



A GUIDE FOR NORTH CAROLINA PARENTS

When One Parent Disagrees

*IEP, diagnosis, medication, and treatment — a step-by-step guide
for parents navigating a co-parent who sees it differently.*

This guide is informational and does not create an attorney–client relationship. Wilmington · Durham · Jacksonville, NC

You Are Probably Reading This Late at Night

Maybe the meeting was yesterday and you sat there while someone said your child was fine, and you knew, the way you have known for two years, that your child is not fine. Maybe the prescription has been sitting unfilled for a month because the other parent will not agree to it. Maybe the school keeps saying they need both signatures and nobody will tell you what happens when they cannot get them.

Whatever brought you here, we want to say one thing before anything else: **you are not being difficult.** Advocating for a child who needs more than the standard is exhausting, slow, and frequently lonely — and doing it while co-parenting with someone who sees it differently is one of the hardest positions a parent can be in. That you are still at it at this hour says something good about you.

This guide will not tell you who is right about your child. It will tell you how the systems work, what to write down, exactly what to send, and when the answer stops being a school problem and becomes a legal one.

What This Guide Will Not Do

It will not give you medical advice, and it will not take a position on whether any diagnosis, therapy, or medication is right for your child. Those are conversations for you and your child's providers.

It will not tell you the other parent is a bad person. Sometimes a co-parent is being obstructive. Sometimes they are frightened, or grieving, or working from information a decade out of date, or carrying something about their own childhood they have never said out loud. From the outside those look identical, and the strategy that works is largely the same either way. Courts are also considerably more interested in what you documented than in what you concluded about their motives.

And it will not pretend this is quick. Some of these paths take months. What it can do is make sure that when you get to the end of one, you are standing on a record instead of a memory.

First: You Are Playing on Two Boards

Almost every parent in this situation only knows about one of them — and that is the reason so many people spend a year pushing on something that was never going to move.

BOARD ONE

The Education System

Evaluations, eligibility, the IEP team, the 504 process, and the formal dispute options that sit outside your local school. This board has its own rules, timelines, and remedies. It does not care about your custody dispute. It cares about who has authority to make educational decisions for your child, and whether your child is receiving what the law entitles them to.

BOARD TWO

Family Court

Legal custody, decision-making authority, and whether a judge should change either one. This board cannot make a school do anything directly. What it can do is decide who gets to say yes.

Why This Matters More Than Anything Else in This Guide

A move on one board changes what is possible on the other. A parent who is stuck at school because consent is disputed may not need a better argument with the school — they may need a court to allocate decision-making authority. A parent who wins that authority in court still has to run the education process correctly to get their child served.

Most people push on one board for a year before someone tells them the other one exists. If you take nothing else from this document, take that.

Who Has Authority to Decide?

The short version: it depends on your custody order, and schools and providers generally look to that order.

- ☐ If one parent has **sole legal custody**, that parent generally makes educational and medical decisions.
- ☐ If parents share **joint legal custody**, both usually have a voice — which is exactly why a stalemate is possible, and why some orders give one parent final say in a specific area.
- ☐ If your order **allocates decision-making by subject** — education to one parent, medical to the other, or a tie-breaker to one — that language controls, and it is worth reading again tonight.
- ☐ If your order **says nothing** about any of this, that silence is itself the problem, and it is fixable.

Go Read Your Order Tonight

Not the version in your memory. The actual document. Find the paragraph about legal custody and read it twice. A surprising number of the conflicts we see turn out to be answered on page four of an order nobody has opened since it was entered.

If you cannot find your order, your attorney can get you a copy, and so can the clerk in the county where it was entered.

FIND YOUR ROW

The Decision Tree: Which Situation Are You In?

Find your row. Start there. The four situations look similar from the inside, and they are not the same problem.

SITUATION	WHERE TO START	WHAT NOT TO DO
1. They won't consent to an evaluation	This is an education-system problem first. Put your request to the school in writing today — see Letter A. Ask the school, in writing, what it does when parental consent is disputed and what documentation it needs. Then find out whether your order gives either of you authority to consent alone.	Do not wait for the other parent to come around. Time matters here, and a verbal request to a teacher is not a request.
2. They won't sign or participate in the IEP	Request a team meeting in writing — Letter B. Ask that both parents be included in all communications — Letter C. Have the disagreement recorded in the meeting notes rather than argued in the room — Letter E.	Do not argue with your co-parent in front of the team. It costs you credibility with the people you need on your side, and it teaches the team to dread your meetings.
3. They don't accept the diagnosis	This one is rarely solved with paperwork. Ask whether they will attend an appointment with the provider, or speak with the provider directly. Keep requesting written communication. Document each request and each response.	Do not try to win the argument by volume of evidence. Nobody has ever been persuaded out of grief by a stack of articles.
4. They won't follow the treatment or medication plan	Notify the prescribing provider in writing that doses are being missed and ask them to document it. Log every instance with dates. Then talk to a lawyer — this is the branch that most often needs the second board.	Do not withhold your child, and do not stop or change treatment on your own side to make a point. Both will be held against you and neither helps your child.

