

COMMUNITY ACTION TEAM, INC.
Child & Family Development Programs
Custodial Rights Procedure

In the state of Oregon parenting rights are established through:

1. Birth – both parents names appear on the birth certificate
2. Paternity has been established through testing and there is documentation to clearly confirm paternity
3. Marriage
4. If both parents' names are not on the birth certificate and there is no paternity established, the mother has sole custody.
5. Court awarded guardianship/custody

Parenting rights and custody must be clearly established. Child and Family Development Programs (CFDP) believes it is important to treat all parents with respect and dignity and that all parents have an important role in the development of their child(ren). CFDP staff will use the following state guidelines for working with both parents when there is a divorce or separation.

NON-CUSTODIAL PARENT'S RIGHTS UNLESS OTHERWISE ORDERED

Every parent has the following rights, unless the court specifically states otherwise. However, most medical facilities and perhaps schools will require the non-custodial parent to prove that they have a right to the records prior to the records being released.

ORS 107.154 Authority of parent when other parent granted sole custody of child: Unless otherwise ordered by the court, an order of sole custody to one parent shall not deprive the other parent of the following authority:

- (1) To inspect and receive school records and to consult with school staff concerning the child's welfare and education, to the same extent as the custodial parent may inspect and receive such records and consult with such staff;
- (2) To inspect and receive governmental agency and law enforcement records concerning the child to the same extent as the custodial parent may inspect and receive such records;
- (3) To consult with any person who may provide care or treatment for the child and to inspect and receive the child's medical, dental and psychological records, to the same extent as the custodial parent may consult with such person and inspect and receive such records;

(sources: https://oregon.public.law/statutes/ors_107.154;
<https://oregonlawhelp.org/resource/child-custody-in-oregon#without>)

- (4) To authorize emergency medical, dental, psychological, psychiatric or other health care for the child if the custodial parent is, for practical purposes, unavailable; or
- (5) To apply to be the child's conservator, guardian ad litem or both

When there is established custody, the program must have court papers outlining any changes to parenting rights. Only courts may deny or change parental rights. CFDP staff cannot deny parental rights to either parent, even when requested by a custodial parent. Copies of restraining orders establishes temporary sole custody to that parent and may restrict the parenting rights of the other parent. Legal papers that have been signed by the court containing parenting plans, custody, or restraining orders will be documented and filed in family service tab of Child Plus. CFDP staff will follow the requirements and changes to parenting rights as documented in the legal paperwork. (Refer to Restraining order procedure)

Recruitment:

Both parents may meet with program staff during the recruitment visit. The family may choose to complete the visit jointly or separately. Refer to Proc. 1-13 for guidance on verification of income. Each parent will complete a separate application if they choose, but only one eligibility form (CP13) will be submitted.

Two-Family File:

Staff will work with admin to establish a two-family file in Child Plus when needed.

Required Paperwork & Introduction:

Only one parent is required to attend parent introduction and complete all the required paperwork, and should be the parent with primary custody. Both parents may choose to attend either jointly or separately.

If establishing a two parent file system, both parents will need to complete:

- Form 3-11 – Emergency Contact
- Form 1-20 – Confidentiality
- Form 2-27a – Child Guidance
- Form 1-54 – Child Arrival and Departure
- Form 1-71 – Volunteer Declaration

- Review Form 1-31a – Documents to be shared and complete as needed for second parent

In cases of court awarded JOINT custody, it is best for both parents to attend and complete all paperwork so they are familiar with program practices, policies and expectations for the time the child is residing with them.

Emergency Contact:

In the event of emergency, parents are the primary points of contact. In cases of sole or primary custody, the custodial parent will complete the 3-11 and that form will be followed for emergency contacts.

In cases of joint custody, parents may establish emergency contacts for the time the child is in their care. Parents must give the program in writing a schedule of parenting time so CFDP knows which 3-11 to follow. Each parent will complete a 3-11 outlining who will be contacted in the event of an emergency during their parenting time. Each parent may only make changes to their individual 3-11 and cannot restrict who is listed on the other parent's forms, unless there is legal documentation that a certain individual is never allowed. In an emergency the parent with parenting time will be contacted first.

Child Arrival and Departure:

Both parents have the right to bring the child(ren) to and pick them up from school unless there are legal papers outlining restrictions. CFDP will follow parenting time as outlined in parenting plans. CFDP cannot deny one parent access to the child at the request of the other parent, unless there is legal documentation the custodial parent can deny parenting time to the non-custodial parent.

Home Visits:

Both parents may complete home visits as they choose. In the cases of sole custody, visits should be conducted with the custodial parent.

Communication & Family Events:

CFDP will work with both parents to determine the best way and level of communication for each. Both parents have the right to information on child progress and education, newsletters, calendars, and information about activities and events at the center. When both parents wish to receive program

information, both parents need to be on the application or have separate applications in Child Plus with names, addresses, phone, and email for contact purposes.

Both parents are encouraged and welcome to participate in family events and parenting education. CFDP is not responsible for establishing schedules for families, but may support them in developing a plan for attendance that is mutually agreeable and beneficial for the child. Parents may choose to attend together, alternate who attends which events, or divide time during an event. It is a goal of CFDP to support all parents in participating fully in their child's education.

Establishing Parenting Rights:

A parent may establish parenting rights for another adult that is not the child's parent. For example, a significant other residing in the home that is not the child's biological parent or a grandparent does not have legal parenting rights and is not protected by Oregon State Law unless the court has awarded guardianship or custody. In these cases, the parent may request one of these individuals have access to information and rights of a parent as a means of support and benefit to the child. The parent must complete a Form 2-30 Authorization to Act as Parent, which will be uploaded to the family service tab in Child Plus.

The parent may choose to give the named individual all parental rights and access, meaning that individual may sign paperwork, make decisions about the child, participate in home visits, and discuss confidential information about the child. The parent may also choose to provide limited access, such as only signing field trip permission slips, or completing an educational home visit.

CFDP will follow confidentiality policies and no information will be shared or discussed with anyone that is not established as having parental rights legally or with the authorization to act signed by the parent and witnessed by staff.

Staffing:

Parenting plans, custody, and parental rights will be shared and discussed with center staff. Custody, contact restrictions, restraining orders, etc. will be included on the confidential information list kept in the classroom and communicated with staff. Information will be reviewed periodically to ensure accuracy.

Grandparent Rights:

In the state of Oregon, grandparents or other non-parental relatives do not have legal rights unless custody or guardianship is established by the courts. CFDP supports all families. Staff will make every effort to verify custody, such as through medical records, DHS, written letter granting custody from the parent, etc. These documents may support understanding of family structure but do not replace court-ordered custody or guardianship documentation. All efforts will be clearly documented in Child Plus indicating the parental role of the Grandparents or other non-parental relatives.