

D-27 Custody Agreements / Court Orders

NQS

QA. 2.2	Safety.
QA. 2.2.1	Supervision.
QA. 2.2.2	Incident and emergency management.
QA. 4.1	Staffing arrangements.
QA. 4.2.2	Professional standards.
QA. 6.1	Supportive relationships with families.
QA. 6.1.1	Engagement with the service.
QA. 7.1.2	Management systems.

National Regulations

Reg. 99	Children leaving the education and care service premises
Reg. 157	Access for parents
Reg. 160	Child enrolment records to be kept by approved provider and family day care educator
Reg. 168	Education and care service must have policies and procedures
Reg. 177	Prescribed enrolment and other documents to be kept by approved provider
Reg. 181	Confidentiality of records kept by approved provider
Reg. 183	Storage of records and other documents

My Time, Our Place

LO. 1	Children feel safe, secure, and supported
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Policy Statement

We recognise the diversity of all families and their situations and that the welfare and well-being of all children in our care is paramount. If a child at the Centre is subject to any access order or agreement, the service must have a copy on record plus any additional alteration registered by the court.

Related Policies

- Normanhurst West OSHC Policy A-4: Enrolment
- Normanhurst West OSHC Policy A-13: Participation and Access
- Normanhurst West OSHC Policy A-17: Privacy and Confidentiality
- Normanhurst West OSHC Policy A-19: Nominated Supervisor
- Normanhurst West OSHC Policy C-3: Educators Orientation and Induction
- Normanhurst West OSHC Policy C-9: Relief Educators

- Normanhurst West OSHC Policy C-10: Volunteers/Students/Visitors
- Normanhurst West OSHC Policy D-22: Child Protection

Procedure

Parents / guardians must ensure that any custody agreements or court orders relating to their child are provided to the Centre upon enrolment (see A-4 Enrolment Policy). If the order is only put in place after the child has already been attending, then it must be provided to the Nominated Supervisor as soon as practicable. The Centre cannot stop a parent from having contact with or collecting a child in their care without sighting, and having a copy of, the appropriate court order.

The Nominated Supervisor will ensure all Educators are aware of orders or agreements in place at the time of employment or, as the orders are put in place.

If a parent is restricted by law from having any contact with or being authorised to collect their child, the Centre is legally bound to comply. Therefore, if a non-custodial parent arrives at the Centre, Educators will be required to follow the steps outlined in the Participation and Access Policy, thus attempting to prevent the parent from taking the child.

Where an agreement between both parties is reached that is in difference to a Custody Agreement or Court Order, such as the non-custodial parent collecting the children, the Custodial parent must inform the centre.

Educators will remember their responsibility to all children in their care if such a situation arises. In instances where the non-custodial parent arrives and takes the child from the centre, the matter will be referred to the Police immediately.

Educators will not pass on any information in relation to the child to non-custodial parents if an order or agreement has been sighted / received.

A copy of the order or agreement is to be kept on file with the child's enrolment form and stored in a secure location, as per Regulations 160 and 183 (see A-17 Privacy and Confidentiality Policy).

Sources

- Education and Care Services National Regulations 2011
- National Quality Standard
- My Time, Our Place Framework for School Age Care in Australia
- Family Law Act 1975
- Children (Education and Care Services National Law Application) Act 2010
- Children's and Young Persons (Care and Protection) Act 1998
- United Nations Convention on the Rights of the Child

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