

# A NON-CUSTODIAL PARENT'S RIGHT TO HIS OR HER CHILD'S EDUCATION AND MEDICAL RECORDS



**What does it mean to be a non-custodial parent?** You are a non-custodial parent if your child does not live with you. If the mother and the father of the child are married, they have the same rights to custody. If they are divorced, the court has determined custody in the divorce decree. *If you have never been married and there is no court order determining custody, the mother of the child has custody based on South Carolina law.*

*Non-custodial parents do have rights.* Here is some helpful information so you know what your rights are.



SOUTH CAROLINA CENTER  
FOR FATHERS AND FAMILIES



## A Non-Custodial Parent's Right

### to his or her child's education and medical records

#### **Do I have the right to access my child's educational and medical records?**

**YES**—unless a court orders otherwise.

#### **Can the custodial parent keep the non-custodial parent from seeing their child's school or medical records?**

**NO**—not without a court order. State and federal law allows both parents the right to see their children's school and medical records.

#### **How do I get to see my child's educational records?**

Any parent may ask the school for the opportunity to review the records, either by going to where the records are kept or by requesting copies. The school may ask for some identification to verify you are the child's parent.

#### **Can I get copies of the school records?**

The school will usually give you a copy, but they are not required to do so unless you live too far away to come to the school. Be prepared to show your I.D. to verify that you are the child's parent. The school may charge a small fee for copies.

#### **Must the school notify me of my right to the records?**

**NO**—The school is not required to notify you of your right to the education records.

#### **What do I do if the school won't let me see the records?**

If the school won't let you see your child's education records, you should ask to speak with the school principal. The school principal will be familiar with South Carolina law 63-5-30, which provides equal access to educational and medical records of your child, and the *Family Educational Rights and Privacy Act* (FERPA), which is the federal law which provides access.

#### **Can I participate in my child's school activities?**

**YES**—unless a court orders otherwise, you can attend parent/teacher conferences, PTA meetings and talk with a guidance counselor. You can also attend school sporting events and other activities.

#### **If you still cannot access your child's records, or if you have other legal issues, you may want to contact an attorney to assist you.**

**South Carolina Legal Services:** (888) 346-5592

**South Carolina Bar's Lawyer Referral Service:**  
(800) 868-2284 (*statewide*) or  
(803) 799-7100 (*Richland/Lexington counties*)

For more resources and information on becoming a responsible father, contact us or visit our website.

[scfathersandfamilies.com](http://scfathersandfamilies.com)

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