



SUPPORTING

separated families in school

by BEC DAHL

Children whose parents are separated account for approximately one in four children in the Australian classroom. With teachers' work directly intersecting with children and family life, educators can often get inadvertently caught up in these disputes.

It is useful for educators to know how parents can agree (or not agree) to arrangements for their children post-separation because this may impact how you carry out your responsibilities and how you communicate with parents. These resolutions fit into three main categories:

An informal/undocumented arrangement - This is usually in place when parents are newly separated, or in the absence of Court Orders or any written Parenting Plan. In this situation, each parent is assumed to have equal shared parental responsibility for a child. This refers to the legal rights, duties, powers, responsibilities, and authority a parent has for a child. Where responsibility is shared, parents are required to make joint decisions regarding the child. So, both are entitled to communicate with the school, receive school reports and attend parent-teacher interviews. There is currently nothing legal in place, documenting living circumstances.

A parenting plan - A parenting plan is a written agreement setting out the care arrangements for children. It's signed and dated by the children's parents and is an informal way of agreeing on these arrangements. It doesn't have to be in any specific format or witnessed and is not legally binding. A parenting plan can stipulate anything in relation to the care of their children.

A Court Order - Orders can be made by the Federal Circuit Court and Family Court of Australia either by agreement between the parents, or after a determination by a Judge. An Order can include issue of parental responsibility, and care arrangements for children, as well as matters like attendance by parents at school events.

Information from parenting orders which may impact educator care responsibilities:

- Pick-up arrangements - schools are commonly a place of parent 'handover', so schools should be aware of these arrangements and be cautious of whom is permitted to collect children from school.
- Emergency contact - schools need to know which parent they can and should contact at a given time, or in the case of an emergency.
- Access to student information - unless a Court Order is in place that limits a parent's responsibility for their children, or an Order specifically referencing student information, then both parents are able to access information about the student that parents are usually provided with such as school reports, newsletters, and school photographs.
- Involvement in school activities - generally, both parents are permitted to attend and be involved in school activities, such as performances, canteen duty, or sporting events. Unless a parenting order prohibits a parent from attending school functions or there is genuine concern for the safety of the school community.

Teachers are not expected to interpret or enforce parenting orders, but the orders may affect the way in which the school cares for a student, so it is important you are familiar with the orders to the extent it affects your job. While it is extremely rare, it is possible that a school can be punished for breaching these orders. This may occur where a school or teacher, in full knowledge and without a reasonable excuse, intentionally prevents compliance with a Court Order; or aids the contravention of an Order by a person who is bound by it. This is why knowledge of the arrangements and proper preparation by schools is important for self-protection. Teachers and schools can take steps to protect themselves and their students and to support families with a smoother separation process. These steps can include:

- Having relevant policies and procedures in place for a separation event - This policy should include ensuring that the school has, up-to-date copies of parenting orders and makes all staff aware of any implications arising from their terms that will affect their supervision of the child and considers implementing a separated parent's policy.
- Relevant and comprehensive staff training - This training should cover issues such as school collection and drop off, emergency healthcare, privacy, family violence intervention orders, and communicating with parents.
- Action plans - Schools should also have an action plan for the protection of staff and student wellbeing and safety. With the right understanding and safeguards in place, schools can effectively manage separated families in the school environment.

Schools and teachers should try to always remain impartial and try to avoid becoming involved in the dispute. Regardless of any legal issues which may arise, it is not the school's job to enforce court orders. Nor are teachers expected to act as mediators between parents.



There are some limited situations when schools may become involved:

- Where a school's expert opinion may be necessary, for example in disputes about the appropriateness of a school for a child, but otherwise parents should be referred to external sources, such as their lawyers or a Family Relationship Centre to assist in resolving their disputes.
- Allegations of domestic violence by a parent or child - Teachers and principals in all states are subject to legal obligations to report instances where they have formed a belief on reasonable grounds that a child needs protection or is subject to certain types of abuse/neglect (these obligations differ slightly between states/territories).
- An Independent Children's Lawyer (ICL) determining the child's best interests- ICL's may need to speak to a child's school or teachers, or to examine documents held by the school.

Important information:

Finally, if a parent arrives at the school and is hostile and threatening to staff, the school is advised to call the police. If you do require advice about a specific separation dispute, please seek out appropriate legal advice, this article is designed to act as a guide but should not be relied on as legal advice.

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