

Custody and Separation Policy

School of the Holy Spirit

Introduction and Rationale:

This policy was formulated to provide the school community of School of the Holy Spirit with guidelines regarding situations of parental separation and custody matters. It was written based on guidelines outlined by the Irish Principal's Network and is reflective of The Children and Family Act 2015, which came into effect on January 18th 2016.

Procedures:

The Board of Management and staff of School of the Holy Spirit encourage parents experiencing separation to speak confidentiality to their child/children's teacher and/or principal. It is our aim to handle such matters with sensitivity and compassion. Our primary concern is for the wellbeing and overall development of the student.

The following are key procedures in place for separated parents of students in the school;

- When a student spends time in two homes, it is requested that the school be provided with both sets of emergency contact details for correspondence purposes.
- Any changes to arrangements for collecting a student/s from school should be made clearly to the class teacher or school office and should be noted on the student's file and communicated to the appropriate staff in school. It is parent's/guardian's responsibility to inform school transport re any changes.

- For the purposes of Parent/ Teacher Meetings the school recommends that both parents attend together. However, the school will offer separate meetings if requested in advance. Each parent has a right to attend such meetings and to receive school reports unless there is a court order to the contrary.
- The school will communicate primarily with the parent with whom the student principally resides. It is assumed that this parent will inform the other parent of meetings, arrangements etc. Special requests for separate communication will be accommodated. If there is a custody arrangement where the student spends equal time with both parents, then both parents will receive school communication on School Reports, notice of Parent/Teacher Meeting in November, notice of meetings with NEPS, SENO, TUSLA and notice of formal practices for sacraments.
- Communication such as notes via schoolbag will be sent to the parent with whom the student primarily resides on the assumption that this parent will communicate the information to the other. The school will not issue a separate note for these communications.
- 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 student from either parent in the absence of a court order. A solicitor's letter is not a court order and cannot be adhered to.
- If there is a serious concern about a parent abducting or leaving the country with a student, the parent/carer 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/carer is not known to the class teacher, the concerned parent should provide a family photograph enabling the class teacher to identify the person in person.
- 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 the child's guardian of a child if he meets the co-habitation requirement. An unmarried father who co-habits 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 January 18th 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.

- The school is under no legal obligation to provide any reports about a child if requested to do so by a third party (e.g. solicitor, psychologist)
- The school principal or student's teacher are not obliged to attend court unless under a subpoena or summons.
- In the case where a legal order is in place, a copy of this order must be furnished to the school by the parents.
- The parent of each student has full responsibility for informing the school in writing of any change in circumstance at home e.g. separation, divorce, custody arrangements.
- Teachers may recommend books, videos, publications etc. dealing with the issue of separation on request.

Teachers are expected to:

- Act in a fair and open manner in respect of both parents.
- Facilitate separate meetings if both parents cannot attend together.
- Comply with the parent who has de facto day to day custody of the child in the event of a dispute.
- Respect the confidentiality of family circumstances and only share information on a need to know basis.
- Seek advice from the principal or the Board of Management regarding any queries or concerns they may have.

Communication of the policy:

A copy will be made available to the staff in each class in the school. It will be available to parents on the school website.

Ratification and review of the policy:

This policy was ratified by the Board of Management on
_____.

It will be reviewed in the school year 2025-2026.

Signed: _____ Date : _____

Chairperson Board of Management

Signed: _____ Date : _____

Principal