If Your Child Is at Immediate Risk

If withheld treatment or medication is creating a genuine medical emergency, this guide is not the right tool. Call your child's treating provider today and tell them plainly what is happening. **If your child is in immediate danger, call 911.**

Then call a lawyer. There are faster paths available in a true emergency than the ones described in this document, and they are not something to attempt from a PDF.

TEMPLATES

The Exact Requests to Send

Six templates. Copy them, fill in the brackets, and send them by email so there is a date on everything. Keep every one you send.

They are written flat and unemotional on purpose. That is not because your feelings are unimportant — it is because these documents may be read someday by a stranger who does not know you, and calm requests from a reasonable parent are the most powerful thing you can put in that file.

Letter A · Requesting an Evaluation

Send to: your child's school, in writing

Subject: Written request for evaluation — [Child's full name], [grade], [school]

Dear [Principal / Exceptional Children contact],

I am the parent of [Child's name], date of birth [DOB], currently in [grade] at [school]. I am requesting in writing that the school evaluate my child to determine eligibility for special education services and to identify what supports may be needed.

My concerns are: [two or three specific, observable things — "reads two grade levels below peers," "cannot complete written work without one-to-one support," "has had eleven office referrals since August"].

Please confirm receipt of this request in writing and let me know the next step and the applicable timeline. If there is any question about parental consent in this matter, please tell me in writing what documentation the school needs from me.

Thank you for your help with this.

[Your name] · [phone] · [email] · [date]

Letter B • Requesting a Team Meeting

Send to: the case manager or team lead, in writing

Subject: Request for IEP team meeting — [Child's name]

Dear [Case manager],

I am requesting an IEP team meeting to discuss [the specific issue — current goals, a proposed change, a lack of progress, a service that is not being delivered].

Please offer me two or three possible times. I am asking that both parents be invited and that the meeting be scheduled at a time both can attend if that is possible.

Please also send me, in advance of the meeting, copies of any evaluations, data, drafts, or documents the team plans to discuss so I have time to read them before we meet.

Thank you,

[Your name] • [date]

TEMPLATES, CONTINUED

The Exact Requests to Send

Letter C • Both Parents Receive Everything

Send to: the school office and the case manager

Subject: Parent communications — [Child's name]

Dear [Name],

I am asking that both parents be included on all communications regarding [Child's name] — meeting notices, draft documents, progress reports, evaluation results, and any notice regarding services or discipline.

My contact information is [email, phone]. I understand you also have contact information for [other parent's name].

If there is anything in our custody order that affects this, please tell me and I will provide a copy of the order.

Thank you, [Your name] • [date]

Letter D · Requesting Records

Send to: the school office

Subject: Records request — [Child's full name], [DOB]

Dear [Name],

I am requesting a complete copy of my child's educational record, including evaluations, eligibility determinations, IEPs and 504 plans, progress data, discipline records, attendance, health office logs, and communications regarding services.

Please let me know the format, the cost if any, and when I can expect them.

Thank you, [Your name] · [date]

Letter E · Putting a Disagreement on the Record

Send to: everyone who attended

Send this the same day as a meeting, while it is fresh. It creates a dated, neutral record without anyone being attacked.

Subject: Follow-up to today's meeting — [Child's name], [date]

Dear team,

Thank you for meeting today. So my understanding is accurate, here is what I heard: [one or two sentences on what was decided or proposed].

I want to note that I do not agree with [the specific point], and my reason is [one sentence]. I understand [other parent's name] sees this differently.

Please include this in the meeting record. If I have any of the above wrong, please correct me in writing.

[Your name] · [date]

Letter F · Asking What the School Needs

Send to: the Exceptional Children contact or principal

The most underused request in this entire guide. Schools deal with this more often than parents realize, and asking the question plainly, in writing, often produces a clearer answer than months of guessing.

Subject: Disputed parental consent — [Child's name]

Dear [Name],

[Other parent's name] and I do not currently agree about [the evaluation / the proposed IEP / the service].

Could you please tell me in writing what the school's process is when parents disagree, what documentation the school needs in order to move forward, and whether our custody order affects who may consent? I will provide a copy of the order if that would help.

I want to make this as easy as possible for the team. Thank you.

[Your name] · [date]

Writing to Your Co-Parent

This is the one people get wrong, and understandably. By the time a parent writes it, they have usually been carrying this alone for a long time, and everything they want to say is true.

