
Policy Title:	Family Law Policy
Published:	2010
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Legislation:	<i>Education Act 2004 (ACT)</i> <i>Family Law Act 1975 (Cth)</i> <i>Children and Young People Act 1999 (ACT)</i> <i>Human Rights Act 2004 (ACT)</i> <i>Privacy Act 1988 (Cth)</i> <i>Domestic Violence and Protection Orders Act 2001 (ACT)</i>

This policy should be read in conjunction with the document *Dealing with Family Law Related Issues in Schools: Guidelines for School Staff*.

1. POLICY STATEMENT

- 1.1 ACT public schools are committed to ensuring that they deal with family law related issues in ways that are consistent with the *Family Law Act 1975* as well as the *Children and Young People Act 2008* and the *Domestic Violence and Protection Orders Act 2008*.

2. RATIONALE

- 2.1 The Education and Training Directorate (the Directorate) recognises that some families experience family breakdown.
- 2.2 In meeting its obligations to students and parents, the Directorate takes into account the following principles:
- everyone involved in the education of children of school age in the ACT is to apply the principle that every child has a right to receive a high-quality education
 - decisions should be made on the basis of ensuring, as far as possible, the continued effective and efficient operation of the school
 - decisions made by school staff school must be based on what is considered to be in the best interests of the child
 - where doubt arises in resolving any issues, the educational interests, safety and welfare of the child are to be the paramount considerations
 - where parents cannot agree between themselves on what is in the child's best interests, it is the role of the court, not the school, to determine those interests

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- the school is not the appropriate place for family disputes to be resolved nor is it appropriate for school staff to resolve such issues
- decisions should be made in an unbiased manner and as far as reasonably practicable, without favour to either parent
- the obligations imposed by other legislation, such as the *Privacy Act 1988* and child protection legislation (the *Children and Young People Act 2008*), as well as relevant policies, also need to be considered when dealing with family law related issues
- the continued effective and efficient operation of the school and parents' obligations under the *Education Act 2004* to ensure their children of compulsory school age attend school or receive home education take precedence over any interests parents may assert they have under the *Family Law Act 1975*.

3. DEFINITIONS

- 3.1 **Child** for the purposes of the *Family Law Act 1975*, means a person under the age of 18 years.
- 3.2 **Parent** includes all people who have parental responsibility for a child.
- 3.3 **Parental responsibility**, in relation to a child, means all the duties, powers, responsibilities and authority which, by law, parents have in relation to children. Parental responsibility for child protection matters may be granted to the Director-General of the Community Services Directorate or other persons.

4. PROCEDURES

- 4.1 Parents have a responsibility to advise the school immediately if any changes in family circumstances occur which have the potential to impact on the relationship between the school and the parents and/or students. If court orders are obtained by one or both parents, a copy of the orders should be provided to the school as soon as possible.
- 4.2 In the absence of any notification to the contrary (such as a court order), it will be assumed that both parents retain a shared and equal parental responsibility for their children. This means that the school will recognise that each parent has equal duties, obligations, responsibilities and opportunities in relation to matters involving their children's education at the school.
- 4.3 The Directorate has developed detailed guidelines to assist schools to manage family law related issues. The guidelines are available at [procedures](#). The main features of the guidelines are summarised below:
- in the absence of any court order to the contrary, generally either parent can enrol a child in a government school
 - except in specifically defined circumstances, a child must be enrolled using the name that appears on his or her birth certificate
 - in the absence of court orders to the contrary, each parent is entitled to know at which school his or her child is enrolled

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- generally, each parent will be given the opportunity to participate in school related activities including teacher/parent interviews, and can have access to school documentation relating to his or her child
- while parents retain parental responsibility for their children up to the age of 18, it is generally accepted that as children become older and more mature, they are more capable of making their own decisions about a wide range of issues.

POLICY OWNER: Director, Information, Communications and Governance

RELATED DOCUMENTS:

- *Dealing with Family Law Related Issues in Schools – Guidelines for School Staff*
- *Visitors in Schools Framework*
- *Working with Children and Young People – Volunteering Policy*
- *Unwelcome Visitors to Schools Handbook*
- *Attendance at Government Schools Policy*
- *Enrolment in ACT Public Schools Policy*