style="list-style-type: none"> <li>• Obtain from social worker a written list of those who have access to the child.</li> <li>• Provide all “need-to-know” information requested by the social worker.</li> <li>• Provide information to foster parents to the extent appropriate to their role in caring for the well-being and education of the child.</li> </ul>

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<p><b>Prohibition Order</b></p> <p><i>A court has ruled that one or both parents are not to have contact with the child.</i></p>	<ul style="list-style-type: none"> <li>The child is not to be released to the person(s) against whom the order has been issued.</li> <li>In case of a breach of the court order, the custodial parent (or foster parent), the police, or the child’s social worker should be notified as appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>Information is not to be released to the person(s) against whom the order has been issued.</li> <li>In case of a breach of the court order, the custodial parent (or foster parent), the police, or the child’s social worker should be notified as appropriate.</li> </ul>	<ul style="list-style-type: none"> <li>The custodial parent, or person designated by the court, has decision-making authority.</li> </ul>	<ul style="list-style-type: none"> <li>Ask the custodial parent, or a person designated by a court (legal designate), to complete and sign a <i>Request for Denial of Access</i> form (<a href="#">Appendix A</a>). The responsibility rests with the custodial parent to provide the school with a current copy of the court order and to notify the school immediately of any variations or revocation of the order.</li> <li>Request the parent, or the legal designate, to provide, in writing, the names and contact information of any person into whose care the child may be entrusted.</li> <li>Request identification or otherwise ascertain the identity of any person who is to pick the child up and ensure his/her name is on the list provided by the</li> </ul>

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**APPENDIX C**

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Prohibition Order <i>continued</i>				parent or legal designate. <ul style="list-style-type: none"> <li>• Do not release the child into the care of any person not on the list without the written instructions of the parent or legal designate.</li> </ul>