

Family law guidelines information for parents and students

The department recognises that family breakdowns take place. The department relies on the following principles when meeting its obligations to students and parents:

- the education of a child is primarily the responsibility of the child's parents
- decisions will be made to ensure the continued effective and efficient operation of the school
- generally, it will be assumed that both parents have been involved in any decisions made concerning major long term issues impacting on the school
- school decisions are based on what they believe to be the best interests of the child
- 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
- the school cannot enforce family court orders; school is not the appropriate place for family disputes to be resolved, and it is not appropriate for school staff to resolve family law issues
- a school's decisions should be unbiased and as far as reasonably practicable, not show favour to either parent
- the obligations imposed by other legislation, such as the Privacy and Personal Information Protection Act 1998 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 1990 to ensure their children of compulsory school age attend school or received home schooling take precedence over any interests parents may assert they have under the Family Law Act 1975.

Parents have a responsibility to advise the school immediately if any changes in family circumstances occur which may 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.

In the absence of anything to the contrary such as a court order, it is assumed that both parents retain shared and equal parental responsibility for their children. This means that the school recognises that each parent has equal duties, obligations, responsibilities and opportunities in relation to matters involving their children's education at the school.

The department has developed a detailed policy to assist schools to manage family law-related issues. The main features of the policy are summarised below:

- in the absence of any court order to the contrary, generally, either parent can enrol a child in a government school
- parenting orders are child-focused and are for the benefit of the child. The court's objective when framing parenting orders is to help the child have as normal a relationship with both parents as is possible
- except in specifically defined circumstances, a child must be enrolled using the name that appears on his or her birth certificate
- unless there are court orders stating otherwise, each parent is entitled to know at which school his or her child is enrolled
- generally, each parent, whether the child is living with them or spends time with them, will be allowed to participate in all school-related activities, including teacher/parent interviews and can have access to school documentation relating to his or her child
- unless there are exceptional circumstances, children will not be permitted to leave school during the course of a school day.