



Administrative Procedure 1070

ACCESS OF NON-CUSTODIAL PARENTS TO PUPILS AND TO PUPIL ACADEMIC RECORDS

Responsibility:	Freedom of Information, Privacy and Information Management Officer
Legal References:	Age of Majority and Accountability Act Children's Law Reform Act Divorce Act
Related References:	Child Custody and Access Agreements: Impact on Access to Students, Student Information & Education Decision-Making Guidelines
Revisions:	March 2019
Reviewed:	March 2016, March 2019

1. Preamble

The procedures that follow provide expectations and guidelines regarding the access of non-custodial parents to pupils on school premises, beyond the limits of school property, and access of non-custodial parents to pupils' academic information.

Refer to the Child Custody and Access Agreements guidelines for information on rights of access to students, to student information, and educational decision-making in relation to all other types of family separations.

2. Physical Access on School Premises

- 2.1 When a child of separated parents is attending school or initially enrolling, the principal may not know about the disrupted marital relationship. In this case, access to the child by both parents is acceptable.
- 2.2 If the principal is aware of the marriage breakdown, the principal shall request a photocopy of the most current Court Order or Separation Agreement dealing with custody and access. This will ensure that the principal has definitive proof regarding custody and access rights.
 - 2.2.1 The principal shall review the Order or Separation Agreement on file and determine whether the non-custodial parent is entitled to access to the child as requested.
 - 2.2.2 If the Order or Separation Agreement does not permit any access and the noncustodial parent feels they have a right of access, the principal shall ask the non-custodial parent if the Order or Separation Agreement has been updated with a more recent Court Order or an Amending Agreement which permits the non-custodial parent access. If so, ask for a photocopy of the new Order or Amending Agreement. If no documentation is available, follow the original order.
 - 2.2.3 If the Order or Separation Agreement provides for "reasonable access on reasonable notice" or something similar, the principal should contact the custodial parent and inform him/her that the non-custodial parent has made arrangements to pick the child up.

- 2.2.4 If the non-custodial parent insists upon visiting or removing the child from the school when access is not allowed, the principal should request that the custodial parent attend the school to assist the principal in dealing with this situation. The principal should suggest the non-custodial parent cease attending school premises under these circumstances.
- 2.2.5 If such action does not solve the problem, the principal should refer the matter to the appropriate superintendent.
- 2.2.6 If the non-custodial parent becomes agitated, abusive or threatening, the principal must consider the safety and welfare of the child, the other students and the school staff. If necessary, the police must be contacted to remove the non-custodial parent from the school premises. Warning about trespass should be given.

3. Physical Access Beyond Limits of School Property

If the non-custodial parent meets the child beyond the limits of school property, it is a matter for the custodial parent and/or that parent's lawyer to handle. It is advisable to inform the custodial parent of such a meeting when the principal is aware of the situation. No further action should be taken by school officials in relation to incidents beyond the limits of school property.

4. Supporting Information

- 4.1 The Age of Majority and Accountability Act provides that a person is an adult upon attaining the age of eighteen years. Accordingly, the principal has no jurisdiction to prevent an eighteen year old, or a married student under the age of eighteen years, from leaving school with a non-custodial parent.
- 4.2 Persons declaring themselves to be parents but not known by school personnel may be properly asked for identification by the principal. If there is no anxiety or declarations of inaccessibility on the part of the student, identification can often be made by simply getting the student and parent together for verification of the relationship.
- 4.3 If challenges continue to exist in a family situation despite the information outlined in this procedure and the related Child Custody and Access Agreement guidelines, contact the board's Freedom of Information, Privacy and Records Information Management Officer.

5. Access to Academic Information

Unless a Court Order or Separation Agreement otherwise provides, non-custodial parents may have access to records regarding the health, welfare, academic progress, attendance, behavior or any document that would otherwise be available to the custodial parent.