



Custody/Separation Policy

In Sandymount Park Educate Together Secondary School (ETSS), we strive to create a vibrant, welcoming school community in which every student feels a sense of belonging. Our aim is to become a school of teaching and learning excellence where students will flourish; enabled to reach their full potential whilst becoming confident, considerate, active members of society. We focus on providing students with opportunities to develop their own identity, both as individuals and as learners and to build strong bonds with others and the wider world.

Our values include: Kindness, Respect, Empathy, Hard Work, Participation, Curiosity, Creativity, Democracy, Community.

Ratified:	April 2021
Review date:	August 2025

Introduction & Rationale

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

Procedures

The Board of Management and the Staff of Sandymount Park Educate Together Secondary School encourages parents experiencing custody issues to come and speak confidentially to the school principal. It is our aim to handle such matters with sensitivity and compassion, and ultimately, our primary concern is for the wellbeing and overall development of the child.

The following are the key procedures in place in the school:

- When a child spends time in two homes, it is requested that the school be provided with both sets of emergency/contact numbers and both addresses for correspondence purposes.
- Regarding the collection of children from school - it is requested that the school be informed of any changes in collection arrangements in writing.
- The school can facilitate separate student/parent/teacher meetings if so desired, however for the support and wellbeing of the child we recommend that both parents attend together. Each parent has a right to attend such meetings and receive school reports unless there is a court order to the contrary.
- When the school communicates with parents regarding their child, we will communicate with the parent with whom the child principally resides. It is assumed that this parent will inform the other parent of meetings, arrangements etc. Special requests for separate communication can be accommodated. If there is a custody arrangement by which the child spends equal time with both parents, then both parents will receive the school communication.
- Regarding school communication it is assumed that the parent with whom the child is residing at the time of that particular communication will keep the other parent informed of such.
- 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. In this regard, 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 the child, the parents 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 is not known to the school, the concerned parent/guardian should provide a family photograph enabling the school to identify the person in question.
- In the case of a child / children of a non-marital relationship, the school will co- operate with the arrangements in place between the parties regarding the child /children unless a dispute arises.
- 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 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 any third party (e.g. Solicitor/psychologist)
- The school principal or child's teachers are not obliged to attend court unless under 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.
- It is parent/guardian's full responsibility to inform the school in writing of any change in circumstances at home e.g. separation, divorce, custody arrangements.
- Teachers are expected to:
 - act in a fair, open and even-headed manner in respect of both parents.
 - advise both parents of meetings if 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 responsibility for the child in the event of a dispute.
 - respect the confidentiality of family circumstances and only discuss relevant information with others within the school where necessary.
 - seek advice from the principal or the Board of Management regarding any queries or concerns they may have.

Communication of Policy

A copy will be provided to all staff members in the school. It will be available for all parents at school reception. It will be made available to the Parents' Association and published on the school's website.



Ratification & Review of Policy

This policy was ratified by the Board of Management of Sandymount Park Educate Together Secondary School on 14th April 2021. This policy will be reviewed in September 2025, or earlier should the need arise regarding legislation etc.

Vaessa Barcroft,
Chairperson BOM

Date

Paula Mulhall,
Principal

Date



Appendix 1

Parental Status & School Communication

Circumstance	Status	Communication
If parents are married to each other and live together	Then both parents have joint guardianship and custody. Parents are entitled to information in joint communications. If parents are married to each other but live apart, then both parents have joint guardianship and custody unless it is otherwise specified by court order, in which case a copy of the order which relates to the school should be sought.	Each parent is entitled to information from the school. Communication should be sent to both parents and the means of this communication would need to be clarified with both parents. A written record of the arrangement is advised.
If parents are married to each other, do not reside together but have a separation agreement	Then it will be necessary for the school to ascertain the legal arrangements with regard to custody and access. Custody may either rest with one parent or there may be joint custody arrangements put in place. The relevant court orders should be furnished to the school.	Each parent is entitled to information about their child. Communication will be to each parent separately. A written record of the agreed arrangements for communication is advised.
If parents are married to each other, live apart and may be in a new relationship(s)	Then the partners in any new relationship do not have any statutory rights with regard to custody and access.	Parents are entitled to information in separate communications. There may however be an arrangement whereby a new partner may collect children from school. Details of these agreements, either between the parties or made through court order, will need confirmation and a written record kept.



If parents are not married and either live together or apart	A non-marital father will automatically become a guardian of a child if he meets the cohabitation requirement.	Parents are entitled to information in separate communications.
If parents are not married and are in other relationships	Then the new partners do not have any statutory rights. A nonmarital father will automatically become a guardian of a child if he meets the cohabitation requirement. In this instance the father is entitled to joint custody along with the mother unless a court order determines otherwise.	The guardians are entitled to information from the school. New partners should not receive communication from the school unless set out by court order or agreement among the parties as previously outlined. Written records by the school is advisable.

