

Family Law Guidelines Help Sheet

(Refers to 'Dealing with family law related issues in schools and TAFE NSW' 2007 version)

Are legal orders in place ?

YES

NO

There is a 'Parenting order' (Part 6)

- Check that it is stamped by the court and dated. If not, then it may be a draft copy provided by a solicitor to *one* parent and not yet a valid order. Keep on file.
- Check to see if 'Parental Responsibility' is limited to one parent only or shared.
- If shared, each parent usually entitled to information, involvement or to enrol a child.
- Check title to see if it is an interim order (Part 6). Be aware that later variations can be made by the court that may supersede original orders.

If breached: (Part 16)

- It is not a criminal (Police) matter ;
- Notify the other parent.
- School not usually place for contact. Incidental contact between child & non-live parent at school activity not provided for in order not a breach but school may limit/prevent if safety or other concerns (Part 13).

There is a 'Recovery order' (Parts 6 & 17)

- An order empowering police to collect & return child.
- Action required of school will be clearly stated within the order. Legal Services may provide assistance.

There is a 'Location order' (Parts 6 & 17)

- An order requiring release of information re child's whereabouts.
- Action required of school will be clearly stated within the order. Legal Services may provide assistance.

There is an 'Apprehended (Domestic) Violence order' [ADVO] (Part 15)

- Take care not to reveal contact information regarding the child. Where a family law order *also* exists, obtain advice from Legal Services (Part 15.7)
- Check privacy measures (Part 10.7)
- Is the *child* named on the ADVO as a protected person ?
- Does ADVO specifically prevent a parent attending school or approaching the *child* ?
- Be aware that variations may be made by the court that will supersede original ADVOs;
- If parent subject of ADVO arrives at school in breach of ADVO, ask them to leave immediately.
- This order differs in that it is *criminal* in nature, not a *family law* order SO

If parent attends school in breach of ADVO and refuses to leave school: call Police immediately, this is a serious criminal offence. Also notify other parent.

There is a Parenting Plan or Agreement (Part 6)

- This is not a court order.
- Check that agreement is signed by **both** parents, if not then it's may be a draft. If not signed by both parties, it is not valid.
- Check dates.
- Act in accordance with the signed & current agreement,
- Check what agreement provides for in relation to parental responsibility (decisions re child); who child lives with; who child spends time with and when.
- Keep copy on file.

If breached:

- It is not a criminal offence. Disputes need to be resolved off school premises.
- Notify the other parent.
- Safety (child, students, staff) and 'best educational interests of child the primary concern.
- Referral to the Family Relationship Centre is strongly encouraged (Nowra FRC 02 4429 1400).

There are no written documents -

Presumption of shared parental responsibility applies (Part 5.3).

Each parent is entitled to :

- Know where their child is enrolled (Part 10.2)
- Participate in school activities (Part 13)
- Have access to documentation (Parts 10.2 & 12.4)
- Pick up child during school hours (Parts 11.1 & 11.6)

If disputed by other parent :

- In the absence of any written agreement, act in accordance with the best educational interests of the child, safety and effective/efficient operation of school;
- Remain impartial and removed from the dispute;
- Call Police if conflict escalates;
- Referral to Family Relationship Centre to mediate and document school arrangements is strongly encouraged (Nowra FRC 44 291400)

Parents have the obligation to advise if parenting arrangements change. Try to make sure parents are encouraged to do this and know who to advise if things change.