



# Child Custody Policy

## Rationale

To protect children and staff from any verbal, emotional or physical harassment from family members involved in custody disputes.

## Purpose

- To ensure guidelines are set for parents involved in a separation, divorce or custody debates.
- To inform staff of their responsibility towards children whose parents are involved in a separation, divorce or custody debates.
- To protect a child's right to attend the Centre in a secure and stable environment.
- To protect staff from emotional trauma caused by adults involved in custody disputes.
- To ensure the Centre maintains a neutral stance in custody disputes.
- To ensure only factual information is given without coercion or fear of the consequences.
- To ensure staff act appropriately when denying access to a person that does not have authority to pick up a child.

## Guidelines

It is the responsibility of the parents to inform the centre of the custody and access arrangements. Parents must provide legally binding documents. The Centre cannot be held responsible if the parent has not informed us of the legal arrangements. The centre will abide by any custody orders presented to us that are correctly dated and current. We will also abide by the information contained in the current enrolment form.

It is necessary to know how the law defines the difference between "custody" and "guardianship" and the rights which apply to both. Section 3 of the Guardianship Act 1968 defines these terms as:

- Custody means the right to possession and care of a child.
- Guardianship means the custody of a child and the right of control over the upbringing of a child. It includes all rights and duties in respect of a person charged by law with the upbringing of a child.

The Centre will deal with the parent/ caregiver who has legal custody of the child and all information will be kept confidential. A copy of any Custody Order or official documentation will be kept on file.

Staff may only be spoken to about issues by parents if the Centre Supervisor has obtained their permission. All staff have the right to refuse becoming involved in any custody conflict.

Visiting professionals must obtain the permission of the Centre Supervisor to observe a child or to speak to any staff member in consultation with the legal custodian of the child. If any adult involved in a custody issue is unable to work within this framework they will be asked to leave the Centre and in some cases remove their child from the Centre.

The Early Childhood Regulations 2008 states that the licensee of a centre is to record the names of the following people:

1. Collecting the child from the centre.
2. By law, have a right of access to the child.
3. By law, are forbidden to have access to the child.
4. By law, have a right of access to the child subject to conditions.

This information is to be provided by the person who has custody of the child. If staff have reasonable doubts about the identity or legal rights of any person wishing to make contact with the child, he/ she is to contact the person known to have legal custody to find out the right of access. If a person is claiming to have rights under a court order, that person is to be asked to produce the document and photo identification, and staff will then contact the person known to us to have legal custody.

If a person claiming to be entitled to pick up the child arrives in the centre, the parent who has legal custody must first be contacted for approval before releasing the child.

### A Parent Who Has Legal Access, Not Custody

If a parent can produce the custody order specifying times for access which coincide with the time the child is in the centre's care, the centre must of course comply with that order. However, the parent must firstly approach the Centre Supervisor for approval, remembering that the child attends the centre primarily for the care and education. Staff have the duty to ensure that the running of the centre or the child's program is not interrupted. If a child becomes stressed by visits, the Centre Supervisor has the right to ask that the visits cease.

The staff cannot always satisfy the wishes of both parents. Where there are conflicting requests the Centre Supervisor and Assistant Supervisor must exercise their professional judgment.

### Most Importantly

The child's welfare is to be the most important consideration and the wishes of the child are to be respected. Ultimately it is the responsibility of the parent to resolve any differences between themselves; it is not the responsibility of the Centre or staff to mediate.

All custody orders must be copied and stored on the custody register.