

304 LEGAL CUSTODY OF CHILDREN

Belief

The Maskwacis Education Schools Commission (MESC) follows cultural and traditional teachings of the Maskwacis Cree, in particular Wahkohtowin. Wahkohtowin is the belief that all things are related and connected, that all of existence has spirit and that living in a good way requires us to maintain good relationships with each other and other aspects of existence. We recognize that respect for mother earth, elders, youth, and the Treaties are paramount to planning ahead and making decisions for future generations.

MESC also recognizes the traditional values of kinship and the traditional concept of family in the Maskwacis community.

Employees of MESC shall be diligent in ensuring the safety of our students by determining who has access to students in their care and who has authority to grant permission for school activities.

Access disputes between parents or other family members may be complicated by the fact that legal custody of the child has not been determined by a court or by formal agreement. In such cases, de facto custody lies with the parent with whom the child resides.

While it is preferable to avoid becoming involved in an access dispute, the protection and best interests of the child must be the major factor in the decision whether or not to release a student to a person claiming custody.

Definitions

Parent: means the father or mother of a child with legal custody and includes a person who has legally adopted a child and a person who has adopted a child in accordance with the custom of a First Nation.

Guardian/Legal Guardian: means a person who has legal custody of a child or primary responsibility for a child but is not necessarily the Parent of the child, or a

person who is or is appointed a guardian of the child as per a Court Order or Child and Family Services.

Custodian: a person who is authorized as defined in the Health Information Act to make decisions regarding the health of the child.

Caregiver: a person with whom the child resides with who may or may not be the child's Parent, Guardian or Custodian and has authority to make decisions on behalf of the Parent/Guardian.

Independent Student: a student who is 16 years or older that is living independently 16 years of age or older or who is a party to an agreement under Section 57.2 of the Child, Youth and Family Enhancement Act ([Administrative Procedure 302 Independent Students](#))

Procedures

Access

1. All claims for the access to students must be referred to the Principal. Principals requiring clarification or additional guidance may contact the Superintendent.
2. Where there is a demand for access to a student and legal custody is uncertain, the Principal shall:
 - 2.1. Ask the claimant to provide appropriate identification and to provide a copy of a separation agreement, or an order of a court, giving him/her access to the student;
 - 2.2. Place a copy of the order or agreement in the student file and update PowerSchool;
 - 2.3. Inform the claimant the student will not be released from school until the normal morning or afternoon dismissal time and the parent with whom the student resides will be informed that the claim for access has been made;

- 2.4. Notify the parent with whom the student resides that the claim for access has been made;
 - 2.5. The Principal may call RCMP to mediate any on site disputes.
3. An objective record shall be kept in the school of all access claims which may be received, including dates, times, names of persons involved, and as much of their actual statements as it may be possible to record.

Granting Permission for School Activities

4. Communication regarding Student academic performance, attendance, learning supports, counseling and other school related permission requirements are normally to be with the students' Parent/Guardian; however, a parent may provide a Caregiver agreement authorizing a caregiver to be the main point of contact.
5. In the event that a Caregiver is not the Parent/Guardian of the child/ren the Principal shall determine if the Caregiver has the authority to make decisions on behalf of the parent.
 - 5.1. Caregivers shall provide documentation that they are the child's Guardian, or
 - 5.2. In the event that there are no legal documents indicating guardianship, parents shall provide the school with a *Caregiver Authorization* (see Appendix) that authorizes them to make decisions on behalf of the student.
 - 5.3. The agreement should include the types of decisions the Caregiver is authorized to make on behalf of the parent and be signed by the parent

Consent for specialized assessments, medical plans and program placement (i.e Knowledge and Employability or Integrated Programs).

6. Communication and authorization regarding Student specialized assessments, medical plans and/or program placement are to be with the students' Parent or Legal Guardian.

Reference:

[Child, Youth and Family Enhancement Act](#)
[AP 302 Independent Students](#)

Appendix

Authorization for Caregiver to Grant Permission for School Activities

I, [Parent/Guardian's Full Name], as the parent/guardian of [Child's Full Name], born on [Child's Date of Birth], hereby authorize [Caregiver's Full Name], residing at [Caregiver's Address], to act on my behalf in granting permission for [Child's Full Name] to participate in any school-related activities, events, or field trips organized by [School's Name]. This authorization is valid from [Start Date] to [End Date].

[Caregiver's Full Name] is entrusted to review and make decisions regarding the appropriateness and safety of the activities. Should any clarification or further consent be required, I can be reached at [Parent/Guardian's Phone Number] or [Email Address].

Acknowledgement

My signature below confirms receipt, review and understanding of the contents above.

Parent/Guardian Signature

Date