

CHILDREN OF DIVORCED/SEPARATED PARENTS

No. 491
(A) 7-10-89
(R) 9-14-15

A. NEUTRALITY

It shall be the policy of the School District of Lodi to maintain strict neutrality between parents/guardians who are involved in an action affecting the family, unless otherwise directed by court order.

B. DEFINITIONS

1. **Action affecting the family:** Action for divorce, legal separation, annulment, custody, or child support, whether pending or completed. Sometimes referred to as "action."
2. **Court order:** Any order, adjudication, or decree (temporary, interlocutory, or permanent) entered by a judge or court commissioner of competent jurisdiction.
3. **Custodial parent/guardian:** The natural or adoptive parent/guardian having sole legal custody by virtue of court order.
4. **Joint custodial parent/guardian:** A parent/guardian who has legal custody jointly with the child's other parent/guardian by court order.
5. **Residential parent/guardian:** The custodial or joint custodial parent/guardian with whom the child resides during the school year by virtue of court order.
6. **Visitational parent/guardian:** A non-custodial parent/guardian or joint custodial but non-residential parent/guardian who has a child visitation right and privilege by virtue of court order.
7. **Enrolling parent:** The residential parent/guardian who enrolls the child(ren) in the school of residence.
8. **Child(ren):** Child(ren) affected by the action affecting the family.
9. **District:** School District of Lodi.
10. **Administrator/Superintendent:** Lodi school principal/superintendent or designated agent of such.

C. ENROLLMENT INFORMATION TO BE PROVIDED BY THE ENROLLING PARENT/GUARDIAN

1. Name of enrolling parent/guardian.

2. Type of action affecting family.
3. Name(s) of each child subject to a court order as a result of the action.
4. Identity of court having jurisdiction over the action.
5. Name and mailing address of other party to the action.
6. Whether the enrolling parent/guardian is the custodial or joint custodial and residential parent/guardian.
7. Whether the most recent court order in effect curtails/restricts the rights/privileges of the visitational parent/guardian with respect to being kept advised of the child(ren) school progress and activities.
8. Whether the most recent court order expressly permits the child(ren) to be released from school to the visitational parent/guardian.

D. ENROLLING PARENT/GUARDIAN TO PROVIDE CERTIFIED COPY OF COURT ORDER

Where the court order affecting the family restricts or curtails the rights and privileges of the visitational parent/guardian with respect to being kept informed of the child(ren)'s progress or activities or to participate therein, the enrolling parent/guardian shall be requested to provide to the superintendent a certified copy of the most recent court order reciting such curtailment or restriction.

E. RIGHTS AND RESTRICTIONS OF VISITATIONAL PARENT/GUARDIAN

1. Unless otherwise expressly curtailed or restricted by a provision of court order with which the school district has been provided, the visitational parent/guardian of an enrolled child shall be provided all grade reports, notices of school activities, disciplinary action, and teacher/principal conferences which are provided to the custodial parent/guardian, and the visitational parent/guardian shall be entitled to participate in all school activities including conferences in which the custodial/joint custodial and residential parent/guardian is permitted to participate.
2. No visitational parent/guardian shall be permitted to visit the child(ren) enrolled in a school of the district during school hours unless:
 - a. such visitation is expressly permitted and a certified copy of the most recent court order is on file; or
 - b. a custodial/joint custodial and residential parent/guardian has consented in writing to such visitation; or
 - c. the administrator deems the visit to be in the best interest of the child(ren); **and** such visitation is not prohibited by a certified copy of the most recent court order on file, **and** the visitational parent/guardian has made the request

in writing at least one week prior to such visit, **and** the custodial/joint custodial parent/guardian is notified of the request of the visit, the reason for the request, and the duration of the request.

F. USE OF CHILD(REN)'S LEGAL NAME

The official school records will record child(ren) of an action affecting the family by the child(ren)'s legal surname.

G. VISITATIONAL PARENT/GUARDIAN MAY FILE COURT ORDER

Should a custodial parent/guardian/joint custodial and residential parent/guardian fail to provide the school district with a certified copy of the most recent court order dealing with custody/visitation, or fail to provide the address of the visitational parent/guardian, the visitational parent/guardian may file a certified copy of such court order and/or his/her address. The administrator shall notify the custodial/joint custodial and residential parent/guardian of such filing and shall thereafter provide to such visitational parent/guardian all communications and conference opportunities as provided for in section E of this policy.

H. CHILD NOT TO BE RELEASED TO VISITATIONAL PARENT/GUARDIAN OR OTHERS WITHOUT PERMISSION

No child enrolled in any school of the district shall be released from the school to any person other than the custodial/joint custodial and residential parent/guardian/or that person's spouse without the written permission of the custodial/joint custodial and residential parent/guardian, of the express permission as noted in a certified copy of the most recent court order on file with the school district.

I. FAILURE TO ADVISE THE SCHOOL DISTRICT OF ACTION AFFECTING THE FAMILY: FAILURE TO FILE CERTIFIED COPY OF COURT ORDER

Should neither parent/guardian to an action affecting the family notify the school district of the existence of such action, neither parent/guardian shall be deemed to have rights superior to the other parent/guardian with respect to any minor child. Should the school district be advised of such action affecting the family, but not be provided with a certified copy of the most recent court order, the parent/guardian enrolling the child(ren) shall be deemed the custodial parent/guardian and the other parent/guardian shall be deemed the visitational parent/guardian with no restrictions on the visitational parent's/guardian's right to be kept informed of the child(ren)'s progress and activities and participate therein.