



# RIVERMOUNT COLLEGE

*Realising the Potential Within*

## 8.07.01 MANAGEMENT OF FAMILY ARRANGEMENTS POLICY

### PURPOSE OF THIS POLICY

The purpose of this policy is to establish guidelines regarding the collection, management, and disclosure of family arrangement information about a student at Rivermount College. It aims to ensure the College's actions and decisions in common family arrangement scenarios fulfil contractual obligations, adhere to legislative requirements, and promote a safe and supportive educational environment.

### SCOPE

This Policy covers students and their parents/guardians, and other family members involved in the student's school life, and covers enrolment, access to documentation, parental involvement in College activities and dealing with family members outside the parent/guardian relationship.

### RESPONSIBILITY

Principal reporting to the Board of Directors.

### LEGISLATION AND REFERENCES

*Australian Education Act 2013 (Cth), Australian Education Regulations 2023 (Cth)*

*Education (General Provisions) Act 2006 (Qld)*

*Family Law Act 1975 (Cth)*

*Family Law Regulations 1984 (Cth)*

*Family Law Amendment Act 2023*

*Privacy Act 1988 (Cth)*

**Enrolment Contract**

**Enrolment Policy**

**Child Protection Policy**

**Privacy Policy**

**Communication with Parents Policy**

**Parent and Community Code of Conduct**

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## PRINCIPLES

- For the College to fulfil its contractual, legislative and common law duties, it must be aware of and understand current information about family arrangements concerning each student.
- Parents must inform the College of any relevant information about family arrangements and keep this information up to date.
- The College has contractual obligations to each person who signs the enrolment contract and to those who are responsible for payment of the fees.
- The College must comply with legislation requiring communication and the provision of information to each parent of a child enrolled at the College, even where that parent has not signed an enrolment contract.
- The College will not become involved in any parenting or family disputes.

## DEFINITIONS

This policy adapts the meaning of 'parent' from the *Education (General Provisions) Act 2006* (s.10), which for the purpose of that Act is defined as follows:

- (1) A **parent**, of a child, is any of the following persons—
  - (a) the child's mother;
  - (b) the child's father;
  - (c) a person who exercises parental responsibility for the child.
- (2) However, a person standing in the place of a parent of a child on a temporary basis is not a parent of the child.
- (3) A parent of an Aboriginal child includes a person who, under Aboriginal tradition, is regarded as a parent of the child.
- (4) A parent of a Torres Strait Islander child includes a person who, under Island custom, is regarded as a parent of the child.
- (5) Despite subsections (1), (3) and (4), if—
  - (a) a person is granted guardianship of a child under the *Child Protection Act 1999*; or
  - (b) a person otherwise exercises parental responsibility for a child under a decision or order of a federal court or a court of a State;then a reference in this Act to a parent of a child is a reference only to a person mentioned in paragraph (a) or (b).

**Step-parent** in relation to a child means a person who:

- (a) is not a parent of the child; and
- (b) is or has been, married to or a de facto<sup>1</sup> partner of a parent of the child; and treats, or at any time while married to, or a de facto partner of, the parent treated, the child as a member of the family formed with the parent.<sup>2</sup>

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<sup>1</sup> *Family Law Act 1975* (Cth), s.4AA

<sup>2</sup> *Family Law Act 1975* (Cth), s.4(1)

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**Guardian** in the context of this policy, is a person who has been granted (whether alone or jointly with another person or persons) guardianship of a child under the law of the Commonwealth or of a State or Territory.<sup>3</sup> A guardian has all the legal powers of a parent. An example of a guardian is a person granted guardianship of a child under the *Child Protection Act 1999* (Qld).

**Parental responsibility** in relation to a child, means all the duties, powers, responsibilities, and authority which, by law, parents have in relation to children.<sup>4</sup> Parental responsibility includes parents making short-term and long-term decisions in a child's life.

**Major long-term issues** are defined in the *Family Law Act 1975* (Cth) to mean issues about the care, welfare and development of the child of a long-term nature, including (but not limited to) issues of that nature about:

- (a) the child's education (both current and future); and
- (b) the child's religious and cultural upbringing; and
- (c) the child's health; and
- (d) the child's name; and
- (e) changes to the child's living arrangements that make it significantly more difficult for the child to spend time with a parent.<sup>5</sup>

