



St. Michael's School

Custody / Separation Policy

June 2026

Introduction

The Staff of St. Michael's School 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.

Rationale

In our Mission Statement we commit ourselves to providing “*a secure, healthy and caring environment which values the uniqueness of each person*”. In order to achieve this, we promote the welfare, safety, health and guidance of all our pupils.

St. Michael's School's primary responsibility is for the care, welfare and safety of its pupils. We are committed to the development of the potential of each pupil in an atmosphere characterized by love and respect.

Aims

This policy aims to:

- Endeavour at all times to be attentive to the well-being and overall development of the pupil concerned.
- Encourage parents experiencing separation to come and speak to the school in confidence.
- Handle the situation with sensitivity and compassion.

Procedures

- In the absence of a court order, guardianship arrangement, custody arrangement or access arrangement, parents are treated as equal partners in terms of parenting rights and responsibilities.
- When the pupil spends time in two homes, both sets of emergency/contact numbers are required by the school.
- Regarding the collection of pupils from school, it is requested that the school be informed of any changes in collection arrangements in writing.
- Offer the option of separate parent / teacher meetings, if so desired. Each parent has a right to attend such meetings and receive school reports unless there is a court order to the contrary.
- Regarding notes, school communication via schoolbags, school reports etc. it is assumed that the parent with whom the child resides will keep the other parent informed. If it is a case where both parents require school reports, a request must be made to the school in writing.
- It is assumed that when the school wishes to communicate with parents regarding their child, the primary carer is contacted (who shall inform the other parent of such meetings, arrangements, etc.) If this arrangement is not suitable, a request in writing must be made.
- In the absence of a court order, guardianship arrangement, custody arrangement or access arrangement the school cannot deprive parent/guardian of contact with their child and both parents will be treated as equal partners in terms of parenting rights and responsibilities.
- The school cannot be asked to withhold a child from either parent in the absence of a court order – note, a solicitor's letter is not a court order.
- If there is a serious concern about a parent abducting or leaving the country with the 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, as may be the case in larger schools, the concerned parent/guardian should provide a family photograph enabling the class teacher to identify the person in question.
- The rights of unmarried parents will be recognised in accordance with current legislation. Where there is uncertainty regarding guardianship, custody or access rights, the school may request appropriate documentation. The onus is on the parent/guardian to produce evidence of a court order in the case of a dispute regarding the collection of a child during or after school. (See Appendix 1).
- 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).
- Teachers are not obliged to attend court unless under subpoena or summons.
- In the case where a legal order is in place, a copy of this order must be furnished to the school.
- The parent/guardian of each child has full responsibility for informing the school in writing of any change in circumstances at home e.g. separation, divorce, custody arrangements.
- The staff can recommend books, videos, publications etc. dealing with the issue of separation, on request.
- Teachers are expected to:
 - act in a fair, open and even-headed manner in respect of both parents
 - advise both parents of meetings if the teacher believes that one parent will not inform the other.
 - facilitate separate meetings, if for good reason, both parents cannot attend together.
 - comply with the parent who has de facto day to day control of the child in the event of a dispute.
 - pass relevant information from one teacher to another within the school as needed.
 - If in any doubt, a teacher should seek advice from the Board of Management.

The school and its staff will remain neutral in parental disputes and will not become involved in matters that are the responsibility of the courts or legal representatives.

Notes re. Guardianship/ Custody

Married parents are 'Joint Guardians'. The mother of a non-marital child is the sole guardian. A Guardian is a person legally entitled to parental rights and duties in relation to a child.

One of these rights is 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 will retain a say in relation to matters regarding a child's welfare i.e. the religious, moral, intellectual, physical and social welfare of the child. They can also be awarded access.

Ratification and Review

This policy was ratified at a Board of Management meeting in 2010 and most recently reviewed at a Board Meeting held on 24th June 2026. A copy of this policy is available on the school website for the school community to access and is available on Aladdin for staff. A hard copy is available from the school office upon request.

Signed: 

Date: 24th June 2026

Chairperson, Board of Management

APPENDIX 1 – School communication and Parental Status – MNC-6422420-1

A	Parents married to each other & living together	Mother and Father have equal guardianship and custody rights over the child unless a court order specifying otherwise exists, e.g. a care or supervision order. Where necessary the school should seek a letter from the parent's solicitor confirming the content of the relevant section of any such court order to clarify its impact (if any) on the school.	Both parents are entitled to: ➤ Be consulted in regard to educational welfare of child. ➤ Notice of formal parent teacher meetings. ➤ Copies of school reports. ➤ Notice of meetings with NEPS, SENO etc. ➤ Notice of in-school/after school programmes. ➤ Notice of school closures ➤ Notice of preparation meetings for the various sacraments/other meetings. One letter to both parents will suffice.
B	Parents married to each other, separated and living apart.	In addition to (A) above, parents may have an 'informal arrangement' as to the custody of and access to their child/ren. Where necessary, schools should request details of any such arrangement. 'Living apart' includes situations where couples who have separated continue to live under the same roof as well as situations where one or other has left the family home.	Both parents entitled to information as set out in (A) above. A separate letter/communication should be sent to each parent.
C	Parents married to each other, living apart with a 'Separation Agreement' in place	In addition to (A) above, the 'Separation Agreement' will detail any formal arrangement between the parents in relation to custody and access. Custody of the child normally rests with the parent with whom the child primarily resides. Parents may also have joint custody. Both parents remain guardians of the child. Where necessary the school should seek a letter from the parent's solicitor confirming the content of the relevant section of any such agreement to clarify custody and access arrangements in relation to how these may impact on the school.	Both parents entitled to information as set out in (A) above. A separate letter/communication should be sent to each parent.
D	Parents married to each other, living apart & either one	In addition to (A) above, the fact that either parent is in a new relationship or has remarried has no impact on	Both parents are entitled to information as set out in (A) above.

	or both is in a new relationship	the guardianship or custody rights of the natural parents. New partners have no statutory rights in relation to the child but may have a role with regard to collection from school etc. Communications from the school to new partners should be limited to that which is agreed between the parents or that which has been provided for by a court order.	A separate letter/communication should be sent to each parent. No letter/communication should be issued to new partners, unless there is an express agreement between the parties or unless such is provided for in a court order.
E	Parents unmarried & living together or living apart	The school should co-operate with the arrangements in place between the parties regarding the child unless a dispute arises. The natural mother only has automatic right of guardianship. A natural father can apply to the court seeking an order granting him guardianship, custody and access rights. In circumstances where the natural father is asserting his rights, the school should seek a letter from the parent's solicitor confirming the content of the relevant section of any such court order to clarify any such rights. Alternatively, provided the father is named on the birth certificate, the natural mother can agree by statutory declaration to grant the father such rights whereby he is appointed guardian. The school should seek a copy of the statutory declaration. Should the natural mother and father subsequently marry each other, both then have equal guardianship and custody as set out in (A) above.	The natural father does not have automatic entitlement to the information set out in (A) above. A letter/communication goes to the natural mother and to the father if he is in possession of either a court order or a statutory declaration.
F	Parents unmarried & in new relationships	The natural parents' rights are as set out in (E) above. New partners have no statutory rights in relation to the child but may have a role with regard to collection from school etc. Communications from the school to new partners should be limited to that which is agreed between the natural parents or that which has been provided for by a court order.	The natural parents are entitled to the information as set out in (E) above. A letter/communication goes to the natural mother and to the father if he is in possession of a court order or a statutory declaration. No letter/communication should be issued to new partners unless there is express agreement between the parties or unless such is provided for in a court order.