



LEGAL CUSTODY OF CHILDREN

Background

Staff members of the Division shall be diligent in allowing only authorized persons access to students in their care.

Access disputes between parents or other family members may be complicated by the fact that legal custody of the child has not been determined by a court or by formal agreement. In such cases, de facto custody lies with the parent with whom the child resides.

While it is preferable to avoid becoming involved in an access dispute, the protection and best interests of the child must be the major factor in the decision whether or not to release a student to a person claiming custody.

Procedures

1. All claims for the access to students must be referred to the Principal. Principals requiring clarification or additional guidance may contact the Superintendent or Director of Student Services.
2. Where there is a demand for access to a student and legal custody is uncertain, the Principal shall:
 - 2.1 Ask the claimant to provide appropriate identification and to provide a copy of a separation agreement, or an order of a court, giving him/her access to the student;
 - 2.2 Place a copy of the order or agreement in the student file and update PowerSchool;
 - 2.3 Inform the claimant the student will not be released from school until the normal morning or afternoon dismissal time and the parent with whom the student resides will be informed that the claim for access has been made;
 - 2.4 Notify the parent with whom the student resides that the claim for access has been made;
 - 2.5 The Principal may call RCMP to mediate any on-site disputes.
3. An objective record shall be kept in the school of all access claims which may be received, including dates, times, names of persons involved, and as much of their actual statements as it may be possible to record.



Reference: Sections 1, 2, 11, 32, 33, 51, 52, 53, 54, 196, 197, 222 Education Act
Student Records Regulation 97/2019
Child, Youth and Family Enhancement Act
Domestic Relations Act
Divorce Act
Family Law Act