

# Family Law and Access Policy

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## NQF

QA2	2.3.4	Educators, co-ordinators and staff members are aware of their roles and responsibilities to respond to every child at risk of abuse or neglect
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## National Regulations

Regs	84	Awareness of child protection law
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## Aim

To ensure that the service is upholding any responsibilities or obligations in relation to family law and access at the service.

## Related Policies

Child Protection Policy  
Administration of Authorised Medications Policy  
Enrolment Policy  
Privacy and Confidentiality Policy

## Who is affected by this policy?

Children  
Families  
Educators  
Management

## Implementation

### Definitions

**Parental Responsibility** – means that each parent/guardian has equal responsibility for their children’s welfare, either in the long-term or on a day to day basis and includes matters such as where the children will live and with whom they will have contact. It is not affected by any change in the parents’ relationship, for example if they separate or remarry.

**Parenting Orders** – are orders that the court will make when parents cannot decide on matters themselves. They change parenting responsibilities and stipulate which parent has what responsibilities. There are 4 types of parenting orders:

- Residence – an order to say with whom the child lives, including any shared arrangements
- Contact – an order to say the times that a child may have contact with a parent with whom they are not living, or anyone else who plays an important part in their life, such as a grandparent (contact can either be face to face, or by phone, letters)
- Child Maintenance – an order that provides for financial support of a child
- Specific Issues – an order about any other aspect of parental responsibility (this may include the day-to-day care, welfare and development of a child, issues relating to religion, education, sport, or other specific issue)

## **Residency**

The parent with whom the child lives is responsible for day-to-day decisions like:

- Discipline
- Going out
- Clothes
- Accommodation
- Pocket money

Residency can be a shared arrangement.

Parents/guardians, regardless of their marital status, have joint and equal legal responsibilities for their children unless there is a Court Order determining otherwise. Service staff members and educators need to be knowledgeable of which parent/guardian has specific legal rights and responsibilities. Thus, the service will need to access any relevant Court Orders issued. Services are not legally able to allow children to leave the Service without permission of the custodial parent/guardian.

In the case where guardianship and custody is legally defined, the service's policy must be followed as stated on the enrolment form. When situations change a copy of the Custody Order must be provided to the Service. Where confrontation situations arise over custody the child will be kept at the Service, the custodial parent must be contacted without undue delay and if necessary the Police and/or relevant government departments.

## **Sources**

*The above information has been adapted from the Family Court of Australia website 2002*  
[www.familycourt.gov.au](http://www.familycourt.gov.au)

**Family Law Act 1975**

**Education and Care National Regulations 2011**

**National Quality Standard**

## **Review**

The policy will be reviewed annually.

The review will be conducted by:

- Management
- Employees
- Families
- Interested Parties

**Policy Updated: 10 July 2013**

**Approved by:** \_\_\_\_\_

**William F Kerwin  
Chief Executive Officer  
Croydon Shire Council**

**Approval Date: 31 July 2013**

**Date of Policy Review: July 2014**