CUSTODY ISSUES
POLICY

Rationale:
Schools are often confronted with issues relating to custody of students. While such issues are often emotionally charged, the school will manage custody related issues in accordance with the law.

Aims:
- To develop and implement clear and responsible processes for managing custody related issues at a school level.
- To clearly articulate the school’s processes relating to the management of custody issues to parents.

Implementation:
- Parents or guardians are required to complete and sign accurate enrolment forms for children for whom they have custody.
- Enrolments must be accompanied by Birth Certificates or similar that proves a student’s name and birth date.
- The school will only enrol a child under the name provided on a Birth Certificate or more recent legally recognised document that details a name change, or by written consent of both parents/guardians.
- Any custody issues are to be declared, and supported by legal documentation – which will be photocopied and retained on the student’s individual file.
- The Principal will be responsible for ensuring that the school complies with all Family Court Orders or similar legal documents relating to custody.
- The school will assume a default position that both birth parents have equal access to enrolled students unless current court orders or legal documents dictate otherwise.
- Both birth parents will have access to school reports, newsletters, parent interviews, and their children at school unless court orders or similar legal documents dictate otherwise.
- Parents or guardians who claim custody restrictions but fail to provide documentation will not have their requests met until such time as supporting documentation is provided.
- People who have restricted access to students, and whose presence at school or requests for information etc are in breach of court orders or similar legal documents, will be directed immediately to the Principal.
- The police will be contacted immediately if people refuse to comply with the Principal’s lawful instructions or to obey court orders or similar.
- Any breaches of custody restrictions will be reported by the Principal to the parent who legally looks after the child.

Change of Name
- In Victoria the formal procedure for changing a child’s name is prescribed in Births, Deaths and Marriages Registration Act 1996 (Vic.). This Act requires that all persons have their names registered at birth. It also provides that a person may officially change his/her name.
- This does not mean, however, that a person may not use a name other than his or her registered name. Any person can simply adopt a name by practice that is different to his/her registered name so long as this is not done for criminal or fraudulent purposes.

References:
• While a child should be enrolled at school in the name appearing on his/her birth certificate, a school is entitled to adopt a flexible approach and apply to the child any name preferred by the residential parent or the child. In the absence of a complaint or restraining order, there is nothing to stop the practice of a child using a name other than that registered on his/her birth certificate name.
• No one has a legal right to compel a child to use his/her registered name.
• A child’s parent can apply to change the child’s name. Any child aged 12 years or more must agree to any name change.

**Evaluation:**

This policy will be reviewed as part of the school renewal process.

This policy was last ratified by the School Leadership Team in March 2014.