

## **PARENT RIGHTS AND RESPONSIBILITIES**

The law defines parents as being “joint guardians” of their minor children. Each parent has equal rights and responsibilities. Upon the death of either parent, the survivor shall be the sole guardian of the child.

Parents (joint guardians) make important decisions in matters having a permanent effect on the life and development of a child. According to RSA 169-C:3, the legal rights of parents (joint guardians) include:

- (a) The authority to consent to marriage, enlistment in the armed forces, major medical, surgical, and psychiatric treatment, representing the child in legal matters, and to make other decisions of substantial legal significance concerning the child;
- (b) Legal custody, except where legal custody has been vested in another individual or agency by the courts;
- (c) Reasonable visitation, except where visitation has been limited by the courts.

Since legal custody involves responsibilities, parents (joint guardians) are responsible to provide the child with food, clothing, shelter, education, emotional security, and ordinary medical care provided that such rights and responsibilities shall be exercised subject to the power, duties and responsibilities of the guardian of the child and subject to residual parental rights and responsibilities if these have not been terminated by judicial decree.

In addition, parents (joint guardians) have rights regarding access to their child’s educational records as defined in the Family Educational Rights and Privacy Act of 1973. Please refer to Policy JRA and Appendix JRA –R for more information.

Parents (joint guardians) of children with disabilities and/or educational disabilities have certain rights that are protected under Section 504 of the Rehabilitation Act and the Individuals with Disabilities Education Act. Please refer to Policies ACE, and ILAA.

### ***Legal References:***

RSA 169-C:3, *Child Protection Act; Definitions*  
Policy ACE, *Procedural Safeguards*  
Policy JRA, *Annual Notification of Rights under FERPA*  
Policy ILAA, *Assessment of Students with Educational Disabilities*

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