**TE TOTARA**

**PRIMARY SCHOOL**

**POLICY: Day-to-Day Care/Contact & Guardianship Policy**

Custody or Day-to-day Care

This means where the child lives on a daily basis and who is responsible for the day-to-day issues of raising a child. This means making sure that the everyday things in the child’s life are okay - a safe and secure home, loving care and attention, proper arrangements for school, for example.

Contact This is how and when a child gets to spend time with a parent or other person who does not have the day- to-day care of them.

Day-to-day care used to be called custody, and contact used to be called access. A parenting order is the new name for what used to be called custody orders and access orders.

Guardianship What is a Guardian?

A guardian of a child is someone the law has given all the duties, rights, responsibilities and powers that a parent has in bringing up that child.

Although most parents will be guardians of their children, others can be guardians of those children as well.

Guardianship Responsibilities

A guardian’s responsibilities to a child include:

* Providing day-to-day care for the child.
* Helping make the big decisions in a child’s life.

These include important things like:

- where they live

- where they go to school

- major medical treatment

- what their culture, language and religion will be

- any changes to their name.

Parents as Guardians

Usually, a child’s mother and father are joint guardians of the child. They are often referred to as the child’s natural guardians.

However, while a child’s mother is automatically a guardian, the child’s father is a guardian only if-

* He was married to or in a civil union with the child’s mother at any time from when the child was conceived until it was born.
* The child was conceived before 1 July 2005 and he was living with the child’s mother when the child was born.
* The child was conceived on or after 1 July 2005 and he was living with the child’s mother at any time between conception and the birth, or
* He was recorded as the father of the child on the birth certificate on or after 1 July 2005.

The father can also apply to be appointed a guardian by the Family Court.

What if children are living with only one parent?

Even when only one parent has day-to-day care of a child, the other parent is still a guardian and continues to have the other responsibilities of guardianship- namely, guiding their child’s upbringing and development, and being involved in big decisions.

How do people other than parents become guardians?

People other than a child’s parents can become guardians of a child in the following ways:

* A parent can name a person in their will to be a guardian if that parent dies. This person is known as a testamentary guardian.
* The Family Court can appoint someone to be a guardian of a child. These people are known as Court-appointed guardians.
* The Family Court or the High Court can make themselves guardians of a child. This is known as guardianship of the Court. The Court usually appoints Child, Youth and Family to act on its behalf in these cases.

**Why have this policy?**

To provide to parents, information on students and other material requested, that they are entitled to under their guardianship and day-to-day care and contact rights.

**What is it for?**

1. To provide staff with guidelines as to their responsibilities with guardianship and day-to-day care and contact issues.
2. To provide parents with guidelines on the school’s responsibility with guardianship and day-to-day care and contact issues.
3. To have in place guidelines and requirements where there are day-to-day care and contact issues.

**How we do this.**

Parenting Orders

1. Where there are day-to-day care and contact issues involved, it is the responsibility of the parent with the day-to-day care of the students to inform the school and provide a copy of the parenting order made by the Family Court. If the parenting order is an interim order which gives each parent either day-to-day care of a child or contact with the child, the order automatically ends after one year, unless it has already ended before then. Interim parenting orders are to be reviewed after one year to confirm the parenting order has now been made final. A final order lasts until a child turns 16. If the interim parenting order has been made final or lapsed, the interim order should be destroyed. A copy of the final order is to be held in the records room for safekeeping.

Protection Orders

1. Where a protection order is made naming the students as protected persons, it is the responsibility of the parent who the order is in favour of, to inform the school and provide a copy of the order made by the Court.
   * If the order is a temporary protection order, it is to be reviewed after 4 months to confirm whether it has been extended, discharged or made final.
   * The order continues to apply for the benefit of the protected persons until he or she attains the age of 17, unless it sooner lapses or is discharged.
   * A final protection order remains in force until it is discharged by the Family Court.
   * If the temporary protection order has been made final or has lapsed or been discharged, the temporary order should be destroyed. A copy of the final order is to be held in the records room for safekeeping.
2. When there are valid supervised contact orders and protection orders in place, staff will be informed of the identity of the parent/guardian who is subject to those orders and who their children are. When any parent seeks contact to the children in the immediate vicinity of the school which is not permitted by the orders, staff should:
   * Direct the parent to the Principal or Deputy Principal.
   * The Principal or Deputy Principal is to tell the parent to leave the school grounds immediately. Or they may wish to make a formal written request for information, see paragraph 4 below.
   * If the parent refuses to leave the school advise that the police will be contacted.
   * If the parent does not leave the school after being warned and given time to leave, then the police are to be contacted. The parent who has the day-to-day care of the child/children is to be notified.

Requests by parents/guardians for information

1. Requests for information about students by parents who do not have the day-to-day care of the children should be dealt with as follows:

To include parents/guardians who are the subject of a parenting order for contact, supervised contact and protection orders:

Parents are to be directed to the Principal, who will advise the following:

* A request to be made in writing personally or by their lawyer, attaching proof that they are a guardian (ie. Birth certificate or guardianship order).
* They are to be told that a copy of their request will be sent to the other parent/guardian, who must be informed before any information is released.
* The letter to the other parent/guardian will attach a copy of the request. The letter will state that you have received a request to release information by the other guardian. That unless you are provided with any legal impediment within 14 working days from the date of your letter, that prevents you from doing so, then you intend to release that information. The letter should also state that no information will be released about the child/children’s and parents/guardians address or other emergency contact details.

1. The parent is not to have any contact with the child/children while they are at school.
2. There must be a proper legal basis for the opposition to release information. It will be very rare/unusual where a Judge will make a guardianship or parenting order setting out that a parent/ guardian is to have no access to information about their child/children’s education.
3. Unless the Court rules otherwise, guardians are entitled to:
   * A copy of any written reports about the student’s development.
   * See such official records about the student as normally shown to parents.
   * Receive school newsletters as long as there is no additional cost to the school.
   * Discuss the development of their child/children with the staff in the same way as any other parent. This includes parent interviews.
   * Where a protection order is in place care is needed and the Principal is to make an assessment on whether it would be appropriate for a Senior Teacher/ Deputy Teacher or Principal be present during an individual parent interview to be held on a separate day if possible to that of the other parent/ guardian. All other information provided will have the child/children’s and other parent/guardians address and other emergency contact details omitted.

BOT Chair …………………………………..... Principal …………………………………….....

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