



Melrose Rural Care

Custody and Access of Children Policy

From our philosophy: **"We aim to provide high quality care and education through a partnership between parents, children, community, staff and the Department of Education and Children's Services."**

With the belief that:

- ❖ "Children develop individually through stages, in their own learning style varying through cultural and family values and perception of these may vary.
- ❖ Healthy self esteem is the basis of positive physical, intellectual and social growth.
- ❖ We believe children need to express themselves in a safe environment.
- ❖ Children learn most effectively through hands on experience, through play.
- ❖ We value involvement of families and community and we encourage open communication.
- ❖ Our planning and evaluation is inclusive to children with additional needs.
- ❖ Our aims of planning and daily activities reflect our philosophy and are made available to families.

As a result:

With reference to the DECS 'Administrative Instructions and Guidelines', section 3 paragraph 84. Areas covered in the AIG are:

- Disputes
- Removal of child from centre by Federal Police
- Guardianship
- Custody
- Access
- Safety of children
- Requests for reports
- Change of name
- Access to children by non-departmental psychologists, speech pathologists and social workers
- Enquires by outside persons concerning preschool children.
- Interviews with children by police officers or Family and Community Services personnel.
- Interview of a child who is an alleged victim of abuse or neglect
- Removal of a child from the centre
- Provision of information from preschool/Departmental records to the police and the Department of Social Security.

Sensitive situations may occur involving children whose parents are either divorced or separated. Ideally, parent disputes should not spill over to the preschool, but if they do staff should heed the advice provided in the documents stated above.

If the particular case varies from that covered in the advice, staff should proceed cautiously. If in doubt advice can be sought from the department's Legal Officer (phone 82261555) the overriding concern at all times must be to preserve the best interests of the child.

It is important to note that, unless and until the Family Court orders otherwise, parents have **joint guardianship and joint custody of their children.**

A Director should have regard to the terms of any court order before permitting a non-custodial parent to have contact with a child during preschool hours.

It is important to note that while the centre is obliged to comply with a court order, they should not allow themselves to be used as a means to enforce Family Court orders

It is advisable to obtain a copy of any Family Court order to be clear whether or not a party is or is not a guardian. An order made by the Family Court usually defines which party has Guardianship, Custody or Access. The preschool enrolment form makes provision for Directors to sight a copy of the custody order pertinent to a child.

Disputes

In the case of a dispute about which parent should have care of the child when the preschool enrolment indicates both, a staff member may not stop either parent from collecting a child after preschool. If requested by one parent to do so should refuse and offer to call the police.

Reference:

Legislation Equal Opportunity Act 1984 (SA); Legal access - Family & Children's Services/Police/Union Officials; Children's Protection Act 1993 (SA); Child Care Act 1972 (Cth); Guidelines for Discrimination of Eligible Child Care Centres (Childcare Benefit) (Cth); Priority of Access Guidelines (Cth). DECS AIG sect 3 paragraph 84 - Custody and Access

Signed :.....

Director

Ratified:/...../2008

Review Date: