

▲ CUSTODY ARRANGEMENTS

▲ NQS

Element 2.2 Each child is protected

Element 2.2.2 Plans to effectively manage incidents and emergencies are developed in consultation with relevant authorities, practiced and implemented.

Element 2.2.3 Management, educators and staff are of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect.

Element 7.1.2 Systems are in place to manage risk and enable the effective management and operation of a quality service

Education and Care Services National Regulations: 99 (4), (5); 160(3) (c), (d); 177(4); 178(4)

▲ PURPOSE

The purpose of this policy is to set out the procedures for the Centre to comply as far as is reasonable with an order or instruction provided by a court for the purposes of protecting children.

▲ POLICY

It is the policy of the Centre to comply with any legally binding, written instruction regarding custody arrangements and to make an effort to ensure safety, security and well-being of children, families and Centre employees.

▲ 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. 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. The Nominated Supervisor 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 Centre 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.

▲ PROCEDURES

I. Court orders

It is a requirement that parents/guardians provide the Centre with a certified copy of any Court Orders affecting their child/children. The original certified copy will be retained in a locked filing cupboard. A second copy will be retained with the child's Enrolment Form. The Nominated Supervisor or responsible person will ensure all educators are aware of children with current Court Orders in place. Parents/guardians are required to inform the Centre of any amendment to Court Orders. Families are also encouraged to share important information to assist the Centre to manage the requirements set out in the Court Order.

Where a Court Order prohibits access to a non-custodial parent/guardian, the custodial



parent/guardian is required to provide the Centre with a detailed action plan. The action plan must include a recent photograph of the non-custodial parent/guardian and emergency contact details and steps to be taken in the event the non-custodial parent/guardian attends the Centre.

II. Non-custodial parents/guardians

In the event that a non-custodial parent/guardian attends the Centre:

- The Nominated Supervisor or responsible person will inform the custodial parent/guardian immediately,
- All discussions with the non-custodial parent/guardian will be held in an adult area and
- If the non-custodial parent/guardian becomes aggressive or abusive, the Nominated Supervisor or responsible person will contact the Police on 000 immediately.

Educators are not to put the children attending the Centre or themselves in danger and must not attempt to physically restrain the person.

▲ SOURCES AND FURTHER READING

- Education and Care Services National Regulations
- National Quality Standard
- Family Law Act 1975
- Family Law Court of Australia: www.familycourt.gov.au

▲ ASSOCIATED POLICIES

- Child Protection
- Child Safety and Wellbeing
- Centre Security
- Arrival, Departure and Absences Policy
- Supervision
- Privacy and Confidentiality

- ▲ Enrollment and Orientation

POLICY REVIEW

- The Centre (together with educators/carers) will review this policy every 12 months.
- The Approved Provider and Centre Director ensure that at all times all educators



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Competence for Children

- Families are encouraged to collaborate with the Centre to review the policy and procedures.
- **Last review:** 27.06.2023
- **Next review:** 27.06.2024