

## Family Law and Access Policy

---

### NQF

|     |       |                                                                                                                                                                      |
|-----|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| QA2 | 2.2.3 | Child protection - Management, educators and staff are aware of their roles and responsibilities to identify and respond to every child at risk of abuse or neglect. |
|-----|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### National Regulations

|      |     |                                   |
|------|-----|-----------------------------------|
| Regs | 84  | Awareness of child protection law |
|      | 157 | Access for parents                |

### 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

Enrolment Policy

Privacy and Confidentiality Policy

### Implementation

Both parents have full responsibility for their children until they reach 18, unless a Court orders otherwise. This is not changed in any way as a result of a change in the parents' relationship, for example, separation or remarriage. If the relationship breaks down parental responsibility may be documented to clarify responsibilities in relation to the child.

**Parenting Orders** – are orders that the Family Court (or the Federal Circuit Court) will make when parents' relationships break down and they cannot agree on the arrangements for their child. They change parenting responsibilities and stipulate which parent has what responsibilities. Parenting Orders may cover:

1. a child's residence – who the child will live with (who has custody of the child). This person is responsible for day-to-day matters like discipline, going out, clothes and pocket money. Residency can be a shared arrangement.
2. A child's contact arrangements - when a child may have contact with a non-custodial parent or anyone else who plays an important part in their life eg grandparents (contact can either be face to face, or by phone, letters)
3. Child Maintenance – who provides financial support for a child
4. Specific Issues –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)

**Parenting Orders by Consent/Parenting Plans** – Where parents agree on the arrangements for their child despite their relationship breaking down, they can apply to the Court for a “parenting order by consent” or they can enter into a written Parenting Plan which records the agreed arrangement.

The Nominated Supervisor will:

- ensure parents provide copies of any parenting orders or plans during the child's enrolment
- request/remind parents to provide copies of any new or revised orders or plans
- ensure educators, staff and volunteers understand and comply with any parenting orders or parenting plans, in particular know with whom the child lives, who they may have contact with and any other specific legal rights and responsibilities set out in the documents. Services have a legal responsibility to ensure children only leave the Service with the permission of the custodial parent (or in accordance with the orders/plans)
- contact the custodial parent and if necessary the Police if a person who is not authorised to collect the child wishes to take the child and will not leave. The child will remain at the Service

The Nominated Supervisor and educators will not allow a parent to enter the service premises if they reasonably believe this would contravene a court order.

## Sources

[www.familycourt.gov.au](http://www.familycourt.gov.au)

Law Council of Australia [www.familylawsection.org.au](http://www.familylawsection.org.au)

**Family Law Act 1975**

**Education and Care National Regulations 2011**

**National Quality Standard**

## Review

The policy will be reviewed annually by:

- Management
- Employees
- Families
- Interested Parties

**Last reviewed: June 2021**

**Date for next review: June 2022**