


FAMILY LAW

	Fairholme College Toowoomba ABN 16 917 099 053 CRICOS Provider Code 00651J	
Purpose	The Purpose of this policy is to outline Fairholme College's response to matters in relation to family law issues.	
Scope	The Policy covers parents/carers, students and staff and describes how the College responds to requests by parents/carers who have no contractual arrangements with the school for information about, and access to, their child or children.	
References	<i>Australian Education Act 2013 (Cth)</i> <i>Australian Education Regulation 2013 (Cth)</i> <i>Family Law Act 1975 (Cth)</i> Child Protection Policy Community Code of Conduct Conditions of Entry Privacy Policy Staff Code of Conduct Visitors Policy	
Policy Type	Public	
Policy Location	College Website	
Version	2.0	
Supersedes	All previous versions of this policy	
Policy Owner	Deputy Principal/Head of Senior School	
Review Date	18 May 2017	Next Review Date 18 May 2019
Authorised By	Principal	 Linda Evans

RATIONALE

Schools have contractual obligations to the person who enrolls the child and who is therefore responsible for the payment of the fees.

1. Schools have a duty in tort to take reasonable care for the safety of the child.
2. Schools have no way of knowing as a fact who the natural parents of a child are.
3. Schools should not need to determine the current state of orders in a Family Court matter.
4. The Family Court seldom makes an order which a school is directed to obey.

DEFINITIONS

Child: means a person who is under 18 years (*Family Law Act 1975 (Cth)*)

Parental Responsibility: 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) years of age 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. (*Family Law Act 1975 (Cth)* s61(B); s61(C)(1) and (2))

Parent(s): 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 'natural parents'.

Other circumstances of parenthood include:

- 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 in vitro and inserted in another woman
- Where a woman acts as a surrogate and agrees to bear a child for another woman

Person responsible for students: The natural parents of a student are legally responsible for the student until the student is 18 years of age unless a parenting order has been made by the Court removing responsibility from one or both of the natural parents.

POLICY

It is the policy of Fairholme College 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 authorised by the person who enrolls the child.

If the enrolling party directs some other course, that directed course will be followed by the College, under the College's contractual obligations to the enrolling party. If there is a disagreement between the enrolling party 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 College, either through consultation or court action. The College will not become involved as the arbiter in disputes of this kind.

In some circumstances of dispute, information beyond regular reports, and publications related directly to College activity may be requested of the College. Requests for such information must occur through official channels. ie. a solicitor. Should unreasonable costs be incurred as a result of responding to a request, the College solicitor will negotiate the recovery of such expenses.

Exceptional Circumstances

Except in the exceptional circumstances outlined below, the College does not become involved in Family Court matters.

The policy is subject to 3 qualifications:

1. Where a court orders otherwise and the order binds the College;
2. Where it is reasonably foreseeable that the safety of the child could be jeopardised; and
3. Where the child objects and the College believes it is in the best interests of the child to heed the objection.