

STATE OF RHODE ISLAND  
AND  
PROVIDENCE PLANTATIONS

COMMISSIONER OF EDUCATION

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IN THE MATTER OF THE RESIDENCY OF M. DOE AND D. DOE  
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**Decision**

Held: Petitioner's children are  
residents of Richmond.

Date: August 25, 2006

## **Introduction**

This matter concerns a father's request for a residency determination for two of his children.<sup>1</sup>

## **Background**

The petitioner in this matter lives in Richmond. He is the father of 11-year-old M. Doe and 10-year-old D. Doe. Petitioner and the children's mother are married, but they do not live together. M. Doe and D. Doe recently moved to Richmond to live with their father. Petitioner does not know where his wife currently is residing.<sup>2</sup>

In order for children to be enrolled in the Chariho school system, confirmation of residency must be obtained from the pertinent town hall. In this case, Petitioner went to Richmond Town Hall to establish the residency of M. Doe and D. Doe. Petitioner presented birth certificates for the children,<sup>3</sup> but confirmation of the children's residency was denied apparently due to the absence of the mother and the lack of a court order granting Petitioner custody. The Town Hall official did not refer Petitioner's request to the Chariho school district's attendance officer.

## **Positions of the Parties**

Petitioner contends that his children M. Doe and D. Doe are living with him in Richmond and therefore entitled to attend Chariho public schools.

The Chariho School Department asserts that it is unable to enroll M. Doe and D. Doe without confirmation of residency from Richmond Town Hall.

## **Discussion**

It is undisputed that Petitioner resides in Richmond. In addition, the evidence in this case shows that he is the father of M. Doe and D. Doe, and that they presently live

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<sup>1</sup> The Commissioner of Education designated the undersigned hearing officer to hear and decide this request. A hearing was held on August 21, 2006.

<sup>2</sup> When Petitioner needs to speak to his wife, he calls her at her place of employment.

<sup>3</sup> The birth certificates, which were introduced into evidence at the hearing, list Petitioner as the children's father.

with him. According to Rhode Island's school residency statute, "[I]f the child's parents reside in different cities or towns the child shall be deemed to be a resident of the city or town in which the parent having actual custody of the child resides."<sup>4</sup> Because the record shows that Petitioner has actual custody of M. Doe and D. Doe, we find that they are residents of Richmond and therefore entitled to attend public school in the Chariho system.<sup>5</sup>

## **Conclusion**

Petitioner's children M. Doe and D. Doe are residents of Richmond.

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Paul E. Pontarelli  
Hearing Office

Approved:

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Peter McWalters  
Commissioner of Education

Date: August 25, 2006

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<sup>4</sup> R.I.G.L. 16-64-1.

<sup>5</sup> To allay any fears that may exist at Richmond Town Hall regarding the consensual nature of Petitioner's custody of M. Doe and D. Doe, we will mail a copy of this decision to Petitioner's wife at her place of employment. We feel compelled to point out, however, that Richmond Town Hall's continued denial of residency confirmation in the manner that occurred in this case puts the town at risk of incurring financial liability in the future.