



St. Patrick's Junior School

TENNIS COURT LANE, SKERRIES, CO. DUBLIN.

K34 D799

Principal: Máire Ní Chróinín
Deputy Principal: Lynsey Dungan

Roll Number: 16333Q
RCN: 20118839

Separation/Guardianship Issues Policy

Parents of our pupils experiencing separation are encouraged to inform the class teacher(s) and/or Principal in this regard. It is our aim to handle such matters confidentially, with sensitivity and compassion, and our primary concern is for the well-being and overall development of the child.

Role of school

At all times St. Patrick's JNS remains impartial and does not wish to become involved in domestic disputes. It is important that school remains a safe and happy space for all our pupils at all times, no matter what their domestic circumstances may be. It is important that family disputes do not encroach on the child's understanding of school as a safe place, on a child's education or on their capacity to learn.

Parents/guardians should be aware 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 judgement on rights of access/collection. Any disputes between parents/ guardians should be dealt with either in family court or through mediation.

St Patrick's JNS also plays no role in deciding which school a child attends. As per the Education (Admission to Schools) Act 2018 and our Admissions Policy, if there is a place available in a class in the school it will be offered to the next eligible applicant. Where both parents are guardians, even where separated/unmarried and not living together, both guardians must sign the enrolment form.

The following are the key practices in place in our school with separated parents of pupils in the school:

- When we communicate with parents regarding their child/ren, for any and all purposes and by any and all methods of communication, the parent contacted will be the parent with whom the child resides or principally resides. It is assumed that the parent contacted will inform the other parent of meetings, arrangements etc. Requests for separate communication can be accommodated and policy in this regard is outlined below and in our "School Communication with Separated Parents" Policy, available on our website at <https://stps.ie/school-policies/>
- The parents/guardians of the child have full responsibility for informing the school in writing of any change in circumstances at home e.g. contact details, separation, divorce, custody arrangements.
- When a child spends time in two homes, it is requested that the school be provided with both sets of emergency/contact numbers.
- In the absence of a clear custody arrangement, both parents will be treated as equal partners in terms of parenting rights and responsibilities.
- Regarding the collection of any child/ren from school - it is requested that the school be informed of any temporary or permanent changes in collection arrangements **ahead of the change** via email to the class level email. This stipulation applies to



Tel/Fax: 01 8490836 admin@stps.ie www.stps.ie



collection of all our pupils and includes all situations where there is a change to arrangements, even for one day.

- For the child's sake we recommend that both parents attend parent/teacher meetings together. Each parent has a right to attend such meetings and receive school reports unless there is a court order to the contrary. Where it is necessary the school will offer the option of separate meetings.
- The school cannot be asked to withhold a child from either parent in the absence of a court order. A solicitor's letter is not a court order.
- Where a legal order regarding custody/access is in place, a copy of this order must be furnished to the school.
- If there is a serious concern about a parent abducting or leaving the country with their child, the parents/guardian 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/guardian is not known to the class teacher, the concerned parent/guardian should provide a family photograph enabling the class teacher to identify the person in question.
- In the case of unmarried parents, the natural father has custody and guardianship rights in certain circumstances. See notes below. The onus is on the father to produce evidence of guardianship in the event of a dispute.
- Teachers are under no legal obligation to provide any reports about a child if requested to do so by any third party (e.g. Solicitor/psychologist). Such reports will only be provided to the guardian(s) following a direct request from them in writing to the office (admin@stps.ie). Where there is a legal dispute and the school agrees to provide a report, this will be provided to both parents where both are guardians.
- Teachers are not obliged to attend court unless under subpoena or where a summons has been issued.
- The school can recommend books, videos, publications etc. dealing with the issue of separation, on request to the office.
- Teachers are expected to:
 - Act in a fair, open and even-handed manner towards both parents.
 - Advise both parents of meetings where separate communication has been requested in line with school policy.
 - Facilitate separate meetings, if for good reasons both parents cannot attend together.
 - Pass relevant information from one teacher to another within the school as needed. This may include recording the relevant information on the school's pupil management system, provided by Databiz.
 - If in any doubt, a teacher should seek advice from the Principal/Board of Management.

Approved by the Board of Management at a meeting on (date):

21/9/2021

Signed:

V. Rev. Fr. Melvyn Mullins
Very Rev. Fr. Melvyn Mullins,
Chairperson, Board of Management.

Notes re. Guardianship/Custody

Custody

Custody is the right to physical care and control of the child. If a guardian is deprived of custody rights by a court they still retain a say in relation to matters regarding a child's welfare. They can also be awarded access.

Guardianship

A Guardian is a person legally entitled to parental rights and duties in relation to a child. Guardians have a duty to maintain and properly care for the child and they have a right to make some decisions about the child's welfare.

- Married parents are Joint Guardians.
- The mother of a non-marital child is the sole guardian.
- An unmarried father will automatically be a guardian if he has lived with the child's mother for 12 consecutive months after 18 January 2016, including at least 3 months with the mother and child following the child's birth.
- If the mother agrees, the father can become a joint guardian if both parents sign a statutory declaration.
- An unmarried father can apply to the court for guardianship/custody. Guardianship/custody if granted is by way of a court order.

Relevant Legislation:

Guardianship of Infants Act, 1964 (as amended) - available at <http://www.irishstatutebook.ie/eli/1964/act/7/enacted/en/html>