

Non-Custodial Parent Procedures

Rationale:

- A number of our students live in a situation where one natural parent is not living at the permanent address of the student. These custodial parents who do not have the day to day care of the child ("non-custodial parents") must feel welcome and included in the school.
- The school can be placed in a difficult position as a result of a dispute between parents. Often situations of conflict can arise without warning, such as requests for information or for involvement in decisions concerning the child.

Guardianship.

- Since 1 July 2005, guardianship has been defined by the Care of Children Act 2004. In summary, it means having all the duties, powers, rights and responsibilities that a parent of the child has in relation to the upbringing of the child.
- A guardian of a child may exercise these duties, powers, rights and responsibilities whether or not the child lives with the guardian, unless a court order provides otherwise. These duties, powers, rights and responsibilities include:
 - having a role of providing day to day care for the child,
 - contributing to the child's intellectual, emotional, physical, social, cultural and other personal development, and,
 - determining for or with the child, or helping the child determine, questions about important matters affecting him/her.
- The father and mother of a child are joint guardians of the child (and therefore have the role of providing day to day care) unless the mother is the sole guardian.
 - The mother is the sole guardian of a child born on or after 1 July 2005 if she was neither married to the father, nor in a civil union with him, nor living with him as a de facto partner, at any time during the period beginning with conception and ending with the birth of the child.
 - She is the sole guardian of a child born before 1 July 2005 if she was neither married to, or in a civil union with the father at any time during the period beginning with conception and ending with the birth of the child, or living in a de facto relationship with the father at the time the child was born.
- Since 1 July 2005 a father can become a guardian in situations where the mother is sole guardian if both he and the mother register him as the father on the birth certificate, or in certain circumstances, if he applies to the Court.

Day to Day Care and Contact.

- If there is a dispute about the rights of the parent within day to day care, it will be necessary for the school to see any order to verify the arrangements. Parents contesting, altering and/or developing day to day care arrangements outside of guardianship care, must provide the school with legal verification of these.

Access to Personal Information – School Reports.

- School reports contain personal information, but there is good argument that disclosure of the reports is one of the purposes for which the information was obtained, and so the school can release them to a parent requesting them. Exceptions in principle 11 (Privacy Act 1993) give discretion to the school, not a right to the parent. The school can refuse to provide reports if it is considered that it would not be appropriate to do so.
- How the school approaches a parent request is by applying the relevant principles of the Official Information Act 1982. The fundamental principle underlying the Official Information Act is that official information shall be made available unless there is good reason for withholding it.
- Each request is considered on its own facts. The school may decide against giving access to all information requested by a parent, and consider giving access to part of the information requested.

Procedures.**Providing School With Court Orders.**

- Parents will be responsible for providing the school with any court orders affecting a parent's right of access to records or contact with their children. Parents are encouraged to notify the school of any change in circumstances at home and of any court orders, so that the school is aware of who has the right to have the child in their care at any particular time. This information is requested on the enrolment form, which asks for the details of the parents not living at the student's permanent address. It also asks if these parents have contact rights and if they require reports.

Non-Custodial Parent Access (Records).

- Upon request, non-custodial parents will be entitled to exercise all parental rights regarding student records, unless restricted by law or court order. This includes posted newsletters and school reports which are sent out if requested. It also includes copies of records of meetings and discipline letters.

Teacher Meetings.

- Non-custodial parents will have the same right as custodial parents to attend regularly scheduled teacher meetings, and school activities. Separate teacher conferences for non-custodial parents can be arranged on request.

Protective Orders.

- Where a school is informed that a protection order is in place protecting the child, the school will make arrangements with the parent who has day to day care of the child (custodial parent) to ensure that the child is released only to the custodial parent during the school day, unless the custodial parent has granted permission for the child to be released to someone else. If the school believes that a non-custodial parent is at the school in breach of a protection order, the school will make every effort to contact the custodial parent to clarify the terms of the order. If the custodial parent cannot be contacted the child will not be released. If necessary the police will be called.
- It is essential that the person obtaining the order provides a copy to the school so that the school is aware of its terms.