DISPUTE OVER CHILD CUSTODY

Background

The Division is committed to providing the safest possible environment for the students in its schools. The Division is also committed to respecting the legal rights of parents and guardians. This administrative procedure is an attempt to actualize these commitments.

Procedures

1. The Director, through the Superintendents of Education, mandates principals to administer this procedure, with the support and advice provided by Superintendents and the Director.

2. As part of the annual registration process, the Principal shall determine who has legal custody of each student.

3. Having established custody at time of registration it shall be the responsibility of the parent(s)/guardian(s) to provide legal documentation to show that there has been a change of custody and change of name, and to document any happening that may be relative to a potential or actual custody dispute.

4. Right of access shall be given to either parent/guardian unless legal documentation can be provided to show that custody rests with one (1) parent. When in doubt, school personnel are advised to encourage the students to go home in the same fashion as they came to school.

5. Where there is a dispute over child custody and a legal authority, such as a police officer or other outside personnel comes to pick up the child(ren), the Principal is not to release the child(ren) unless a duly signed Court Order is presented. Should a police officer not accompany the person who provided the Court Order, verification of the Court Order shall be made by phoning the Court House, R. C. M. P. or some other place of authority. It is recommended that a copy of the Court Order be taken.

6. The Principal is to refrain from becoming involved in the matter of determining the custody of a child unless ordered to do so through the provisions of a written order as drawn up by a legal authority.

Reference: Sections 85, 87, 108, 109, 175 Education Act
                  Child and Family Services Act
                  Childrens' Law Act