

## CUSTODY RIGHTS AND RESPONSIBILITIES

**FILE: KBBA**

**TITLE:** Definitions

**POLICY:**

Definitions. For purposes of this policy, the following definitions shall apply:

- (1) "Child" means any unmarried person under the age of eighteen (18) years who has not been emancipated by order of the court.
- (2) "Legal Custody" means a legal status created by a court which vests in a custodian of the person or legal guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, nurture, guide, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.
- (3) "Guardian" or "Legal Guardian" means an agency or individual which has been granted legal custody of child or been granted Educational Guardianship by Orange County Public Schools ("OCPS") Office of Student Enrollment.
- (4) "No Contact Order" means a court-ordered relationship with one or both parent(s)/legal guardian(s) that restricts contact with the parent(s)/legal guardian(s) and minor child/children. This term includes, but is not limited to, orders issued by the Dependency Court, Injunctions, and the Domestic Relations Court.
- (5) "Parent" means a person who gives birth to a child or a person whose consent to the adoption of the child would be required under Section 63.062, Florida Statutes. If a child has been legally adopted, the term "parent" means the adoptive parent of the child. The term does not include an individual whose parental relationship to the child has been legally terminated or an alleged or prospective parent.
- (6) "Parenting Plan" means a document created to govern the relationship between the parents/legal guardians relating to decisions that must be made regarding the minor child.
- (7) "Shared Parental Responsibility," which includes "Joint Legal Custody," means a court-ordered relationship in which both parents/legal guardians retain full parental rights and responsibilities with respect to their child and in which both parents/legal guardians confer with each other so that major decisions affecting the welfare of the child will be determined jointly.

- (8) "Sole Parental Responsibility," including "Sole Educational Decision Making Authority" and "Sole Legal Custody," means a court-ordered relationship in which one parent/legal guardian makes decisions regarding the minor child for educational purposes.
- (9) "Supervised Visitation," including "Supervised Timesharing," means a court-ordered relationship in which one or both parents/legal guardians cannot have contact with the minor child without an approved third party or agency present.
- (10) "Timesharing Schedule" means a timetable included in the parenting plan that specifies the time, including overnights and holidays that a minor child will spend with each parent/legal guardian.
- (11) "Third Party" includes stepparents, grandparents, aunts, uncles, non-relatives, and any other person not designated as a parent/legal guardian under Florida Statutes and this policy.

**SPECIFIC AUTHORITY:** Sections 39.01; 61.046; 63.032; 63.062, Florida Statutes

**TITLE:** Family Related Court Documentation

**POLICY:**

- (1) If there are court orders affecting the custody of a student, it is the responsibility of the parents/legal guardians to provide a complete certified copy of the court order signed by the presiding Judge to their child's school.
  - (a) While Orange County Public Schools ("OCPS") will accept and review applicable, school related, court documentation relating to the custody of a student, the School Board of Orange County, Florida ("Board") and OCPS will remain neutral in all custody matters.
  - (b) Parents/legal guardians that have provided court documentation to their child's school will be expected to follow their court order and refrain from using OCPS as an intermediary between the parents/legal guardians.
- (2) The parents/legal guardians are responsible for providing any updated court documentation that may affect the custody of a student. The new documentation must be complete, certified by the court, and signed by the presiding Judge.
  - (a) If it is determined that a court document has been modified without the consent of the court or the other parent/legal guardian, OCPS may refer the forged document to local authorities in compliance with Section 831.01, Florida Statutes, with approval from the Office of Legal Services.
- (3) If the parents/legal guardians have court documentation affecting the custody of

a student and refuse to provide a copy of the court order to OCPS, the principal or designee will be advised and the refusal will be noted in the student's cumulative record.

- (a) If the parents/legal guardians refuse to provide court documentation, OCPS will defer to the parent/legal guardian whose address is on file for registration purposes.
- (4) OCPS may not be used as a visitation site for supervised visitation.
- (5) Parents/legal guardians who have an active supervised visitation and/or no contact order shall not be permitted on Board property where the child who the order is in place to protect is present. This includes, but is not limited to, schools, school transportation, and school sponsored events.
- (6) Although OCPS may reference a court-ordered timesharing schedule and/or a custody order when there is a dispute between the parents/legal guardians, it is the parents/legal guardians ultimate responsibility for ensuring compliance with court ordered timesharing.
- (7) For the purposes of this policy the following shall apply:
  - (a) Pursuant to Section 744.301, Florida Statutes, absent court documentation, the mother of a child born out of wedlock is presumed to be the natural guardian of the child and is entitled to primary residential care and custody of the child.
  - (b) Married parents/legal guardians are entitled to the same rights and responsibilities in regards to their child, unless there is court documentation stating otherwise.
  - (c) If family related court documentation is provided to OCPS, OCPS will reference the court order(s) when there is a dispute or disagreement between the parents/legal guardians of a student.
    - (i) In the event OCPS receives conflicting direction from the parents/legal guardians and it is not specifically outlined in this policy or in the court order, OCPS shall rely on the direction of the parent/legal guardian identified by the following criteria, which are listed in order of priority:
      - a. The parent/legal guardian who is designated in a parenting plan or other court order as having either sole educational decision-making authority or sole parental responsibility of the student; or
      - b. If the parents/legal guardians have shared parental responsibility, then the parent/legal guardian who resides

