



School District Properly Denied Non-Custodial Parent Access to Children at School as Required by Divorce Decree

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In *Schmidt v. Des Moines Public Schools, et al.*, the federal Eighth Circuit Court of Appeals found that a school district did not violate a parent's constitutional rights by following the terms of a divorce decree and denying one parent access to her children at school.

The plaintiff in *Schmidt* is the mother of three children enrolled in the defendant school district. The plaintiff shared joint legal custody of her children with their father, but the divorce decree awarded the father primary physical custody. The divorce decree established a schedule for the mother's visitations and required that the father agree to any additional visitations not included on the schedule. The divorce decree also provided that the mother's visitation must not interfere with the children's education. The father gave the divorce decree to the school district and informed them that the mother was not permitted visits with the children during school. When the mother sought to visit the children at school, the school district followed the terms of the divorce decree and denied her access to her children.

The mother sued the school district claiming they violated her constitutionally protected right to the care, custody and management of her children. The Court found in the school district's favor that it had not violated the mother's rights by following the divorce decree. The Court explained that if the mother believed the school district misinterpreted the divorce decree, she could have gone back to state court to obtain an order modifying the divorce decree. She was not entitled to a hearing from the school district.

This case reconfirms that school districts should grant parents equal rights unless a court order, such as a divorce decree, limits those rights. School districts do not violate a parent's constitutional right to parent when they follow the terms of a divorce decree.

More Information

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