Send the short version anyway. Not because their behavior deserves it, but because a calm, specific, dated message that goes unanswered is worth a great deal — and an angry one, however justified, hands them something to point at.

Letter G · To Your Co-Parent

Send to: the other parent

Subject: [Child's name] — school support

Hi [Name],

I want to talk about [the evaluation / the IEP / the appointment] without it turning into an argument, so I am putting this in writing.

Here is what I am seeing: [one or two specific, observable things — not conclusions]. Here is what I am asking for: [the one specific thing].

I know you may see this differently, and I would rather hear that from you than guess. If you do not agree, will you tell me what you would be willing to do? I am open to [an alternative — a second opinion, a different provider, a trial period, going to the appointment together].

If I do not hear back by [date], I am going to move forward with [the next step] so [Child's name] does not lose more time. I am not trying to cut you out — I would rather do this together.

[Your name]

Why This Version Works

It leads with observations rather than conclusions, so there is nothing to argue with. It asks one question instead of relitigating the year. It offers an alternative, which gives a frightened parent a way to say yes without admitting they were wrong. It sets a date, so the silence has a consequence. And it ends by saying you would rather do this together — which will be the first line anyone reads if this is ever printed out and handed to a judge.

What it does not contain is a single word about anything that happened before. If you are tempted to add a paragraph, save it somewhere else and delete it from the message. You will not regret sending the short version.

YOUR RECORD

The Documentation Log

Start it today, even if today is late in the story. A record that starts in the middle is still a record.

Write entries the way a stranger would need to read them: what happened, who was there, what you asked for, what came back. Leave out how it felt. That part is real, and it belongs somewhere — just not here.

DATE	WHAT HAPPENED	WHO WAS THERE	WHAT I ASKED FOR	RESPONSE	PROOF / WHERE IT'S SAVED

What Makes a Log Persuasive

Dates on everything. Specifics instead of adjectives — "missed four doses between March 3 and March 14" rather than "never gives the medicine." Requests recorded next to responses, so a pattern of silence is visible on the page. Neutral language, because a log that reads like an argument gets treated like one.

And keep logging the things that go well. A record showing you noted every cooperative moment is far more credible than one that only contains grievances.

If school-year money is also a source of conflict, or if the fight is over who the school calls and who can pick your child up, we have separate worksheets for both. Start with the [emergency contact and authorization worksheet](#).

IN ORDER

The Escalation Ladder

Work down it in order. Skipping rungs rarely saves time, and a judge will want to know what you tried.

Inside the School System

- 1 Put the request in writing to the case manager or team lead, and ask for a written response.
- 2 Ask for a team meeting. Ask for documents in advance. Bring someone with you to take notes so you can listen.
- 3 Raise it with the school's special education administrator, in writing, if the team cannot resolve it.

- 4 Ask, in writing, what formal dispute options are available to you and where they are filed. Federal special education law provides families with processes that sit outside the local school — including mediation, a formal written complaint, and a due process hearing. Ask which fits your situation and what the deadlines are.
- 5 If your child has a 504 plan rather than an IEP, ask which of these processes apply, because they are not identical.

In Family Court

When the barrier is not the school but the fact that the two of you cannot agree, the education system may have nothing left to offer you. That is when the second board matters.

- 1 Ask your attorney whether your order already gives someone authority to decide this.
- 2 Ask whether a court can allocate final decision-making authority for education or medical decisions to one parent.
- 3 Ask what would be required to modify your existing order, and what the standard is.
- 4 Ask what your documentation actually shows and what is still missing from it.
- 5 Ask about timing. Some of these paths take months, and a child in the wrong placement loses ground every one of them.

A Realistic Word About Court

Judges are generally reluctant to referee individual parenting decisions, and they should be. What moves a court is not one disagreement — it is a documented pattern showing that joint decision-making is not functioning and that a child is being harmed by the stalemate.

That is precisely what your log is for. Twelve months of dated requests and non-responses is a different document than a parent's account of a bad year, and it is treated differently.

COMMON MISSTEPS

What Not to Do

Every item here is something we have watched a good parent do for an understandable reason, and every one of them made things worse.

- ☐ Do not withhold your child, or withhold time, over any of this. It will become the story of your case, and the underlying issue will disappear behind it.
- ☐ Do not stop, start, or change your child's treatment unilaterally to force the issue — including on your own custodial time.
- ☐ Do not discuss the dispute with your child, or let them see the messages. Children in this position already believe they are the problem. Do not hand them evidence.

