

Family Law Policy

Purpose	The purpose of this policy is to outline The River School's response to matters in relation to family law issues.	
Scope	The policy covers parents/carers, students and staff of The River School and The River School Early Childhood Centre (ECC), and describes how the School and ECC responds to requests by parents/carers who have no contractual arrangements with the school or ECC for information about, and access to, their child (ren).	
Responsibility	School Principal	
Legislation	<ul style="list-style-type: none"> • Family Law Act 1975 (Cth) • Australian Education Act 2013 (Cth) • Australian Education Regulation 2013(Cth) 	
Related Policies & Documents	<ul style="list-style-type: none"> • Child Protection Policy • Enrolment Contract • Privacy Policy 	
Status	Draft	Supersedes FLP2020.1
Next Review Date	October 2024	
Review Cycle	Every two years or when there are changes to Family Law	Version ID FLP2022
Authorisation	Board Chair	Date of Authorisation 19/10/2022
Policy Owner:	AME Ltd Board	

Except in exceptional circumstance outlined below, the school does not become involved in Family Court matters.

It is the policy of The River School and ECC to provide information about a child and access to the child to those people whom the school believes are the natural parents of the child and to others as per the school's contractual obligation to the enrolling party. Under the Australian Education Act 2013 and s59 of the Australian Education Regulation 2013, the school is required to provide reports to the "persons responsible for students". The River School will provide school reports to the "persons responsible" as per the above definition.

In all other matters, the school will, unless aware of information to the contrary, follow the directed course of the enrolling party, as per the school's contractual obligations to the enrolling party. If there is a disagreement between the enrolling party and others who believe they have the right of access to information about or access to the child, it is the responsibility of those parties to reach agreement independently from the school, either through consultation or court action. The school will not become involved as the arbiter in disputes of this kind.

3. Exceptional Circumstances

The policy is subject to 3 qualifications:

1. Where a court orders otherwise and the order binds the school.
2. Where it is reasonably foreseeable that the safety of the child could be jeopardised.
3. Where the child objects and the school believes it is in the best interests of the child to heed the objection.

4. Definitions

Parental Responsibility: In relation to a child, means all the duties, powers, responsibilities and authority, which, by law, parents have in relation to children. Each of the parents of a child who is not eighteen (18) has parental responsibility for the child. This is not affected, for example, by the parents becoming separated or by either or both of them marrying or re-marrying. [Family Law Act 1975 (Cth) s61(B); s61(C)(1) and (2)]

Parent(s): Usually a child's parents are the father whose sperm fertilises the mother's ovum and the mother who conceived and gave birth to the child. These are called the "natural parents". Other circumstances of parenthood include:

- Adoptive parents

- Step-parents may have a duty to maintain a child but only under a court order [Family Law Act 1975 (Cth) s66M]
- Where there has been artificial insemination by a donor
- Where an ovum provided by one woman is fertilised in vitro and inserted in another woman
- Where a woman acts as a surrogate and agrees to bear a child for another woman.

Persons responsible for students: The natural parents of a student are legally responsible for the student until the student turns 18 unless a parenting order has been made by the Court removing responsibility from one or both of the natural parents.