



Court Orders relating to Family Law

Policy

- To ensure the requirement of Family Law and State Government Children's Services Regulations are met.
- To ensure that parents rights under the law are upheld.

Strategies

- The Service will hold any information relating to the "residence, contact and specific issues" of a child and relevant staff shall be informed these documents are held.

Guidelines

The enrolment form will require families to indicate any orders made or pending by the Family Law Court, ensuring that parents provide copies of all relevant Orders and asking parents to acknowledge that Shine Bright EYM is not responsible for parent's compliance with those Orders and will not act as arbiter in any disputes as to their interpretation.

Parents not known to the Responsible Person in Charge will be required to provide photo ID and proof that they are the parent i.e. named on birth certificate of the child.

Parents will be informed that copies of such Court Orders are required at the service if staff and police are to assist in upholding these orders.

The enrolment form will require parents to provide information on any person who has the legal right to care for, contact in an emergency or to provide information to regarding the child. (refer to Acceptance and Refusal of Authorisations Policy)

Where both parents have rights to information about children staff will make themselves available to both parents at mutually convenient times to provide and discuss this information.

If a parent or an authorised person who is not able to have contact with the child under a Court Order arrives at the Service the Responsible Person in Charge or Teacher will explain that it is not possible for them to see the child. Any information the parent is entitled to will be provided to the parent at this time.

- The Responsible Person in Charge or teacher will explain that the parent is being asked to leave the service and that a refusal to leave may result in the police being called to assist in resolving the matter.
- The Responsible Person in Charge or teacher will remain calm and clearly explain the legal obligations she/he is required to comply with and acknowledge that it is a difficult situation for the parent.
- As soon as practical the Responsible Person in Charge or teacher will contact the parent with custody or an authorised person to notify them.
- The Responsible Person in Charge will follow any required emergency procedures as applicable.

If Educators have concerns regarding non-custodial access they are to raise these with Shine Bright EYM

The Victorian Legal Aid & Department of Human Services booklet Legal Aspects of Childcare provides the following information:

"The Specific Issues order may give a parent responsibility for the day to day care and control of the child. Daily care and control includes the right to collect the child from children's services at the end of the day and the right to authorise medical treatment or attendance at excursions. The Specific Issues order may enable a parent to make decisions about the long-term interests of the child, including education, religion. These long-term interests do not include the right to daily care and control. Contact is the right of the non-resident parent to see the child. It may be that a contact order allows this parent to collect the child from an early childhood Centre. Failure to hand a child over to a person with joint or sole responsibility for the day to day care and control of the child could lead to legal action against the Centre."

Related Documents

Education and Care Services National Law Act 2010: Section 167, Education and Care Services National Regulations 2011: Regulations 96, 99, 102, 160, 161, 168(2)(m), 170, Family Law Act 1975 (Cth), as amended 2011, National Quality Standard, Quality Area 2: Children's Health and Safety, Standard 2.3: Each child is protected, Children, Youth and Families Act 2005 (Vic), as amended 2011, Child Wellbeing and Safety Act 2005 (Vic), as amended 2012, Child Wellbeing and Safety Act 2005 (Vic) (Part 2: Principles for Children),

Related Policies

- Delivery and Collection of Children,
- Enrolment,
- Family Involvement,
- Administration of Medication,
- Enrolment and Excursions
- Acceptance and Refusal of Authorisations