- ☐ Do not tell your child's team that the other parent is the obstacle. Say that the parents do not currently agree, and ask what the team needs. The first version costs you allies; the second gets you help.
- ☐ Do not secretly record a meeting or a conversation without asking your attorney first. The rules are not what people assume, and a recording can do more damage to you than to anyone else.
- ☐ Do not sign a document you have not read or do not understand because the room is waiting. You may ask for time. Ask for it.
- ☐ Do not send the long message at midnight. Write it, save it, and send the short one in the morning.
- ☐ Do not let a disagreement about paperwork become the reason your child gets nothing. If you can agree on a smaller step, take the smaller step and keep working on the rest.

And One Thing to Do

Say yes to the parts you agree on, out loud and in writing, as often as you honestly can. "I agree with the reading goal, my concern is only the minutes" is a sentence that changes rooms. It makes you the reasonable person in the record, it narrows the fight to something solvable, and it occasionally reminds a co-parent that you are both still on the same side of something.

BEFORE WE GO ON

A Page for You

Every other page in this guide is about your child. This one is not.

Parents raising a child with a disability while managing a conflicted co-parenting relationship are doing two of the hardest jobs there are at the same time, usually without much acknowledgment and often while being told they are overreacting. The exhaustion is not a character flaw and it is not evidence that you are handling it badly. It is the predictable result of carrying something heavy for a long time.

A Few Things Worth Hearing

- ☐ You do not have to fight every battle in the same month. Pick the one that changes your child's day the most and let the others wait. They will still be there.
- ☐ You are allowed to bring someone to a meeting. A friend, a relative, an advocate. Someone whose only job is to take notes so that you can actually listen instead of scribbling.
- ☐ You are allowed to ask for a meeting to be rescheduled if you are not ready. Wanting to read the documents first is a reason.
- ☐ Find one other parent who is further down this road than you are. Not for legal advice — for the specific relief of talking to someone who does not need the background explained.
- ☐ If you are not sleeping, not eating, or not recognizing yourself, please talk to your own doctor. Taking care of yourself is not time taken away from your child. It is the thing that makes the next two years possible.

You Do Not Have to Do This Alone

North Carolina has federally funded parent training and information resources that help families understand special education rights, prepare for meetings, and sometimes attend them with you — at no cost. Ask your child's school for the current contact information, or ask us and we will point you to it.

Many hospital systems and developmental clinics also run parent support groups, and school counselors often know which local ones are active. It is worth the one awkward phone call.

One more thing, and then we will get back to the practical. The record you are building right now is not only for a judge. Someday your child may want to know what happened during these years — whether anybody noticed, whether anybody pushed. You are writing that down too.

BEFORE YOU GO

If Anyone Is in Danger

If you or your child are in immediate danger, call 911.

National Domestic Violence Hotline: 1-800-799-7233, available 24 hours a day.

If withheld medical treatment is creating an emergency for your child, contact your child's treating provider today and tell them exactly what is happening, then contact a lawyer. There are faster options in a genuine emergency than anything described in this guide.

If you have concerns about abuse or neglect, contact the Department of Social Services in the county where your child lives. If you are unsure whether what you are seeing rises to that level, that uncertainty is worth a conversation with a lawyer.

One Last Thing

You may not win the argument with your co-parent. Many parents in your position never do, and waiting for that agreement is how years go by.

But you can build a record, use the systems in the right order, and get your child what they need without the other parent's blessing. That is a lower bar than the one you have probably been holding yourself to, and it is the one that actually helps your kid.

Start the log tonight. Send one letter tomorrow. That is enough for today.

How Cape Fear Family Law Can Help

If the school has run out of answers, if your order is silent on who decides, or if you are watching your child lose time while two adults cannot agree — that is a legal problem now, and it is one we handle.

Bring your log. Bring your order. Bring the letters you have sent and whatever came back. We will tell you what your documentation actually shows, what is missing, and what the realistic path looks like from here.

[Schedule a Confidential Consultation →](#)

Read more: What happens when parents disagree about an IEP, a diagnosis, medication, or treatment?

LEGAL DISCLAIMER

No Attorney-Client Relationship. Downloading or using this guide does not create an attorney-client relationship with Cape Fear Family Law. That relationship is formed only when both parties sign a written engagement agreement.

Information, Not Advice. This guide is provided for general informational purposes only and is not legal advice. Special education procedures and custody outcomes turn on the specific facts of each case and on your court order.

Not Medical Advice. Nothing in this guide is medical advice, and nothing here takes a position on whether any diagnosis, therapy, or medication is appropriate for any child. Those decisions belong with you and your child's treating providers.

Procedures Vary. School districts and providers have their own procedures, and timelines differ depending on the process involved. Confirm requirements directly and with counsel.

No Guarantee of Results. Past results do not guarantee future outcomes.

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