

Family Law and Access Policy

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 grandparent s(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.

Brunswick Creche 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. Centres have a legal responsibility to ensure children only leave the Centre 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 Centre
- The Approved Provider, Nominated Supervisor and educators will not allow a parent to enter the centre premises if they reasonably believe this would contravene a court order.

Source: The above information has been adapted from the Family Court of Australia website 2002 – www.familycourt.gov.au, Family Law Act 1975, Education and Care National Regulations 2011, National Quality Standard

Date Implemented: 16/04/2012

Review Completed: 16/01/2017

Schedule for Review: 16/01/2018

National Quality Standard – NQS

Quality Area 2: Children's Health and Safety

2.3.4 Educators, co-ordinators and staff members are aware of their roles and responsibilities to respond to every child at risk of abuse or neglect

Education and Care Service National Regulations

84 Awareness of child protection law



