

Relative Caregivers, Limited Guardianships, and Student Enrollment:

What Does Missouri Law Actually Require?

We have recently received a number of questions concerning a school district's obligation to enroll students, when the individual seeking to enroll the student in school is someone other than the student's parent or legal guardian. As family relationships and student living situations have become more expansive and fluid, questions of who has the authority to enroll students in school, and what is legally required of school districts, are becoming more complex.

Missouri law provides that a student has "residency" in a school district if the student both physically resides within the district and is domiciled within that district. The domicile of a minor child is the domicile of a parent, military guardian pursuant to a military-issued guardianship, or court-appointed legal guardian. Accordingly, only a student's parent, military guardian, or court-appointed legal guardian is specifically authorized by statute to establish residency and/or enroll a student in school. A power of attorney document generally is not enough to satisfy this "court-appointed legal guardian" requirement as it relates to the residency requirements, with the exception of a special power of attorney document relating to the guardianship of a student in a household of an active duty member of the military.

However, there are other documents that a district may also encounter with regard to guardians or caregivers attempting to enroll students in the district. These would include relative caregiver affidavits and limited guardianships for the "specific purpose of school registration."



As for relative caregiver affidavits, many school district's Board policies do not specifically contemplate whether such affidavits are sufficient to meet the necessary residency requirements to enroll a student in the district, when the student has not previously been accepted for attendance in the district. The applicable statute in this regard, RSMo § 431.058, provides that:

“A relative caregiver acting pursuant to an affidavit ... may consent to ... educational services for a child that a child cannot otherwise legally consent to if: (1) The parent has delegated in writing the parent's authority to consent to such ... educational services.”

This statute further defines “educational services” to include:

“[E]nrollment of a child in a school to which the child has been or will be accepted for attendance and participation in any school activities, including extracurricular activities;” (Emphasis added.)

Significantly, the Missouri student residency statute, RSMo § 167.020, does not include domicile with a relative caregiver as a statutory basis on which proof of residency within a school district may be established.

For this reason, and in consideration of the above-referenced statutes, it is our position that a relative caregiver affidavit would be sufficient to allow a relative caregiver to enroll a student in school only if the student were already established as a resident student of that school district, or if the district had already granted a residency waiver to that student. However, if a student has not previously met the residency requirements or received a residency waiver, a school district can lawfully refuse to accept a relative caregiver affidavit as sufficient documentation to establish proof of residency within the district.



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Regarding limited guardianship for school registration, the language of the Missouri guardianship statute specifically provides that:

“A petition for the appointment of a guardian of a minor may be filed for the **sole and specific purpose of school registration** or medical insurance coverage. Such a petition shall clearly set out this limited request and shall not be combined with a petition for conservatorship.” (Emphasis added.)

Based on this language in the statute, our interpretation is that a limited guardianship for the purpose of school registration does give that individual the authority to enroll a student in school, but does not also confer the right to make educational decisions for the child. The statutory language is clear that such guardianship is limited to the “sole and specific purpose” of school registration only. Absent additional language granting the limited guardian a more general educational guardianship, to specifically include the right to make educational decisions for the student, we would advise against a district extending any further rights to such an individual, beyond simply registering the student for school.

In summary, it is our position that Missouri law does allow for: (1) a legal guardian for the purpose of school registration to enroll a student in school, and (2) a relative caregiver to enroll a student in school if the student had previously established residency within the district, or if the district has granted the student a residency waiver. Of course, a district may always consult with their legal counsel regarding specific issues, if there are additional concerns.



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