

This statement outlines how the College responds to matters in relation to family law issues.

Legislation

Family Law Act 1975

Rationale

1. Schools have contractual obligations to the person who enrolls the child and who is responsible for payment of the fees.
2. Schools have a duty in tort to take reasonable care for the safety of the child.
3. Schools have no way of knowing as a fact who the natural parents of a child are.
4. Schools should not need to determine the current state of orders in a Family Court matter.
5. The Family Court seldom makes an order which a school is directed to obey.

Statement

It is the policy of the College to provide information about a child and access to the child to those people whom the school believes are the natural parents (or have a similar right of access) subject to:

- Suitable identification.
- Enrolling party's knowledge (separate access rules apply to police or other government child protection officers).
- Safety of the child, that is no access will be given if the safety of the child could be jeopardised or where the child objects and the school believes it is in the best interests of the child to heed the objection.
- Payment of applicable fees.

Please note if there is a disagreement between the enrolling party and others who believe they have the right of access to information about or access to the child, it is the responsibility of those parties to reach agreement independently from the school, either through consultation or court action. The school will not become involved as the arbiter in disputes of this kind.

That is, the College does not become involved in Family Court matters unless directed by a court order directly to the College, that is, the judge instructs Whitsunday Christian College to act in a particular manner.

Application in regards to different situations:

Non-Custodial Parent who is not a party to the enrolment contract

Non-custodial parents should seek information regarding their children via the custodial parent. At times we receive direct requests from non-custodial parents for information. We deal with these

requests in the following way (unless written orders from the contracted parent or court order to the College direct us otherwise):

We require a written letter with self-addressed envelope that clearly sets out the request for information including identification. We will respond to simple requests in a timely manner, subject to our satisfaction that we are dealing with a natural parent and that we have dealt with any privacy and other policy implications. This is subject to:

- a. Suitable identification.
- b. Enrolling party's knowledge (separate access rules apply to police or other government child protection officers).
- c. Safety of the child, that is no access to knowledge or to the child will be given if the safety of the child could be jeopardised or where the child objects and the school believes it is in the best interests of the child to heed the objection.
- d. Payment of applicable fees.

If the request requires substantial documentation search or duplication then we will first send an invoice for the materials involved.

Non-Custodial parents may make written request to be placed on our email list for the College newsletter.

The College does not act as a conduit for non-custodial parents to organise communication with their children or to visit their children. Some families find it easier to have communication to go a mutually agreed third party who distributes it to relevant parties. These things should be kept outside of school and be done through other avenues. We require that any issue and disputes between custodial parents and non-custodial parents be dealt with directly between the parties without involving the school. The College will not become involved in disputes but instead will act as per the policy statement.

Non-Custodial Parent who is party to the enrolment contract and who shares the financial responsibility

Arrangements can be negotiated but it is more efficient to have one avenue of communication. While the contract is active the College will openly communicate with all named parents that are party to the contract.

Shared custody arrangement where one parent is not a party to the enrolment contract

We will require contact details and written instructions regarding the arrangements. It is best that we meet all parties concerned so that the day to day dealings of the child (e.g. child has left lunch at home) can be dealt with in a sensible manner.

In all other regards the parent not party to the enrolment contract should seek information directly from the parent responsible for the contract, otherwise please read section on *Non-Custodial Parent who is not a party to the enrolment contract*.

Shared custody arrangement where both parents are party to the enrolment contract and who share the financial responsibility

Arrangements can be negotiated but it is more efficient to have one avenue of communication. While the contract is active the College will openly communicate with all named parents that are party to the contract.