



Quinte Region Christian Schools PARENTING ARRANGEMENTS POLICY

Preamble

From time to time, independent Christian schools may be drawn into issues regarding parenting arrangements (formerly known as custody and access). Some families may attempt to circumvent established rules and protocols under the guise of certain understandings or beliefs about rights within the context of Christian community. This practice can lead to behaviors which run contrary to legislation and are harmful to the community.

Generally, Quinte Region Christian Schools (the “School”) will not become involved in issues of parenting arrangements, unless there is a separation agreement or court order to be enforced, or if there are reasonable grounds to suspect that the safety of the child is at risk. This policy endeavours to set the protocols required to ensure the safety of the child and establish clear lines for parents and guardians.

A Note on Terminology: Separation or divorce is a very difficult and emotionally charged time for a family, and these processes frequently become the subject of court proceedings colloquially referred to as “custody battles”. In an effort to change the family law process from a combative process to a collaborative one, in 2020, the *Children’s Law Reform Act*, [R.S.O. 1990, c. C.12](#) was amended, replacing the terms “custody” and “access” with “decision-making responsibility” and “parenting time,” respectively. The federal *Divorce Act*, [R.S.C., 1985, c. 3 \(2nd Supp.\)](#) was similarly amended in 2019. In this same spirit, and to ensure legal accuracy, this Policy uses the same terminology.

Throughout this Policy, “parent” also refers to the legal guardian of a child, unless otherwise specified.

This Policy should be read alongside the *Trespass to School Property Policy*, *Visitors to School Property Policy*, *Child Welfare Policy*, *Ontario Student Record Policy*, and *Privacy Policy*. Other policies that may need to be consulted include the *Secure School Policy* and *Emergency Response Plan*.

Definitions

Decision-making responsibility (formerly known as “custody” or “child custody”) means the responsibility for making significant decisions about a child’s well-being, including with respect to health, education, culture, language, religion and spirituality, and significant extracurricular activities. A person with decision-making responsibility has the rights and responsibilities of a parent in respect of the child, and must exercise those rights and responsibilities in the best interests of the child. Issues concerning decision-making responsibility can be one of the most important challenges during a separation or divorce. A separation agreement or court order may assign decision-making responsibility to one or more parent.

There are different types of arrangements for decision-making responsibility:

- **Joint decision-making responsibility** means that both parents share the right to make important decisions about their child’s care and remain involved in making decisions about the child. For joint decision-making responsibility to work, parents must be able to co-operate and communicate with each other even if they are not together.
- **Sole decision-making responsibility** means that one parent has the right to make important decisions about the child’s care, education, religious instruction and welfare, and they do not need to involve the other parent when making decisions, unless the separation agreement or court order says otherwise.
- **De facto decision-making responsibility** is when the child lives with one parent, but there is no legal decision-making responsibility arrangement. *De facto* decision-making responsibility occurs when the parents live separate and apart, the child lives with one parent full-time, and the other parent has provided consent, implied consent, or acquiescence to this arrangement. The other parent cannot exercise decision-making responsibility until a separation agreement or court order provides otherwise.



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Parenting time (formerly known as “access”) refers to the time the child spends in each parent’s care, regardless of whether the child is physically with that parent during that time (for example, if the child is at school). Parenting time includes the right to visit with and be visited by the child, and includes the right to make inquiries and to be given information about the child’s well-being, including in relation to the child’s health and education, unless there is a court order stating otherwise.

Parenting time is often conflated with decision-making responsibility, but they are legally distinct concepts.

Each parent generally has the right to parenting time, unless the court decides it is not in the child’s best interest. Only “parents,” as defined by the *Divorce Act* or the *Children’s Law Reform Act*, can apply for parenting time. Non-parents must apply for a contact order.

There are different types of parenting time arrangements:

- **Shared parenting time** means the parents share the amount of time spent with the child. Under the *Ontario Child Support Guidelines*, [O. Reg. 391/97](#), shared parenting time is where a child lives at least 40% of the time with each parent.
- **Split parenting time** is when parents have more than one child and each parent has one or more children living with them for most of the time. This scenario might occur when teens or pre-teens choose to live with the parent of their choice.
- **Supervised parenting time** can be arranged if there are safety concerns during visits, or when the child is exchanged between parents. When a supervised parenting time arrangement is in place, another specified individual must be present when the parent visits with the child or when exchanges occur. Supervised parenting time can provide a neutral and safe setting for visits between the child and a parent, or other family member who does not have decision-making responsibility. Parents can agree on a supervised parenting time agreement, or it can be required by the court.

Parenting order means a family court order that sets out decision-making responsibility or parenting time in respect of a child and can be enforced by the court.

