

CCS-HAMILTON CUSTODY ARRANGEMENTS POLICY

Calvin Christian School is bound up with family life. We seek to promote family involvement at the school. But along with our mutual interaction comes our awareness of certain situations that may present difficulties and include pain and disruptions. Separation and divorce do affect child(ren) and impact a family's interaction with the school. In that context, the school is obliged to recognize certain legal requirements which in turn need to be communicated by the parent. In order to serve our students and their families as well as possible, we ask that you read the following information and complete the attached document.

1.0 Grounds & Facility Access

- 1.1 A parent, guardian or person having daily care and control of a pupil under age 18 years is permitted to be on school premises subject to any lawful restrictions and provided the person signs in as required.
- 1.2 Persons authorized to be on school premises are not entitled to have access to all areas of the school and may only access areas as permitted by the Principal or the Principal's designate.
- 1.3 A person may not be permitted to remain on school premises if, in the judgment of the Principal or the Principal's designate, his or her presence is detrimental to the safety or well-being of anyone on the premise. Failure of any individual to comply with this policy, subsequent to receiving a verbal or written warning from the Principal or the Principal's designate, may result in charges under the Trespass to Property Act.

2.0 CCS Custody Information Form

- 2.1 Parents must advise the school and submit a completed Custody Information Form if custody arrangements have changed due to separation or divorce by the first date of school attendance.
- 2.2 Failure by the parent(s) to submit appropriate documentation absolves the school of any further obligation or responsibility or liability with respect to requirements outside of the normal requirements of the school to any parent.
- 2.3 The signatures on the enclosed pages indicate agreement with and compliance with the CCS Custody Arrangements Policy. Each parent shall file the policy information for future reference.

3.0 Court Documentation

- 3.1 Calvin Christian School will require court documentation when a separation/divorce agreement is in place involving but not limited to any of the following possibilities:
 - 3.1.1 where one parent is granted sole custody;
 - 3.1.2 where one parent is deemed the access parent or the parent with limited custody;
 - 3.1.3 where a parent was given restriction orders or restraining orders.
- 3.2 Any entitlement to custody (shared, joint, interim) includes all the rights and responsibilities normally associated with parents in respect to their child(ren). No additional documentation is required.
- 3.3 New court documentation must be submitted if there are changes to the agreement relevant to the school.

4.0 De Facto Parent

- 4.1 When living apart, with the child living with one parent (with the consent, implied consent

or acquiescence of the other), and there is no separation/divorce agreement, the school recognizes the default parent as having *de facto* custody and the other or absent parent is deemed to be the access parent.

4.2 A statement in writing from the default parent is required.

4.3 The other or absent parent shall have the same right as any access parent to make inquiries and be given information about the health, education and welfare of the child.

5.0 **OSR**

5.1 The Ontario Student Record (OSR) contains specific information and files which may be read and/or obtained by the access and/or custodial parents provided stated conditions have been met.

5.2 The OSR file may be requested from the Principal only and it will be provided on site by the Principal.

5.3 Calvin Christian School reserves the right to withhold disclosure of any other notes, documents or other information pertaining to students and compiled by school staff, save and except as mandated by the applicable legislation.

6.0 **Step Parent**

6.1 The school has no specific obligations to the step parent unless the court document specifies the step parent is a custodial parent or an access parent.

7.0 **Attached Documents**

7.1 The Protocol and Procedures section along with the Custody Information Form are viewed by the Board of Directors of Calvin Christian School as relevant and applicable to this policy. Compliance with their requirements is hereby mandated through this policy.

7.2 The Principal of the school is authorized to update and implement these attached documents when necessary.

8.0 The Board of Directors of Calvin Christian School considers the following additional information to be relevant and applicable to the policy.

Additional Information

Canadian and provincial legislatures provide governing legislation with regard to terminology, applications for custody and access orders, and court orders. The statutory terminology is not consistent or the terms are not specifically defined. Unless the court orders otherwise, the school's default position is that a) "a person entitled to custody has all the rights and responsibilities of a parent in respect to the person of the child and must exercise those rights and responsibilities in the best interests of the child;" b) the entitlement to access to a child includes the right to visit and be visited by the child and the same right as a parent to make inquiries and be given information about the health, education and welfare of the child;" c) "where the parents of a child live separate and apart, and the child lives with one of them with the consent, implied consent or acquiescence of the other of them, the right of the other to exercise the entitlement to custody and the incidents of custody, but not the entitlement to access, is suspended until a separation agreement or otherwise provides," therefore by default the parent with *de facto* custody of the child has custody, and the other parent has access, unless there is no consent or acquiescence. (See Children's Law Reform Act and Divorce Act.)

