**TE TOTARA**

**PRIMARY SCHOOL**

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

**DAY-TO-DAY CARE:**

This means where the child lives on a daily basis and who is responsible for the day-to-day care needs of raising a child. This means making sure that the everyday things in the child’s life are being met, including: a safe and secure home, loving care and attention, proper arrangements for school and seeking medical attention if necessary.

**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 raising that child.

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

as well. This can include a grandparent or any other family member, a friend or even a parent’s new

partner under certain circumstances can be a guardian.

***Guardianship Responsibilities***

A guardian’s responsibilities to a child include:

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

- Where they live;

- Where they go to school;

- Medical treatment (other than routine medical check-ups);

- What their culture, language and religion will be; and

- 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
* On or after 1 July 2005, he and the mother filled in the Notification of Birth or Registration Form and the fathers name appears on the Birth Certificate.
* The law now requires that both parents of a child must sign the application to register the child’s birth unless one of them is either;
* Unknown;
* Deceased;
* Missing;
* Of unsound mind;
* Unable to complete the form because of a medical condition;
* Overseas and has no delivery address or contact details; or
* Is a danger to the other parent or child

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

***What if Children are Living with only one Parent?***

In situations where only one parent has day-to-day care of a child, the other parent is still a guardian. This means the other parent continues to have the same 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 Ministry for Vulnerable Children, Oranga Tamariki (formerly known as Child, Youth and Family) to act on its behalf in these cases.

***How long does Guardianship last?***

Guardianship of a child ends when either:

* They turn 18 years old;
* They get married, enter a civil union or start a de-facto relationship (if the child is aged 16 or 17 they must get written permission from their guardian); or
* Guardianship can also end if the Family Court removes a person or a guardian.

Why have this Policy?

To provide parents with information on their child 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. A Parenting Order continues in effect until it is replaced by another Interim Order or Final Order. The role of providing day-to-day care for a child continues until the child turns 16 years.

***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.
   * Children who turn 17 years old while the Protection Order is in place are still protected if they remain living with the person who applied for the Order. If the children no longer want the Order to apply after they turn 17 years old, and remain living with the person who applied for it, either that person or the violent person can apply to the Family Court to vary the Order.
   * 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, that Order should be destroyed. A copy of the final Protection 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 as soon as possible.

***Requests by Parents/Guardians for Information:***

4. Any requests by a parent/guardian for information about students who do not have the day- to-day care of the children and who are subject to any Parenting Order for Contact, Supervised Contact and/or Protection Orders, should be directed to the Principal. The Principal will then advise the following:

* A request is to be made in writing personally or by their lawyer, attaching proof that they are a guardian (i.e. 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/Team Leader/Assistant Principal/Deputy Teacher or Principal to 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 …………………………………….....

Date Ratified: 29 August 2019 Review Date: August 2021