**Parenting Plan** When parents agree on the family arrangements for a child, and wish to keep arrangements informal, they can make a parenting plan. Parents can develop the plan themselves or may choose to engage lawyers, mediators and/or advocates to support them through the process of creating the plan. The plan is not required to be considered or approved by a court. If a parent fails to follow a parenting plan, they are not breaking the law as the plan is not legally enforceable, however the other parent may initiate legal proceedings to seek a Parenting Order from the court. The plan must be in writing, made between the parents of the child and signed and dated by both parents.<sup>6</sup>

Parenting plans may deal with the following matters:

- a) the person or persons with whom a child is to live;
- b) the time a child is to spend with another person or other persons;
- c) the allocation of parental responsibility for a child;
- d) if 2 or more persons are to share parental responsibility for a child—the form of consultations those persons are to have with one another about decisions to be made in the exercise of that responsibility;
- e) the communication a child is to have with another person or other persons;
- f) maintenance of a child;
- g) the process to be used for resolving disputes about the terms or operation of the plan;
- h) the process to be used for changing the plan to take account of the changing needs or circumstances of the child or the parties to the plan;

<sup>3</sup> *Family Law Act 1975* (Cth), s.4(1)

<sup>4</sup> *Family Law Act 1975* (Cth), s.61B

<sup>5</sup> *Family Law Act 1975* (Cth), s.4(1)

<sup>6</sup> *Family Law Act 1975* (Cth), s. 63C

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- i) any aspect of the care, welfare or development of the child or any other aspect of parental responsibility for a child.<sup>7</sup>

The person referred to in a parenting plan may include either a parent of the child or a person other than the parent of the child including a grandparent or other relative of the child.<sup>8</sup>

**Consent Order** is a term used to refer to an order made by the Family Court that has been made with the consent of all parties to the proceedings. A consent order is a more formal way for parents to agree in writing about arrangements for their child. Where parents agree on arrangements, they can apply to the court for orders to be made by agreement. Consent orders have the same effect as court orders. A parenting plan may be endorsed by the court to become a binding consent order.

**Parenting Order** is a legally enforceable court order that may deal the following matters:

- (a) the person or persons with whom a child is to live;
- (b) the time a child is to spend with another person or other persons;
- (c) the allocation of parental responsibility for a child;
- (d) if 2 or more persons are to share parental responsibility for a child—the form of consultations those persons are to have with one another about decisions to be made in the exercise of that responsibility;
- (e) the communication a child is to have with another person or other persons;
- (f) maintenance of a child;
- (g) the steps to be taken before an application is made to a court for a variation of the order to take account of the changing needs or circumstances of:
  - i. a child to whom the order relates, or
  - ii. the parties to the proceedings in which the order is made;
- (h) the process to be used for resolving disputes about the terms or operation of the order
- (i) any aspect of the care, welfare or development of the child or any other aspect of parental responsibility for a child;<sup>9</sup>

The person referred to in a parenting order may include either a parent of the child or a person other than the parent of the child including a grandparent or other relative of the child.<sup>10</sup>

A parenting order may deal with the allocation of parental responsibility for making decisions about major long-term issues in relation to the child.<sup>11</sup> These orders can vary from only one parent being provided with parental responsibility for major long-term decisions, for both parents to share this responsibility equally or one parent having responsibility for only some but not all issues. The order may also include the court’s decision as to which parent the child can spend time with, and at what times.

<sup>7</sup> Family Law Act 1975 (Cth), s.63C(2)

<sup>8</sup> Family Law Act 1975 (Cth), s.63C(2A)

<sup>9</sup> Family Law Act 1975 (Cth), s.64B

<sup>10</sup> Family Law Act 1975 (Cth), s.64B(2)

<sup>11</sup> Family Law Act 1975 (Cth), s.64B(3)

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## POLICY STATEMENT

Rivermount College recognises that children from families whose parents are separated, or are undergoing separation, may go through traumatic changes during their time at school. With this in mind, the College will make every effort to work with parents to promote the welfare and safety of children.

At enrolment, the College will establish the identity of the enrolling student's parents, as far as reasonably practicable.

If a parenting plan, parenting order or other court order is in place, or any other relevant information exists in relation to a child to be enrolled or who is currently enrolled, the College will:

- request a copy of the parenting plan or order, or other relevant information, which will be securely maintained in the student's file, and
- inform relevant staff members of any terms that may inform their exercise of their duty of care and sharing of information about the child.

Over the period the child is enrolled, parents are required to provide written evidence to the College of any changes to any of the documentation that was provided at enrolment.

### WHO HAS PARENTAL RESPONSIBILITY FOR A CHILD?

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 18 has parental responsibility for the child, unless a parenting plan, parenting order or other court order changes this responsibility.

