

POLICIES CONCERNING THE ACCEPTANCE OF PROVISIONAL CUSTODIES BY MANDATE

Under Louisiana law, a parent, tutor, tutrix or cotutor may temporarily transfer custody to another person, known as an agent, custody for educational purposes. The mandate of provisional custody shall be effective for the duration of time provided therein, but in no case shall it exceed one year from date of execution. It shall terminate: (1) When revoked by either parent, by a natural tutor or tutrix, or by either natural cotutor; (2) When the agent resigns or otherwise renounces the mandate; (3) Fifteen days after the death of either parent, natural tutor or tutrix, or natural cotutor; (4) Upon the qualification of a court appointed tutor or provisional tutor.

Parents who live out of state may execute a Provisional Custody by Mandate. When presented with a Provisional Custody by Mandate, BCA will evaluate the application for admission eligibility based on the status of the agent and not the parent. The Provisional Custody by Mandate shall be executed before a Notary Public or a person authorized to administer oaths pursuant to 10 U.S.C. § 1044a and two witnesses. The attached format shall be used. The BCA Office shall provide a copy of the attached format to any person who requests one.

Prior to admission, the Provisional Custody by Mandate shall be faxed to the School attorney who will review it for compliance with Louisiana law. The BCA attorney will docket the expiration date of the Provisional Custody and send a letter at least 30 days prior to its expiration reminding the parent that the mandate must be renewed. In the event that a Provisional Custody by mandate expires, and a mandate is still required but not renewed, the child will not be allowed to re-enroll for the next school year.

Once a child has been enrolled, and throughout the period of enrollment all communications shall be with the agent. Parents will not be able to receive report cards, progress reports, participate in conferences, PTO meetings and will not receive any communication from the school in which the child attends. All correspondence will be sent to the persons having Provisional Educational Custody. Provisional Educational Custody means that the agent has all the rights and privileges relative to the child's education.

STATE OF LOUISIANA
PARISH OF _____

BE IT KNOWN THAT on this ___ day of _____, 20___, before me, the undersigned notary, and in the presence of the competent witnesses hereinafter named and undersigned:

Personally came and appeared:

(affiant's name, marital status, and mailing address), who is the (parent(s), or, in the event of divorce, separation, or illegitimacy, the natural (co)tutor or tutrix) of (minor child(ren)) who, by these presents make, name, constitute, and appoint (agent's name and mailing address) and grant provisional custody of the above named child(ren), to provide for the health, education, and welfare of the child as provided by the law on Provisional Custody by Mandate, specifically including the authority to:

INITIAL ALL APPLICABLE PROVISIONS:

- ___ (1) Consent to and authorize such medical care, treatment, or surgery as may be deemed necessary for the health, safety, and welfare of the child.
- ___ (2) Enroll the child in such schools or educational institutions as may be deemed necessary for his due and proper education.
- ___ (3) Discipline the child in such reasonable manner as may be necessary for his proper rearing, supervision, and training.
- ___ (4) Do and perform all other such acts as may be necessary for the shelter, support, and general welfare of the child.

This Provisional Custody by Mandate will continue to be effective until _____, 20___, or one year from date hereof, whichever period is shorter.

I agree that any third party who receives a copy of this document may rely upon the authority granted the agent as indicated herein and may act in reliance on such authority. Revocation or termination by operation of law is not effective as to a third party until he has actual knowledge thereof. I agree to indemnify and hold harmless the third party for any claims that arise against him because of reliance on this Provisional Custody by Mandate.

The undersigned agent does hereby accept the provisional custody of the children named herein.

THUS DONE AND PASSED at _____, state of _____, in the presence of _____ and _____, competent witnesses, who sign these presents with the appearers and me, notary, after due reading of the whole.

WITNESSES:

(Parent, Tutor, or Tutrix)

(Other parent or Cotutor)

(Agent)

NOTARY PUBLIC