

Title: **FAMILY LAW INFORMATION**

Category: **ADMINISTRATION**

Number: **1275**

**Circulating until December 3, 2018**

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**I. Rationale**

A. With the new *Family Law Act* replacing the original *Family Relations Act*, there have been significant changes in the definitions, language and policy regarding parenting after separation or divorce. The terms “custodial parent” and “access” have been removed and instead, the new Law refers to guardianship, parenting time and parental responsibilities. This may have significant impact on the rights and responsibilities of parents with regards to involvement in decision-making with respect to their child’s education. We are aware that not all families will have an updated legal agreement in place that incorporates the language of the new *Family Act*, and that previous “custody orders” may still exist for some families. These will be interpreted as per the new *Family Law Act*.

**II. The *School Act* defines “parent” as:**

A. a parent or other person who has guardianship or custody of the student or child, other than a parent or person who, under an agreement or order made under the *Family Law Act* that allocates parental responsibilities, does not have parental responsibilities in relation to the student's or child's education, or

B. a person who usually has the care and control of the student or child;

III. The parent of a school-aged student is entitled to be informed of the student’s attendance, behaviour and progress in school. The parent may, and at the request of a teacher, principal or vice-principal must, consult with the teacher, principal, vice-principal or director of instruction with respect to the student’s educational program

IV. When parents are living separate and apart, determination of guardianship or usual care and control of the student is defined by other legislation, such as the *Family Law Act*, the *Infants Act* or a court order.

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V. The school principal determines who is “parent” by a review of the documentation that is provided to the school until such time as the school receives notice from one or other of the parents or the Ministry of Children and Family Development that the situation has changed. In this event, the school principal requires written confirmation of the change, i.e. a copy of the legal court order or agreement relating to the change in guardianship/parenting responsibilities, or usual care or control.

VI. The primary contact with the school will be with any person who has legal guardianship of the child and has the parental responsibility of making decisions respecting the child’s education. When the school principal requires information or direction regarding the child, the contact will be with the guardian who has the parental responsibility of making decisions respecting the child’s education, whenever possible. If both parents have shared parental responsibility in this regard, the school principal will make best efforts to contact both parents, but must contact the parent who is currently having parenting time with the child that day.

VII. If both guardians have shared parental responsibility for matters relating to education of the child, and disagree with each other about the course of action related to the child’s education, then the school principal will use their best judgement until the matter is clarified by a court order. The school principal may not do all of what a guardian may request in relation to the child, and will only have an obligation to comply with requests which are reasonable in the particular circumstances.

VIII. Schools will not provide verbal or written documentation to parents to support or deny any guardianship or proposed arrangements between parents. They may however, provide information upon request to a court-appointed officer if it is deemed in the best interest of the child.

**Received:**

**References:** Board Policy 4.2

