

## Child Custody Actions\*\*

### Definitions

1. “Action affecting the family” means an action for divorce, legal separation, annulment, custody, child support or restraining order, whether pending or completed.
2. “Court Order” means any order, adjudication or decree, temporary, interlocutory or permanent, entered by a judge of competent jurisdiction within Oregon or any other state as a result of an action affecting the family. Any court order which appears to be certified as a true and accurate copy of the original shall be presumed to have been signed by a judge of competent jurisdiction.
3. “Custodial parent” means the natural or adoptive parent having sole legal custody of a child by virtue of the court order.
4. “District” means Lincoln County School District.
5. “Enrolling parent” means a parent who:
  - a. Is a party to an action affecting the family and resides in a residence separate from the other party to such action; and
  - b. Enrolls or intends to enroll in a school in the district, a student subject to the jurisdiction of the court in which such action affecting the family is venued.
6. “Joint custodial parent” means a parent who has legal custody of a student, jointly with the student’s other parent, by virtue of a court order.
7. “Residential parent” means the custodial or joint custodial parent with whom the student is residing during the school year by virtue of a court order.
8. “School principal” means the administrator in charge of the school of any student of an enrolling parent or the designee of such administrator.
9. “Superintendent” means the superintendent or the designee of the superintendent.
10. “Visitational parent” means a noncustodial parent or a joint custodial but nonresidential parent who has child visitation rights and privileges by virtue of court order.
11. “Director” means the district-level administrator responsible for the supervision of the school in which the student(s) is being enrolled.

12. “Annual” means at the beginning of each school year or at mid-year enrollment.

### **Enrolling Parent to Provide Information**

Each enrolling parent who requests that the noncustodial parent or visitational parent be denied access to, or information about, a minor student’s academic or behavioral progress, teacher or principal conference appointments or summaries which are provided to the custodial parent or joint custodial and residential parent, must provide to the school principal a certified copy of the most recent court order reciting such curtailment or restriction. In addition, the custodial parent must provide the following information to the school principal on a form to be prescribed and provided by the superintendent or designee. The form, with a copy of the court order, must be submitted each year.

1. Name of enrolling parent, address, current telephone number (which should be updated should a change occur), type of action affecting the family.
2. Name of each of enrolling parent’s children subject to a court order as a result of the action affecting the family.
3. Name of the school(s) in which such children will be enrolled.
4. Identity and location of the court having jurisdiction over the action affecting the family.
5. Whether there is any court order dealing with child custody or visitation as a result of the action affecting the family.
6. Name, current address and current telephone number (if known) of the other party/parties to the action affecting the family.
7. Whether the enrolling parent is the custodial or joint custodial and residential parent.
8. Whether the most recent court order in effect curtails or restricts the rights and privileges of the visitational parent with respect to such parent’s rights to be kept advised of the student’s school progress and activities or to participate therein.
9. Whether the most recent court order expressly permits the student to be released from school to the visitational parent.

### **District Employees to Follow Court Orders**

No employee of the district shall disobey or disregard any provision of a court order relating to any student enrolled in a school subject to district control, upon receiving notice of the contents of a certified copy of such order.

### **School Principal to Provide Relevant Information**

Upon receiving the completed request form from any enrolling parent and a certified copy of a court order, the school principal of any student named in such order shall provide copies of each, as received, to the appropriate director and document the sending of the complete policy to the noncustodial parent.

### **Rights and Restrictions of Visitational Parent**

1. Unless otherwise expressly curtailed or restricted by a provision of a court order with which the school principal has been provided, the visitational parent of any student enrolled in a school subject to district control may request that he/she be provided all grade reports, notices of school activities, disciplinary action or teacher or principal conference appointments or summaries which are provided to the custodial parent or joint custodial and residential parent, and the visitational parent shall be entitled to participate in all school activities including conferences, in which the custodial or joint custodial and residential parent is permitted to participate; however.
2. No visitational parent shall be permitted to visit his/her child enrolled in a school subject to district control during required school hours unless:
  - a. Such visitation is expressly permitted and a certified copy of the most recent court order is on file with the school for such student; or
  - b. A custodial or joint custodial and residential parent of the student has consented in writing to such visitation; or
  - c. The school principal
    - (1) Deems such visitation to be in the best interests of the child; and
    - (2) Such visitation is not prohibited by a certified copy of the most recent court order on file with the school of the student; and
    - (3) Prior to such visitation taking place the custodial or joint custodial and residential parent of the student is notified of the request of such visitation, a reason is given for such request and the anticipated duration of the requested visitation is specified.

### **Visitational Parent May File Certified Copy of Court Order**

In the event a custodial parent or joint custodial and residential parent of any student enrolled in a school subject to district control fails to provide the school principal with a certified copy of the most recent court order dealing with custody or visitation of the student of such parent, or fails to provide the address of the visitational parent, the visitational parent may file a certified copy of such court order or the address of the visitational parent, or both, as the case may be. The school principal or designee shall notify the custodial parent or joint custodial and residential parent of such filing, and if requested shall thereafter provide to such visitational parent all grade reports, notices of school activities, disciplinary action or teacher or principal conference appointments or summaries which are provided to the custodial parent or joint custodial or residential parent, and allow the visitational parent to participate in all school activities, including conferences, unless such action is expressly prohibited by the provisions of the most recent court order on file with the school principal.

### **Student Not to be Released to Visitational Parent or Others without Permission**

No student enrolled in any school subject to district control shall be released from the school to any person other than the custodial parent or joint custodial parent and residential parent of such student or that person's spouse without the **written** permission of the custodial parent or joint custodial or residential parent of such student, or the express permission recited in a certified copy of the most recent court order on file with the school of such student. The consent of the custodial parent, in writing, will be filed with the principal in the same manner that all other school records relating to this subject are filed.

### **Visitational Parent May File More Recent Court Order**

In the event a visitational parent provides the school principal a certified copy of a more recent court order dealing with custody and visitation of such student than that filed by the other parent, the terms of the more recent court order shall control. Such order shall bear evidence of service on the other parent.

### **Failure to Advise School Principal of Action Affecting Family: Failure to File Certified Copy of Court Order**

In the event neither party to an action affecting the family shall notify the school principal of the existence of such action, neither party shall be deemed to have rights superior to the other party with respect to any minor student. In the event the school principal is advised of the existence of an action affecting the family of a student enrolled in a school of the district, but neither parent to such action provides the school principal with a certified copy of the most recent court order in such action, the parent enrolling a student in a school of the district shall be deemed to be the custodial parent. The other parent shall be deemed to be the visitational parent with no restrictions on the visitational parent's right to be kept informed of the student's school progress and activities and to participate therein.

### **Distribution of Policy**

A copy of this policy shall be provided to the household of each student enrolled in a school subject to district control upon request by the enrolling parent that the school restrict access to that student, along with a form requesting the information specified in Enrolling Parent to Provide Information, 1. through 9. inclusive.

A section summarizing the policy will be included in all annual student handbooks.