at the address specified in the parenting plan or other court order as the address to be used for school boundary determination; or

- c. If no parenting plan or court order exists or provided, then the parent/legal guardian whose address is on file with the Office of Student Enrollment.

**SPECIFIC AUTHORITY:** Sections 742.031; 744.301; 831.01; 1001.42; 1001.51; 1003.02, Florida Statutes

**TITLE:** Enrollment and/or Withdrawal of a Student from School

**POLICY:**

A child may be enrolled or withdrawn from OCPS by the following parent/legal guardian:

- (1) The mother of a child born out of wedlock, absent court documentation;
  - (a) If there is a pending paternity case between the parents and the father has been adjudicated the father as provided in Chapter 742, Florida Statutes, the child cannot be relocated from his/her current school so long as at least one (1) parent remains in the school zone or the student qualifies for a transfer under Board Policy JCA.
- (2) Either parent/legal guardian if the parents/legal guardians are married or the parent/legal guardian has legal rights to the child.
  - (a) If there is a pending dissolution of marriage case between the parents/legal guardians, the child cannot be relocated from his/her current school so long as at least one (1) parent/legal guardian remains in the school zone or the student qualifies for a transfer under Board Policy JCA;
- (3) The parent/legal guardian whose address is designated by court order for school boundary determination. If an address is not designated, the parent/legal guardian will be required to go to the OCPS Office of Student Enrollment;
- (4) The parent/legal guardian who has been given sole parental responsibility or has sole educational decision making authority for the child by court order;
- (5) The parent/legal guardian who has a current court order stating the parent/legal guardian has custody of the child; or
- (6) The parent/legal guardian who has documentation permitting the enrollment/withdrawal from OCPS Office of Student Enrollment.

**SPECIFIC AUTHORITY:** Sections 742.031; 742.10; 744.301; 1001.42; 1001.51; 1003.02, Florida Statutes

Administrative Order 2004-05-04 Amended Order Governing Dissolution of Marriage Actions with or without Children of the Domestic Division of the Circuit Court of Orange County, Florida.

Administrative Order 2010-27-01 Amended Order Implementing a Standing Temporary Order for Paternity Actions, Orange & Osceola Counties

**TITLE:** Release of a Student from School

**POLICY:**

For the purposes of the this policy, the following applies when releasing a student from school prior to the regularly scheduled dismissal time of the school, or as it relates to releasing a student to another party when the student is in the care of the school:

- (1) The principal or designee shall establish the identity and authority of any individual who seeks the release of a student from school. If an individual other than the student's parent/legal guardian requests release of a student, the principal or designee shall obtain the consent of the parent/legal guardian prior to releasing the student. Consent will not be required in the following circumstances:
  - (a) A legally binding court order requiring the release of a student. The order must be verified by OCPS Office of Legal Services;
  - (b) A law enforcement officer requesting the release of a student and acting in his/her legal capacity to do so;
  - (c) A child protection investigator from the Department of Children and Families requesting the release of a student and acting in his/her legal capacity to do so;
  - (d) Any other official requesting the release of a student and acting in his/her legal capacity to do so with approval from OCPS Office of Legal Services;
  - (e) A minor, married student requesting to be released from school;
  - (f) A minor student who is a single custodial parent may be released from school when an emergency condition exists involving parental care of the student's child;

- (g) A student who is eighteen (18) years or older requesting to be released from school; or
  - (h) A student who is under the age of eighteen (18) but has been emancipated by order of the court requesting to be released from school.
- (2) In the event that parents/legal guardians, who have equal decision making authority, such as shared parental responsibility or are currently married, disagree as to a third party being authorized to sign a student out of school from the school's front office, the parents/legal guardians will be required to submit a court order or an agreed upon written list of approved people that may pick their child up from school. Until such time that a court order or agreed upon list is given to the school, only the parents/legal guardians of the child shall be permitted to sign the student out.
- (a) If a parent/legal guardian is designated as having sole decision making authority, such as sole parental responsibility or sole timesharing, the parent/legal guardian with this designation may authorize third parties to pick up the child/children from school without consent from the other parent/legal guardian.
- (3) A student released at the regularly scheduled school time who rides a school bus home shall ride his/her designated school bus unless the principal or designee has agreed to a deviation from the designated bus in advance of the end of the school day. This section includes riding the school bus to each parent's/legal guardian's home if the parents/legal guardians live separately.