The College will carefully consider the specific terms of a parenting plan, parenting order or other court order to understand if they affect whether an enrolling parent has parental responsibility for a child. Parental responsibility is not affected by a change in the relationship of the child's parents, for example, by the parents becoming separated or by either or both of them marrying or re-marrying. Parental responsibility may be subject to a court order, removing responsibility from one or both of the parents and granted to another person responsible for the child. A parenting order that deals with the allocation of responsibility for making decisions about major long-term issues in relation to the child may provide for joint or sole decision-making in relation to all or specified major long-term issues.

#### Step-parents

Step-parents are able to apply to the Family Court for a parenting order as 'other people significant to the care, welfare and development of a child'. These orders would usually be made with the agreement of the biological parents of the child. If a court order is made giving a step-parent parental responsibility, this effectively gives the step-parent all the responsibilities of the biological parents. In these situations, a step-parent may fall within the definition of 'parent' for the purposes of the school's provision of educational reports and

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parent / teacher discussions because they a person who exercises parental responsibility for a child under a court order.

It is also possible for a court order to be made enabling a step-parent to spend time and communicate with a child following separation from that child's biological parent.

### Adoptive parents

A person's parental responsibility for a child ends on the adoption of the child. The laws and requirements around adoption vary across Australia and based on adoption type. Legal requirements for adoption in Queensland are governed by the *Adoption Act 2009 (Qld)*. Because an adoptive parent has parental responsibility for the child they are entitled to receive educational reports and be invited to parent teacher discussions about the child. This is because they fall within the meaning of 'parent' under the *Education (General Provisions) Act 2006 (Qld)*, being 'a person who otherwise exercises parental responsibility for a child under a decision or order of federal court or court of a State'.

## **DIRECTIONS TO THE COLLEGE ABOUT A CHILD'S FAMILY ARRANGEMENTS**

If a specific parenting plan, parenting order or other court order includes orders or directions about a child's family arrangements, the College will follow these orders or directions. In the absence of such orders or directions:

- If all persons with parental responsibility are parties to the enrolment contract, and do not agree about arrangements for their child, it is the responsibility of those parties to reach agreement about specific directions to provide to the College concerning their child. This agreement should be reached independently of the College. The College will not become involved as the mediator or arbiter in disputes of this kind.
- If not all persons with parental responsibility are parties to the enrolment contract, the College will follow the direction of the enrolling party who has parental responsibility for the child as per the College's contractual obligation to that party.

If a parenting order requires joint decision-making for major long-term issues, the parents are required to consult each other and make a genuine effort to reach decisions jointly. However, if one of the parents provides directions to the College about the education or support for their child, the College is not required to consult with the other parent before acting on the direction. The College can assume from the court orders that the decision has been made jointly.

## **EDUCATIONAL REPORTS**

The College will provide each parent who has parental responsibility for the child a written report on the educational performance of the student at the school, at least twice a year, if they are known to the College and regardless of whether or not they are an enrolling party. However, the Principal may decide that educational reports must be given directly to the child if the Principal is satisfied it would be inappropriate in the circumstances for a parent to be given the report. For example, the Principal may decide that it is inappropriate for a parent of the child to be given the report if the person is living independently of his or her parents.

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## **PARENT TEACHER DISCUSSIONS**

The College will ensure that a parent who has parental responsibility for the child is given the opportunity, at least twice a year, to discuss the child's educational performance with the child's teachers. This will not apply if the Principal is satisfied it would be inappropriate in the circumstances to give the parent the opportunity. For example, if the child is living independently of his or her parents. Where the Principal is satisfied it is necessary and appropriate in the circumstances, the College may offer each parent the opportunity to meet with the teachers separately to discuss the education performance of the child.

## **ACCESS TO OTHER INFORMATION ABOUT A STUDENT**

Other information about the child's enrolment may be provided to either enrolling party if they have parental responsibility, subject to the conditions of the enrolment contract and the terms of any parenting plan, parenting order or other court order. Contact details for the child or one of their parents, including emergency contact details, will not be provided to the other parent without the first parent's consent.

During family disputes, other family relatives may seek information from the College. Without the consent of a parent who has parental responsibility or a court order, the College will not provide other relatives with information about the child. There may be circumstances where the College is required to disclose this information to law enforcement or other entities under relevant laws.

## **PICK-UP AND DROP-OFF/HANDOVER ARRANGEMENTS**

Arrangements for pick-ups, drop-offs and handovers may be made in a parenting plan, parenting order or other court order, as part of the orders concerning where the child lives or who the child spends time with. If this information is relevant to the College, it will be maintained securely on the student file. The College will ensure that relevant staff are informed and kept up to date of any terms that may affect the exercise of duty of care for the child.

