

***Rationale/Aim:***

Sensitive situations occur involving children whose parents are either divorced or separated. Ideally, parent disputes should not spill over to the preschool, but if they do educators should follow the advice provided in this policy document.

Relevant Legislation/Related Documents/References:

- Education & Care Services National Regulations 2014, Regulation 99(5), 160(3)(c) & (d), 168(2)(f)
- Children (Education and Care Services National Law Application) Act 2010 Section 170, 171, 174(2).
- National Quality Standard, Element 2.3.2
- Community Child Care Co-Operative www.ccccnsw.org.au
- Childcare Centre Desktop www.childcarecentredesktop.com

Procedures/Strategies:

Staff will refuse a parent access to a child, if current court documents or guardianship or access arrangement documents have been provided, prohibiting their access. (Staff will also refuse access if directed to do so by the Regulatory Authority.)

Where a copy of a Family Court Order or Injunction Order or instruction from the Regulatory Authority has been supplied, and the non-custodial parent presents at the centre:

- They will be asked to leave.
- If this fails, a staff member will talk with the parent in a situation as much removed from the children as possible. Refer to *3.29 Emergencies and Critical Incidents Evacuation*
- Police will be contacted but may choose not attend unless a law is broken, as police have no power in Family Law Court matters. If there is no response from police then the DOCS help line will be rung on 132111.
- The legal guardian will be notified as soon as possible.
- The Preschool will do all within their power to protect the child from harm, but also has a responsibility to protect their staff and the other children in their care.
- If the legal guardian of the child gives permission for the defendant to see their child outside of, or against the orders held by the preschool, then the preschool no longer takes any responsibility for action against either party in what becomes a family court matter.

Staff cannot refuse a parent access to a child if documentation of guardianship or access arrangements has not been provided, unless that person is considered unsafe (e.g. under the influence of drugs/alcohol, posing a health and safety risk, in an inappropriate state of mind) and has been deemed inappropriate by the Regulatory Authority.

Where a parent states that the other parent has no contact/should have no contact with the child and no court order exists, staff will inform the parent that they are obliged to adhere to protocols. If the staff do have reasonable concern and the non-contact parent arrives at the centre:

- The preschool would contact the parent who has filled out the child's enrolment form and request that they attend the Preschool to deal with the other parent.

- The offending parent would be delayed as far as possible; however, their rights to access and even take their child would have to be respected.

The preschool reserves the right to talk to legal guardians in relationship to anything that we feel may compromise or lessen our own confidence in our ability to protect their child and the other children in our care.

Families will be responsible for informing the Preschool when custody issues change. They will be responsible for securing and providing the appropriate paper work.

The Preschool will monitor and request updates on custody situations.

Evaluation: Non-custodial parents and inappropriate persons will not have access to the children while in care

Endorsement:

Policy signed:

Date:

Name:

Position:

Review:

Review date: March 2020