



Policy on Separation/Divorce/Custody

This policy was drafted by staff and Board of Management of St. Brigid's NS, Clonegal in 2016, to clarify issues which may arise in relation to children whose Parents have separated or divorced or are experiencing custody difficulties. It will be reviewed in 2017.

Relationship to the school Ethos

This policy is in keeping with the mission statement of the school, which strives to respect all members of the school community and to ensure clear communication at all times.

Rationale

In recognising that a change in family circumstances may affect children, we wish to establish clear communication between home and school so children may be supported as necessary.

Aims and Objectives

- To encourage Parents experiencing separation/divorce/custody difficulties to speak confidentially to the Class Teacher/Principal to ensure the school is aware of issues which may affect the child's attitude, behaviour and work.
- To handle personal situations with sensitivity and compassion.
- To ensure that our primary concern for the well-being and overall development of the child is prioritised in all situations.

Procedures

The following are the key procedures in place for dealing with issues which may arise in relation to separation/divorce/custody difficulties regarding pupils in the school.

- When a child spends time in 2 homes it is essential that the school be provided with both sets of emergency/contact numbers.
- Regarding the collection of a child/children from school, it is requested that the school be informed, in writing, of any changes in collection arrangements.
- It is school policy to offer the option of separate Parent/Teacher meetings, if requested. However, for the child's sake, we recommend that both Parents attend together, if possible. Each parent has a right to attend such meetings and to receive 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. Separate School reports will be furnished, on request – assuming an address has been provided.
- 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. A solicitor's letter is not a court order.
- If there is a serious concern about a parent abducting or leaving the country with the child, 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 the estranged parent/guardian is not known to the class teacher, the concerned parent/guardian should provide a family photograph enabling the class teacher to identify the person in question.
- In the case of unmarried parents, the mother has automatic guardianship of the child. The father can have guardianship rights by one of the following: -
 - a. By agreement where a Statutory Declaration has been signed by both parents in the presence of a legal witness.
 - b. By Court Order.
 - c. Since January 2016, by automatic right provided he has lived with the child's mother for 12 consecutive months from January 2016 including at least three months with the mother and child following the child's birth."
- 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 Court Order is in place, that makes any order relating to the school or how the school interacts with the parents of the child, such as who may collect the child, communication with the school, etc, then a copy of the Order should be furnished to the school if permitted by the Court. In the absence of a court order, the school will treat both Parents as equal partners in regard to parenting rights and responsibilities.
- 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 advise Parents on supports available to children 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 both Parents have requested to be informed and 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.
- speak to the Principal who may seek advice from the In School Management team or the Board of Management, if in any doubt.

Notes to Guardianship/Custody

- Married parents are automatically Joint Guardians of their children. An unmarried mother is automatically a Guardian of her child. An unmarried father is automatically granted Guardianship to his child if he has lived with the child's mother for 12 consecutive months from January 2016 including at least three months with the mother and child following the child's birth. Alternatively, an unmarried father may be granted guardianship by agreement, where a Statutory Declaration is signed by agreement between the parents. Lastly, a father may be granted Guardianship by Court Order. Guardians have a duty to maintain and care for a child, and the right to make decisions on a child's health, religious and secular education, and general welfare."
- One of these rights is custody. Custody is the day-to-day care and control of a child. Married couples are automatically joint custodians of their child, although if they separate, the couple may agree that one of them will have primary care and control of the child. Unmarried mothers are usually the sole custodian of the child, unless otherwise ordered by court.
- 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.

Roles and Responsibilities

Principal, In-school Management team, class teachers and BoM will contribute to the implementation of school procedures.

Success Criteria

- Clear protocols being adhered to in relation to families who are experiencing separation/divorce/custody difficulties.
- Happy school learning environment for children of such families.
- Positive teacher/parental experiences when difficult situations arise.