

Separation, Divorce and Remarriage

Frequently Asked Questions

Information Sheet for Parents and Caregivers

Updated: July 2024

Sydney Catholic Schools (**SCS**) understand that separation, divorce, remarriage and other complex family situations can be difficult to navigate at times. We hope that this Fact Sheet can be a source of information and support in identifying the obligations of schools and families.

Parents seeking enrolment

Who can enrol a child?

Any person with major long-term decision-making authority, or parental responsibility in the absence of major long-term decision-making authority, can enrol a child.

Can we list biological parents, stepparents, and other caregivers on the enrolment form?

Yes, the SCS enrolment form contains four fields in which to list parents, carers, and other contacts.

What documents do I need to provide to enrol my child?

You will require:

- The child's birth certificate and/or adoption paperwork;
- Any interim/final Family Court orders concerning parental responsibility and/or other parenting orders; and
- Any Apprehended Violence Order (**AVO**) or Apprehended Domestic Violence (**ADVO**) that includes the parent(s) and/or children.

What name will my child be enrolled under?

Your child will be enrolled in the name on their birth certificate and that legal name will be used for all formal purposes. If your child prefers to go by a different name, this name can be used in informal settings at the school.

You may change your child's name legally by seeking an order from the Family Court or applying for a change of name through the NSW Registry of Births Deaths & Marriages. You must provide change of legal name documentation to the school.

Who needs to be listed as a parent/carer on the enrolment form?

All parents/carers with parental responsibility or allocated school pick-up days under a court order should be listed on the enrolment form as a contact person and their contact details must

be provided.

It is also encouraged that all parents/carers with parental responsibility sign the enrolment form.

Who needs to be involved in the enrolment process?

Where a child is being enrolled, it is best practice that all parents/carers with parental responsibility attend the enrolment interview and sign the enrolment form.

If one parent is applying to enrol a child without the other parent listed on the birth certificate/adoption paperwork/court orders, the school may contact the other parent to advise them of the enrolment and encourage them to sign the enrolment form.

I have been advised of the enrolment of my child with SCS and I don't want the enrolment to proceed. What should I do?

Any parent with major long-term decision-making authority, or parental responsibility in the absence of major long-term decision-making authority, can enrol their child. If the other parent does not agree with the enrolment, they are encouraged to resolve this outside of the school and seek independent advice. The school cannot stop a parent with major long-term decision-making authority or parental responsibility from enrolling their child.

Parents with children already enrolled

My partner or spouse and I are separating. What should I do?

Arrange a meeting with the school principal as soon as possible so that the school can:

- Be mindful of any change in your child's behaviour
- Discuss wellbeing supports that can aid your child at this time
- Develop a plan for your child in conjunction with the class teacher and pastoral or wellbeing staff

Can the school provide me with a statement for my divorce/parenting proceedings?

SCS remains impartial and does not get involved in family law proceedings. Therefore, SCS will not provide any parent with any statement or character reference for Family Court purposes.

If you require school enrolment records or other information on the student file for Family Court purposes, this request must be made in writing with appropriate proof of identification. Any person with parental responsibility will then be sent a copy of the permitted documents on file.

I don't want the school to communicate with the other parent. Is this possible?

Unless there is an order in place that a parent is not to attend or receive communications from the school (such as court order, AVO or ADVO stipulating this), any parent with parental responsibility for the child can receive communications from the school. The school will always

copy in both parents in any communications unless there is a relevant court order/AVO/ADVO preventing this.

Similarly, both parents should attend meetings or parent teacher interviews together. This will ensure that both parents are briefed equally on any matters impacting their child.

Where a parent has parental responsibility, unless court orders provide otherwise, either parent is entitled to:

- Access to the school's online parent portal (where available)
- Attend school events
- Receive a copy of school reports, newsletters and any other communications
- Collect their child from school
- Meet with their child's teacher at parent/teacher evenings

I am a parent who does not have authority to make decisions that relate to 'major long-term issues' under my family's court orders. However, I do have allocated days with my child and will be collecting them from school on certain days. I want to cease my child's enrolment at the school. Can I do this?

No. Cessation of enrolment is considered a major long-term issue. If there is a court order stating that only one parent can make decisions in relation to **major long-term issues** for a student, the school will only take directions from that parent in relation to major long-term issues.

If an order has been made for both parents to have joint decision-making authority in relation to major long-term issues, the law requires both parents to consult each other and make a genuine effort to come to a joint decision. Schools will move forward on the premise that the parents have consulted with each other when informing the school of that decision. For the school's purposes, schools need only take instructions from one of the joint major long-term decision-making parents.

In the case of decisions that are **not major long-term issues**, the school may take instructions or accept decisions given by the parent with whom the child is staying on that day.

Can I visit my child at school?

No parent should be visiting the school site during school hours, regardless of whether the purpose of the visit is to spend time with the student, provide them with a gift, or otherwise. Visiting during school hours is not encouraged and is disruptive to students.

The other parent picked up their child from school on a day that isn't his or her day in the court orders. What will the school do?

To the extent possible, schools will follow the terms of Family Court orders. However, schools are not a party to Family Court orders and cannot enforce court orders.

This means that where a person with parental responsibility attends a school site to collect their child, we cannot prevent them doing so even where it is not their allocated day. If the school becomes aware of this, we will notify the other parent and make a record of this.

If there is an AVO/ADVO in place protecting the child and the parent attempts to pick up the child in contravention of that order, we will phone the police.

It is my day to pick up my child. Can I arrange for another person to collect my child on my day (e.g., grandparents)?

Yes. Sometimes the parent who is to spend time with the child will arrange for another person, such as a grandparent to pick up the child on their behalf.

Can the other parent object to this?

It is not appropriate for school staff to try to resolve these disputes. Unless a court order specifically prevents a particular person from contact with the child, schools only need to ensure that the person picking up the child is either a person with parental responsibility for the child, or it is that person's allocated day to pick up their child under any court orders, and that person has arranged for a nominated party to pick up the child.

Can I pick up my child early from school because of a family law dispute?

Students are not permitted to leave school early unless they have a valid exemption such as a legitimate illness that is supported by a medical certificate. Early leave that is not explained by a valid exemption is recorded as an unjustified absence against a student's record. Early leave is also highly disruptive to student learning and is strongly discouraged.

The other parent and I have agreed on changes to the existing court orders that are relevant to the school. What information do I need to provide the school? (For example, changes to our child's care arrangements or primary residence).

If you have entered into new Family Court orders reflecting changes to the existing arrangement, please provide the school with a copy of the most recent sealed orders for its records.