

CHILDREN OF SEPARATION OR DIVORCE: DEFINITIONS FOR SCHOOL PERSONNEL

Frequently Used Terms

Allocation of Parental Responsibilities – In *dissolution* and allocation of parental responsibilities (APR) cases, including situations where parents have never been married, the court determines the allocation of parental responsibilities, including parenting time and decision-making responsibilities, in accordance with the best interests of the child.

Child Custody/Parental Responsibilities – The term “child custody” formerly applied to the legal arrangements for a child after a divorce or other legal proceedings. In 1999, the Colorado legislature changed the wording of the law to eliminate the term “custody,” which implies ownership. The term “custody” and related terms such as “custodial” and “custodian” were changed to “parental responsibilities.” Parental Responsibilities include parenting time and decision-making responsibilities.

Decision-making – The Colorado legislature has broken major decisions into three areas - educational, medical and religious. Most major decisions for children will fall into each of these three areas. Parents may jointly share all major decisions, or one parent may be responsible for any one or more of these three areas. Typically, day to day parenting decisions are made by whichever parent has physical care of the children at that time.

Dissolution of Marriage/Divorce – The legal process that leads to the termination of a marriage, commonly known as “divorce.”

Parenting Time/Visitation – Refers to the time that a child is in a specific parent’s care. This used to be termed “visitation.”

Parenting Plan - Sets forth each parent’s parenting time and decision-making responsibilities. The plan may exist for parents who were never married as well as for divorcing parents. NOTE: A parenting plan may affect responsibility for the child during the school day. For instance, different parents will have responsibility for day to day decisions, transportation, and care of sick children on different days of the week. The parenting plan may also address issues such as parent-teacher conferences. With respect to major decisions, such as special education evaluations, one or both parents must agree depending on whether one or both of them have decision making responsibility.

Permanent Orders – Final orders that replace and may change previously issued **temporary orders** addressing parenting time, decision-making and other issues that impact the children. A permanent order can only be modified by subsequent court order.

Protection Orders: Temporary Protection Orders/Permanent Protection Orders (TPO/PPO) – Orders in civil court that prevent or restrict a person from contacting another person and are sometimes used in dissolution or parental responsibility proceedings to protect a party from domestic abuse, violence and threats of violence. Such orders may contain provisions pertaining to the children of the parties and also regarding contact between the parties. They may also specify that a person may not go to a certain location (such as a school). A **Mandatory Protection Order** (sometimes referred to as MROG) is issued in criminal cases and may also be in effect. It is generally consolidated with orders in the *dissolution* or *allocation of parental responsibility* case, but may include conditions that differ from another protection order. Protection Orders are often commonly called restraining orders. NOTE: *If there are any protective orders in place, there may be restrictions regarding either parent’s access to child. Protective order may affect scheduling of parent/teacher conferences. Parents will need to update emergency contact information to conform to the information listed in any current protective order.*

Release of Information Form – This is a form signed by the parents that authorizes a professional such as a *CFI*, mental health professional, or attorney to communicate with school personnel regarding a child or the child’s family. Please note that in most cases, when a teacher or other school personnel share information with a professional in the roles defined above, there cannot be a guarantee of confidentiality. Some evaluators will put a summary of what they were told in a report, and others will not. However, most such information may be obtained by both parents through legal statutes.

Subpoena – An order issued by an attorney or court requiring an individual’s appearance at a specific date and time as a witness at a hearing or deposition.

Professional Roles

Arbitrator – A neutral third party who is given authority by the parties to decide pending issues. Unlike a *mediator-arbitrator*, s/he will not try to help the parties reach agreement prior to making a decision.

Child and Family Investigator (CFI) – A trained individual, appointed by the Court to investigate various aspects of a child's family, to make recommendations to the Court regarding decision-making and parenting time, based on the best interests of the child. Most often CFI's are either legal or mental health professionals who have received special training as required by the law. CFI's do not represent the child or either of the parents. The CFI was previously called a "Special Advocate." *NOTE: Comments by school personnel will become part of a CFI's file, and may be available to both parents and their attorneys.*

Child's Legal Representative (CLR) – An attorney appointed to represent a child's best interest. This is an infrequently used role in current dissolution or allocation of parental responsibility cases. *NOTE: Comments by school personnel will become part of a CLR's file, and may be available to both parents and their attorneys.*

Court Appointed Special Advocate (CASA) – A trained volunteer who advocates for and provides direct services to child victims of abuse and neglect in situations where the Department of Social Services is involved.

Custody Evaluator – See "*Child and Family Investigator*" and "*Parental Responsibility Evaluator*"

Family Court Facilitator – Court official who helps parents navigate the legal system when they are not represented by attorneys. The Family Court Facilitator does not give legal advice, but explains the rules for court actions in dissolution or parental responsibility cases and provides standard forms. Sometimes the Facilitator is able to help parties reach agreements.

Guardian Ad Litem (GAL) – A lawyer appointed by the Court to protect the best interests of the child in an abuse/neglect situation in juvenile court. A GAL may also be appointed for an impaired adult.

Mediator – A trained individual who will work with parents (and sometimes children and other family members) to help them work out the details of their parenting plan and/or financial arrangements. A mediator may work with parents who have never been married or during or after a divorce, when issues arise that they find difficult to resolve. The mediator does not decide the outcome.

Mediator/Arbitrator (Med/Arb) – This person acts as a mediator when parents have a decision that they have trouble resolving, but then is also empowered by the parents to arbitrate and make an arbitration award to resolve the dispute if the parents are unable to agree.

Parenting Coordinator (PC) – Helps the parents work together to implement the Court Order in various ways for their child's best interests. This often includes facilitation of agreements and sharing of information to coordinate the child's care.

Parenting Coordinator/Decision Maker (PC/DM) – This is a parenting coordinator who is empowered to make rulings that become orders of the court if the parents cannot reach agreement on issues. This is similar to a *Mediator/Arbitrator*, but a Decision Maker only has authority to make decisions to implement or clarify existing orders.

Parental Responsibility Evaluator (PRE) – Similar to a *CFI*, a PRE is a mental health professional who makes recommendations to the Court regarding a child's best interests, but generally does a more thorough and complete assessment of the family. *NOTE: Comments by school personnel will become part of a PRE's file, and may be available to both parents and their attorneys.*

Special Advocate – See "*Child and Family Investigator*"

For more information, relevant laws can be found in the Colorado Revised Statutes (C.R.S.) available through Colorado's Office of Legislative Legal Services at: http://www.state.co.us/gov_dir/leg_dir/olls/colorado_revised_statutes.htm.