



Blackall Range Independent School

Family Law Policy

PURPOSE OF THE POLICY

The purpose of this policy is to outline the *Blackall Range Independent School* (B.R.I.S.) response to matters in relation to family law issues.

Scope

The policy covers parents/carers, students and staff and describes how the school responds to requests by parents/carers who have no contractual arrangements with the school for information about, and access to, their child(ren).

Responsibility

Principal

Point of Contact

Principal

LEGISLATION

Family Law Act 1975

POLICY

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 for 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.

Policy

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

It is the policy of *B.R.I.S.* 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 authorised by the person who enrolls the child.

If the enrolling party directs some other course, the directed course will be followed by the school, under 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

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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.

Exceptional Circumstances

The policy is subject to 3 qualifications:

- (i) where a court orders otherwise and the order binds the school
- (ii) where it is reasonably foreseeable that the safety of the child could be jeopardised
- (iii) where the child objects and the school believes it is in the best interests of the child to heed the objection.

POLICY RELEASE DETAILS

Date of Policy

December 2008

Approved by

Executive

Review Date

By the principal, when there are changes to Family Law

RELATED POLICIES AND DOCUMENTS

Child Protection Policy
Enrolment Policy
Privacy Policy