

Enkindle Village School

Family Law Policy



1. Statement

The Enkindle Village School (the school) has contractual obligations to the person/s who enrolls a student. All parties that sign the enrolment contract are joint and severally liable for the payment of tuition fees. The school has a duty in tort to take reasonable care for the safety of the child.

Schools should not need to determine the current state of orders in a Family Court matter. The Family Court does not make orders to which a school is directed to comply.

2. Purpose

The purpose of this policy is to outline the school's response to matters in relation to family law issues. This policy outlines 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).

3. Scope

All staff as well as parents/carers of students enrolled at our school.

4. Principles

It is the policy of the school 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 per the school's contractual obligation to the enrolling party/ies. Under the Queensland Curriculum, Assessment and Reporting (QCAR) Framework, all students and parents/carers are entitled confidential and formal school reporting. The school will provide copies of reports to all parties that have signed the enrolment contract.

Unless subpoenaed by the Family Court, the school does not become involved in Family Court matters. If there is a disagreement between the enrolling party/ies and others who believe they have the right of access to information about or access to the child, it is the responsibility of those parties to reach agreement independently from the school, either through mediation or court action. The school will not become involved as the arbiter in disputes of this kind.

5. Definitions

<p>Parental Responsibility</p>	<p>In relation to a child, means all the duties, powers, responsibilities and authority which, by law, parents have in relation to children. Each of the parents of a child who is not eighteen (18) has parental responsibility for the child. This is not affected, for example, by the parents becoming separated or by either or both of them marrying or re-marrying. [<i>Family Law Act 1975 (Cth)</i> s61(B); s61(C)(1)and(2)]</p>
<p>Parent(s)</p>	<p>Usually a child's parents are the father whose sperm fertilises the mother's ovum and the mother who conceived and gave birth to the child. These are called the "natural parents". Other circumstances of parenthood include:</p> <ul style="list-style-type: none"> • Adoptive parents • Step-parents may have a duty to maintain a child but only under a court order [Family Law Act 1975 (Cth) s66M] • Where there has been artificial insemination by a donor • Where an ovum provided by one woman is fertilised <i>in vitro</i> and inserted in another woman • Where a woman acts as a surrogate and agrees to bear a child for another person
<p>Person(s) responsible for students</p>	<p>The natural parents of a student are legally responsible for the student until the student turns 18 unless a parenting order has been made by the Family Court removing responsibility from one or both of the natural parents.</p>

6. Legislation and supporting documents

- *Family Law Act 1975 (Cth)*
- Enrolment Contract

- Enrolment Policy

7. Version Control

Approval Details

Policy Sponsor	Secretary
Approval authority	Management Committee
Version Number	2
Date for next review	Feb 2023

8. Modification History

Version no.	Approval date	Implementation date	Details
2	16.02.2021	17.02.2021	<p>Updated statement as per ISQ advice regarding the Family Court not making orders on a school</p> <p>Removed reference to Framework, Australian Education Act 2013 and s59 of the Australian Education Regulation 2013, as these were incorrectly referred to</p> <p>Removed exceptional circumstances</p>