

	Policy
	Policy Category: GOVERNANCE, MANAGEMENT AND ADMINISTRATION
	1 September 2022
	Policy Name: Custody Issues Policy

The purpose of this operational policy is to ensure the safety of children by meeting Licensing Criteria GMA10.

Position Statement

As an Early Childhood Education Centre we aim to build strong relationships with parents/whānau, encouraging open and honest communication, with the child at the forefront of all decisions. Where there are custody issues, we will remain impartial, follow due process and abide by the court rulings.

Issue Outline

Our Centre keeps, maintains and regularly reviews our enrolment records. Parent communication systems are in place. All staff are made aware of Custody Court Orders and follow procedures to ensure the safety and wellbeing of children, staff and families at the Centre. Should a non-custodial parent try to leave the centre with a child, staff know the procedure to follow.

Detail

- a) Custody of children is a civil matter, not a Police (criminal) matter.
- b) Custody of children is dealt with through the Family Court. The Family Court can issue a warrant for a particular action and the Police can act on that warrant.
- c) If one parent is awarded custody of a child attending your Centre, they will be able to produce a copy of the Court Order awarding them custody. You should retain a copy of this document on your records and note the dates during which the Order is relevant.
- d) Have a conversation with the parent who has full custody, gathering necessary information:
 - where does the non-custodial parent live?
 - what is their character? Circumstances?
 - Are they likely to turn up at the Centre?
 - Do we have your full contact details should this happen and who to ring?
- e) If the Centre staff have never met the non-custodial parent, ask for a photo of them and keep it somewhere accessible.
- f) Discuss individual cases and scenarios at staff meetings, deciding who will do what?
- g) If a non-custodial parent comes to the Centre to remove the child, you should ask them to leave. They do not have a legal right to take custody of the child. Non-custodial parents will tend to do one of three things:

- i) **They will leave when asked to do so.** In this case, if the situation has been (or is likely to become in future) challenging, you may wish to consider requesting a Trespass Notice from the Police.
 - ii) **They will refuse to leave.** If a person refuses to leave, call the Police immediately.
 - iii) **They will leave, taking the child with them.** If a non-custodial parent leaves your Centre having removed the child, and where you fear for the safety and well-being of the child, you should call the Police immediately (111). You must then inform the child's legal guardian of what has happened. Only where you believe there is a wider safety issue to other children and adults at your Centre would you release a child to a non-custodial parent.
- h) If both parents are awarded joint custody, the Family Court will have determined rules that each parent is to follow. A copy of the joint custody order is helpful to ensure you understand those rules.
 - i) As a matter of principle, do not get involved in matters of dispute between parents, particularly where a custody order exists. If there is an issue, that is a matter for the parents (and their lawyers) to resolve and to advise you (in writing) of the outcome. If matters are getting out of hand, and the child, other children or parents at your centre, your staff or you are at risk, do not hesitate in calling the Police immediately.
 - j) If you operate a centre where custody issues are relatively common, establishing and maintaining a relationship with the local Community Constable at your local Police Station is also recommended.
 - k) Ensure contact details are current and able to be accessed quickly if needed.

Alignment with Other Policies

- Child Collection Policy

Relevant Background (including Legislation/Regulation/Licensing references)

Licensing Criteria 2008, Governance, Management and Administration, planning and documentation:

- **GMA10:** Enrolment records are maintained for each child attending. Records are kept for at least 7 years. Records include;
 - The names of the people authorised by the parent to collect the child;
 - Any court orders affecting day to day care of, or contact with, the child.

Impacts of Policy on Staff, Parents, Children

This policy aims to ensure the child's safety by ensuring staff are fully aware of custody issues, maintain and regularly review records and know exactly what to do should a scenario arise.

Alignment with the Centre Philosophy

This policy ensures that processes are in place to ensure the safety of children in alignment with our Centre Philosophy.

Implications and/or Risks

Following this policy significantly reduces the risk of harm to the child and/or losing trust with parents.

Implementation

Clear procedures have been developed and staff trained to follow them.

Review

Review annually or when there is a significant change in the area of the policy topic.

Authorised:	
Date:	
Review Date:	
Consultation Undertaken:	