

	<b>POLICY LOCATION:</b> <a href="#">Online – Staff Policy &amp; Procedure</a>
	<b>POLICY NUMBER:</b> RM011
	<b>POLICY AREA:</b> Risk Management

## **POLICY TITLE:** *Family Law Policy*

### **1. PURPOSE**

The purpose of this policy is to outline the Riverside Christian College **(the College)** response to matters in relation to family law issues.

### **2. SCOPE**

The policy covers parent/caregivers, students and staff and describes how the College responds to requests by parents/caregivers who have no contractual arrangements with the College for information about, and access to, their child/children.

### **3. POLICY STATEMENT**

Except in the exceptional circumstances outlined below, The College does not become involved in Family Court matters.

It is the policy of the College 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 College is required to provide reports to the "persons responsible for students". The College 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.

#### **1. Exceptional Circumstances**

The policy is subject to 3 qualifications:

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

### **RESPONSIBILITIES**

**Principal** – Responsible for the compliance to this policy.

## 5. 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 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; or
- 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 natural parents.

## RATIONALE

1. Schools have contractual obligations to the person who enrolls the child and who is responsible for payment of the fees.
2. Schools have a duty in tort to take reasonable care of the safety of the child.
3. Schools have no way of knowing as a fact who the natural parents of a child are.
4. Schools should not need to determine the current state of orders in a Family Court matter.
5. The Family Court seldom makes an order which a school is directed to obey.

## 6. REFERENCES

Family Law Act 1975 (Cth)  
Australian Privacy Principles  
Australian Education Act 2013  
Privacy Act 1988 (Cth)  
Australian Education Regulation 2013

## 7. RELATED DOCUMENTS

Riverside Christian College Child Protection Policy  
Riverside Christian College Enrolment Management  
Policy Riverside Christian College Privacy Policy

POLICY APPROVAL		
Name	Position	Date
Michelle Gouge	Principal	January 2023

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2	April 2020	Policy number change	D Jeffs	Principal	November 2022
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