



Policy Name:	Family Law and Access Policy	Policy Number:	ELP-018
Date Approved:	21 st February, 2018	Approved By:	Management Committee
Date Issued:	22 nd February, 2018	Review Date:	21 st February, 2021

1. Aim

Early Links is committed to ensure that the service upholds any responsibilities or obligations in relation to family law and access at the service.

2. Scope

This policy applies to children/young people, employees, volunteers and families attending Early Links premises.

3. Policy

3.1 Legal responsibilities for children/young people

Early Links 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.

Early Links staff members need to be knowledgeable of which parent/guardian of the children/young people on their caseload has specific legal rights and responsibilities. Thus, the service will need access to any relevant Court Orders issued.

Child care services are not legally able to allow children/young people to leave the Service without permission of the custodial parent/guardian. Early Links staff will support child care services they are visiting in enforcing this.

3.2 Parenting Orders

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

Families are required to provide up-to-date copies of any relevant Parenting Orders.

3.3 Custody Orders

In the case where guardianship and custody is legally defined, Early Links policy must be followed. When situations change, a copy of the Custody Order must be provided to Early Links.

Where a confrontation situation arises over custody while Early Links staff members are visiting a service, Early Links staff will comply with the service Director/Authorised Supervisor's direction. Staff will also notify the Early Links General Manager at their earliest convenience.

Where a confrontation situation arises over custody while Early Links staff members are visiting a private home, Early Links staff will notify the Early Links General Manager who will notify police. If there is a perceived threat to the safety of the child, family or staff member police should be called immediately with the General Manager informed when practicable.

Where a confrontation situation arises over custody while Early Links staff members are meeting a child and family/carers at a public venue, Early Links staff will notify the police immediately with the General Manager to be informed when practicable.

3.4 Advocacy/legal advice/independent support

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

4. References

Disability Service Standards

Standard 1 – Rights	
Practice Requirement 1	Each person is aware of their rights and can expect to have them respected
Practice Requirement 2	Service providers are to uphold and promote the legal and human rights of each person
Standard 6 - Service Management	
Practice Requirement 1	Each person receives quality services which are effectively and efficiently governed
Practice Requirement 2	Each person receives quality services that are well managed and delivered by skilled staff with the right values, attitudes, goals and experience

NQF

QA2	2.3.4	Educators, co-ordinators and staff members are aware of their roles and responsibilities to respond to every child at risk of abuse or neglect
-----	-------	--

National Regulations

Regs	84	Awareness of child protection law
------	----	-----------------------------------

All hard copy documents are uncontrolled.	
---	--

5. Persons Responsible

Parents/guardians are responsible for:

- Providing Early Links with copies of any parenting orders or court orders.

All staff members are responsible for:

- Checking the child's file to 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 Early Links.

Managers are responsible for:

- Ensuring that commencement with service forms specify Early Links policy where guardianship and custody is legally defined.
- Being aware of any parenting or court orders for the children/young people accessing the service and ensuring that these are followed as they relate to Early Links.

Management Committee is responsible for:

- Approval of this policy.

6. Definitions

Early Links – all Early Links services and programs.

Management Committee– the governing body of Early Links, comprised of elected or appointed members who jointly oversee the activities and legal responsibilities of the organisation.

Manager – refers to the General Manager who is responsible for supervising Early Links staff .

Staff – refers to employees and volunteers of the organisation.

Family – refers to the parents/caregivers of the children/young people or young people that receive support from Early Links.

Visitor – any person who is visiting the Early Links service who is not a staff member, client or family.

Parental Responsibility – means that each parent/guardian has equal responsibility for their children/young people's welfare, either in the long-term or on a day to day basis and includes decisions about matters such as where the children/young people 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

<i>Date</i>	<i>Section</i>	<i>Change</i>
November 2017	All	Updated role title from Service Manager to General Manager
February 2018	3.4	Additional section added to cover advocacy

This document must be read in conjunction with the Policies and Procedures that it supports

Child Protection Policy	ELO-002
Commencement with Service Policy	ELP-016
Confidentiality Policy	ELO-044
Privacy Policy	ELO-022
Public Relations Policy (Committee)	ELG-030

All hard copy documents are uncontrolled.	
---	--