

Navigating
Custody,
Criminal, and
Court Demands
in Schools

From the Courtroom to the Classroom:

PRESENTED BY



JOHN P. LEOMBRUNO, ESQ.

Attorney / Shareholder
Arnold Law Firm



RUSSELL FROMAN, ESQ.

Attorney
Arnold Law Firm



DR. KELLY GUNTER

Director of Operations
Pineapple Cove Classical
Academy

Agenda:



**IDENTIFYING COMMON
LEGAL-RELATED ISSUES
AFFECTING SCHOOLS**



**LEARNING THE
LANGUAGE OF COURT
ORDERS, SUBPOENAS,
AND OTHER.**



**UNDERSTANDING
SCHOOL OBLIGATIONS
AND RESPONSIBILITIES**



**PRACTICAL TIPS FOR
HANDLING SITUATIONS**



**STORIES FROM THE
BATTLEFIELD**

What we
are
seeing...



ISSUES

THE USUAL SUSPECTS

SUBPOENAS

**CUSTODIAL
ISSUES**

**CRIMINAL
INVESTIGATIONS**

**RESTRAINING
ORDERS**

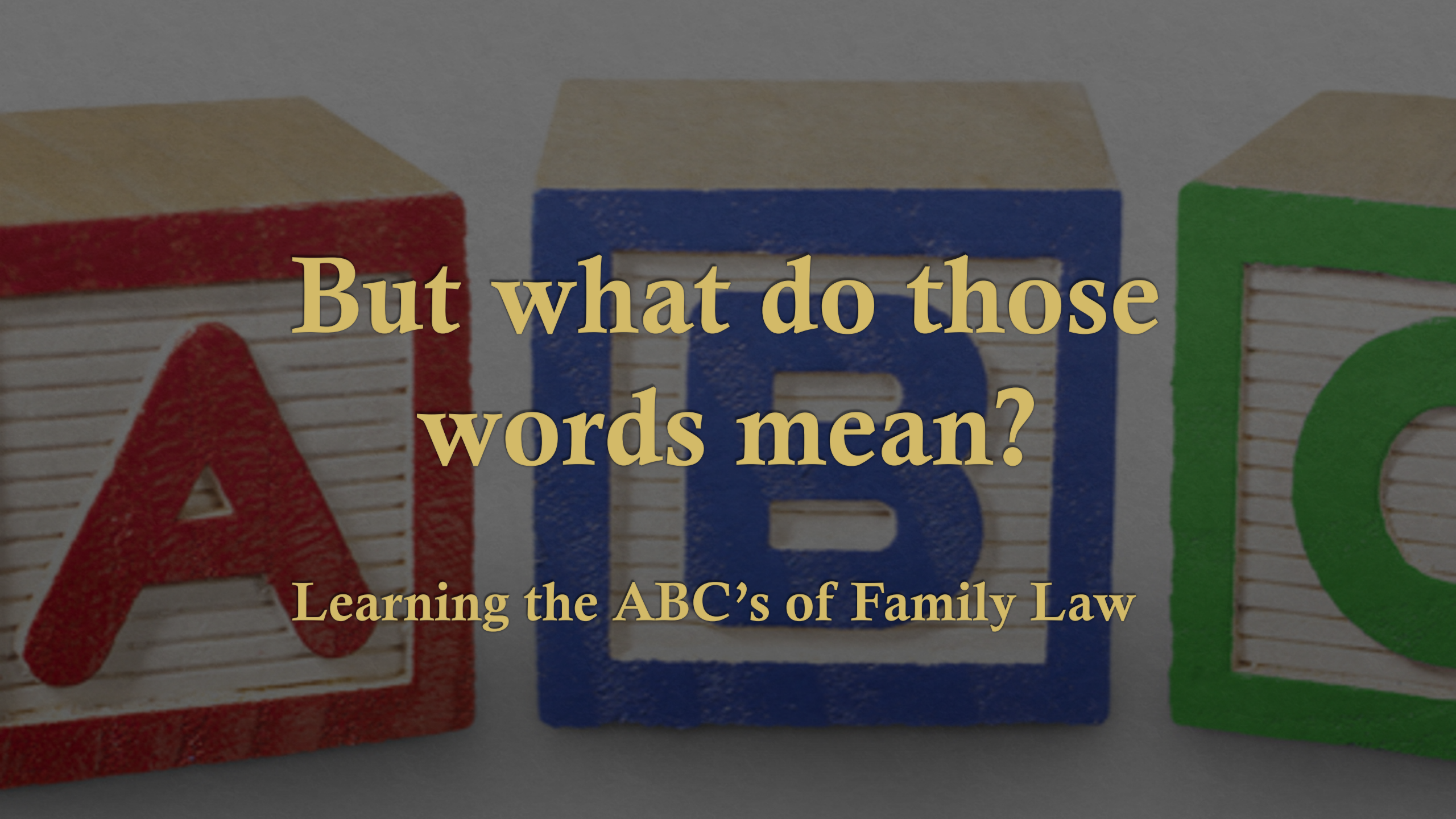
**CHAPTER 39
DCF**

FAMILY LAW: Three Areas Commonly Affecting Schools

Custodial Rights
of Parents

Parental
Authority
(Decision Making
Authority)

Different Court
Orders

Three wooden alphabet blocks are shown in a row. The first block is red with a white letter 'A'. The second block is blue with a white letter 'B'. The third block is green with a white letter 'C'. The blocks are slightly overlapping and have a natural wood grain on the top and bottom surfaces.

