



<b>Policy Name:</b>	<b>Family Law and Access Policy</b>	<b>Policy Number:</b>	<b>FCP-018</b>
Date Approved:	9 May 2017	Approved By:	Board of Management
Date Issued:	12 May 2017	Review Date:	May 2020
Version 1.6	This version of the policy was approved 9 May 2017 and replaces the version approved 4 April 2016.		

## 1. Aim

Firstchance is committed to ensure that children are safe and that the organisation upholds any responsibilities or obligations in relation to family law and access.

## 2. Scope

This policy applies to children, young people, workers and families receiving supports from Firstchance.

## 3. Policy

### 3.1 Legal responsibilities for children/young people

Firstchance acknowledges that parents/guardians, regardless of their marital status, have joint and equal legal responsibilities for their child/young person unless there is a Court Order determining otherwise.

Firstchance workers need to be knowledgeable of which parent/guardian has specific legal rights and responsibilities. Thus, the organisation will need to access a copy of any relevant Court Orders issued.

Without permission of the custodial parent/guardian Firstchance is not legally able to allow:

- children/young people to leave a group based program
- the child to be left alone with a parent/person where a court order prohibit this this person having contact with the child

If the custodial parent is not present they will be contacted without undue delay and if necessary the Police and/or relevant government departments will also be contacted.

### 3.2 Parenting Orders

Firstchance will uphold any Parenting Orders that have been made by a Court. This includes what information can be shared about the child/young person receiving support from Firstchance.

Firstchance understands that at times that the relationship between separated parents/guardians without a parenting order may be challenging for them and that there may be preferences that information about a child is not shared with the other parent/guardian. Firstchance staff are unable to withhold information about the child from a parent/guardian unless there is a Parenting Order instructing this.

Families are required to provide up to date copies of any relevant Parenting Orders to enable Firstchance to implement them.

### **3.3 Custody Orders**

In the case where guardianship and custody is legally defined, Firstchance policy must be followed as stated on the enrolment form. When situations change, a copy of the Custody Order must be provided to Firstchance.

Where a child is attending a Firstchance group based service and a dispute arises over custody, the child/young person will be kept at the service. If the custodial parent is not present they will be contacted without undue delay and if necessary the Police and/or relevant government departments will also be contacted.

### **3.4 Advocacy/legal advice/independent support**

Firstchance welcomes the inclusion of support for families which is external to the organisation, to assist families in their interactions with Firstchance. Assistance may be provided by a friend, family member, staff member, translator, advocate or anyone else who is acceptable to the family / person. Where necessary, Firstchance will offer assistance to a family by making a referral to an advocacy service with the consent of the family.

This policy must be read in conjunction with the Policies and Procedures which support this policy.

Child Protection Policy  
Administration of Authorised Medications Policy  
Enrolment/Referral Form  
Privacy Policy  
Confidentiality Policy

## **4. References**

[www.familycourt.gov.au](http://www.familycourt.gov.au)

Family Law Act 1975  
Disability Inclusion Act 2014

**NSW Disability Service Standard**  
Standard 1 – Rights

## **5. Persons Responsible**

Parents/guardians are responsible for:

- Providing Firstchance with copies of any parenting orders or court orders.

All staff are responsible for:

- Checking the child's file to see whether there are any parenting orders or court orders before providing information about a child/young person or allowing a child/young person to leave a group based service.
- Being aware of any parenting or court orders for the children/young people they support and ensuring that these are followed as they relate to Firstchance.

Managers are responsible for:

- Ensuring that enrolment forms specify Firstchance policy where guardianship and custody is legally defined

Board of Management are responsible for:

- Approval of this policy.

## 6. Definition

**Firstchance** – all Firstchance Incorporated services and programs

**Board of Management** – the governing body of Firstchance, comprised of elected or appointed members who jointly oversee the activities and legal responsibilities of the organisation

**Manager** – refers to the General Manager or Program Manager, whichever is relevant in the context of the situation

**Supervisor** – refers to all senior staff who are responsible for supervising one or more staff members

**Worker** – refers to employees and volunteers of the organisation

**Family** – refers to the parents/caregivers of the children or young people that receive support from Firstchance

**Visitor** – any person who is visiting a Firstchance service who is not a staff member, client or family

**Parental Responsibility** – means that each parent/guardian has equal responsibility for their children's welfare, either in the long-term or on a day to day basis and includes decisions about matters such as where the children will live and with whom they will have contact. It is not affected by any change in the parents' relationship, for example if they separate or remarry.

**Parenting Orders** – are orders that the court will make when parents cannot decide on matters themselves. They change parenting responsibilities and stipulate which parent has what responsibilities. There are 4 types of parenting orders:

- Residence – an order to say with whom the child lives, including any shared arrangements
- Contact – an order to say the times that a child may have contact with a parent with whom they are not living, or anyone else who plays an important part in their life, such as a grandparent (contact can either be face to face, or by phone, letters)
- Child Maintenance – an order that provides for financial support of a child
- Specific Issues – an order about any other aspect of parental responsibility (this may include the day-to-day care, welfare and development of a child, issues relating to religion, education, sport, or other specific issue)

**Residency** - can be a shared arrangement. The parent with whom the child lives is responsible for day-to-day decisions like:

- Discipline
- Going out
- Clothes
- Accommodation
- Pocket money

### ***Document review history***

<b><i>Date</i></b>	<b><i>Section</i></b>	<b><i>Change</i></b>
April 2013	4	Additional reference to NSW Disability Service Standards
March 2014	3.4	Additional section added to cover Advocacy.

<b>Date</b>	<b>Section</b>	<b>Change</b>
November 2014		Related Policies updated: Privacy and Confidentiality Policy replaced with Privacy Policy and Confidentiality Policy
March 2015	4	Additional reference to Disability Inclusion Act
April 2015	2	Addition of words 'or receiving supports from Firstchance'.
	3.1	Addition of words 'Licenced centre based' to apply to services.
	3.3	Addition of words 'where a child is attending a Firstchance centre based service (licenced and unlicenced)' to distinguish this information from supports delivered in the family's home.
	5	Removal of reference to Teen Time in definitions for Educator and Nominated Supervisor.
April 2016	All	Replacement of term 'service' with organisation.
	4	Removal of reference to NQS, EYLF and National Regulations as Firstchance is no longer a licenced service.
	5	Transfer of responsibilities of Nominated Supervisor to 'all staff' as this role is no longer relevant.
	6	Removal of definitions for Nominated Supervisor, Certified Supervisor, Educational Leader and Educator as Firstchance is no longer a licenced service.
May 2017	3.1	Addition of dot point to include that a child cannot be left alone with a parent/person where a court order prohibits this person having contact with the child.
	3.2	Addition of information about when parent/carers request that information is not shared with the other parent/carer when there is no Parenting Order in place.