

<b>Title</b>	Family Law Matters Policy
<b>Description of policy</b>	Sets out principles and responsibilities to ensure Catholic Education Archdiocese of Canberra and Goulburn (CECG) responds appropriately in situations involving family law matters.
<b>Required because</b>	Schools are required to deal with court orders and family law matters in accordance with the law and the principles of Catholic Social Teaching.
<b>Description of changes</b>	New paragraphs 3.4 and 3.6 to clarify the existing policy on who may enrol students at CECG schools and who can be given access to student administration systems.
<b>Applies to</b>	<input checked="" type="checkbox"/> Organisation-wide <input type="checkbox"/> Specific (location, schools/ELCs&SACs, Service Area) <input type="checkbox"/> Workers only <input type="checkbox"/> Students only <input checked="" type="checkbox"/> Workers and students
<b>Status</b>	<input type="checkbox"/> New <input type="checkbox"/> Major revision of existing document <input checked="" type="checkbox"/> Minor revision of existing document

<b>Publication location</b>	<a href="#">Intranet</a> and <a href="#">Public Website</a>
<b>Related documents</b>	<a href="#">Enrolment Policy</a> <a href="#">ELC and SAC Attendance and Collection Policy</a> <a href="#">Student Name Policy</a>
<b>Intranet category</b>	Governance and Legal
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## 1. Summary

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- 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 family arrangements are complex and that parents/carers may not have agreement 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 what constitutes the best interests of the child/children.

## 2. Family Law Matters Policy

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- 2.1 CECG is guided by the following principles in family law matters:
  - a. in any situation involving a difference of opinion between parents/carers, schools and parents/carers should make decisions that focus on the best educational interests of the student
  - b. parents/carers with Parental Responsibility should be involved in major long-term decisions affecting their child's schooling unless there are court orders which specify different arrangements
  - c. CECG has no role in resolving or enforcing arrangements and will remain impartial in family disputes. CECG encourages all families to resolve disputes in the best educational interests of the student and as far as possible, without attempting to draw the school into the dispute
  - d. where the views of parents, or parents/carers and students, conflict CECG must make decisions ensuring, as far as reasonably possible:
    - i. a student's best educational interests
    - ii. the student's right to safety and right to be listened to<sup>1</sup>
    - iii. compliance with legal orders and relevant legislation including the *Privacy Act 1988* and child protection legislation
    - iv. 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 workers or students. Where there is evidence that disputes between family members may be impacting on workers and/or students, Principals will take all steps necessary to protect the physical and psychological wellbeing of workers 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 workers.

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<sup>1</sup> [National Principles for Child Safe Organisations](#)

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

### 3. Roles and Responsibilities

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#### Parents

- 3.1 Parents/carers are responsible for informing 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 For enrolment of a child in a CECG school or ELC, CECG only requires the consent of one parent. Where one parent does not provide consent, CECG may at their discretion still enroll the child. However this may impact the school fee billing arrangements, liability for fees and parental access in Compass. Where you are unsure of appropriate arrangements – please contact CECG Legal.
- 3.5 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 on the Enrolment Contract. Examples might include information about excursions and activities or school newsletters and regular communications.
- 3.6 Parents/carers agreeing to the CECG terms and conditions of enrollment and who have signed an enrollment contract for a child will be provided with access to CECG systems including Compass.

#### School

- 3.7 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 understanding. This may include matters like choosing their subjects or giving consent in relation to their privacy and other personal matters.
- 3.8 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 workers are aware Family Violence Orders are in place. The Principal may notify other workers the Principal reasonably considers have a need to know and in all other cases confidentiality should be maintained.

### 4. Requests for Information or Action in Family Law Situations

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- 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 the CECG Legal Team at [legal@cg.catholic.edu.au](mailto: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.
- 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 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, consistent with 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, 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

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### 6.1 Related CECG Documents:

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

### 6.2 Related legislation or Standards

- [National Principle for Child Safe Organisations](#)
- [Family Law Act 1975](#) (Cth)
- [Privacy Act 1988](#)
- [Education Act 2004](#) (ACT)
- [Children and Young People Act 2008](#) (ACT)
- [Family Violence Act](#) 2016
- [Crimes \(Domestic and Personal Violence\) Act](#) 2007 (NSW)
- [Education Act 1990](#) (NSW)
- [Children and Young Persons \(Care and Protection\) Act 1998](#) (NSW)

## 7. Contact

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- 7.1 For support or further questions relating to this policy, contact the CECG Legal, Governance, Policy and Risk Service Area [legal@cg.catholic.edu.au](mailto:legal@cg.catholic.edu.au).