

LEGAL RESIDENCY OF A STUDENT

Legal residency for the purpose of enrollment in a district school shall be defined by RSA 193:12 as amended in 1997 and effective January 1, 1998.

RSA 193:12 states "...the legal residence of a pupil shall be as follows: In the case of a minor, the legal residence is where his or her parents reside except that:

1. If the parents live apart and are not divorced, legal residence is the residence of the parent with whom the child resides.
2. In a divorce decree where parents are awarded joint legal custody, the legal residence of a minor child is the residence of the parent with whom the child resides. If a parent is awarded sole or primary physical custody by a court of competent jurisdiction in this or any other state, legal residence of a minor child is the residence of the parent who has sole or primary physical custody. If the parent with sole or primary physical custody lives outside the state of New Hampshire, the pupil does not have residence in New Hampshire.
3. If the minor is in the custody of a legal guardian appointed by a New Hampshire court of competent jurisdiction or a court of competent jurisdiction in another state, territory or country, legal residence is where the guardian resides. If the department of health and human services has been appointed legal guardian the residence of the minor is where the child is placed by the department or the court. Legal guardianship shall not be appointed solely for the purpose of allowing a pupil to attend school in a district other than the district of residence of the minor's parent or parents. Whenever a petition for guardianship or legal custody is filed in a court of competent jurisdiction on behalf of a relative of a child, other than a parent, the child shall be permitted to attend school in the district in which the relative of the child resides pending a court determination relative to custody or guardianship."

Legal References:

RSA 193:12, *Pupils; Legal Residence Required*

Adopted 2001

