



FIRHOUSE
EDUCATE TOGETHER SECONDARY SCHOOL

Custody/Separation Policy

Firhouse ETSS offers the choice of an education based on the inclusive intercultural values of respect for difference and, justice and equality for all. In our school, every student will be invited to learn in an inclusive, democratic, co-educational setting that is committed to enabling and supporting each student to achieve their full potential while at the same time preparing them to become caring and active members of a culturally diverse society.

Adapted from Educate Together Mission Statement

Table of Contents

Policy and Patron Context	2
Custody/Separation School Procedures.....	2
Communication of the policy.....	4
Ratification and review of the policy	4
Appendix: Parental Status and School Communication.....	5

Policy and Patron Context

This policy was devised to provide the school community of Firhouse ETSS with guidelines regarding situations of parental separation and custody matters. It was written based on the guidelines outlined by the Irish Primary Principals' Network and is reflective of *The Children and Family Relations Act* (2015), which came into effect on 18th January 2016.

Custody/Separation School Procedures

The Board of Management and the staff team of Firhouse ETSS encourage parents/guardians with custody/separation arrangements and/or issues to arrange a meeting with the school principal. It is our aim to respond to such situations with sensitivity and compassion, and ultimately, our primary concern is for the wellbeing and overall development of the child.

The list below details the key procedures in place in the school at present.

- When a child spends time in two homes, it is requested that the school be provided with both sets of contact/emergency numbers and both addresses for correspondence purposes.
- The school includes all parents/guardians on the email list for communication unless there is a court order in place. From time to time, the school may send a letter home and a copy will be sent to both parents unless there is a court order in place. For day-to-day communication (e.g. when a student forgets equipment), the school will contact the parent/guardian with whom the child is residing at that time.
- Regarding the collection of student(s) from school, it is requested that the school be informed of any changes in collection arrangements by VS-Mail.
- The school can facilitate separate student/parent/guardian/teacher meetings (Student Progress Meetings) if so desired, however, for child-centred support we recommend that both parents attend together. Each parent/guardian has a right to attend such meetings and have access to school reports unless there is a court order to the contrary.
- In the absence of a custody arrangement, both parents/guardians will be treated as equal partners in terms of parenting/guardianship rights and responsibilities.
- The school cannot be asked to withhold a child from either parent/guardian in the absence of a court order. In this regard, a solicitor's letter is not a court order and cannot be adhered to as such.
- If there is a serious concern about a parent/guardian abducting or leaving the country with the child, the parents/guardians must acquire a court order instructing the school and any other carers regarding rights of access.

- In the case where the estranged parent/guardian is not known to the school, the parent/guardian known to the school should provide a family photograph enabling the school to identify the person in question.
- In the case of unmarried parents, the natural father has no initial custody or guardianship rights. The onus is on the father to produce evidence of a court order in the case of a dispute regarding the collection of a child during or after school. A non-marital father will automatically become a guardian of a child if he meets the cohabitation requirement. An unmarried father who cohabits for 12 months with the child's mother, including 3 months following the birth, will automatically become the child's guardian. This provision is not retrospective, so guardianship will only be acquired automatically, where the parents live together for at least 12 months after 18th January 2016. In this instance the father is entitled to joint custody along with the mother. If the father does not qualify for guardianship rights in this instance, he may apply to the courts to be appointed guardian of the child and he may also apply for custody. A copy of the court order should be provided to the school.
- The school is under no legal obligation to provide any reports about a child if requested to do so by any third party (e.g. solicitor/psychologist).
- The school principal or child's teachers are not obliged to attend court unless under subpoena or summons.
- In the case where a legal order is in place, a copy of this order must be furnished to the school by the parents.
- It is a parent/guardian's full responsibility to inform the school in writing of any change in circumstances at home e.g. separation, divorce, custody arrangements.
- Teachers are expected to:
 - act in a fair, open and even-headed manner in respect of both parents
 - advise both parents of meetings if the teacher believes that one parent will not inform the other
 - facilitate separate meetings, if for good reason, both parents cannot attend together
 - comply with the parent who has de facto day to day care of the child in the event of an issue arising
 - respect the confidentiality of family circumstances and only discuss relevant information with others within the school where necessary
 - seek advice from the principal or the Board of Management regarding any queries or concerns they may have.

Communication of the policy

The school community is to be made aware of the policy as published on the school's website. A hard copy will be available for all parents/guardians upon request from the school reception.

Ratification and review of the policy

This policy was agreed by the Board of Management of Firhouse ETSS on 05/04/2022.

This policy will be reviewed in May 2027, or earlier should the need arise regarding legislation etc.

Signed: 

(Principal)



(Chairperson, BOM)

Date: 05/04/2022

Review date: May 2027

Appendix: Parental Status and School Communication

<u>Circumstance</u>	<u>Status</u>	<u>Communication</u>
If parents are married to each other and live together	Then both parents have joint guardianship and Custody. Parents are entitled to information in joint communications. If parents are married to each other but live apart, then both parents have joint guardianship and custody unless it is otherwise specified by court order in which case a copy of the order which relates to the school should be sought.	Each parent is entitled to information from the school. Communication should be sent to both parents and the means of this communication would need to be clarified with both parents. A written record of the arrangement is advised.
If parents are married to each other, do not reside together but have a separation agreement	Then it will be necessary for the school to ascertain the legal arrangements with regard to custody and access. Custody may either rest with one parent or there may be joint custody arrangements put in place. The relevant court orders should be furnished to the school.	Each parent is entitled to information about their child. Communication will be to each parent separately. A written record of the agreed arrangements for communication is advised.
If parents are married to each other, live apart and may be in a new relationship(s)	Then the partners in any new relationship do not have any statutory rights with regard to custody and access. For instance they do not have a right to attend Parent/Teacher meetings.	Parents are entitled to information in separate communications. There may however be an arrangement whereby a new partner may collect children from school. Details of these agreements either between the parties or made through court order will need confirmation and a written record shared with the school.

If parents are not married and either live together or apart	A non-marital father will automatically become a guardian of a child if he meets the cohabitation requirement. An unmarried father who cohabits for 12 months with the child's mother, including 3 months following the birth, will automatically become the child's guardian. This provision is not retrospective, so guardianship will only be acquired automatically, where the parents live together for at least 12 months after 18th January 2016. In this instance the father is entitled to joint custody along with the mother.	Parents are entitled to information in separate communications.
If parents are not married and are in other relationships	Then the new partners do not have any statutory rights. A nonmarital father will automatically become a guardian of a child if he meets the cohabitation requirement. An unmarried father who cohabits for 12 months with the child's mother, including 3 months following the birth, will automatically become the child's guardian. This provision is not retrospective, so guardianship will only be acquired automatically, where the parents live together for at least 12 months after 18th January 2016. In this instance the father is entitled to joint custody along with the mother unless a court order determines otherwise	The guardians are entitled to information from the school. New partners should not receive communication from the school unless set out by court order or agreement among the parties as previously outlined. Written records by the school is advisable.