



# St Mary's Primary School

## Custody Issues Policy

### Policy Statement

Schools often deal with issues relating to the custody of children which may arise during the course of the student/s enrolment. St Mary's will manage custody related issues in accordance with the law and pursuant to any Court Orders in place that outline the responsibilities of parents. The safety and welfare of the child/children involved is paramount and will be the priority for St. Mary's.

### Rationale

The purpose of this policy is to outline the clear processes for managing custody related issues at St. Mary's.

### Implementation

- Parents or guardians are required to complete and sign accurate enrolment forms for children for whom they have custody.
- Enrolments must be accompanied by Birth Certificates or similar which prove a student's name and birth date.
- The school will only enrol a child under the name provided on a Birth Certificate or more recent legally recognised document that details a name change, or by written consent of both parents/guardians.
- Any custody issues are to be declared, and supported by legal documentation – which will be photocopied and retained on the student's individual file.
- The principal will be responsible for ensuring that the school complies with all current Family Court Orders or similar legal documents relating to custody.
- The school will assume a default position that both birth parents have equal access to enrolled students unless current court orders or legal documents dictate otherwise.
- Both birth parents will have access to school reports, newsletters, parent interviews, and their children at school unless court orders or similar legal documents dictate otherwise.
- Parents or guardians who claim custody restrictions but fail to provide documentation will not have their requests met until such time as supporting documentation is provided.
- People who have restricted access to students, and whose presence at school or requests for information etc are in breach of court orders or similar legal documents will be directed immediately to the principal.
- The police will be contacted immediately if people refuse to comply with the principal's lawful instructions or to obey court orders (ie: Intervention Orders (AVOs) or similar that may be in place.
- Any breaches of custody restrictions will be reported by the principal to the parent who legally looks after the child.
- St Mary's staff (as appropriate), will be made aware of any court orders that are in place that relate to the child/children.
- St Mary's expects that parents or guardians will act respectfully towards staff at the school at all times should any issues arise around custody in relation to arrangements pertaining to their child/children.
- St Mary's will not act as mediator if any disputes arise between parents and guardians in relation to custody. The school will be guided by any court orders in place and will work with parents within that

framework.

- Parents/guardians agree to provide to St Mary's any updated or variation to court orders that may apply during the course of the enrolment and as applicable to issues relating to custody.
- Any copy Court Orders provided to St Mary's must be sealed and authenticated by the Court and must be a complete copy.

### **Change of Name**

In Victoria the formal procedure for changing a child's name is prescribed in Births, Deaths and Marriages Registration Act 1996 (Vic.). This Act requires that all persons have their names registered at birth. It also provides that a person may officially change his/her name.

This does not mean, however, that a person may not use a name other than his or her registered name. Any person can simply adopt a name by practice that is different to his/her registered name so long as this is not done for criminal or fraudulent purposes.

While a child should be enrolled at school in the name appearing on his/her birth certificate, a school is entitled to adopt a flexible approach and apply to the child any name preferred by the residential parent or the child. In the absence of a complaint or restraining order, there is nothing to stop the practice of a child using a name other than that registered on his/her birth certificate name.

A child's parent can apply to change the child's name. Any child aged 12 years or more must agree to any name change.

### **Review**

Every policy will have an approved review date nominated. Policies may be reviewed before the review date in response to relevant changes, or as requested by the Principal or School Board.

**Approved by the Board: Wednesday 10 June, 2020**

**Review Date: As per the Review Policy**