

Family Law and Access Policy

Introduction and Purpose

Parents/Guardians have the right to access their child/ren at any time during booked hours. Parents/Guardians have the right to gain and exchange information with Educators about their child/ren. Access to or information about children will be restricted, to parents, subject to court or Police orders.

Procedure

- Parents/Guardians may visit the Family Day Care Service, Play Session or excursions at any reasonable time whilst their child is in care. However, parents are requested to give due consideration to the time of day in relation to the children's routine and Educators program.
- Parents/Guardians can exchange information about their child with their Family Day Care Educators and/or staff at mutually convenient times on an ongoing basis.

Authorisation for Collecting Children

- The names and contact details of all persons authorised to collect children must be included on enrolment/agreement forms or in writing to the Approved Service. Children will only be released into the care of a person authorised by the parent.
- Parents are responsible for notifying the Educator and the Approved Service immediately of any changes to authorisations in writing.
- Children will not be released into the care of persons not known to the Educator until parental authorisation is obtained. When a person unknown to the Educator arrives to collect or has been prearranged to collect the child, the parent will be contacted to provide details and a description of the person concerned. Upon arrival the person will be required to provide photo proof of identity (e.g. drivers licence).

Persons Forbidden by Court Order to Access Children

- Educators are to take all reasonable precautions to restrict the access to, or supply any information about, the child to a person who is forbidden by court or Police order from having contact with the child.
- Unauthorised people should not be permitted entry to the Educators premises while the child is in care.
- Parents/Guardians are responsible for notifying the Educator and the Approved Service of any court or Police orders. When notified, the Educator or the Approved Service will inform the other party.
- A copy of the court or Police order must be provided to the Approved Service before the above conditions can be implemented. The court order will be filed on the child's record and provided to the Educator.
- If an unauthorised person attempts to collect/remove a child/ren from the Educators service:
 - Take reasonable precautions to restrict the persons access to the service.
 - Ask the person to wait outside while the parent/guardian is contacted. And/or contact the Approved Service for assistance.
 - If the person becomes violent or overly aggressive, the police should be called immediately.
 - Under no circumstances should the Educator risk physical injury to themselves or the children in care.

Legislative Context

Parents/guardians, regardless of their marital or relationship status, have joint and equal legal responsibilities for their children unless there is a Court Order determining otherwise.

Definitions

Parental Responsibility – Responsibility for the child's welfare, which includes residency, health & medical, education, cultural & religious identity, behaviour management, contact and day-to-day responsibility etc. Typically parents have parental responsibility for their child/ren but in some cases children may be in the care and responsibility of the minister for community services or a court appointed guardian. Parental responsibility is not affected by any change in the parents' relationship including separation, divorce or remarriage etc.

Parenting Orders – Court appointed orders stipulating which parent has what parental responsibilities. Typically the parenting orders are:

- Residence – an order stating with whom the child lives, including any shared arrangements.
- Contact – an order stating the times that a child may have contact with a parent with whom they are not residing, or anyone else who plays an important part in their life, such as a grandparent.
- Child Maintenance – an order that provides for financial support of a child.
- Specific Issues – an order about any other aspect of parental responsibility.

Apprehended Violence Order (AVO) - An AVO is not a criminal charge. It is an order for your future protection. An AVO sets out restrictions on the other person's behaviour, so that you can feel safe. If you have children, the order should include them. An AVO can be ratified by the Police, a Lawyer or an Australian Court.

Reference/Source

Family Court of Australia – www.familycourt.gov.au

Family Law Act 1975

Education and Care Services National Law 2010

Education and Care Services National Regulations 2011. Part 4.2 – 84. Part 4.6 157. Part 4.7 – 177-179.

National Quality Standard for Early Childhood Education and Care and School Age Care. Quality Area 2, 5, 6 & 7.