**But what do those
words mean?**

Learning the ABC's of Family Law



Time-Sharing:

A ruling by the Court that specifies the amount of time a child(ren) will spend with each parent throughout the year

The rights of a parent to be involved in decisions affecting the welfare of the minor child(ren)

Parental Responsibility

NOTE: These are not the same thing!

Shared Parental Responsibility

Sole Parental Responsibility

Ultimate Decision-Making Authority

“Shared parental responsibility” means a court-ordered relationship in which both parents retain full parental rights and responsibilities with respect to their child and in which both parents confer with each other so that major decisions affecting the welfare of the child will be determined jointly (Section 61.046, FS)

Shared Parental Responsibility

“Sole parental responsibility” means a court-ordered relationship in which one parent makes decisions regarding the minor child.

Sole Parental Responsibility

Parents must confer with one another on major decision affecting minor child, however if there is no agreement, one parent has authority to make unilateral decisions.

Ultimate Decision-Making Authority

Parenting Plan

Any court order addressing the custodial rights of parents will have a “Parenting Plan” attached to, or made part of, it.



Section 61.046, FS: A parenting plan is a court approved document that sets out decision-making responsibilities and a time-sharing schedule for a child, addressing areas such as education, health care, and overall well-being, while considering the parents' circumstances and history.

OTHER WORDS TO KNOW...

Timesharing:

A ruling by the Court that specifies the amount of time a child(ren) will spend with each parent throughout the year

Custody:

Eliminated by the legislature in 2008 and replaced by timesharing and parental responsibility



School Designation



QUESTION:

What types of family law issues are affecting your campus the most?

How Custody Is Determined:

Married:

- Parents who are still married retain 100% custody and decision making-authority

Divorced:

- Only a Court can dissolve the marriage and alter those rights/authority
- Divorce Decree/Final Judgment of Dissolution:
 - Will outline custodial rights (time-sharing/parental responsibility)

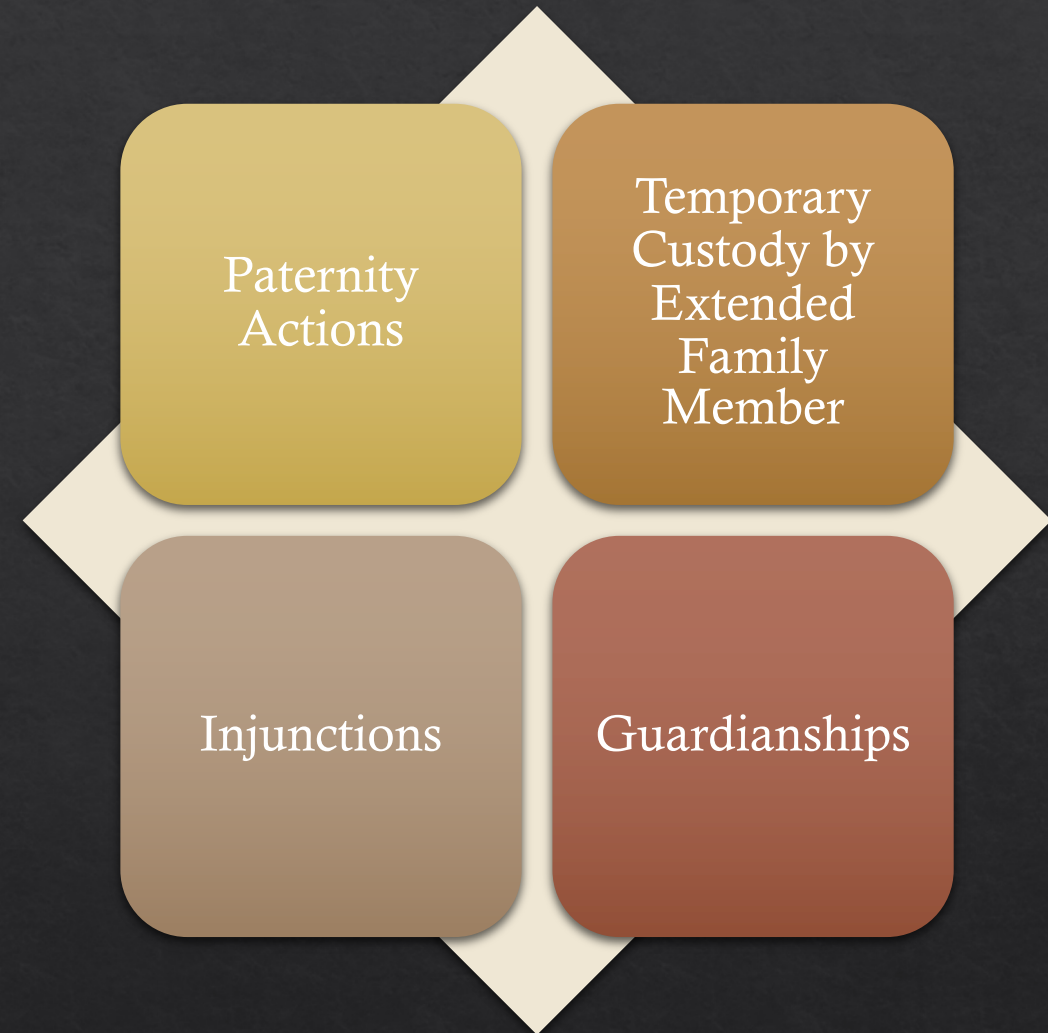
Separated:

- Florida does not recognize a “legal separation” – Even if parents agree on a time-sharing schedule if they are separated – it is NOT a court order

Pending Divorce:

- Court's will issue “temporary” orders regarding custodial rights of parents while the divorce is pending. A temporary Order is still an “order” and must be followed.

Other Custodial Determinations:



Common Issues:

Educational Decision Disputes



```
graph TD; A[Educational Decision Disputes] --> B[Enrollment]; B --> C[Parental Rights]; C --> D[Litigation];
```

The diagram consists of four horizontal rectangular boxes arranged in a descending staircase pattern from top-left to bottom-right. Each box contains a text label. The boxes are connected by three downward-pointing arrows, one between each box. The colors of the boxes transition from a light yellow at the top to a dark reddish-brown at the bottom.

Enrollment

Parental Rights

Litigation

Always Remember...

Schools are not family law courts.

Principals are not family law judges.

Honor parent's rights.

Protect students.

SUBPOENAS

Subpoenas for
Records

Subpoenas for
Testimony

You got Served – Now what?

1

Verify proper
service

2

Verify information
needed

3

Communicate with
Attorney

Remember...

Just the
facts,
ma'am.



AP

FERPA!

FERPA!

FERPA!

Is the subpoena asking for educational records of students?

Did you provide notice to the parent/student of your intent to comply?

The background is dark gray with several large, stylized question marks in olive green, teal, and maroon. Below the question marks are four solid-colored circles in the same color palette: light gray, teal, olive green, and maroon.

QUESTION:

What practical tips can you give for dealing with subpoenas?



Restraining Orders:

Florida calls them
“Injunctions for Protection”

Domestic, Dating, Repeat,
Stalking, Sexual

Temporary and Permanent
Injunctions

What you need to do...



VERIFY THE
INJUNCTION



UNDERSTAND
RESTRICTIONS



APPLY AND
IMPLEMENT



REQUIRE
UPDATES

MANDATORY REPORTING AND DCF INVESTIGATIONS



CHILD ABUSE & MANDATORY REPORTING

Chapter 39, Florida Statutes mandates that any person who knows, or has reasonable cause to suspect, that a child is abused, neglected, or abandoned by a parent, legal custodian, caregiver, or other person responsible for the child's welfare shall immediately report such knowledge or suspicion to DCF/Hotline

CHILD ABUSE REPORTING:



**The Code of Ethics
& Principles of
Professional
Conduct 6A-10.081**



**Violation of any of these principles shall
subject the individual to revocation or
suspension of the individual educator's
certificate, or the other penalties as
provided by law.**



**Obligation to the Student Requires that
the Individual:**

Shall make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.

Shall keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law

CHILD ABUSE – MANDATORY REPORTING:

Who must report?

- **Anyone** who knows or has reasonable cause to suspect abuse abandonment or neglect.

Teachers are mandatory reporters -
must provide their name

DCF INVESTIGATIONS

After a report is made:

Protect

Protect confidentiality of student and report

Allow

Allow DCF/Law Enforcement to interview child

Ask

Ask for guidance regarding parental notification of interviews
(May not want to notify if they are the ones suspected of abuse)

QUESTION

Give examples of what has worked (not worked) when dealing with these types of issues.





THANK YOU!



THE ARNOLD LAW FIRM, LLC

A full-service law firm serving public charter schools, private schools, virtual schools, virtual instruction providers, management companies, and education-related vendors throughout the State of Florida