

## **LEGAL CUSTODY OF CHILDREN**

### **Background**

Disputes between parents or other family members may be complicated by the fact that legal custody of the child has not been assigned. In such cases, the District will generally be guided by relevant legislation, court orders and agreements when considering rights of parents

While it is preferable to avoid becoming involved in a custody dispute, the protection and best interest of the child is the only, not just primary, consideration in a Principal's decision regarding custody disputes.

### **Procedures**

1. All claims for the custody of students must be referred to the Principal.
2. Where there is a demand for custody of a student and legal custody is uncertain, the Principal shall contact the Superintendent about questions or concerns relating to rights of parents.
3. A record shall be kept in the school of any custody claims which may be received, including dates, times, names and demeanour of persons involved, and as much of their actual statements as it may be possible to record.

Reference: Sections 7, 9, 17, 20, 22, 65, 79, 85 School Act  
Child, Family and Community Service Act  
Divorce Act  
Family Law Act  
Freedom of Information and Protection of Privacy Act  
Canadian Charter of Rights and Freedoms

Adopted: November 2019  
Revised: