

Title	Family Law and Related Matters Policy
Description of policy	Sets out principles and responsibilities to ensure Catholic Education Archdiocese of Canberra and Goulburn (CECG) responds appropriately in situations involving family law matters.
Required because?	Schools are required to deal with court orders and family law matters in accordance with the law and the principles of Catholic Social Teaching.
Description of changes	Non-material formatting changes.
Applies to	<input checked="" type="checkbox"/> Organisation-wide <input type="checkbox"/> Specific (location, schools/ELCs&SACs, Service Area)
	<input type="checkbox"/> Staff only <input type="checkbox"/> Students only <input checked="" type="checkbox"/> Staff and students
Status	<input type="checkbox"/> New <input type="checkbox"/> Major revision of existing document <input checked="" type="checkbox"/> Minor revision of existing document

Publication location	Intranet and Public Website
Related documents	Enrolment Policy ELC and SAC Attendance and Collection Policy Student Name Policy
Intranet Category	Governance and Legal
Review Date	30 November 2023
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Approval authority	People and Culture Service Area Leader
Approval Date	
Accountable authority	People and Culture Service Area Leader
Responsible officer	Senior Officer, Legal Research and Policy

1. Summary

- 1.1 This policy assists workers and parents/carers to understand how the school's and parents' responsibilities interact in situations involving family law matters. It sets out principles and responsibilities to ensure Catholic Education Archdiocese of Canberra and Goulburn (CECG) responds appropriately in situations involving family law matters and seeks to ensure CECG's obligations under relevant legislation are met. This policy applies in all CECG offices, schools, Early Learning Centres (ELCs) and School-Age Care (SAC).
- 1.2 CECG recognises that some families experience family breakdown and that parents/carers may disagree about short and long term decisions affecting their children and what is in their best interests. CECG encourages parents/carers to work together to resolve these disagreements with a focus on the best interests of the child.

2. Family Law and Related Matters Policy

- 2.1 CECG is guided by the following principles in family law and related matters:
 - in any situation involving a difference of opinion between parents/carers, schools and parents/carers should make decisions that focus on the best interests of the student
 - parents/carers with Parental Responsibility should be involved in long-term decisions affecting their child's schooling unless court orders change this assumption
 - CECG has no role in resolving and will not take sides in family disputes. CECG encourages all families to resolve disputes in the best interests of the student and as far as possible, without attempting to draw the school into the dispute
 - where the views of parents, or parents/carers and students, conflict CECG must make decisions on the basis of ensuring, as far as reasonably possible:
 - a student's best educational interests
 - the student's right to safety and right to be listened to¹
 - compliance with legal orders and relevant legislation including the *Privacy Act 1988* and child protection legislation
 - the safe, effective and efficient operation of the school.
- 2.2 CECG will recognise and give effect to Family Violence Orders and Parenting Orders and Parenting Plans. However, it is not a school's role to oversee compliance with Parenting Orders and Parenting Plans and a principal has no authority to enforce those orders and plans.
- 2.3 CECG has zero tolerance for family law situations in schools that affect the physical or psychological safety of staff or students. Where there is evidence that disputes between family members may be impacting on staff and/or students, Principals will take all steps necessary to protect the physical and psychological wellbeing of staff and students while at the school. This may include, for example, limiting access of parents/carers to school grounds or school events, and implementing communication protocols for parents for the purposes of interacting with staff.

¹ [Second National Principle for Child Safe Organisations](#)

- 2.4 Schools may seek advice from the CECG Legal team on any family law and related matters and must do so in some circumstances (see section 4).

3. Roles and Responsibilities

Parents

- 3.1 Parents/carers must inform the school Principal of Family Law Orders, Family Violence Orders and any other court orders or Parenting Plans that may affect the relationship between the school and the parents/carers or students.
- 3.2 Parents/carers must inform the Principal when a child is enrolled, and immediately after that if there is any change in relevant orders. Copies of these documents must be provided to the Principal as soon as practically possible.
- 3.3 In the absence of court orders to the contrary, Parents are entitled to:
- enrol their child in school
 - know at which school their child is enrolled
 - have access to their child's school twice-yearly reports.
- 3.4 A school's day-to-day information about a student's participation in school will be communicated and sent to the parent(s)/carer(s) named in the Parent Commitment Agreement. Examples might include information about excursions and activities or school newsletters and regular communications.

School

- 3.5 While parents/carers retain Parental Responsibility for their child up to the age of 18, children and young people are entitled to participate in decisions affecting them and schools have a responsibility to take them seriously, consistent with the child's maturity and level of understanding². This may include matters like choosing their subjects or giving consent in relation to their privacy and other personal matters.
- 3.6 Schools may receive copies of Family Violence Orders or Personal Protection Orders that refer to students. Family Violence Orders must be treated with priority. Principals must ensure the student's classroom teacher(s) and reception staff are aware Family Violence Orders are in place. The Principal may notify other workers the Principal reasonably considers have a need to know.

4. Requests for Information or Action in Family Law situations

- 4.1 Schools must direct all contacts or correspondence from legal representatives, or requests to give evidence for family law, family violence or other legal proceedings, to legal@cg.catholic.edu.au.
- 4.2 Other requests for information from parents/carers in family law situations can have implications under the *Family Law Act 1975*, the *Privacy Act 1988* or other legislation, even if the parents/carers have shared care and parental responsibility.

² Principle 2: National Principles for Child Safe Organisations; Section 60CC *Family Law Act 1975*

- 4.3 If a school receives a request for information about a student from parents/carers who do not reside together, they will apply the following principles:
- parents/carers have a right to access general and personal information the school holds about their child(ren), unless court orders or relevant restrictions under privacy laws rebut this presumption
 - in some circumstances, personal information about a student may also include personal information about the parent/carer. For example, providing information about a child's attendance and reasons for non-attendance may disclose the regular movements of a parent/carer. In these circumstances appropriate an analysis of the Privacy Policy should take place and redaction of information may be appropriate. Schools will assess each request for information under the Australian Privacy Principles and/or refer it to the CECG legal team
 - students have a right under privacy laws, the Family Law Act and the National Principles for Child Safe Organisations to be listened to and make requests related to their own personal information. Schools will respond to student requests in an age-appropriate fashion, taking into account the student's maturity and level of understanding.

5. Definitions

- 5.1 **Child:** a person under the age of 18 years.
- 5.2 **Family Violence Order:** includes interim orders, and are Domestic Violence Orders (DVO) and Personal Protection orders (PPO) in the ACT and an Apprehended Domestic Violence Order (ADVO) or Apprehended Personal Violence Order (APVO) in NSW. The orders may forbid one parent from coming within a set distance of another parent and their child, stalking or harassing them, and impose restrictions or conditions on contact. Breach of a Family Violence Order is a criminal offence punishable by a fine or imprisonment.
- 5.3 **Parent:** includes all persons who have parental responsibility for the child.
- 5.4 **Parental Responsibility:** in relation to a child, means all the duties, powers, responsibilities and authority which, by law, parents/carers have in relation to children. Parental responsibility for child protection matters may be granted to the Director-General of the Family and Community Services Directorates in the ACT or NSW or other persons.
- 5.5 **Parenting Order/Family Law Order:** a set of orders made by the Family Court of Australia or the Federal Circuit Court of Australia about parenting arrangements for a child. A court can make a parenting order based on an agreement between the parents/carers (consent orders) or after a court hearing. An order may deal with: allocation of Parental Responsibility, who the child lives with, how much time the child will spend with each parent and other people (such as grandparents), and any other aspects of the care, welfare or development of the child.
- 5.6 **Parenting Plan:** a written agreement that sets out parenting arrangements for a child. It is worked out and agreed jointly by the parents. Unless a Court orders otherwise, parents/carers can agree to change a Parenting Order by entering into a Parenting Plan. Unlike a Parenting Order, a Parenting Plan is not legally enforceable.
- 5.7 **Worker:** all people carrying out work for CECG including employees (permanent, casual, and temporary), contractors and subcontractors, volunteers, apprentices, work experience students, or a minister, priest, or other religious leader or member of a religious organisation.

6. Related Documents and Legislation

6.1 Related CECG Documents:

- [Enrolment Policy](#)
- [ELC and SAC Attendance and Collection Policy](#)
- [Student Name Policy](#)

6.2 Related Legislation and Standards:

- [National Principle for Child Safe Organisations](#)
- [Family Law Act 1975](#) (Cth)
- [Education Act 2004](#) (ACT)
- [Children and Young People Act 2008](#) (ACT)
- [Domestic Violence and Protection Orders Act 2008](#) (ACT)
- [Crimes \(Domestic and Personal Violence\) Act 2007](#) (NSW)
- [Education Act 1990](#) (NSW)
- [Children and Young Persons \(Care and Protection\) Act 1998](#) (NSW)

7. Contact

- 7.1 For support or questions relating to this policy, contact the Policy, Legal and Risk team
legal@cg.catholic.edu.au