

## **Custody/Separation Policy**

### **Introduction and Rationale:**

Davidstown PS strives in its practices and policies to do everything reasonably possible to make school life an enjoyable and enriching experience for its pupils.

At all times, the school's primary concern is the child's well-being and overall development. This means the school requires cooperation and engagement from parents to ensure that each child is making the most of her experience in school.

This policy was formulated to provide the school community with guidelines regarding situations of parental separation and custody matters.

It was written based on the guidelines outlined by the Irish Primary Principals Network, and is reflective of The Children and Family Relations Act 2015, which came into effect on 18th January 2016.

### **Procedures:**

The Board of Management and the staff encourages parents experiencing separation to come and speak confidentially to their child(ren)'s class teacher(s) and/or the school Principal.

It is our aim to handle such matters with sensitivity and compassion, and ultimately, our primary concern is for the well-being and overall development of the child.

### **The following are the key procedures in place with separated parents of pupils in the school:**

- On enrolment, parent(s) are required to indicate their legal status and identify any person(s) entitled to collect the child and/or emergency contact details. Information provided by the parent(s) on the enrolment form is taken in good faith by the school.
- When a child spends time in two homes, it is requested that the school be provided with both sets of emergency/contact numbers and both email and house addresses for correspondence purposes. It is the responsibility of the parent with whom the child principally resides to ensure that contact details and emergency contact are up-to-date.
- If a child becomes ill in school and requires collection from the school, the school will contact the parent with whom the child principally resides for collection. It is assumed that this parent will keep the other parent informed of such.
- In line with school policy regarding communication re. bumps to the head/accidents, the parent with whom the child principally resides for collection will be contacted. It is assumed that this parent will keep the other parent informed of such.

### **Regarding the collection of child/ren from school:**

1. The school has no right to deny a legal guardian access to collect their child/ren from the school at any time, unless it is specifically detailed in a court order. Court orders must be provided to the school. A solicitor's letter will not suffice.
2. It is requested that the school be informed of any collection arrangements in writing (email is sufficient).

3. It is imperative that the school is informed prior to any reopening (after school holidays/unforeseen closures etc.) of collection details upon our reopening, if there are any changes to same.
4. The school must be informed of any changes in collection procedures
5. The school has no role in policing, monitoring and/or implementing custody/access orders, unless specifically instructed to do so by the courts. For the well-being and overall development of the child, we request that issues surrounding custody/access orders are not addressed on school premises.

Any concerns the school may have about the emotional/physical well-being of the child arising out of these issues, will be addressed using our Child Protection Procedures.

- It is the school policy to offer the option of separate parent/teacher meetings, if so desired. Each parent has a right to attend such meetings and receive school reports unless there is a court order to the contrary.
- When the school communicates with parents regarding their child, we will communicate with the parent with whom the child principally resides. It is assumed that this parent will inform the other parent of meetings, arrangements etc. Special requests for separate communication can be accommodated. If there is a custody arrangement by which the child spends equal time with both parents, then both parents will receive the school communication.
- Regarding school communication such as notes via schoolbags etc, it is assumed that the parent with whom the child is residing at the time of that particular communication will keep the other parent informed of such.
- In the absence of a custody arrangement, both parents will be treated as equal partners in terms of parenting rights and responsibilities
- The school cannot be asked to withhold a child from either parent in the absence of a court order. Please be aware, a solicitor's letter is not a court order and cannot be adhered to.
- If there is a serious concern about a parent abducting or leaving the country with the child, the parents/carer should request their solicitor to seek a court order instructing the school and any other carers regarding rights of access.
- In the case where the estranged parent/carer is not known to the class teacher, the concerned parent/carer should provide a family photograph enabling the class teacher to identify the person in question.
- The school is under no legal obligation to provide any reports about a child if requested to do so by any third party (e.g. Solicitor/psychologist)
- The school principal or child's teacher are not obliged to attend court unless under subpoena or summons.
- In the case where a legal order is in place, a copy of this order must be furnished to the school by the parents.
- The parents/carer of each child has full responsibility for informing the school in writing of any change in circumstances at home e.g. separation, divorce, custody arrangements.
- Appendix 1 details the legal status of parents and school communication

