

## **DISPUTES REGARDING ACCESS TO STUDENTS**

### **Background**

Requests to access children can be complicated by the fact that parental responsibilities or parental arrangements have not been determined. Subject to Court Orders or agreements between the parents, the protection and best interest of the child shall guide the Principal in access disputes between parents.

Both parents maintain equal access rights and responsibilities, unless parenting time or parenting responsibility is otherwise stipulated by a *Parenting Agreement* or *Court Order*.

Volunteering in a general school capacity is not considered parental access or parenting time, unless stipulated in a *Parenting Agreement* or *Court Order*.

### **Definitions**

#### **Family Law Act**

Legislation governing parental rights and access in British Columbia.

#### **Parent**

A parent or person who has guardianship of the student, unless under an agreement or order under the Family Law Act that person does not have parental responsibilities in relation to the student's education; or a person who usually has the care and control of the student.

#### **Guardian**

A parent by birth, Court Order or adoption. When a child's parents live together, both parents are the child's guardians (have guardianship). When the parents separate, both parents continue to be guardians unless they agree to change this or a court orders a change. A court can give guardianship of a child to a non-parent. Guardians are responsible for making all major decisions about their child, including education, health care, cultural or religious upbringing, and where the child will live (or attend school).

#### **Parenting Responsibility**

The responsibilities guardians have for the children in their care, including decisions about daily care, education, religious upbringing, extracurricular activities, etc. After separation or divorce, guardians can share parental responsibilities as outlined by a formal or informal parenting agreement or a court order.

#### **Parenting Time**

The time that a guardian spends with a child and is responsible for the care and supervision of the child.

#### **Parenting Agreement**

The arrangements made for parenting responsibilities and parenting time in a court order or agreement between guardians. Parenting agreements may include specify contact with a child or decision making responsibilities.

## Court Order

An official proclamation by a judge (or panel of judges) that defines the legal relationships between the parties.

## Procedures

1. These procedures apply where there is a request for access to a student and parenting time or parental responsibility is uncertain. In such circumstances, the Principal shall, having regard to the age and maturity of the student:
  - 1.1 Ask the claimant to identify themselves and produce a court order or parenting agreement that outlines parenting time and or parenting responsibility.
  - 1.2 Inform the claimant that the parent who normally is believed to have parenting responsibility or who normally has parenting time during the school day will be advised that the claim for access has been made.
  - 1.3 Notify the parent with whom the student is believed to normally have parenting time or parenting responsibility that a claim for access has been made.
  - 1.4 Attempt to bring the two (2) parties to agreement as to whether access will be provided or to whom the student will be released. If the parent who normally has parenting time denies the request for access or release of the child, a school liaison officer may be called upon for assistance.
  - 1.5 If the parent with whom the student normally has parenting time cannot be contacted and thus the two (2) parties cannot be brought together, then the Principal may seek the support or recommendation of the School Liaison Officer, in making a decision regarding the child's release.
2. Visiting of children
  - 2.1 When a person who does not have parenting time or parental responsibilities for the child(children), requests a visit with the child (children) during school hours, they will be contacted by the Principal for consent.
  - 3.2 If the parent refuses permission, or cannot be contacted, the person requesting the visit will be so informed and the visit refused. The principal may seek the support of the School Liaison Officer where needed.
3. Requests for access that require adherence to this Administrative Procedure shall be reported to the Director of Instruction.

Reference: Sections 1, 7, 9, 17, 20, 22, 65, 79, 85 School Act  
Child, Family and Community Services Act  
Divorce Act, Family Law Act  
Freedom of Information and Protection of Privacy Act

Canadian Charter of Rights and Freedoms

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