



Custody and Legal Access Policy

Enquires to:	Centre Manager, Board of Trustees
Applies to:	All children, parents, guardians and teachers.
Date Developed:	May 2021
Date Review:	May 2022
Next Review Date:	March 2025

Reference: Education (ECE) Regulations 2008, Licensing criteria for ECE Centres, 2008, Privacy Act, Children's Act 2014

Purpose: To ensure that the welfare and care of the children is protected. The teachers at Lower Hutt City Childcare and Education Centre will not become involved in disputes between parent's over the exercise of their rights in regard to care and education of their child/ren. Any conflicts should be resolved by the parents and courts as necessary.

Policy:

The Education 2008 Regulations, 58 (1), and the Licensing Criteria for ECE Centres 2008, (GMA10), requires management to record the names of the following people who:

- ✓ May collect the child from the centre
- ✓ By law, have the right of access to the child or
- ✓ By law, have a right of access to the child subject to conditions

This information is to be provided by the person who has custody of the child.

Relevant documentation will be photocopied and kept in the child's confidential file. The Privacy Act will apply to the collection, storage, use and disclosure of such information.

Procedure:

On enrolment information is collected from the person(s) who has custody regarding who may collect the child from the centre.

Establishing Identity:

If teachers have reasonable doubts about the identity, good faith or legal rights of any person wishing to make contact with a child, they will contact the person(s) who is known to have legal custody to find out if the person does have right of access. If the person claims to have a court order, the person will be asked to produce the document or provide the name of the solicitor with whom enquiries can be made.

If teachers still have doubts, unrestricted access will not be given to the person. Teachers will remain present. This is essential if the person intends to remove the child from the centre.

The MOE Regulations (2008) require the service provider to exclude from a centre any person who has or who is suspected of physically ill-treating a child. Any such person will not be permitted to come into the centre.

Custody arrangements:

Parents record on the enrolment form if any custody arrangements apply. This information is kept confidential. It is kept in a confidential file, in a locked filing cabinet in the office. Teachers will ascertain if the enrolling parent has sole custody, joint custody, or is a non-custodial parent. Sight (and take a copy for our records) the court document.

The manager will point out that unless there is a court order ruling otherwise, both parents as guardians are entitled to:

- ◆ A copy of any written report made about the child's development
- ◆ Discuss the development of the child with a teacher

- ◆ Contribute to major decisions affecting the child
- ◆ Be part of parent consultation groups
- ◆ See any records available to parents

Teachers will record the name and address of people who have the right of access. All teachers must be informed of any custody arrangements which apply.

Non custodial parents access to their child. This includes supervised access.

If a non-custodial parent approaches the centre directly seeking access to their child, the following procedures will be used by the teachers:

Establish why the non-custodial parent wished to see the child during a session. Arrangements will be checked with the custodial parent. Enrolment records will be checked. Non-custodial parent will be asked for documentation if information cannot be found.

Any confrontations will be avoided in the presence of the child, the child will be removed from the situation and taken away from the confrontation, i.e. inside or office.

The welfare of the children at the centre is the teacher’s primary consideration and any visits should not disrupt the running of the centre nor cause undue distress to the child. Or distress to any of the other children.

Non custodial parents access to a child in the centre or it’s vicinity without direct approach to the centre.

If the parent arrives in the grounds of the centre or the vicinity of; the following procedures will be used by the teachers:

1. Check the records for information on access and check with custodial parent.
2. The teachers will approach the parent to ask him/her of their intent.
3. The manager will request to see the parent, if the request is refused the parent will be asked to leave the grounds or vicinity particularly if there are no access rights, or the manager/head teacher is suspicious of the intent.
4. If the parent refuses to leave the Police will be called.

Board of Trustees consulted	Yes/No	Kaiako consulted	Yes/No
Parents consulted	Yes/No		
Approved by: _____		Designation: _____	Date _____