

CUSTODIAL ISSUES POLICY

RATIONALE:

Children's parents/guardians/whanau and caregivers legally entitled to accompany the child, shall be welcomed to participate in the normal programme/activities of the kindergarten/centre.

OBJECTIVE:

1. To ensure staff/parents/guardians/whanau and caregivers are aware of the rights of custodial and non-custodial parents/guardians.
2. To ensure staff are informed of their responsibilities to custodial and non-custodial parents/guardians.
3. To clarify the role of the teacher/staff in custody, or similar, disputes between parents/guardians.

POLICY:

THE RIGHTS OF THE GUARDIAN AND THE KINDERGARTEN/CENTRE

1. Unless a Court rules otherwise, both parents/guardians, as guardians, are entitled to:-
 - a copy of any written reports made about the child's development;
 - discuss the development of their child with the staff in the same way as any other parents/guardians;
 - contribute to major educational decisions affecting the child (e.g. decide which early childhood centre the child attends);
 - participate in the kindergarten committee, centre advisory committee, social and support groups in which parents/guardians participate;
 - see such official records about the child as normally shown to parents/guardians.
2. Where 'access' has been granted by the Court, the non-custodial parents/guardians is welcome to attend kindergarten. However, as the child attends the kindergarten/centre primarily for care and education, the head teacher/centre manager has a duty to ensure the running of the kindergarten/centre is not unnecessarily disrupted, nor the child's programme interrupted.
3. The Association will not approve the use of kindergarten/centre session times for 'supervised access' of non-custodial parents/guardians of the child.
4. When the non-custodial parents/guardians seeks access to the child in the kindergarten/centre, or its immediate vicinity, the staff should:-
 - i) approach the parents/guardians and ask their intent;
 - ii) advise the parents/guardians to seek permission from the head teacher/centre manager; if the request is refused by the head teacher/centre manager, ask the parents/guardians to leave the grounds.
5. Should the staff feel concerned for the safety of the child, or the child becomes distressed in the above or similar circumstances, the head teacher/centre manager may choose to contact the police and then must immediately contact the Association.

6. If the non-custodial parents/guardians refuse to leave the grounds, or if the parents/guardians insist on taking the child from the kindergarten/centre, staff should not attempt to restrain them, the police should be telephoned immediately followed by Association.
7. The Association must be contacted whenever staff are concerned about a custodial issue.

STAFF APPEARING IN COURT HEARINGS

1. Staff must not give any information relating to any dispute/concerns between separated parents/guardians, to any person or institute without prior Association consultation and approval.
2. The interests of the child are best served by staff taking a neutral stance in any dispute between parents/guardians.
3. If staff are subpoenaed to Court, any evidence given by a staff member at anytime should be based on verifiable facts, not on rumour or opinion. Staff appearing in the court capacity of an 'Association Employee' must advise the Association before agreeing to do so.
4. All staff appearing in court will be supported/accompanied by a member of the Association Management.
5. Any evidence/written statement given by a staff member at anytime should be based on verifiable facts, not on rumour or opinion.

REFERENCES:

- Desirable Objectives and Practices – 10
- Education (ECC) Regulations 1998 – Part 5, 40