

## Shared Parenting Arrangement Policy

The Staff of Canal Way ETNS encourage parents to come and speak confidentially to their child's teacher and/or the Principal regarding changes in family circumstance. Our primary concern is for the well-being and overall development of the children in our school.

The following are the key procedures in place in our school:

- When a child spends time in two homes, it is necessary that the school be provided with both sets of emergency/contact numbers.
- Regarding the collection of children from school - it is requested that the school be informed of any changes in collection arrangements in writing.
- We recommend that both parents attend parent/teacher meetings together. However it is our school policy to offer separate meetings when necessary.
- Requests for separate communication can be accommodated where necessary however it will be assumed that communications will go to the parent with whom that child principally resides. He / she has the responsibility to share all such information.
- In the absence of a custody arrangement which states otherwise, both parents will be treated as equal partners in terms of parenting rights and responsibilities
- The school cannot be asked to withhold a child from either parent in the absence of a court order – note, a solicitor's letter is not a court order. The parents/guardian should request their solicitor to seek a court order instructing the school and any other carers regarding rights of access.
- In the case where an estranged parent/guardian is not known to the class teacher, as may be the case as our school continues to develop, the parent/guardian should provide a photographic identification.
- Parents must formalise their parental custody agreements and inform the school in writing.
- In the case of parents who are not married, the natural father has guardianship rights in accordance with Children and Family Relationship Act 2015. The onus is on the family to inform the school.
- The onus is on the parents to produce declarations and or evidence of a court order in the case of a dispute regarding the collection of a child during or after school. (See Notes below)
- Teachers are under no legal obligation to provide any reports about a child if requested to do so by any third party (e.g. Solicitor/psychologist)
- 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.
- The parent/guardian of each child has full responsibility for informing the school in writing of any change in circumstances at home e.g. separation, divorce, custody arrangements. All information will be kept in the principal's office - ref Data Protection

Policy.  
NOTE -



the school door is not the place to discuss or inform the staff of changes in arrangements - reference Communications Policy.

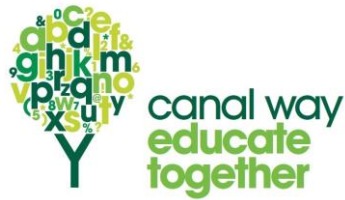
- Our school is committed to providing support for students experiencing loss or significant change in their lives.
- Teachers are expected to:
  - act in a fair manner in respect of both parents
  - advise both parents of meetings if the teacher believes that one parent will not inform the other
  - facilitate separate meetings where both parents cannot attend together.
  - comply with the parent who has de facto day to day control of the child in the event of a dispute
  - pass relevant information from one teacher to another within the school as needed
  - If in any doubt, a teacher should seek advice from the Board of Management.

### Notes re. Guardianship/Custody

- Married parents are 'Joint Guardians'. The mother of a non-marital child is the sole guardian. A Guardian is a person legally entitled to parental rights and duties in relation to a child, one of these rights is custody. Custody is the right to physical care and control of the child.
- If a guardian is deprived of custody rights by a Court they still retain a say in relation to matters regarding a child's welfare ie the religious, moral, intellectual, physical and social welfare of the child. They can also be awarded access

**Guardianship** describes the legal responsibility of parents to make decisions and perform duties in relation to their child's upbringing. Married parents are automatically joint guardians of their children. Neither separation nor divorce changes this. (A father who is not married to the mother of his child does not have automatic guardianship rights in relation to that child).

**Custody** refers to the day-to-day care, residency and upbringing of children who are regarded as dependent children. Dependent children in custody matters are children who are under the age of 18. In cases of judicial separation or divorce, one parent is usually granted custody. The children reside permanently with the parent who has custody and the other parent is granted access to the children at agreed times, which can include overnight access. It is possible for parents to continue to have joint custody of their children after separation or divorce and for the children to spend an equal amount of time with each parent if the parents can agree and arrange this.



**Access** refers to the right of a child to maintain direct contact with the parent with whom the child does not reside. It can include the child staying overnight either occasionally, on alternate weekends or during school holidays and for the parent and child going on holidays together. The parents may agree informally between themselves the arrangements for custody and access to the child.

In the event that agreement cannot be reached, either parent may make an application to the court to decide which parent will have custody of the child and what access the non-custodial parent will have. The application can be made to the District Court or can be made in an application for [judicial separation](#) or divorce in the [Circuit Court](#).

In any application for custody or access, it is the welfare of the child that is the most important factor that a court will consider. It is a child's right to see both parents and access by the non-custodial parent will only be denied if the court believes that it is not in the best interest of the child. The court can set out the time, place and duration of access visits and can order supervised access where another adult is present during visits if it considers it appropriate.

Ratified 05.2019

Principal \_\_\_\_\_

Chairperson \_\_\_\_\_