## **OBTAINING CONSENT**

It is understood that permission for participation in College activities, such as excursions, can be an area of dispute between parents. Many excursions and other off-site activities are organised well in advance. In general, permission will be obtained from the parent the College usually contacts regarding day-to-day issues and where the student normally resides. If parents disagree about a student's participation in an excursion or other College activity, they will be encouraged to resolve the dispute away from the College. If the parents cannot agree, the Principal or his or her delegate reserves the right make a decision based on the specific circumstances, with particular emphasis on the educational value from participating in the activity and the interests of the student generally. The College Principal will also take into account the views of the student.

## **PARENTAL INVOLVEMENT IN SCHOOL ACTIVITIES**

Where court orders have not been made, each parent maintains parental responsibilities and is able to visit the College and speak to the Principal and teachers about their child's education and participate in all activities in which parents are normally involved. However, the College may restrict a parent's access to activities and events such as performances, community

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events, sporting events, or volunteer opportunities in accordance with a parenting plan, parenting order or other court order or if there is a genuine concern for the health and safety of the child or the College community.

### **PAYMENT OF ACCOUNTS**

The Rivermount College Enrolment Contract specifies the enrolling parties' obligations for payment of College accounts. Parenting plans, parenting orders, other court orders or other documentation may outline financial arrangements in relation to which party is responsible for the payment of school fees. However, these arrangements are separate from the contractual obligations to the College. Signatories to the enrolment contract are jointly and severally liable for payment of College accounts. The College will not become involved in financial disputes between parents.

### **WITHDRAWAL**

Withdrawal of enrolment notice must be provided in writing to the College from either of the enrolling parties (unless court orders to the contrary).

Where separated parents are unable to agree on whether a child is to remain at the College, the College will not become involved in that disagreement. In such circumstances, the other parent will be at liberty (subject to order of the Court to the contrary), to apply to re-enrol the student via an enrolment contract in their name only provided that both parents consent to the child remaining a student of the College or a Court Order is made to that effect.

### **NAME CHANGES**

It is a requirement that the child is enrolled in the name that appears on their birth certificate. In absence of a birth certificate a different name can only be used on an enrolment form if one of the following conditions apply:

- A court order is provided authorising the use of a new name;
- A birth certificate has been issued in a new name;
- Proof of adoption authorising the new name is provided.

### **PROOF OF IDENTIFICATION**

Where a person asserts that he or she is the parent of a child at the College, but is not known to College staff, the College reserves the right to ask the person for proof of identification before releasing any information about the child. Failure to provide proof of identity will result in the College denying such a request.

### **OTHER MATTERS**

When communicating with the College, all parents are expected to abide by the College's *Parent and Community Code of Conduct*.

The College may receive requests for the disclosure of information about a student from its existing written records, for example school reports, attendance records and medical records. Such requests are often received from lawyers of parties to family court proceedings or personal injury proceedings and may be in the form of a court subpoena to produce documents or other form of notice of production under relevant legislation. Rivermount College will not

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generate new documents upon parental request with the intention of supporting legal disputes or establishing or supporting a legal position in court.

## RESPONSIBILITIES

### The College is responsible for:

- Collecting and recording name and contact details for the persons with parental responsibility at the time of enrolment. The College reserves the right to extend any obligations at law to parties who have parental responsibility that are unknown at the time of enrolment or who are later established to the College’s complete discretion.
- Recording details of court orders in the student record. It is noted that these court orders will only be used by the College to:
  - assist to identify and establish parties who have parental responsibility for a child.
  - ensure that the educational interests, safety and welfare of the student are properly addressed.

### Parents have a responsibility to:

- Inform the College when there is a change in family circumstances. The College recognises the sensitivity of such situations and will maintain confidentiality as far as possible. The College will also not make judgements about individual circumstances.
- Supply the College with a copy of a court order in place and notify if there any changes to the order.
- Liaise and communicate directly with each other in matters such as:
  - uniform orders
  - attendance to College Information Evenings, Parent-Teacher Interviews;
  - the ordering of school photographs;
  - tickets for performances; and
  - other such College activities.

## COMPLIANCE AND MONITORING

The College will keep all relevant documents including parenting plans, parenting orders and other court orders, and records such as emails, records of phone conversations and meetings, letters between parents and the College in student files and ensure these are secure.

Any complaints about the implementation of this policy will be handled through the College’s *Complaints Handling Policy*.

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