**Teachers are expected to:**

- a. act in a fair, open and even-headed manner in respect of both parents
- b. both parents are to be invited to annual parent teacher meetings
- c. facilitate separate meetings, if for good reason, both parents cannot attend together

- d. liaise with the parent who has day to day to day custody of the child in the event of a dispute
- e. respect the confidentiality of family circumstances and only discuss relevant information with others within the school where necessary
- f. seek advice from the principal or the Board of Management regarding any queries or concerns they may have.

**Parents are expected to:**

- a. abide by the guidelines laid out in this policy
- b. communicate respectfully with staff regarding these matters
- c. refrain from engaging in behaviour on school grounds and/or at school exits that may cause emotional distress to their child, given the sensitive nature of access/custody issues at times

**Communication of the policy:**

A copy will be provided to all staff members in the school. It will be available for all parents/carers on the school's website, upon the establishment of these.

**Ratification and review of the policy:**

This policy was ratified by the Board of Management of Davidstown PS on 17th of June 2024. This policy will be reviewed in 2026, or earlier should the need arise regarding legislation etc.

Signed:

(Chairperson,BOM)

(Principal)

Date: 17th June 2024

**Appendix: Parental Status & School Communication**

<b><u>Circumstance:</u></b>	<b><u>Status:</u></b>	<b><u>Communication:</u></b>
If parents are married to each other and live together	Then both parents have joint guardianship and Custody Parents are entitled to information in joint communications.	One phone number and email address is required for household communication (text messages/emails).
If parents are married to each other but do not live together	Then both parents have joint guardianship and custody unless it is otherwise specified by court order, in which case a copy of the order which relates to the school should be sought.	Each parent is entitled to information from the school. It is assumed that the parent with whom the child is residing at the time of that particular communication will keep the other parent informed of such. Special requests for separate communication can be accommodated-
If parents are married to each other, do not reside together but have a separation agreement	Then it will be necessary for the school to ascertain the legal arrangements with regard to custody and access. Custody may either rest with one parent or there may be joint custody arrangements put in place. The relevant court orders should be furnished to the school.	request to be made in writing. Each parent is entitled to information about their child. Communication will be to each parent separately. A written record of the agreed arrangements for communication will be kept.
If parents are married to each other, live apart and may be in a new relationship(s)	Then the partners in any new relationship do not have any statutory rights with regard to custody and access. For instance, they do not have a right to attend Parent/Teacher meetings.	Parents are entitled to information in separate communications. There may however be an arrangement whereby a new partner may

		collect children from school. Details of these agreements either between the parties or made through court order will need confirmation
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		and a written record kept.
If parents are not married and either live together or apart	<p>A non-marital father will automatically become a guardian of a child if he meets the cohabitation requirement. An unmarried father who cohabits for 12 months with the child's mother, including 3 months following the birth, will automatically become the child's guardian. This provision is not retrospective, so guardianship will only be acquired automatically, where the parents live together for at least 12 months after 18th January 2016. In this instance the father is entitled to joint custody along with the mother.</p>	Parents are entitled to information in separate communications.
If parents are not married and are in other relationships	<p>Then the new partners do not have any statutory rights. A non-marital father will automatically become a guardian of a child if he meets the cohabitation requirement. An unmarried father who cohabits for 12 months with the child's mother, including 3 months following the birth, will automatically become the child's guardian. This provision is not retrospective, so guardianship will only be acquired automatically, where the parents live together for at least 12 months after 18th January 2016. In this instance the father is entitled to joint custody along with the mother unless a court order determines otherwise.</p>	<p>The guardians are entitled to information from the school. New partners should not receive communication from the school unless set out by court order or agreement among the parties as previously outlined. Written records by the school is advisable.</p>