



## 5.7 Custodial Access

1. Parents who have court orders specifying child care arrangements need to supply a copy to the school.
2. The school will use its best endeavours to comply with existing orders.
3. In all other circumstances, unless the principal has reasonable grounds to believe the child is at risk of physical harm, both parents will have equal access to the child and to information such as school reports.
4. Any parent seeking to remove a child from school must sign out at the office.
5. The school will comply with requirements to supply court ordered school records but will not take sides and refrain from making comments unless required to give evidence in court.
6. When a court appointed person wishes to interview a child, upon supplying their credentials, the school will use its best endeavours to make a space for a confidential meeting.
7. When such a person interviews a teacher, the person will supply a copy of the transcript to the teacher so they can verify what has been said and recorded.

# Vital facts for schools when dealing with separated parents

When parents separate it can make life very difficult for staff at the children's schools.

We recently had a query from a principal about how to deal with parents who were at war with each other. The principal was particularly concerned about the school's obligations where there is a protection order in force under the Domestic Violence Act.

There are five basic issues that you need to be aware of:

## 1. Guardianship rights

If a parent is a guardian of a child they have the right to be informed of any major events in their child's life. This generally includes where the child goes to school, whether they have any serious medical issues, and what type of religious upbringing they are to have.

A mother is automatically a guardian of her child. At this stage, a father is only a guardian of a child if he was married to the mother, or living with the mother at the time of the child's birth. However, a law change in July this year, will make it easier for fathers to be guardians. The only way you will know whether or not a father is a guardian is if you ask the parents.

You should inform guardians of issues relating to vaccinations, and also provide guardians with school reports and newsletters. (Refer to s.77 and definitions in s92, Education Act 1989.)

## 2. Is there a right to be involved in school activities?

In general, both parents should be advised of school trips, concerts, sporting events, and any other events involving the children. However, there are two situations where this information should not be provided:

- (a) if the Court has made an order that one of the parents is not allowed to have any contact with the child; or
- (b) if the Court has granted a protection order against one of the parents.

You will need to rely on the parents or social workers to advise of any Court orders.

## 3. Protection orders

If a protection order is in place between parents, it means that one parent cannot contact the other, or be in

the same place. In most cases a protection order also includes the children and means that one parent cannot contact the children either. Where there is a protection order in place protecting one of your pupils you must have a copy of the order for your records. If the restricted parent comes to the school, you should call the police immediately, and tell the police about the protection order.

## 4. Access issues

We were recently asked how to deal with a situation where a parent, who was told by the Court he could not have access with his child, was hanging around the school gate.

You are not required to enforce Court orders which state a parent is to have contact with the children at specific times only. You are not responsible for monitoring who is waiting at the school gate. However, if you are aware of a problem, then you should take the following action:

- (a) advise the parent who has the care of the children that the other parent has been at the school and discuss with them how to handle the situation;
- (b) if necessary the parent trying to see the children should be asked not to come to the school;
- (c) if the parent returns, arrange for a trespass order to be served, although this will not be effective if the parent does not actually come onto the school ground;
- (c) if the parent persists after receiving the trespass order call the police and refer them to the relevant Court orders.

## 5. Liability

You are not liable for any problems that occur between parents on school grounds.

If you are concerned about the safety of a child at the school you should call the police.

**DO NOT LET THE SCHOOL PLAYGROUND BECOME  
A MATRIMONIAL BATTLEFIELD**  
Contact STA HELP (0800 782 435)