

Custody, Access, Collection and Delivery of Children

Regulations: 99, 158, 168, 171, 176

National Quality Standards 2.3.1, 2.3.2, 2.3.3, 2.3.4, 7.3.3, 7.3.5

National Law Section 165A of the law



This policy aims for families to feel comfortable in leaving their child or children in a setting where their security is assured to the highest standard. We understand that each family's needs are unique, and each family's situation will be handled by the Education and Care Service in this manner.

There are strict guidelines regarding the collection of children from an Education and Care Service stipulated in the National Law, National Regulations, and National Quality Standards and relevant Regulatory Authorities. These guidelines also determine procedures where parent/legal guardian fails to collect the child from the Education and Care Service.

- The authorised person who delivers and collects the child is required to sign in and out and record times on arrival at the service morning and evening
- The authorised person must be at least 18 years of age
- Families must be aware that delivery and collection of their child must occur within the services stated operating hours

➤ **Delivery of children to the service**

Refusal of a child to be signed in to the Education and Care Service

Refusal may occur:

- if the child is not enrolled in the Education and Care Service for that day (unless prior arrangements have been made with the Director)
- If the child is unwell or has been sent home from the Education and Care Service with recommendation to seek medical clearance before returning or have had diarrhea or vomiting in the last 24 hours.

➤ **Collection of children from the service**

Late Collection of Children

Late collection will incur a late fee see [Fee policy](#) for details

Refusal for educators to allow a child to be collected from the Education and Care Service by a parent/legal guardian/authorised third party will occur:

- If the person attempting to collect the child is not identified as the parent/legal guardian and is not nominated on the child's enrolment documentation as an authorised person
- if sufficient proof cannot be provided that the person attempting to collect the child is the birth parent or an authorised representative from the Regulatory Authority
- if the parent/ legal guardian's authorised third party arrive in an unfit state, under the influence of drugs or alcohol, is behaving in a manner that is threatening, disrespectful or attempts to verbally or physically abuse educators, families or children
- if a court order is in place (and a copy has been provided to the Education and Care Service), that prohibits them from entering the Education and Care Service or have access to their child
- if a third-party person attempts to collect the child

In an Emergency when an alternative third party needs to collect a child the procedure will be:

- The parent/legal guardian must contact the service prior to the services closing and the Director, or in their absence, the next suitably responsible person must determine if the caller is the parent/legal guardian
- The parent/legal guardian must provide identifying information regarding the third person, this may include but is not limited to, their name, address, date of birth, phone number, method of identification, relationship to the child, identifiable attributes that may aid identification e.g. hair colour
- The parent/legal guardian must ensure that the emergency third party takes in suitable identification (preferably photo ID such as driver's license)
- The parent/legal guardian must ensure that the emergency third party is in a fit state to collect the child and is not under the influence of drugs or alcohol or refusal will occur
- The parent/legal guardian must ensure that emergency third party is over 18 years of age

In an emergency a child may be taken outside the premises without a parent or authorised guardian —

- because the child requires medical, hospital or ambulance care or treatment; or
- because of another emergency.

At which time an educator will accompany the child until a parent or authorised guardian arrives.

#NOTE

If a situation arises that an educator feels is dangerous or life threatening, they are to co-operate with the demand of the person and attempt to discretely gain the attention of another educator to call the Police. Under no circumstances is an educator to put themselves or any other educator or families of the centre at risk.

➤ **Court Orders/Parenting Orders/Parenting Plans, and Child Protection Order**

The law states that both parents have equal rights unless a court order or protection order states otherwise. This means that both parents have equal rights regardless of what the other parent says and regardless of whether they are omitted on the Enrolment Form.

- If a situation arises that an educator feels is dangerous or life threatening, they are to co-operate with the demand of the person and attempt to discretely gain the attention of another educator to call the Police.
- Under no circumstances is an educator to put themselves or any other educator, children or families in the service at risk.
- It must be clearly explained to parents that without a court order, very little can be done about a child being taken away from the service.

Court order

A person who has custody of a child is taken to have legal responsibility for the child. A custody order is a document issued by the Family Court that sets out the terms and conditions of who has custody of a child.

Custody is defined in the Family Law Act 1975 as being:

- the right to have the daily care and control of the child
- the right and responsibility to make decisions concerning the daily care and control of the child.

Parenting order

From June 1996 custody orders were replaced by parenting plans or parenting orders. A parenting order can include the form of communication each person will use with each other. A parenting order may cover:

- where the children live
- who the children spend time and communicate with
- any other issues relevant to the children's care, such as schooling or medical treatment.

Parenting Plan

A parenting plan is a written agreement made between the parents of a child, which is signed and dated by both parents. Parenting plans deal with any aspect of the care, welfare or development of the child, or any other aspect of parental responsibility for a child. They are an alternative to court making decisions about such matters.

A parenting plan may specify:

- who cares for a child,
- the amount of time a child spends with each parent, and
- how both parents will share their duties and responsibilities for raising their child

Child Protection Order

If a child is assessed as being at risk of harm and requiring protection, Child Safety Services may remain involved with the family for a period of time to ensure the child's safety.

Child Safety Services applies for a Child Protection Order if:

- the child or young person cannot remain safely with their family
- a parent is not able and willing to have contact with the department to ensure a child or young person's safety
- the parent disagrees with the department about the child or young person needing protection.

NOTE

If a court order is presented, then that overrides anything previously stated by the parent. A court order or protection order overrides any other form of written verification a parent may have given you. A court order overrides a protection order.

Emergency Contact Details Regulatory Contacts SA Crisis Care 13 16 11

"The Family Law Courts Legal Advice Line" on 1300 352 000 for assistance with legal documents

Late collection

Educators will remain in the service for a maximum of one hour after closing time. In this hour all effort will be made to contact the various authorised persons. In the event that the persons on the enrolment form cannot be contacted, the Family and Children's Service of your area and the Police will be contacted.

If late pickup occurs three times in a calendar year, the Nominated Supervisor will send a letter reminding the family of this policy.

If a fourth late pickup is recorded, the family will be asked to meet with the Nominated Supervisor and a possible termination of their child's enrolment may occur, as the family is in breach of the services policies and procedures.

Policy Source Acknowledgements

- Consultation with Management and Educators
- National Quality Framework
- National Law Guide and National Regulations Guide
- ACECQA website www.acecqa.gov.au