By way of emphasis: Calvin Christian School will seek to respond in accordance with legal documents and legislation relative to the health, welfare and security of the children while at school. Calvin Christian School cannot be held responsible for its reasonable actions if the required forms and the supporting legal documentation have not been received by the school. Parents must advise the school and submit a completed Custody Information Form if custody arrangements have changed due to separation or divorce. Failure to submit the Custody Information Form will mean the school will continue to provide information to the child's parents and address as detailed on the school's Registration Form. The school shall have no further responsibility and no liability to either the custodial or the access parent or the non-custodial parent in respect to such actions. Failure to submit the Custody Information Form will mean that both parents will be viewed as having full custody and thus access rights with respect to their children, and full authority to make decisions with respect to the children's welfare and participation in school activities, as well as complete access to all school records pertaining to such children. Failure to submit supporting court documents may put the school in a legal risk should the school comply with the requests of only one of the parents

Approved by CCS BOD: June 7, 2005

Updated by CCS BOD: May 6, 2014

PROTOCOL and PROCEDURES

A) REGARDING Shared / Joint / Interim CUSTODY:

1. Please complete the Custody Information Form including the shared custody section.
2. We will print the father's name and address followed by the mother's name and address in the school directory. If you wish to have a different arrangement, please contact the school's office before the 2nd week of September.
3. Our default position is that one parent be designated to provide all necessary information or complete various forms such as teacher information forms, registration forms, health information.
4. When alerted by a custody parent of a different arrangement involving joint or shared or interim custody, the school will forward information, such as report cards and other pertinent information to both parents.
5. In the event of an emergency, we will attempt to contact the mother first. We expect the mother to keep the father informed. If the mother is not available, we will contact the father – who will keep the mother informed. If both parents are unavailable, we will contact the contact person listed on the registration sheet.
6. Parent/teacher conferences are held twice each year. Both custodial parents may attend the interview together. When this is not possible, we suggest that one parent comes in the fall and the other in the spring.
7. Notwithstanding the foregoing, we will comply with the requirements of any court order and/or direction to the extent that such order or direction mandates a course of action other than as set out above.

B) REGARDING THE ACCESS PARENT:

1. Please complete the Custody Information Form and provide a copy of the court order.
2. The school will not forward information regarding the health, education and welfare of the child to access parents unless a specific inquiry has been made. Most of the information can be obtained:
 - from the custodial parent
 - from the school's web site
 - from the children during visitation arrangements
3. The school will not attempt to contact the access parent in case of emergency unless the access parent's name is listed as a contact person on the enrolment registration form.
4. Parent/teacher conferences are held twice each year. Both parents may attend the interview together. When this is not possible, we suggest that one parent comes in the fall and the other in the spring, or, please make other arrangements through the Principal.
5. Notwithstanding the foregoing, we will comply with the requirements of any court order and/or direction to the extent that such order or direction mandates a course of action other than as set out above.

**CCS-HAMILTON
CUSTODY INFORMATION FORM**

GENERAL INFORMATION

Please submit this form to the school office no later than the first date of school attendance.

Date: _____

Name of parent completing this form: _____

Student(s) name(s): _____

Please check the appropriate box and complete the following:

- I have de facto custody. I have attached a written, signed statement attesting to the consent or implied consent of the other or absent parent and acknowledge that the other or absent parent is entitled to access.
- I share custody of my child(ren) with _____. Please complete the shared custody section located on the back of this form.
- I have sole custody of my children. This means _____ has been given access rights. Please attach copy of the appropriate section of the court order.
- A Restraining Order has been issued against _____. Please attach copy of the appropriate section of the restraining order.

Comment: (Please provide any other information you feel we should know.)

We acknowledge receipt of a copy of the CCS Custody Arrangements Policy and agree to comply with and be bound by the terms and provisions of such policy statement.

Signed: _____ Date: _____

Signed: _____ Date: _____

SHARED / JOINT / INTERIM CUSTODY INFORMATION

Please read the section dealing with shared custody in our policy and complete the following:

1) Please state the name of the parent who will be responsible for providing the necessary information:

2) If a different arrangement from what is stated in the policy needs to be made concerning the directory and/or emergency procedures, please advise here:

3) So that the school has the latest and correct information, please complete the following:

Mother's Name: _____

Address: _____

Phone: _____ business phone: _____ cell phone: _____

Father's Name: _____

Address: _____

Phone: _____ business phone: _____ cell phone: _____

We acknowledge receipt of a copy of the CCS Policy Regarding Custody Arrangements and agree to comply with and be bound by the terms and provisions of such policy statement.

Signed: _____ Date: _____

Signed: _____ Date: _____