

## Commitment

This Policy sets out the Creche and Kindergarten Association Ltd's (C&K) approach to court orders and contested family matters. In such matters C&K will act in the best interests of the child.

## General Principles

Court orders include any formal orders issued by a court relating to the custody and care of a child attending a C&K centre. Families are required by law to provide C&K with a copy of any such court orders. C&K acknowledges that court orders are unique to the circumstances of the parties involved. We review court orders on a case-by-case basis and apply the following general principles:

- Court orders are binding only on the parties to the order (generally the parents of a child)
- Unless C&K is named as a party to the order it will not be bound by the terms of the order, and cannot enforce or contravene an order
- The court makes the legal arrangements specified in the order (including the dates and times during which parents have lawful custody of the child) in the best interests of the child. C&K therefore takes all reasonable steps to respect the arrangements specified in a court order.
- If a copy of the court order is not provided C&K cannot meet its obligations under this Policy and will not be responsible for any action taken that may be contrary to the intent of the order.

If there is no court order C&K acknowledges the general principle that parents have equal shared responsibility for their child. However, C&K may exercise its discretion in making decisions about a child's enrolment and education and consider any information relevant to that child's safety and wellbeing.

## Enrolling a Child

When a court order specifies that parents have equal shared responsibility for the child's education, both parents will be listed in the enrolment booklet. If there is no court order in place C&K may accept an enrolment from one parent unless the parents are in dispute about the enrolment.

C&K requires parents to resolve any disputes as to their child's enrolment at a C&K centre before the enrolment can be finalised. This includes the child's emergency contacts nominated by each parent. C&K will make reasonable efforts to hold an enrolment open for the child while the dispute is resolved.

## Attending at or visiting a C&K centre

C&K requests that parents attend a centre only on days on which they lawfully have custody of the child under the court order. This will apply if:

- The court order authorises parents to make other arrangements, which they have communicated to C&K in writing
- The court order specifies arrangements regarding events held at the centre

Parents are requested to resolve any issues about attending C&K centres on non-custodial days between themselves.

C&K is not required to enforce court orders. However, parents will be requested to leave a centre if they attend on a day on which they do not have lawful custody of the child.

## Providing information to parents

C&K must provide specific information to parents about its educational program, a child's participation in that program and other information relating to the child. In cases where parents have equal shared responsibility for the education of the child, C&K will provide the information equally to both parents.

## Requests for information to support court proceedings

C&K will not provide information to support court proceedings or contested family matters except:

- In response to a subpoena issued by the court
- To a court appointed Independent Children's Lawyer
- To a court appointed expert supporting the court
- where C&K determines that the child's interests or safety will be jeopardised or compromised unless the information is provided.

## Contacting parents when an incident occurs

If an incident occurs at a centre about which parents must be notified (for example if the child is injured in an accident) C&K will notify parents as follows:

- If the court order states that each parent is responsible for the care of the child while in their custody C&K will, in the first instance, call the parent in whose custody the child is for that day
- If that parent cannot be reached C&K will contact their emergency contact
- If the emergency contact cannot be reached C&K will call the non-custodial parent
- If the non-custodial parent cannot be reached C&K will call their emergency contact
- If the court order is silent C&K may contact either parent in the first instance followed by their emergency contacts.

## Amending this policy

C&K may change this policy at any time without prior notice. You will be notified of any changes by C&K posting an updated version of the policy on its website.