

PROCEDURE 05: COURT ORDER AGAINST PARENTS/CAREGIVERS – CUSTODIAL RIGHTS

Guardianship: Guardianship involves the major decisions affecting a child's life, eg. education, health and custody.

Guardians may be:

- birth parents, even if they separate or divorce
- court appointed guardians
- testamentary guardians (after death of parent/s)
[refer Care of Children Act 2004]

Custody: Custodial issues deal with the right to have a child live with a person on a day to day basis and the day to day issues of raising a child. Custodial parents do not have to consult with the other guardian with regards to these matters.

NOTE: When parents are in dispute over guardianship issues, the courts will make a ruling.

RATIONALE:

To provide to parents, information on students and other material requested, that they are entitled to under their guardianship and custodial rights.

PURPOSE:

1. To provide staff with guidelines as to their responsibilities with guardianship and custodial issues.
2. To provide parents with guidelines on the school's responsibility with guardianship and custodial issues.
3. To have in place guidelines and requirements where there are custodial and guardianship issues.

GUIDELINES:

1. Where there are custodial issues involved, it is the responsibility of the parent with custody of the student/s to inform the school and provide a copy of court rulings which affect guardianship and custody of the student. This is then to be updated each year, signed, and dated when received by the school, with the previous custodial order being destroyed. The copy to be held in the Principal's Office.
2. Any requests for information or material from non-custodial parents, or meetings with the parent must be documented by the Teacher/Deputy Principal/Principal, and if there is an outcome, what it is.
3. Requests for any information or material from non-custodial parents must be in writing and signed. If staff receive requests by non-custodial parents, they are to check with the Principal or Deputy Principal before providing anything.

Unless the Court rules otherwise, both parents as guardians are entitled to:

- a) a copy of any written reports made about the student's development.
- b) see such official records about the student as normally shown to parents.
- c) discuss the development of their child with the staff in the same way as any other parent. This includes parent interviews – care is needed, and the Principal/Deputy Principal may be needed on occasions. Individual interviews will take place if requested.

- d) participate on parent committees of the school.
 - e) receive school newsletters as long as there is no additional cost to the school.
4. Where access has been granted by the court, the non-custodial parent is welcome to be involved in school programmes available to all parents but must not adversely affect or disrupt the class/school programme or any child's learning.
5. Staff should be informed as to the possible access of non-custodial parent, their identity and who their children are. When any non-custodial parent seeks access to the student, or is in the immediate vicinity of the school, staff should:
- approach the parent and ask their intent
 - advise the parent to seek permission from the Principal or Deputy Principal.
 - if the Principal or Deputy Principal refuses permission, the parent may be asked to leave the school grounds. If they refuse to leave the police may be contacted.
 - should the non-custodial parent remain on the school grounds, they will be informed by the Principal or Deputy Principal that they may be in breach of a Court Order and that the Police will be phoned and the school will also contact the custodial parent. The Principal or Deputy Principal will then supervise this visit closely, taking any further actions as may be reasonable under the prevailing circumstances.



PRINCIPAL

Dated: February 1, 2022