



Divorced / Separated Parents

Policy Statement

Denmead Day Care recognises that while the parents of some children may be divorced or estranged, both have a right to be informed of, and involved, in their child's educational process. We also recognise that parents who are estranged or divorced may disagree regarding the education of the child, and/or may attempt to limit one another's access to their child. Despite such estrangement, both parents are welcomed and encouraged to participate in the child's education.

Parents are presumed to have joint custody of the child, unless there is a court order, social care order or written agreement between the parents denying or limiting custody for either parent. The parent with whom the child resides is presumed to be the custodial parent. If estranged or divorced parents both claim to be the custodial parent, asserting that the child is residing with both parents, enrolment records will be examined. The parent who enrolled the child will be presumed to be the custodial parent until a court order or written agreement between the parties, identifying the custodial parent, is provided to the nursery. A parent will only be prevented from participating in his/her child's education if a court order (e.g., divorce decree, custody order, or restraining order) or social care order specifically denies visitation rights.

PROGRESS REPORTS AND CHILDRENS RECORDS

Both parents have the right to receive progress reports and review the child's records of their children. If the parents are separated or divorced, progress reports will be sent to the custodial parent with the expectation that he/she will share the report with the non-custodial parent. The nursery will send copies of the progress report to the non-custodial parent only if that parent submits a written request that it do so. Both parents have the right to review their minor child's records. However, if the custodial parent advises the nursery, in writing, to delete the child's address from child's records supplied to the non-custodial parent, the records will be flagged, and the deletion will be made.

Any request to review the child's records must comply with the Family Educational Rights and Privacy Act. (Refer to Confidentiality Policy).

PARTICIPATION IN PARENT AND TEACHER CONFERENCES

Both parents are welcome, and encouraged, to participate in parent and key worker conferences, Individual Educational Program team meetings, and any other conference called by nursery personnel regarding the child's education. If the parents are separated or divorced, the custodial parent is expected to share scheduling information with the non-custodial parent. The nursery will provide scheduling information to the non-custodial parent only if it receives a written request to do so.

EDUCATIONAL DECISIONS

In the event the parents are unable to agree with one another on decisions regarding their child's educational program, including, but not limited to, placement, participation in extracurricular activities, and consent to evaluation and services, the custodial parent's decision will be binding on both parents unless a court order requires otherwise. In the event the educational decision relates to services provided pursuant to the Individuals with Disabilities Education Act, the educational decisions, and the parents' rights and responsibilities, will be pursuant to the statutory requirements.

VISITATION WITH THE CHILD DURING NURSERY SCHOOL HOURS

Generally, both parents have the right to attend nursery programs/concerts/plays etc open to parents in the child's nursery or visit the child at the school, or otherwise be in the nursery setting. The parent's right is not negated solely by the fact that he/she is the non-custodial parent. Such visitation will be limited only if the nursery has received a copy of a court order specifically restricting the parent's access to the child by: 1) Denying the parent's visitation rights; or 2) Requiring supervision of the parent's visitation with the child. The nursery does not have the responsibility to supervise visitation between a parent and his/her child and, thus, will not allow parent access in the nursery setting.

When visiting the nursery, all parents are required to comply with all nursery policies and not take any action which disrupts the educational process. All parents visiting the nursery must check-in with the nursery staff before proceeding to the hall or other area of the nursery. If a parent takes any action which the nursery considers to be inappropriate or disruptive to the educational process, he/she may be requested to leave and prohibited from returning.

If a parent wants to visit with his/her child privately, the nursery shall have the authority to grant or deny the request, and, if granted, to determine the place and time of such visit to ensure minimal disruption to the child's participation in nursery.

RELEASE OF THE CHILD TO SOMEONE OTHER THAN THE CUSTODIAL PARENT

Only the custodial parent has the right to authorise removal of the child from nursery during nursery hours. If the custodial parent desires that the child be removed by another individual, he/she must inform the nursery in writing that he/she is authorising such party to remove the child. Such authorisation shall be assumed to be generally applicable, unless the custodial parent specifies that it is limited to a specific date and time.

If the non-custodial parent seeks to remove the child from nursery, and the custodial parent has not consented, the following steps should be followed:

1. The manager or senior practitioner will meet with the non-custodial parent and, in his/her presence, telephone the custodial parent and explain the request. If the custodial parent agrees, the child will be released and the records will reflect that the permission was granted orally. In the event the custodial parent cannot be reached, the nursery owner may make a decision based upon all relevant information available to him/her.
2. If the custodial parent objects to the removal, the manager or senior practitioner may allow a visit between the non-custodial parent and child, with the child remaining in a supervised area for the visit and then returning to the main room. The non-custodial parent will not be allowed to leave the supervised area with the child.
3. If the manager or senior practitioner has reason to believe that a possible abduction of the child may occur at the nursery or the parent is disruptive, the police will be immediately notified.

Reviewed on 05 June 2015

Reviewed on 07 March 2016

Reviewed on 29 March 2017

Reviewed 26 October 2017

Reviewed 24th October 2018

Reviewed 02 September 2019

Reviewed 31st March 2020

Reviewed 18th August 2021

Reviewed 10th January 2022

Reviewed 13th June 2022

Reviewed 27th April 2023

Reviewed 7th December 2023

Reviewed 13th January 2025