



Enrolling a Child in School When You are not the Child's Custodial Parent

I am not the parent of a child who is living with me. Can I enroll the child in the school district where I live?

Probably. Usually, a child should attend school in the district where the child's custodial parent lives. However, if the child is living with someone else in a different school district, the child may be able to attend school in that district. If the child is living with you because the custodial parent is unable or unwilling to care for the child, you should be able to enroll the child in your district without a court order of custody or guardianship. However, if the child is living with you **ONLY** so the child can go to school in your district, you will not be able to enroll the child in your district for free. You may have to pay tuition for the child to attend school in your district.

How do I enroll the child in my district?

There is a form called "Custodial Statement and Agreement: Third-Party Custody." You should fill out and sign this form, and the child's parents should sign too, if possible. You can use this form if:

- A child is living with you.
- You are not the child's parent.
- The child's parent has **not** placed the child with you only so the child can attend school in your district.
- You are supporting and caring for the child.
- You want to enroll the child in school.

You also must have proof of your residence in the school district, a copy of the child's birth certificate, and the child's immunization records.

Where do I get this Third-Party Custody form?

The form should be available at the school office. If it is not, contact the Indiana Department of Education at (317) 232-6676, or your local Indiana Legal Services office to get the form. You can also get the form and see instructions for using the School Form. You will use Form 2, "Custodial Statement and Agreement: Third-Party Custody."

What should I do when I get the form?

You need to completely fill out the form, and sign the form. If possible, the child's parent should also sign the form. However, if the child's parent cannot or will not sign, you should turn in the form without the parent's signature. After you have filled out and signed the form, give it to the school where you want to enroll the child. Keep in mind that by signing the form, you are swearing everything you have said in the form is true.

What will signing the form do?

By signing the form, you agree to act as the responsible party for the child in school. You will be taking over the duties and obligations the student's parent would normally have for school purposes only. The form gives the school a responsible party (you) to contact with any questions about the child, or to send information home about the child. The school will have the right to ask you questions to make sure you meet the conditions set out in the form.

The school says I need to have a legal guardianship from a court. Do I need this?

You should not need to get a legal guardianship through a court to get the child enrolled as long as you meet the requirements listed above and have filled out the form. Make sure you have filled out the form properly and given it to the school.

However, if the facts about why the child is living in your household are in dispute, and it seems like the child is with you only to go to school in your school district, then the school may require you to establish custody. Legal proof of custody would be court papers showing that you have been granted custody in a paternity, dissolution, CHINS or guardianship proceeding.

If you can prove to the school that the child has been living with you, that you have been providing for the child's needs, and that you do not have the child in your household simply to allow the child to attend school in your district, the school should not require legal proof of custody.

Evidence that will be helpful to show the child has been living with you and cared by you can include the following:

- Power of attorney signed by a parent of the child, giving you authority to care for and get services for the child.
- Medical records from doctors or hospitals, showing that you are the person responsible for paying the bills of the child.
- Your apartment lease, showing the child as a member of your household.
- Benefit notices from the Division of Family and Children, showing that the child is receiving TANF, food stamps or Hoosier Healthwise benefits as a member of your household.
- Evidence that the child's parents are incarcerated and unable to care for the child.
- Evidence that the child's parents are in the military and in active service outside this area.
- Any other documents that show that you have been caring for the child, in the role of the child's parent.

My nephew is staying with me because his parents can't take care of him. I filled out the form and gave it to the school, but they still won't let me enroll him in school. What do I do now?

If the school refuses to enroll the child, contact the Indiana Department of Education at (317) 232-6676 or an attorney for help. The school is required to accept the child as a student unless there are other reasons for not enrolling the child.

My ex-wife has legal custody of our children, but they are living with me and I want to enroll them in school in my district. What should I do?



Generally, the children should attend school in the district where the custodial parent resides. However, if the children are living with the non-custodial parent, the children should be able to enroll in school in the non-custodial parent's school district. There is another form, similar to the one discussed above, for the non-custodial parent to use. This form is called "Custodial Statement and Agreement: Divorce, Separation, or Abandonment." You should fill out the form and sign it, and if possible, your ex-spouse should sign the form too. Give the form to your school. This form should be enough to get your children enrolled in school in your district.

The form should be available at the school office. If it is not, contact the Indiana Department of Education at (317) 232-6676, or your local Indiana Legal Services office to get the form. You can also get the form and see instructions for using the School Form. You will use Form 1, "Custodial Statement and Agreement: Divorce, Separation, or Abandonment."

What if a child is living with me only so he can go to school in my district? How do I enroll that child?

You may not be able to enroll that child in your district. You will need to pay tuition for that child to attend in your district. Some schools have a limited number of spots for tuition students. The forms discussed above will not help you get a child enrolled in your district if the only reason the child is with you is to attend school in your district. Even if you get a legal guardianship, the school may not have to enroll the child if the only reason for the guardianship was for the student to attend school in your district.

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