**SPECIFIC AUTHORITY:** Sections 39.0014; 843.06; 1001.42; 1001.51, Florida Statutes

**TITLE:** Visiting a Student at School or School Activity

**POLICY:**

For the purposes of this policy the following applies when a parent/legal guardian or third party would like to visit a student during the school day or during a school activity:

- (1) If there is an active no-contact order, or an active order requiring supervised visitation/timesharing, the parent/legal guardian or third party will not be permitted to visit the student at school or during school sponsored activities.
- (2) The principal of the school has the ultimate authority to determine whether the school permits visitors during the school day, on school transportation, or during a school activity, unless section (1) applies.
- (3) All visitors and parents/legal guardians shall immediately check in at the school's office. Visitors and parents/legal guardians shall sign in through the school's visitor management system each time the visitor or parent/legal guardian comes to the school to visit a student.

- (4) Parents/legal guardians are responsible for abiding by any court ordered timesharing schedule when visiting their child while at school or school activity, such as for lunch, and shall not use OCPS as a way to obtain additional timesharing with their child.
  - (a) This section does not apply to school sponsored events where the community is invited in general.
- (4) In the event parents/legal guardians, who have equal decision making authority, such as shared parental responsibility or are currently married, disagree as to a third party, who is not the legal guardian of the student, visiting the student at school the principal or designee must be provided with the prior written authorization of both parents/legal guardians, or a court order permitting the third party to visit.
  - (a) If a parent/legal guardian is designated as having sole decision making authority, such as sole parental responsibility or sole timesharing, then the parent/legal guardian with this designation may authorize third parties to visit the child/children at school without consent from the other parent/legal guardian.
  - (b) This section does not apply to school sponsored events where the community is invited in general.
- (5) In the event that a visitor is exposed to confidential student information regarding another student, the visitor shall not share the confidential student information with any third party as the information is protected under the Family Educational Rights and Privacy Act.
- (6) All visitors shall also comply with Board Policy KI.

**SPECIFIC AUTHORITY:** Sections 1001.54; 1002.22; 1012.28, Florida Statutes  
20 U.S.C. § 1232G; 34 CFR Part 99

**TITLE:** Release and/or Access to Student Records

**POLICY:**

- (1) Both parents/legal guardians of a student may view the student's records or have copies of the student's records when a request is made in writing, unless the principal or designee is provided a court order prohibiting such access. This provision applies regardless of parental responsibility or whether custody has been established. The parent/legal guardian shall provide identification confirming they are the parent/legal guardian before records are released by OCPS. The identification shall match the birth certificate of the child/children or

court order that establishes the person as the parent/legal guardian.

- (2) OCPS is not required to make duplicate copies of automatically generated records or general publications for each parent/legal guardian.
- (3) Both parents/legal guardians of a student may attend parent-teacher conferences unless the principal or designee is provided a court order prohibiting such access. The school is not required to conduct a separate conference for individual parents/legal guardians.
- (4) In the event a parent/legal guardian wants a third party, who is not the legal guardian of the student, to be provided copies of the student's records and/or attend a parent- teacher conference the principal or designee must be provided with prior written authorization.
- (5) If the school receives conflicting direction from the parents/legal guardians who have equal decision making authority, such as shared parental responsibility or are currently married, as to which third parties may have access to records and/or attend a parent- teacher conference, the principal or designee must be provided with prior written authorization from both parents/legal guardians, or a court order permitting the third party access.
  - (a) If a parent/legal guardian is designated as having sole decision making authority, such as sole parental responsibility or sole timesharing, the parent/legal guardian with this designation may authorize third party access to records and/or attendance at a parent- teacher conference. This authorization must be submitted to the school every year.
- (6) See Board Policy JRA for additional information regarding student records.

**SPECIFIC AUTHORITY:** Section 1002.22, Florida Statutes

20 U.S.C. § 1232G; 34 CFR Part 99

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