



The Montessori School Kingsley Inc.

FAMILY LAW POLICY



1. VERSION MANAGEMENT

Version	Period Created/ Reviewed	Changes	Author	Date Ratified by School Board	Date Published
1	January 2019	Separate Policy Created – Previously Part of Child Safety Policy	Principal	April 2019	
2	2026	This document was developed using a template from The School Hub ©, which was purchased for use by the School.	Principal	24 August 2026	25 August 2026

2. FAMILY LAW POLICY

The Montessori School Kingsley will implement this Policy by ensuring that staff understand their responsibilities regarding family disputes and their impact on student education and school operations. Under the direction of the Principal and the School governing body, the institution guarantees that all decisions are informed, balancing legal duties to students with the responsibilities of parents and family members, while maintaining a neutral and child-centred approach in accordance with Western Australian legislative requirements.

3. PURPOSE AND LEGISLATIVE COMMITMENT

The School recognises that family disputes and separations can be highly sensitive and complex, significantly impacting a student's wellbeing and educational engagement. The purpose of this Policy is to establish clear guidelines for staff when dealing with separated parents and to define the School's role in maintaining neutrality while upholding its duty of care. This policy aligns with the Family Law Act 1975 (Cth), the School Education Act 1999 (WA), and the Privacy Act 1988 (Cth), ensuring that the School remains a safe and stable environment for the child.

4. SCOPE AND APPLICABILITY

This Policy applies to all teaching and non-teaching staff, administration, and parents or guardians of students enrolled at the School. It governs the management of student records, communication with parents, and the School's response to various legal orders, including Family Court Orders and Violence Restraining Orders (VROs).

5. GUIDING PRINCIPLES

The School maintains a position of absolute neutrality in family disputes and will not take sides or provide evidence for one parent over another unless legally compelled to do so. The best interests and safety of the child are the primary considerations in all decisions. The School operates on the presumption of equal shared parental responsibility unless a court order specifies otherwise, and staff are expected to treat both parents with professional courtesy regardless of the family situation.

6. DEFINITIONS

TERM	DEFINITION
Consent Order	A legally binding agreement approved by the court that carries the same weight as a court order issued after a hearing.
Joint Decision Making	Formerly known as 'equal shared parental responsibility', this refers to all legal duties and authorities parents have regarding major long-term issues for their children.
Major Long-Term Issues	Issues concerning the care and development of the child, specifically including education, health, name, and religious or cultural upbringing.
Parenting Order:	A legally enforceable court order that determines arrangements such as who the child lives with, spends time with, and the allocation of parental responsibility.
Parenting Plan	A written, signed agreement between parents regarding child arrangements; while it is not legally enforceable by the court or police, it may be considered in future legal proceedings.
School	The Montessori School Kingsley

7. POLICY STATEMENTS

7.1 Identification and Collection of Information

At the time of enrolment, the School will establish the identity of the student's parents as far as is reasonably practicable. Parents are required to provide the School with sealed copies of any current parenting plans, parenting orders, or restraining orders, and they must update the School immediately regarding any changes to these legal documents.

7.2 Parental Responsibility and Decision Making

Unless a specific court order states otherwise, the School operates on the presumption that both parents have joint decision-making responsibility for the student. If a parenting order requires joint decision-making for educational matters, the School can generally assume that a decision provided by one parent has been made jointly, removing the need to consult the other parent before taking action. Step-parents or other significant persons do not automatically hold parental responsibility unless it has been specifically granted to them by a court order.

7.3 Communication and Access to Information

The School will provide academic reports and opportunities for parent-teacher discussions to each parent who holds parental responsibility, regardless of which party signed the original enrolment contract. However, personal contact details for one parent will not be shared with the other parent without explicit consent. Information regarding the student will not be disclosed to third parties, such as new partners or grandparents, without a valid court order or the express written consent of the legal parents.

7.4 School Attendance and Pick-Up

Unless restricted by a specific court order, both parents are entitled to attend school events and visit the School premises. The parent who has primary care of the child on a specific day is generally responsible for signing absentee notes and permission slips. The School will not release a child to an unauthorised person and will only withhold a child from a legal parent if a valid court order is in place or if there is an immediate and foreseeable risk of harm to the student.

7.5 Legal Compliance and Subpoenas

The School must comply with valid subpoenas for the production of documents or for staff members to give evidence. Staff must only provide the specific documents identified in the subpoena schedule and must submit these directly to the court rather than to the requesting parent or their solicitor. The disclosure of more information than is explicitly requested may result in a breach of the Privacy Act 1988 (Commonwealth).

7.6 Restraining Orders and Safety

If the School becomes aware of a breach of a Family Violence Restraining Order (FVRO) on school grounds, the Principal will contact the WA Police immediately. Staff are strictly prohibited from attempting to physically intervene or personally enforce the order. All relevant documents and records of communication regarding family disputes will be stored securely within the student's confidential file.

8. ACCOUNTABILITIES AND RESPONSIBILITIES

In relation to this Policy, the following positions are responsible for:

ROLE	RESPONSIBILITY
Policy Owner	The Policy Owner, the School Board, is responsible for the cyclical review and approval of this Policy.
Principal	The Principal is responsible for ensuring that the requirements of this Policy are implemented, monitored, and reviewed.
School	• Ensures up-to-date legal documents are on file • Provides staff training • Maintains professional boundaries and neutrality • Establishes communication protocols for legal updates
Parents and Legal Guardians/Carers	• Must provide current court orders • Notify the School of changes • Respect School policies and refrain from involving staff in personal disputes
Students	• Encouraged to communicate with trusted adults • Respect family privacy • Engage positively in learning regardless of family circumstances

9. RELATED AND SUPPORTING DOCUMENTS

Legislation	• Family Law Act 1975 (Cth) • Family Court Act 1997 (WA) • School Education Act 1999 (WA) • Privacy Act 1988 (Cth) & NDB Scheme • School Education Regulations 2000 (WA) • Work Health and Safety Act 2020 (WA) • Australian Education Act 2013 (Cth) • Freedom of Information Act 1992 (WA)
Mandatory Standards and Frameworks	• Registration Standards for Non-Government Schools (WA) • National Principles for Child Safe Organisations WA • WA Reportable Conduct Scheme
Policy	• Attendance Policy • Child Protection and Safety Policy • Communication Policy • Duty of Care Policy • Enrolment Policy • Information Security Policy
Procedures	• Attendance and Lateness Procedures • Child Protection Procedures • Child Safety Procedures • Duty of Care Procedures • Communication Procedures • Enrolment and Resignation Procedures • Records Management Procedures
Local Protocol	• Staff Code of Conduct • Community Code of Conduct
Forms	N/A
Relevant External Documents/Websites	N/A