



Information Sheet on Custody/ Separation

The Staff of Scoil Mhuire encourage parents experiencing separation to come and speak confidentially to the teachers and/or Principal. It is our aim to handle such matters with sensitivity and compassion, and ultimately, our primary concern is for the well being and overall development of the child.

When a child spends time in two homes, it is requested that the school be provided with both sets of emergency/contact numbers. Regarding the collection of child/ren from school - it is requested that the school be informed of any changes in collection arrangements by note. It is the school policy to offer the option of separate parent/teacher meetings, if so desired (arranged in January).

It is assumed that when we wish to communicate with parents regarding their child, the parent who is contacted (i.e. the parent with whom the child principally resides) will inform the other parent of meetings, arrangements etc. Special requests for separate communication can be accommodated;

- Regarding notes, school communication via schoolbags, school reports etc, it is assumed that the parent with whom the child principally resides will keep the other parent informed.
- In the case of married parents, the school cannot be asked to withhold a child from either parent in the absence of a custody arrangement. In the case of unmarried parents, the natural father has no custody or guardianship rights unless a court grants those rights to him. 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.
- The staff of Scoil Mhuire will endeavour at all times to deal sensitively and caringly with children experiencing separation. The staff can recommend books, videos, publications etc. dealing with the issue of separation, on request.

Access Rights to Children in Schools – Notes for Principals/Teachers

The issue of child custody, as it applies to the right of either parent/guardian to collect their child(ren) from school is often highly charged with emotion and great pressure is put on Principals/teachers.

The classic scenario presents where one parent will inform the principal that there is a relationship breakdown with the added hypothesis of the likelihood that the estranged parent may collect the child and abscond. Such a scenario is quite frightening and presents nightmare images. However, from the Principal's perspective there is no legal basis for the class teacher or Principal to deny either parent or guardian the right to collect his/her child from school unless there is a court order instructing the school otherwise. A solicitor's letter is not a court order. Anyone can ask a solicitor to write a letter on their behalf but it has no legal standing.

Some recommendations:

- 1) Inform the parent/guardian that requests for denial of access to the other partner are outside the jurisdiction of the school and therefore the school is unable to pass judgment on rights of access/collection
- 2) Suggest that if there is a serious concern about abduction or leaving the country with the child(ren), then the parents/guardian should request their solicitor to seek a court order instructing the school re. rights of access/collection etc
- 3) Meanwhile, the school can offer maximum cooperation and support to the concerned parent/guardian along the lines of:
 - That the Principal assures the concerned parent/guardian that maximum awareness and attention will be given by the class teacher and others in the school who are involved in the care of their child(ren) with respect to all aspects of parent-school communication and the collection of children.
 - In the case where the estranged parent/guardian is not known to the class teacher (often the case in larger schools), then the concerned parent/guardian should provide a family photograph enabling the class teacher to identify the person in question.
 - The class teacher/principal will inform the concerned parent/guardian immediately if the other partner contacts, calls to, or seeks to collect the child(ren) from the school.

These practical measures can in no way deny either parent/guardian access to their child(ren), but are based on basic humanitarian support for a distressed parent/guardian. Ultimately only a court order can change the existing rights of both parents/guardians.