

POLICY: 2.5 ACCEPTANCE AND REFUSAL

Procedure: 2.12 Unauthorised Parental Access

Educators must allow entry to a parent whose child is being cared for in the residence, unless permitting the parent would pose a risk to the safety of the children, the Educator, their family members or a staff member; or would conflict with any duty of the Service or Educator under the law; or where the service and/or Educator is aware that a court order prohibits the parent from having contact with the child.

2.12.1 Linking to Policy

This procedural guidance should be read in conjunction with the service **2.5 Acceptance and Refusal Policy** and will assist the Approved Provider, Management, Staff (Nominated Supervisors, Coordinators and Administrative Staff members) Educators, Educator Assistants and parents to implement the policy. The procedure covers:

[2.12.12 Responsibility to inform the Service](#)

[2.12.3 Unauthorised Parent Seeking Access to the Child](#)

[2.12.4 Identifying the Main Custodian in Dual Custody Situations](#)

[2.12.15 Supervised Visitation](#)

2.12.2 Responsibility to Inform the Service

The parent/guardian will ensure the Service and Educator are aware of any adult or parent who has been denied access to a child by a court order.

The Service must keep on file copies of any court orders relating to the child/children and a copy provided to the Educator.

The parent will inform the person that they are not permitted to be on the Educator's residence or approach the Educator or the child at any time for any reason

2.12.3 Unauthorised Parent Seeking Access to the Child

In the event that an unauthorised parent seeks access, Educators will implement the following procedure:

- Contact the custodial parent (if possible) and the Service office.
- If an Educator feels under threat, they will call the police immediately.
- Educators are to advise the unauthorised parent that they cannot relinquish the child without authorisation from the custodial parent.

- Educators will request from the custodial parent, written authorisation for the non-custodial parent to collect the child.
- If the Service staff or Educator does not hold written permission from the custodial parent, then the unauthorised parent will be asked to leave the residence or the vicinity of the child.
- The Educator's primary responsibility at all times is to keep themselves and the children in care safe. If the unauthorised parent demands the child leave with them and the Educator feels in any way at risk of being harmed, then they are to allow the child to go with the parent.
- The Educator must immediately contact the police, the Service and the custodial parent.

If possible, the Educator will record a description of the unauthorised parent and vehicle registration or other relevant details.

The Nominated Supervisor will notify the CEO of the incident.

The Educator will notify the Coordinator and/or Nominated Supervisor of any incident involving contact by an unauthorised parent as soon as practical. The Coordinator and/or Nominated Supervisor will discuss the event with the custodial parent at the earliest opportunity.

The Nominated Supervisor, Educator and parent will, after such a situation, meet and discuss what had occurred. A risk assessment will be completed and agreed actions recorded – *refer to the 6.11 Risk Assessment and Management Procedure* for further advice.

2.12.4 Identifying the Main Custodian in Dual Custody Situations

In the absence of a Court Order or Legal Orders, the Service staff will:

- take advice from the enrolling parent (who is responsible for the child care fees), while respecting the rights of all parents and always considering the best interests of the child, regarding placement in care or other decisions relating to the needs of the child.
- in the event that two parents are sharing the responsibility equally, it is expected that both parents will enrol separately and lodge separate Child Care Subsidy claims. The Educator and Service will refer to the appropriate custodial parent for the period of time the children are in care regarding care requirements.
- each care arrangement will be treated as confidential. The care arrangements pertaining to a child's care will be available to the other parent upon request to the Service, if the parent is listed on the enrolment form or is part of a court order.

2.12.5 Supervised Visitations

At no time will the Service or Educator's residence be used as a venue for Supervised Visitations.

Parents and Educators will be informed of this limitation if there is a court order in place.

Where the Department of Child Safety Youth and Women is involved in the care of children, the foster parent must sign the child in and out regardless of whether a Child Safety Officer is

collecting the child from the Educator's residence unless the specific Child Safety Officer is an authorised nominee on the child's enrolment record.

Review

	Date	Details
Revision 00	07/2015	Original Policy Issued
Revision 01	12/2016	Reviewed
Revision 02	08/2017	Reviewed
Revision 03	10/2020	Reviewed and separated from Policy

Related Documents

Policies

2.5 Acceptance and Refusal Policy

Procedures

2.11 Acceptance and Refusal

Forms

Child Enrolment Form

Additional Child Details Form

Incident, Injury, Illness and Trauma Form

References

Refer to 2.5 Acceptance and Refusal Policy

Family Law Act 1975 (S61B-Cth)

www.childcarelaw.org/docs/releasingchildren.pdf