



## **Child Custody: Parent/Guardian Rights**

### **Definitions**

- a. **Court Order** – When used throughout this procedure, the term “Court Order” means the written order of any court relating to the rights of and responsibilities for children. A Court Order may deal with custody matters between divorced or separated parents, guardians, or surrogates. A Court Order may be in the form of a divorce decree, a temporary order, a separation agreement, a surrogacy agreement, or a guardianship. Regardless of the particular title of a document, the word “Court Order” applies to any and all court orders governing children custody matters. Court orders may be modified by subsequent court order(s). Usually the latest court order controls the particular matter(s) addressed in it. All provisions in a court order not modified by a subsequent court order remain in effect.
- b. **Sole Legal and Physical Custody** – Assigns to one parent/guardian all legal rights, duties, and powers as a parent/guardian, including the legal authority to make all decisions.
- c. **Joint Legal Custody** – Both parents/guardians have the right to jointly participate in raising the child. Physical custody is generally awarded to one parent/guardian. The parent/guardian with physical custody is given the right to make all decisions not specifically outlined in the decree.
- d. **Joint Legal and Physical Custody** – Parents/guardians share jointly in making decisions for the child as well as the physical care and supervision of the child.
- e. **Parenting Plan** – A parenting plan is contained within a divorce decree and is a court-ordered plan for parenting a child that allocates parenting functions among both parents/guardians. The parenting plan may require certain decisions to be made jointly by both parents/guardians or give the authority to one parent/guardian to make the decision solely.

### **Child Custody Procedures**

When a student is enrolled in any school in the District and is party to parents/guardians who are separated or divorced, the school shall ascertain who the custodial parent/guardian is and note that information in the student’s record. Unless a court order provides otherwise, divorced parents, legally separated parents, or guardians with joint legal custody may make all decisions concerning a child jointly after conferring with each other. If a parent or guardian informs the school of any restrictions on a non-custodial parent or guardian's right to access to the student or the student’s records, the school shall obtain a copy of the court order so stating and comply with its terms. Notwithstanding the foregoing, the District is obligated to comply with the Federal Education and Privacy Rights Act (FERPA). If a court order is inconsistent with FERPA, the District shall comply with the requirements of FERPA.

The school is never authorized to act contrary to the plain meaning of a court order. The principal and school resource officer of every school shall be trained by the District under this procedure. In the event of any dispute between a student’s parents or guardians regarding the student’s education and the parent’s/guardian's rights, the District shall request from the parties a copy of the applicable court order upon which they rely, and the principal or the school resource officer shall interpret it in accordance with their training. If the principal or the school resource officer is unable to resolve the conflict, they shall contact the Assistant Superintendent of Student Services at the District Office for assistance.

If the Assistant Superintendent cannot resolve the concern, then he/she is authorized to contact legal counsel. If legal counsel determines that the issue cannot be resolved by reviewing the applicable court order, then the issue must be resolved by the court that issued the court order.

It is the parents' or guardians' responsibility to obtain clarification of a court order from the issuing court.. The school shall not modify the status quo currently in place with a student until it receives an order from the court resolving the concern. If the District determines that maintaining status quo until a court order is obtained will cause serious damage to the student, the District may seek emergency intervention through the court or the Division of Child and Family Services, or otherwise act in the student's best interest.

Unless a court order states otherwise, custodial and non-custodial parents and guardians have the right to attend and participate fully in all significant school, social, sports, and community functions. Parent(s)/guardian(s) are not allowed to exercise their parent/guardian time with the child during regular school hours. This includes physical parent/guardian time and other methods of parent/guardian time, such as telephone, email, instant messaging, video conferencing, and other wired or wireless technologies over the internet or by satellite.

If a non-custodial parent/guardian submits a written request for notification and provides a current telephone number, the school shall make reasonable efforts to notify the non-custodial parent/guardian if his or her student becomes injured or ill at school and requires medical treatment at a facility not located on the school premises, or if his or her child is suspended, expelled, or denied admission.

Under FERPA, both the custodial and the non-custodial parent/guardian shall have the right to inspect and review the student's educational records within 45 days of making a request. The school shall make copies of educational records for a requesting parent/guardian if they are unable to review and inspect the records. The school is not required to provide information that is not maintained as a matter of course. Both custodial and non-custodial parents/guardians have the right to request any inaccurate or misleading information in his or her child's educational records be corrected.

Unless a court order states otherwise, the custodial parent or guardian shall have the right to decide whether a student's step-parent shall have the right to check a student out of school and obtain copies of the student's records. If a non-custodial parent/guardian disputes the step-parent's access, the non-custodial parent/guardian shall have the obligation to obtain a court order clarifying the rights of the step-parent.

If a District employee either chooses or is subpoenaed to give testimony, provide documentation, or write a letter of support in a legal dispute involving a child, the employee shall only include objective factual information related to the child's educational experiences. In no event shall a District employee express a preference or make any judgment as to the resolution of the legal dispute.

#### Legal References:

Utah Code 30-3-10.7

Parenting Plan

Utah Code 30-3-32 & Utah Code 30-3-33(7)

Visitation (parent-time)

Utah Code 30-3-33(11)  
Utah Code 30-3-33(12)  
20 U.S.C. § 1232g  
Utah Code 53G-9-202

Utah Code 53G-8-204

Non-custodial parent rights  
Educational records  
Federal Educational and Privacy Rights Act  
(FERPA)  
Notification to the parent/guardian of an injured  
or sick child  
Suspension and Exclusion Procedures- Notice to  
parents/guardians- Distribution of policies

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