

Custodial Parent – Procedure PO134

1. PURPOSE

To support responsible actions in the care and welfare of children attending the Centre, as it endeavours to safeguard the rights of both child and the Parent/Legal Guardian.

2. DEFINITIONS

Custody:	Day-to-day care of the child.
Guardianship:	The right to have day-to-day care and control over the child's upbringing. A guardian may agree to share or cede custody to another guardian or be ordered to do so by the court.
Access:	If custody of the child has been decided in court, the court will state which parent has day-to-day care of child and will define the rights of access by the non-custodial parent. The custodial parent is not entitled to deny the other parent access if it is within the terms of the Court Order.

3. LICENSING CRITERIA FOR EARLY CHILDHOOD EDUCATION AND CARE CENTRES

GMA10 states that enrolment records for each child must include the names of people authorised by the parent to collect the child and any court orders affecting day to day care of, or contact with, the child. This information is kept in the child's file in the office filing cabinet.

1. (i) Unless a Court rules otherwise:

Parents named on the child's birth certificate are legal guardians and are entitled to

 - a right of entry to the Centre whilst the child is present
 - see any notes or observations kept within the Centre regarding the child
 - contribute to any decisions regarding the child
 - participate in Centre functions
 - see official records
 - remove the child from the centre
- (ii) Any person trying to visit a child whose access is shown to be forbidden by the Court will be required to leave the Centre.
2. **When a *NON-CUSTODIAL* Parent or guardian approaches the Centre seeking access to their child, staff will:**
 - (i) Establish why the non-custodial parent wishes to see the child.
 - (ii) Check the child's file for information regarding access.
 - (iii) Check the Centre's Custodial Parent policy
 - Avoid any discussion or confrontation in the presence of the child

- Make allowance for special meetings of the child with his/her parent (e.g. court allocated supervised access, emergencies, out of town relations if approved by the custodial parent.
 - Contact the custodial parent.
- (iv) Centre staff retain the right to request that the non-custodial parent leaves the Centre if the child becomes distressed.
- (v) See Custodial parent for any follow up action.
- 3. When a Protection Order is in place against a parent**
- (i) The parent who is **forbidden access** should be shown the Protection Order and asked to leave.
- (ii) If they refuse and/or are threatening, the Police (111) and EIT security (777) will be telephoned immediately.
- (iii) The custodial parent will be contacted as soon as possible.

4. STAFF PROCEDURES

1. Copy of Custody Access document must be obtained.

The document will be kept in child's 'Confidential File' in the office.

A copy of the Legal document must be held by the Centre in order for access rights to be enforced. Staff will only act on information held on file.

2. Information on Access Information

All staff are to be familiar with Custody information in confidential files.

If in doubt of any person coming to visit or collect a child, staff members will ask the person to wait while they check the child's file.

If there is still doubt as to the person's right to access to the child, parents will be contacted to confirm that the child may be visited by or released to the person in question before allowing them to have access to the child or leave with the child.

3. Request for contributions to legal proceedings

If asked by counsel to provide any information for legal proceedings, any information will be a factual account of behavior and/or events as observed by the staff member personally.

Legal advice may be sought from EIT's Legal Advisors.

4. Information given out over the telephone

Staff are not to give out any information pertaining to any child over the telephone if they are unsure of the other person's identity.

Document information – Office use only	
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Refer to the [QMS](#) for the latest version.

Related Items	Child Protection – Policy QO134
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