

# CHAPTER EIGHT

## CUSTODY ISSUES



[Custody Issues – Threat of Removal of Child](#)

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## **CUSTODY ISSUES – THREAT OF REMOVAL OF CHILD**

*Local school should have on file copies of all custodial agreements for students and update/review these agreements every 6 months.*

1. **PURPOSE:** To develop a crisis response to the threat of removal of a child by a person without full legal custody.
2. **WHAT TRIGGERS THE INTERVENTION PROCESS?** Someone without full legal custody calls the school and threatens to remove a child from the school.
3. **PROCEDURES:**
  - A. **Identify appropriate procedures to protect the health, safety, and welfare of children.**
    1. The local administrator or designee is immediately notified of the threat.
    2. The local administrator or designee orders the building locked.
    3. If the person calling is still on the phone, the local administrator or designee advises the person calling that the child(ren) are in school and cannot be disturbed at this time. The local administrator or designee asks where the caller can be reached. Every effort should be made to be cordial while at the same time being clear on school procedures.
    4. The student file is checked for details of the custody agreement to verify legal custody.
    5. In the event that a threat is made to remove the child(ren) from the building, the local administrator or designee calls the police and asks them to come to the school immediately, someone stays on the phone with the police to answer pertinent questions.
    6. After calling the police, the local administrator or designee will then advise the following persons of the situation:
      - the pastor (elementary school)
      - the person (parent) with full legal custody
      - the school secretary/receptionist
      - necessary faculty and support staff
      - key volunteers who have oversight responsibility
      - the school maintenance staff
    7. The local administrator or designee has the child(ren) removed to a secure place on campus and has two adults (preferably one same sex as child) from the school remain with the child(ren).

**B. Who does what?**

1. Receptionist/secretary or attendance office notifies the local administrator or designee of any calls involving custody issues immediately.
2. The local administrator or \_\_\_\_\_ implements the individual school lockdown procedure.
3. \_\_\_\_\_ checks student's file for custody documents while principal or designee talks to caller.
4. Local administrator or \_\_\_\_\_ calls police.
5. Local administrator or \_\_\_\_\_ advises involved staff of current situation and procedures implemented.

**C. When do you respond?**

As soon as you are aware of the situation.

**D. What will the follow-up be?**

1. Meet with person with full legal custody (custodial parent/guardian) to review custody issues.
2. Review school's procedures with police.
3. Review procedures with involved school staff.

**4. ADDITIONAL RESOURCES**

- Child Custody Issues: Commonly Asked Questions ([Attachment A](#))
- Child Custody Issues ([Attachment B](#))

## **CUSTODY ISSUES – ATTEMPT TO REMOVE CHILD**

### **1. PURPOSE:**

To develop a crisis response to the attempted removal of a child(ren) from the school by a person without full legal custody.

### **2. WHAT TRIGGERS THE INTERVENTION PROCESS?** Someone without full legal custody attempts to remove a child from the school.

### **3. PROCEDURES:**

#### **A. Identify appropriate procedures to protect the health, safety, and welfare of students.**

1. Do not allow the person in the building.
2. Notify the local administrator or designee, police (note: someone stays on the phone with the police to answer pertinent questions), pastor (elementary school)
3. Local administrator or designee and pastor avoid conversation with the person until the police arrive.
4. If the person gains entry into the building:
  - a. **Assess the situation**
    - All such situations require an immediate action.
    - At times, police authorities cannot be waited on to take prudent action.
    - The administrator involved should take whatever action is necessary to stabilize the incident and provide for the safety of the staff and students.
    - Incidents involving firearms are significantly more dangerous than those involving other types of weapons. Accidental discharge may cause injury or death. Local policies and procedures must reflect this fact.
  - b. **Action required**

There will be an Alert declared (see sample "[Coded Communications System](#), Chapter 7- [Attachment A](#)).

    - Passing bells will be held until an All Clear is given.
    - No students are allowed to be in the corridors, classroom doors are locked.
    - Local administrator or designee notifies police, informing the dispatcher there is a suspected intruder (with a weapon) in the school. If deemed necessary, advise police where to report (at a location away from the weapon incident).
    - If a hostage situation exists, this information is also given to the police dispatcher.
    - **Isolate the intruder**
      - Consider the intruder as dangerous.
      - Do not say or do anything that can further aggravate the individual.
      - Remain calm.

- Remove all staff and students from area if possible, including yourself.
- If taken hostage or the entire class is taken hostage, cooperate with the perpetrator.
- Try to keep the students calm and stress the importance of them doing everything that you tell them to do. Less talk = less danger!
- If at all possible, never touch a gun. Do not attempt to disarm an intruder.

**d. Avoid confronting the intruder**

- If you are in the same room and cannot leave, talk in a calm manner with a very soft tone.
- Try to engage the intruder with casual non-excessive conversation until the police arrive.

**e. There should always be a mode of exit for the intruder.**

**f. Police take control when they arrive.**

**g. Have an area available for the police command center.**

**B. Who does what?**

1. Whoever encounters the "intruder" immediately informs administration.
2. Administration will activate appropriate alert plan as per your "Coded Communications System" (see [Attachment A](#), Chapter 7) which should be included here.
3. Local administrator or designee notifies police, informing the dispatcher there is a suspected intruder (with a firearm) in the school. Police contact person is \_\_\_\_\_ and telephone number is \_\_\_\_\_.
4. \_\_\_\_\_ notifies chief administrative office.

**C. When do you respond?**

When the person arrives at the school or gains entry into the building.

**D. What will the follow-up be?**

1. Meet with police to evaluate school response procedure.
2. Meet with staff to review procedure
3. Notify Office of Education of the incident/complete incident report, documentation

**4. ADDITIONAL RESOURCES:**

- Coded Communications System (if applicable)

## ATTACHMENT A

### COMMONLY ASKED QUESTIONS ABOUT CHILD CUSTODY ISSUES

1. **Must both parents/guardians receive grades, etc., if they are separated?**

YES, if requested by them--unless Court Order exists to the contrary.

2. **Is principal responsible to protect child against noncustodial parent/guardian?**

YES, so also is teacher: reasonable duty of care (call custodial parent/guardian, try to prevent kidnap).

3. **Does a teacher or principal have to testify at a custody hearing? What is our role?**

YES, you must testify. Wait for subpoena; try to stay neutral but provide facts you know.

4. **What if a relative (unknown to principal) comes to pick up a child?**

Check with principal and/or parent/guardian if question arises. (Place instruction in Handbook re child pickup.)

5. **Should teachers be paid if they are appearing at Custody hearings because of school business?**

YES, hearings are generally during business hours and regular school salary should not be interrupted.

6. **Parents/guardians are separated and neither party has legal custody. The mother left the children. The father requests that the children not go home with the mother.**

**What does a principal do in this case?**

Request cannot be honored unless one parent/guardian has exclusive custody of child.

7. **To what extent can an administrator be held responsible if a child's father comes to the schoolyard while the child is playing and the school has been told by the mother that the father is not allowed to see/visit the child?**

Possible negligence, if Custody Order exists and you could have prevented harm to child

Preventing access by non-custodial parent

**8. Regarding divorce/separated families: How can the -school see to it that the student gets to the proper home when there is a conflict with the parents/guardians?**

Limited ability. Right bus, proper parent pickup.

**9. When there is adoption - can we? And when do we change the records - name? Do we need any documents?**

You can change records when the adoption decree and corrected birth certificate are presented.

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## **ATTACHMENT B**

### **CHILD CUSTODY ISSUES**

Schools must provide parent(s)/guardian(s) access to a child or to his or her school records unless a court order provides to the contrary.

It is the responsibility of the custodial parent/guardian to provide the school with a copy of the official court order as to the terms of custody and access to the child and his or her records. These custody agreements/court orders should be reviewed every 6 months.