

# D-27 Custody Agreements/Court Orders

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Epping Heights OSHC.

## NQS

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| QA. 2.2   | Safety.                                 |
| QA. 2.2.1 | Supervision.                            |
| QA. 2.2.2 | Incident and emergency management.      |
| QA. 4.1   | Staffing arrangements.                  |
| QA. 4.2.2 | Professional standards.                 |
| QA. 6.1   | Supportive relationships with families. |
| QA. 6.1.1 | Engagement with the service.            |
| QA. 7.1.2 | Management systems.                     |

## National Regulations

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| Reg. 99  | Children leaving the education and care service premises                             |
| Reg. 157 | Access for parents   |
| Reg. 160 | Child enrolment records to be kept by approved provider and family day care educator |
| Reg. 168 | Education and care service must have policies and procedures                         |
| Reg. 177 | Prescribed enrolment and other documents to be kept by approved provider             |
| Reg. 181 | Confidentiality of records kept by approved provider                                 |
| Reg. 183 | Storage of records and other documents   |

## My Time, Our Place

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| LO. 1 | Children feel safe, secure, and supported |
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## POLICY STATEMENT

We recognise the diversity of all families and their situations at Epping Heights OSHC and that the welfare and well-being of the children in our care is paramount. If a child at the Centre is subject to any access order or agreement, the service must have a copy on record plus any additional alteration registered by the court.

## RELATED POLICIES

- Epping Heights OSHC Policy A-4: Enrolment
- Epping Heights OSHC Policy A-13: Participation and Access
- Epping Heights OSHC Policy A-17: Privacy and Confidentiality
- Epping Heights OSHC Policy A-19: Nominated Supervisor

- Epping Heights OSHC Policy C-3: Staff Orientation and Induction
- Epping Heights OSHC Policy C-9: Relief Staff
- Epping Heights OSHC Policy C-10: Volunteers/Students/Visitors
- Epping Heights OSHC Policy D-22: Child Protection – Mandatory Reporting

## **PROCEDURE**

Parents/guardians must ensure that any custody agreements or court orders relating to their child are provided to the Centre upon enrolment (see A-4 Enrolment policy). If the order is only put in place after the child has already been attending, then it must be provided to the Centre Coordinator as soon as practicable. The centre cannot stop a parent from having contact with or collecting a child in their care without sighting, and having a copy of the appropriate court order.

The Centre Coordinator/Nominated Supervisor will ensure staff are aware of orders or agreements in place at the time of employment or as the orders are put in place.

If a parent is restricted by law from having any contact with or being authorised to collect their child, the Centre is legally bound to comply therefore if a non-custodial parent arrives at the Centre, staff are required to follow the steps outlined in the Participation and Access Policy thus attempting to prevent the parent from taking the child. The staff members will remember their responsibility to all children in their care if such a situation arises. In instances where the non-custodial parent arrives and takes the child from the centre, the matter must be referred to the Police immediately.

Staff will not pass on any information, in relation to the child, to non-custodial parents if an order or agreement has been sighted / received.

A copy of the order or agreement is to be kept on file with the child's enrolment form and stored in a secure location, as per Regulations 160 and 183 (see Privacy and Confidentiality policy)

## **SOURCES**

- Education and Care Services National Regulations 2011
- National Quality Standard
- My Time, Our Place Framework for School Age Care in Australia
- Family Law Act 1975
- Children (Education and Care Services National Law Application) Act 2010
- Children's and Young Persons (Care and Protection) Act 1998
- United Nations Convention on the Rights of the Child.

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