

## **Guidelines -- Custody Issues**

Unless one or both of the parties provide a document to the contrary, we presume that the custodial parent is the person to whom report cards, notices, permission slips, etc. are sent to, unless the district's policy requires copies to the custodial parent and the non custodial parent.

The custodial parent is the parent with whom the child lives and sleeps, the one who has physical custody, the one who assures compulsory attendance, and the one who would be called in an emergency.

Unless one or both provide a document to the contrary, we presume that both have shared or joint legal custody, which is the right to make educational decisions.

Regarding access to records, both parties have access, no matter what the legal and physical custody situation is, unless a court order specifically precludes access to records.

If one parent has been granted sole legal custody, then that is who we deal with, except for allowing access to records.

Where legal custody is joint, we may need to send IDEA notices to both parents, provided that we know where the non custodial parent is located.

If we send a permission type form (NORA, Permission to Evaluate) and the custodial parent returns it with a "yes" and no word is heard from the non custodial parent, then we go ahead and do not track that one down.

If we get a "no" from one of them, then we ask them to go to the Court to get the decision making process determined; if they don't do that, then we ask for a due process hearing to resolve it.

Remember that with custody/visitation situations, the school does not enforce them. Therefore, request to visit during school hours should be denied unless there is a reason [dental appointment, etc.] and we do not agree to "make sure that he doesn't pick the children up." – that is the job of police.