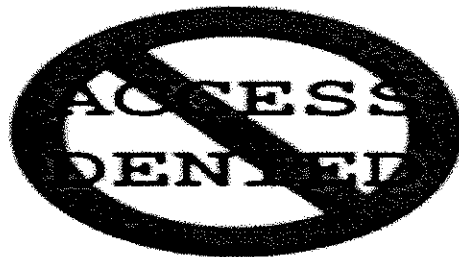


KENT COUNTY SUMMER 2015- CUSTODY

Stephen Bounds, Esq. - MABE
Director of Legal and Policy Services

welcoming
schools 

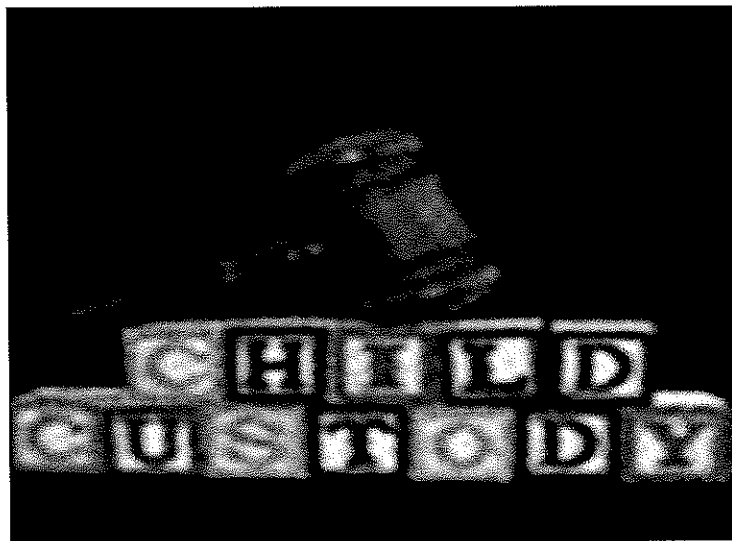
VS.



CUSTODY ISSUES

What about:

- Right to attend conferences
- Right to chaperone field trips
- Right to access student records
- Right to visit with their child
- Right to decide on school selection
- Right to select courses for child
- Right to sign permission slips



CUSTODY ISSUES

Physical Custody *Legal Custody*
Temporary Custody

Permanent Custody *Shared*
Custody Alternating Custody

Divided Custody *Pendente Lite Custody*

Residential Custody *Natural Custody*

Joint Custody **Sole Custody** *No Custody*



CUSTODY ISSUES

School based personnel consistently rank custody issues among the most difficult that they face.



CUSTODY ISSUES

Parents are presumed to be the natural guardians

Joint & several responsibility

No decision-making preference absent court order or valid written agreement

Separation or divorce alone does not alter parents rights

Adoption by stepparent does terminate parental rights



CUSTODY ISSUES

Legal custody means having the right to make major life decisions (education, health, etc.) on behalf of the child

Legal custody can be sole or joint, with equal decision rights

No obligation to find and consult with an absent parent with no means to contact



CUSTODY ISSUES

Physical custody means who the child actually lives with and goes home to after school

Physical custody is either sole or primary physical custody

Sole or primary physical custodian makes the day-to-day non-major life decisions (dress, lunch, field trip, etc.)

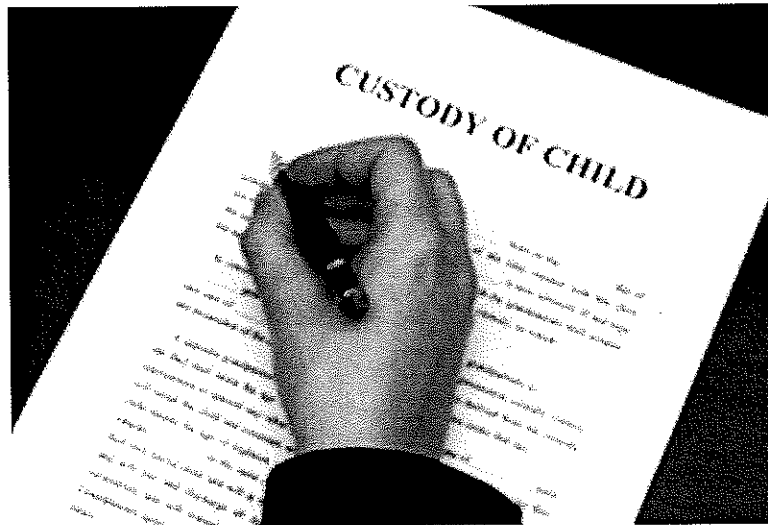


CUSTODY ISSUES

Non-custodial parents retain all parental rights unless a court order alters those rights

Rights include access to student records, visits, parent-teacher conferences, field trip chaperone, etc.

Extra mailings to non-custodial parents can be charged for by the school



CUSTODY ISSUES

Read every child custody order carefully and completely

Do not accept only one page or section of an order

Ask the parent to explain their understanding of the order

If inconsistent, tell them that you will implement the order as you understand the language



CUSTODY ISSUES

Ask the parties to clarify the order if there is some confusion

A more recent order takes precedence over a prior order

A Maryland order takes precedence over another state's unless formally enrolled

Ex Parte orders do expire

Temporary or Pendente Lite Orders vs. Permanent Orders



CUSTODY ISSUES

Non-parents/non-guardians have no rights concerning a child except:

If they qualify for and have completed a kinship care affidavit; or

If they have a court order.

(Note that written or notarized statements, are not sufficient)

Court orders tests on Vanitha son

Kids bear brunt of DIVORCE

Victims of tug-of-war

Custody tussle leaves children psychologically traumatised

CUSTODY ISSUES

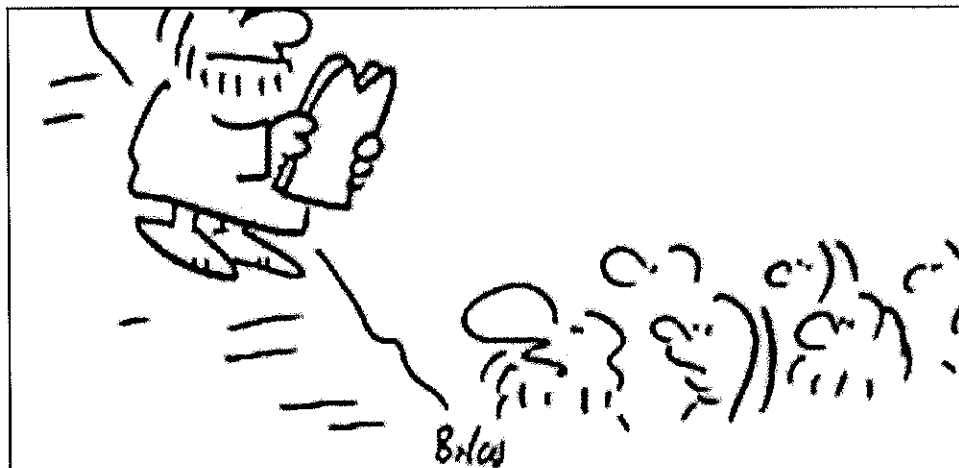
Avoid getting in the middle of ANY custody battle

Do not opine which parent is the "most fit"

Stick to educational matters and first-hand observations

Try for "on call" status in any court proceedings

Records may be all that is needed, be sure to check



"Honor thy father and thy mother?"
— What about custody disputes?"

CUSTODY ISSUES

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