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Parents' Access To School And Medical Records In Virginia

Despite the common sense of it, as well as the existence of statutes, non-custodial parents often still have problems in obtaining their children's school and medical records. Unless there is a court order DENYING them such access, they are entitled to it. Because they are the parents too. You should hope that they want to know how their child is doing. More often than not, the search really is for ammunition to use against the other parent, but we can hope.

The primary statute that governs this is Virginia Code Section 20-124.6 (found in the Domestic Relations section of the Code). It provides very clearly that "Neither parent, regardless of whether such parent has custody, shall be denied access to the academic or health records of that parent's minor child unless otherwise ordered by the court for good cause shown" or with health care records, if release could harm the child in the opinion of the health care professional.

Section 22.1-287 also gives parents the right to the child's school records.

Section 32.1-127.1:03 (D)(1) authorizes parents to consent to release of the child's medical information.

This situation also is true regardless of the type of custody arrangement. You do not have to have, for example, joint legal custody, to be able to obtain records. You do not even need a visitation order. It is a parental right.

Mary G. Commander, Attorney & Mediator, has been handling Family Law cases in Norfolk, VA since 1981. Visit her Family Law Website at www.commanderlaw.com. Visit her Family Law Blog at familylawblogspot.blogspot.com. Become a Fan on Facebook at <http://companies.to/marycommander>.

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