

FAMILY LAW AND ACCESS POLICY

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1 NQF

QA2	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
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2 National Regulations

Regs	84	Awareness of child protection law
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3 Aim

To ensure that the service is upholding responsibilities and/or obligations in relation to Family Law and access at the service.

4 Related Policies

The Kids' Uni Policies and Procedures apply to Kids' Uni North, Kids' Uni South, Kids Uni CBD, Kids Uni iC.

Child Wellbeing Policy (CHI-ADM-POL-009)

Administration of Authorised Medications Policy (CHI-ADM-POL-004)

Enrolment and Booking Policy (CHI-ADM-POL-022)

Emergency Management and Evacuation Policy (CHI-ADM-POL-020)

UOW Pulse Ltd Privacy Policy (PUL-BUS-POL-013)

5 Who is affected by this Policy?

Children, Families, Educators, Management

6 Definitions

Parental Responsibility	Means that each parent/guardian has equal responsibility for their children's welfare, either in the long-term or on a day to day basis and includes matters such as where the children will live and with whom they will have contact. It is not affected by any change in the parents' relationship, for example if they separate or remarry
Parenting Orders	Are orders that the court will make when parents cannot decide on matters themselves. They change parenting responsibilities and stipulate which parent has what responsibilities. There are 4 types of parenting orders: Residence – an order to say with whom the child lives, including any shared arrangements. Contact – an order to say the times that a child may have contact with a parent with whom they are not living, or anyone else who plays an important part in their life, such as a grandparent (contact can either be face to face, or by phone, letters). Child Maintenance – an order that provides for financial support of a child Specific Issues – an order about 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).
Residency	The parent with whom the child lives is responsible for day-to-day decisions like: <ul style="list-style-type: none"> i. Discipline ii. Going out iii. Clothes iv. Accommodation v. Pocket money

7 Following Court Orders

- 7.1 Residency can be a shared arrangement. Parents/guardians, regardless of their marital status, have joint and equal legal responsibilities for their children unless there is a Court Order determining otherwise.
- 7.2 Service staff members and educators need to be knowledgeable of which parent/guardian has specific legal rights and responsibilities. Thus, the service will need to access any Court Orders issued. Services are not legally able to allow children to leave the Service without permission of the custodial parent/guardian.
- 7.3 In the case where guardianship and custody is legally defined, the service's policy must be followed as stated on the enrolment form. If a child is subject to an access order or agreement, the service must have a copy on record plus any subsequent alteration registered by the court.
- 7.4 Evidence of court orders or agreements will be considered part of the enrolment.
- 7.5 When situations change, the custodial parent has the responsibility of notifying the service of the circumstances and must provide a copy of any order relating to the child/children. Family Plans will only be implemented by service staff where there is a court stamp affixed to the document.
- 7.6 Educators must be advised of all changes and the service provided with an amended, stamped copy. Where a non-custodial parent refuses to abide by the court order the Nominated Supervisor is to immediately notify the Police, Department of Education and the custodial parent.
- 7.7 When a non-custodial parent attempts to collect a child from UOW Pulse Ltd Children's Services the educators will:
- i. Be polite, firm and clear and remember that their primary duty is to the children in our care.
 - ii. Clarify the legal position with the non-custodial parent. For example staff will say, "I'm sorry but I'm not legally able to allow the child to leave with you without the permission of the custodial parent."
 - iii. Ask the person politely to leave.

If they refuse to leave, call UoW Security (South, North and iC) and call the Police.

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

- 7.8 If the situation becomes potentially violent or threatening whilst waiting for UoW Security or Police, then release the child to the non-custodial parent. Physical safety of all educators and children remains paramount.
- 7.9 If this situation arises, then the educator must consider not only the safety of the child at the centre of the dispute, but that of all the children and educators present. If the situation becomes threatening towards any educator or children then the child should be released to the non-custodial parent.
- 7.10 Under no circumstance are educators to place themselves, the other children and other educators, in any danger. The safety of the child taken by the non-custodial parent will become the responsibility of the local police, federal police, Department Communities and Justice (DCJ), and the Court system.
- 7.11 The Nominated Supervisor will contact the Police, Security, the custodial parent, DCJ, UOW Pulse Ltd Children's Services Manager and UOW Pulse Ltd Chief Executive Officer (if appropriate).
- 7.12 Where possible, educators are to observe the car colour, make and model; number plate; physical description of parent (height, weight, hair, eyes, clothes, mannerisms, unusual markings – birth marks, tattoos etc). This information is to be recorded, then relayed immediately to the police, DCJ and the custodial parent.
- 7.13 This should then be followed up immediately with a call to the custodial parent and a call to the Manager of UOW Pulse Ltd Children's Services. Then a call must be made to the Child Protection Helpline to advise that a child has been taken contrary to a court order (the child is now considered "at risk"). Staff will be required to write a report within 24 hours of the incident.
- 7.14 The Nominated Supervisor will notify the Department of Education within 24hrs of an incident where a non-custodial parent collects a child from the service.
- 7.15 Counselling and debriefing will be offered to staff.
- 7.16 In all cases educators should be immediately aware of any unfamiliar person on the premises and find out what they want as quickly as possible.

8 Change of a Child's Family Name

- 8.1 In circumstances where a child is in the custody of one parent and where a parent requests a child's family name be altered then a proof of custody / residency document must be sighted.
- 8.2 A copy of this document must then be kept with the child's file. It is the responsibility of the custodial parent to discuss with the Nominated Supervisor and provide proof of custody / residency.
- 8.3 All educators are to be made immediately aware of the name change by the Nominated Supervisor, and admin staff will alter systems data (such as financial and government software packages) to reflect the name change.

9 Sources

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

10 Review

This policy will be reviewed every 2 years and the review will include Management, Employees, Families and Interested Parties.

11 Version Control Table

Version Control	Date Released	Next Review	Approved By	Amendment
1	February 2012	February 2013	Michele Fowler Manager – Kids Uni	
2	February 2013	February 2014	Michele Fowler Manager – Kids Uni	Paragraph inserted re application of policies across all centres. Migrated into new QA format. This policy replaces the Change of a Child's name Policy.
3	Feb 2014	Mar 2016	Michele Fowler Manager – Kids Uni	Policy reviewed with no changes required. The review period changed to 2 years.
4	Mar 2016	Mar 2018	M. Gillmore – General Manager	Policy reviewed with no changes required.
5	Jul 2018	Jul 2020	K.Grose – Children's Services Manager	Updated NQS references – no other changes needed.
6	November 2019	Jul 2020	Nicole Bray – Kids Uni iC	Updated to reflect name changes to Kids Uni iC
7	August 2021	August 2023	K.Grose – Children's Services Manager	Updated terminology and government departments. Added reporting requirement to Dept of Education. Referenced Emergency Management and Evacuation Policy