

10.18 Court Orders and the Release of Children in Care Policy

The service recognises and acknowledges the diverse and changing circumstances of children's families and shall endeavour to implement a best practice approach to managing the duty of care, whilst respecting the needs of parents and the legal environment surrounding family obligations.



Relevant Laws and other Provisions

The laws and other provisions affecting this policy include:

- *Education and Care Services National Law Act, 2010 and Regulations 2011*
- *Duty of Care*
- *Family and Child Commission Act 2014*
- *Family Law Act 1975*
- *Privacy Act 1988 and Regulations 2013*
- *Child Protection Act 1999 and Regulations 2000*
- *National Quality Standard, Quality Area 7 – Governance and leadership*
- *Policies: 2.4 – Arrivals and Departures of Children, 9.2 – Enrolment, 9.3 – Communication with Families, 9.8 – Parent Conduct, 10.8 – Information Handling (Privacy and Confidentiality).*



Procedures

The service shall request that all families provide, upon enrolment of their child, copies of any legal documents and orders which may impact on the service to implement a duty of care.

The service shall request that all families, upon changing circumstances within the family unit, update their enrolment and provide copies of any legal documents and orders which may impact on the service to implement a duty of care.

The service shall inform all employees of the intent of the court orders whereas it applies to them and impact on their capacity to manage their own duty of care and that of the service towards the child/ren and family.

The service employees shall take a best practice approach to managing the needs of children and families with care and sensitivity, and to work with families to support them in the provision of care for their children.

Families with children attending the service who have custodial or parenting plans in place are responsible for ensuring they comply with set requirements. The service shall endeavor to release children within the conditions as outlined in the certified documents and/or orders. However, should the safety of other children or educators be at risk, children will be released and the custodial parent and/or police contacted immediately.

The service employees shall respect and maintain the confidential nature of the documents through application of privacy principles and as reflected in the service Privacy Policy.

Information requested by parents relating to a child under a court order or parenting plan will be subject to the conditions as per the court order/parenting plan.

DATE DEVELOPED	DATE RATIFIED	DATE REVIEWED	DATE RATIFIED
August 2018	24 August 2018	26.07.21	October 2024
		October 2024	November 2024