Contact order means a family court order which provides for the child to spend time in the care of another person who is not their parent, such as a grandparent, whether or not the child is physically with the person during that time.

Restraining order means a family court order that limits what a person can do in any way that the court thinks is appropriate. The order might limit where a person can go, or who they can contact or communicate with. A restraining order can only be filed against someone a parent married, lived with, or had a child with. Such an order is primarily implemented when the safety of a parent or the child is at risk. There needs to be reasonable grounds for such an order, and it can either be permanent or temporary.

Restraining orders should not be confused with peace bonds, which are criminal court orders which can be made against anyone.

Policy

The School acknowledges that issues on decision-making responsibility and parenting time arising from separation and divorce impact children while at school, as well as the parents’ interaction with the School. The School is committed to caring for each student regardless of the family’s legal situation, and therefore will not get involved in family legal disputes unless there is a reasonable concern regarding student safety.

The Principal is responsible for the implementation of this Policy, and is generally responsible for any communication with child protection or family law agencies, lawyers, or officials. Other staff members generally should not be involved, unless designated by the Principal, but there are some clear exceptions required by law. For example, if a staff member has reasonable grounds to suspect that a child is in need of protection, the staff member must immediately report the suspicion and the information on which it is



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based to a children's aid society, per section 125 of the *Child, Youth and Family Services Act, 2017*, [S.O. 2017, c. 14, Sched. 1](#).

Parents must disclose at the time of enrollment if there are specific decision-making responsibility or parenting time arrangements involving their children and disclose as soon as practicable if situations develop thereafter. The *Parenting Arrangement Information Form* attached as Appendix A to this Policy must be completed. Parents must always provide proof of parenting arrangements by means of a separation agreement or court order, such as when one parent has been given only parenting time and the other has sole decision-making responsibility, or when restraining orders exist. New separation agreements or court orders must be submitted every time there is a change in arrangements. The School will respect and adhere to a valid and current separation agreement or court order concerning decision-making responsibility and parenting time, as well as any restraining orders.

Failure by one parent or both parents to submit any valid and current separation agreement or court order absolves the School of any further obligation, responsibility, or liability, outside the typical obligations of the School to any parent.

In a case of *de facto* decision-making responsibility, the School requires a written, signed statement from the *de facto* parent outlining the temporary parenting arrangements actually in place. The School will recognize the absent parent as having parenting time, as well as the right to make inquiries and to be given information about the child's well-being, including in relation to the child's health and education, unless there is a court order stating otherwise.

Except as outlined above, the School will not otherwise adhere to informal or unofficial parenting arrangements between separated or divorced parents, particularly if there is a dispute concerning the parenting arrangements. The School cannot be held responsible for any requested parenting arrangement unless it has been provided with a valid and current separation agreement or court order.

Any staff member supervising or working with a student in a contentious family legal situation should ask the Principal for explicit direction on the procedures to follow for the release of the student at the end of the school day or otherwise, and for the sharing of any of the student's personal information, including information relating to their health and education.

In accordance with the [Ontario Student Record \(OSR\) Guideline](#) (2020), parents have the right to access their child's OSR until the student becomes eighteen years of age, including parents with parenting time but not decision-making responsibility, unless a court order states otherwise. Requests for information in the OSR must be directed in writing to the Principal.



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APPENDIX A – Parenting Arrangements Information Form

Please submit this form to the school office no later than the first date of school attendance.

Date: _____

Name of parent or guardian completing this form: _____

Name(s) of Student(s): _____

If you and your spouse are no longer living together or have arrived at a special parenting arrangement, please check any and all appropriate boxes:

- I have **joint decision-making responsibility** for _____ with _____ . If applicable, please attach a copy of the corresponding separation agreement or court order.
- I have **sole decision-making responsibility** for _____, and _____ has been given rights to parenting time. Please attach a copy of the corresponding separation agreement or court order.
- I have **de facto decision-making responsibility** for _____. I have attached a written, signed statement attesting to the consent or implied consent of the other parent, _____, and acknowledge that the other parent has access to information about our child(ren)'s well-being, including in relation to the child(ren)'s health and education.
- A **restraining order** or other restrictive court order has been issued against _____. Please attach a copy of the court order.
- There is another individual, _____, who should be copied on all School communication relating to _____, and all individuals with decision-making responsibility for the child(ren) hereby agree to this arrangement.

Please provide any other information you feel we should know, e.g. if there is another individual, such as a step-parent, with rights to parenting time or contact under a parenting agreement or court order.

We acknowledge receiving a copy of the School's Parenting Arrangements Policy and agree to comply with and be bound by its terms and provisions.

Name of parent: _____ Name of parent: _____

Signature: _____ Signature: _____

Date: _____ Date: _____