

APPENDIX II

Legal Issues

CONFIDENTIALITY

**Before releasing any personally identifiable information, refer to the provisions in the policy manual order section FL (Legal and Local).
CUSTODY LAWS AFFECTING THE SCHOOL**

Separated Parents in Which There Are No Court Orders

- Requests to Release Child – Release to either parent.
- Requests to See Child at School – Permit either parent to visit.
- Medical Emergency – Use emergency information listed on student's card. May contact either parent.

Separated Parents When a Divorce Case is Pending and the Court Has Issued Temporary Orders

- Requests to Release Child – Follow terms of the court order. Release to either parent unless the court order provides otherwise or you have in your files a notarized statement from the custodial parent.
- Requests to See Child at School – Follow the court order. Permit either parent to visit unless prohibited by the court order.
- Medical Emergency – Follow the court order. Use emergency information listed on the student's card. Contact the parent in possession of the child, which may or may not be the custodial parent. You may also contact the other parent.

Divorced Parents

- Requests to Release Child – Follow the court order. Release the child only to the custodial parent unless you have on file a written request of the custodial parent.
- Requests to See Child at School – Follow the court order. Permit either parent to visit unless prohibited by the court order.
- Medical Emergency – Follow the court order. Use emergency information listed on the student's card. Contact the parent in possession, which may or may not be the custodial parent. If the possessory parent is not the custodial parent, notify the custodial parent.

A divorce decree will designate a managing conservator or joint managing conservators. A managing conservator is the custodial parent. The court may also appoint one or more possessory conservators. A possessory conservator is generally the parent that does not have custody of the child but has the right to visitation. The family code in paragraph 153.073 sets out the rights of parents at all times and provides:

(a) Unless limited by court order, a parent appointed as a conservator of a child has at all times the right:

(1) as specified by court order:

- (A) To receive information from the other parent concerning the health, education, and welfare of the child; and
- (B) To confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the child

(2) of access to medical, dental, psychological, and educational records of the child;

(3) to consult with a physician, dentist, or psychologist of the child;

(4) to consult with school officials concerning the child's welfare and educational status, including school activities;

(5) to attend school activities.

(6) to be designated on the child's records as a person to be notified in case of an emergency;

- (7) to consent to medical, dental, and surgical treatment during an emergency involving immediate danger to the health and safety of the child; and
 - (8) to manage the estate of the child to the extent the estate has been created by the parent or the parent's family.
- (b) The court shall specify in the order the rights that a parent retains at all times.

Paragraph 153.074 of the Family Code provides:
Unless limited by court order, a parent appointed as a conservator of a child has the following rights and duties during the period that the parent has possession of the child.

- (1) The duty of care, control, protection, and reasonable discipline of the child;
- (2) The duty to support the child, including providing the child with clothing, food, shelter, and medical and dental care not involving an invasive procedure;
- (3) The right to consent for the child to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child; and
- (4) The right to direct the moral and religious training of the child.