



Marymount National School

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Marymount National School Custody / Separation Policy

Introduction and Rationale

This policy was formulated to provide the school community of Marymount National School 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.

The Staff of Marymount National School encourage parents experiencing separation to come and speak confidentially to the teachers and / or Principal. It is our aim to handle such matters with sensitivity and compassion, and ultimately, our primary concern is for the well-being and overall development of the child.

The following are the key procedures in place with separated parents of pupils in the school:

- When a child spends time in two homes, it is requested that the school be provided with both sets of emergency / contact numbers.
- Regarding the collection of child/ren from school – it is requested that the school teacher or principal be informed of any changes to collection arrangements in writing.
- It is the school policy to offer the option of separate parent/teacher meetings, if so desired. However, for the child's sake we recommend that both parents attend together. Each parent has a right to attend such meetings and receive school reports unless there is a court order to the contrary.
- It is assumed that when we wish to communicate with parents regarding their child, the parent who is contacted (i.e. the parent with whom the child principally resides) will inform the other parent of meetings, arrangements etc. Special requests for separate communication can be accommodated.
- Regarding notes, school communication via schoolbags, school reports etc, it is assumed that the parent with whom the child principally resides will keep the other parent

informed.

- In the absence of a custody arrangement, 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.
- If there is a serious concern about a parent abducting a child or leaving the country with the child, the concerned parent / 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 the estranged parent / guardian is not known to the teaching staff, as may be the case in larger schools, the concerned parent / guardian should provide adequate information enabling the teaching staff 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.
- 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 where this is kept confidentially (for GDPR compliance).
- 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.

- The staff can recommend books, videos, publications etc. dealing with the issue of separation, on request.

- **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 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

Communication of the policy:

A copy will be provided to all staff members in the school. It will be made available to the Parents Council, and published on the school's website.

Ratification and review of the policy: This policy was ratified by the Board of Management of Marymount N.S. on 11/02/2020 This policy will be reviewed in February 2022 or earlier should the need arise regarding legislation etc.

Signed: *Eden Darcy*
Chairperson Board of Management

Bairbre English
Principal

Date: 11/2/2020

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