



## **Holy Family National School, Custody and Separation Policy**

### **Introduction and Rationale:**

This policy was formulated to provide the school community of Holy Family National School with guidelines regarding situations of parental separation and custody matters. It was written based on guidelines outlined by the Irish Primary Principal's network and is reflective of The Children and Family Relations Act 2015.

### **Procedures:**

The Board of Management and Staff of Holy Family National School encourage parents experiencing separation to speak confidentially to their child(ren)'s teacher and/or the school principal. It is our aim to handle such matters with sensitivity and compassion. Our primary concern is for the well-being and overall development of the child.

The following are key procedure in place with separated parents of pupils in the school:

- When a child spends time in two homes, it is requested that the school be provided with both sets of emergency contact details for correspondence purposes.
- Regarding the collection of child/ren from school- it is requested that the school be informed of any changes in collection in writing/via email.
- It is the school's policy to offer separate parent/teacher meetings if so desired. However, for child centred purposes, we recommend that both parents attend together. Each parent has a right to attend such meetings and receive school reports unless there is a court order to the contrary.
- When the school communicates with parents regarding their child, we will communicate with the parent with whom the child principally resides. It is assumed that this parent will inform the other parent of meetings, arrangements etc. Special requests for separate communication can be accommodated. If there is a custody arrangement by which the child spends equal time with both parents then both parents will receive the school communication.
- Regarding school communication such as notes via schoolbags, it is assumed that the parent with whom the child is residing at the time of that particular communication will keep the other parent informed of such.
- In the absence of a custody arrangement, both parents will be treated as equal partners in terms of parenting rights and responsibilities.
- The school cannot be asked to withhold a child from either parent in the absence of a court order, a solicitor's letter is not a court order and cannot be adhered to.
- If there is a serious concern about a parent abducting or leaving the country with the child, the parents/carer should request their solicitor to seek a court order instructing the school and any other carers regarding rights of access.

- In the case where the estranged parent/carer is not known to the class teacher, the concerned parent/carer should provide a family photograph enabling the class teacher to identify the person in person.
- In the case of unmarried parents, the natural father has no initial custody or guardianship rights. The onus is on the father to produce evidence of a court order in the case of a dispute regarding the collection of a child during or after school. A non marital father will automatically become the child's guardian of a child if he meets the cohabitation requirement. An unmarried father who cohabits for 12 months with the child's mother, including 3 months following the birth will automatically become the child's guardian. This provision is not retrospective, so guardianship will only be acquired automatically where the parents live together for at least 12 months after 18<sup>th</sup> January 2016. In this instance the father is entitled to joint custody along with the mother. If the father does not qualify for guardianship rights in this instance, he may apply to the courts to be appointed guardian of the child and he may also apply for custody. A copy of the court order should be provided to the school.
- The school is under no legal obligation to provide any reports about a child if requested to do so by a third party (e.g. solicitor/psychologist)
- The school principal or child's teacher are not obliged to attend court unless under subpoena or summons.
- In the case where a legal order is in place, a copy of this order must be furnished to the school by the parents.
- The parent/carer of each child has full responsibility for informing the school in writing of any change in circumstances at home e.g. separation, divorce, custody arrangements.
- The staff may recommend books, videos, publications etc. dealing with the issue of separation on request.
- Teachers are expected to:
  - a. Act in a fair and open manner in respect of both parents.
  - b. Facilitate separate meetings if both parents cannot attend together.
  - c. Comply with the parent who has de facto day to day control of the child in the event of a dispute.
  - d. Respect the confidentiality of family circumstances and only share information on a need to know basis.
  - e. Seek advice from the principal or the Board of Management regarding any queries or concerns they may have.

#### **Communication of the Policy:**

A copy will be available to all staff members in the school. It will be available to all parents/carers at school reception via the school's website.

#### **Ratification and Review of the Policy:**

This policy was ratified by the Board of Management on 28th September 2021.

This policy will be reviewed in September 2026.

Signed: *Very Rev. Canon Ramon Munster (Chairperson)*

*Sarah-Jane Lewis (Principal)*

## APPENDIX: Parental Status & School Communication

Circumstances	Status	Communication
<b>If parents are married to each other and live together.</b>	Both parents have joint guardianship and custody. Parents are entitled to information in joint communications if they live separately. Unless otherwise specified by court order.	Both parents are entitled to communication. If communication is required separately a written record of this should be kept in the class file.
<b>If parents are married to each other, do not reside together but have a separation agreement.</b>	It will be necessary for the school to ascertain the legal arrangements regarding custody. The relevant court orders should be furnished to the school.	Both parents are entitled to communication. If communication is required separately a written record of this should be kept in the class file.
<b>If the parents are married to each other, live apart and maybe in new relationships.</b>	The partners in any new relationship do not have any statutory rights with regard to custody/access. They do not have the right to attend Parent-Teacher meetings.	Parents are entitled to information in separate communications. There may be an arrangement whereby a new partner may collect children from school. Details of these arrangements will need written confirmation and need to be kept in the class file.
<b>If parents are not married and either live together or apart.</b>	A non marital father will automatically become the child's guardian of a child if he meets the cohabitation requirement. An unmarried father who cohabits for 12 months with the child's mother, including 3 months following the birth will automatically become the child's guardian. This provision is not retrospective, so guardianship will only be acquired automatically where the parents live together for at least 12	Parents are entitled to information in separate communications.

	months after 18 <sup>th</sup> January 2016. In this instance the father is entitled to joint custody along with the mother.	
<b>If parents are not married and are in other new relationships.</b>	New partners do not have any statutory rights. A non marital father will automatically become the child's guardian of a child if he meets the cohabitation requirement. An unmarried father who cohabits for 12 months with the child's mother, including 3 months following the birth will automatically become the child's guardian. This provision is not retrospective, so guardianship will only be acquired automatically where the parents live together for at least 12 months after 18 <sup>th</sup> January 2016. In this instance the father is entitled to joint custody along with the mother.	The guardians are entitled to information from the school. New partners should not receive communication from the school unless set out by court order or agreement among the parties as previously outlined. Written record should be kept in the class file.