



He Whānau Manaaki o Tararua  
Free Kindergarten Association Incorporated

Date Effective: May 2020  
Review Date: February 2022

## Legal Access

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Responsible to:	Chief Executive Officer
Applies to:	All Staff, Parents and Guardians
Purpose:	To ensure children are kept safe and the rights of the custodial and non-custodial parents are upheld and fairly implemented.
Definitions:	<p>‘Person having contact rights with a child’: a parent or other person who, although not having custody of a child, continues to have contact rights and is entitled to exercise those rights;</p> <p>‘Court’: means any of the Family Court, High Court or a District Court of New Zealand;</p> <p>‘Guardian’: means a person, including a parent, of a child who has legal guardianship of a child;</p> <p>‘Parenting Order’: a Court Order which decides the terms on which, and the time during which, people named in the order provide day-to-day care for, or may have contact with a child;</p> <p>‘Child under guardianship of a Court’: where a child is under a guardianship of the Court both parents are deemed to be non-custodial parents and the terms of the order of the Court will determine contact rights.</p>
References:	Care of Children Act (2004) Family Court, High or a District Court of New Zealand Education (Early Childhood Centres) Regulations 2008

## Policy

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1. Subject to any Parenting Order to the contrary (for example, by limiting the scope of contact or decisions concerning a child by a person), guardians of a child regardless of custodial rights are entitled to:
  - receive a copy of any written report made about the child’s learning and development
  - discuss the learning and development of the child with the Head Teacher
  - contribute to major decisions affecting the child
  - be part of parent consultation groups
  - see any records that are made available to parents.

2. Teachers should make reasonable efforts to assist guardians to avail themselves of the above rights.
3. It is the responsibility of guardians and persons having contact rights with a child to inform kindergarten teachers of care and access arrangements and provide reasonable proof of those rights (for example, where kindergarten staff consider it appropriate, a copy of a Parenting Order should be provided and kept on file at the kindergarten).
4. Teachers, if they have reasonable doubts as to the identity, good faith or legal rights of any person wishing to make contact with a child at kindergarten, shall consult the guardian or a person who is known to have legal contact with the child. This includes:
  - A person not known to have legal contact with the child shall as a prerequisite to any contact with the child produce a copy of a Parenting Order by a Court granting that person contact with the child and they shall also provide proof of identity to the reasonable satisfaction of the kindergarten teacher.
  - Where there is any doubt, unrestricted contact with the child shall not be permitted. In these situations the Head Teacher shall remain with the child at the kindergarten and the teacher may refer the issue regarding contact with the child by the person concerned to the Police or such other Government Agency as the teacher deems necessary.

## Procedure

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### Registration and admission

1. On registration and/or admission of the child the Head Teacher should ascertain and record on the enrolment records the names and addresses of all guardians.
2. Where relevant any custodial, care and contact arrangements shall also be recorded together with a copy of the Parenting Order demonstrating these arrangements.
3. Teachers shall be clearly informed by a child's guardian of the rights of a parent of the child who is not a guardian of the child.
4. All teachers at the kindergarten are to be informed by a child's guardian of the legal care and contact arrangements pertaining to the child.
5. A photocopy of a current Parenting Order shall be supplied to teachers by a child's guardian.
6. Where care or contact arrangements change for a child it is the responsibility of the child's guardian to notify the teachers immediately.

## General

1. Where a person approaches teachers at kindergarten and seeks contact with a child, the Head Teacher shall check the record of care and contact arrangements and seek (where possible) direction from the child's guardian.
2. Where there is a concern that a person is at the kindergarten with the intention of attempting to uplift a child but that person has no legal right to do so, the child's guardian and the Police shall be telephoned immediately and their assistance sought. The teachers will then also inform the Association as soon as practicable.
3. Teachers are not to become involved in, or attempt to mediate, disputes between persons who are the guardians of or who have contact rights with a child. Teachers shall make this policy known to guardians and persons having contact rights with a child if a dispute arises.
4. The child's guardian may give permission for the child to be picked up by anyone other than the guardian but teachers may require that the guardian's permission be given by the guardian in writing and kept on file at the kindergarten.
5. If difficulties arise that are not covered by these procedures, teachers should immediately contact a Senior Teacher or Association Management for advice.