

School arrangements for children of separated and divorced parents

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The time when children are starting school or going back to school after holidays is often characterised by covering school books, purchasing new stationery and packing lunchboxes. But it can also bring about feelings of uncertainty and tension, particularly for children and parents of separated families. Navigating family law matters and co-parenting after separation or divorce is no easy ride, and often a child's schooling is a point of contention.

This blog looks at some critical areas of family law that may assist separated families to manage the emotions of children starting school or going back to school after the holidays.

Parental responsibility and a child's schooling

At first instance, parents have equal shared parental responsibility. This means both parents must consent to major or long-term decisions for their child, including where a child attends school.

When separated or divorced parents have children preparing to go to or return to school, it's crucial they make appropriate schooling arrangements well before the school year commences. This includes:

parents communicating with each other, the school and, where appropriate, the children (depending on their age and maturity); and

formulating a parenting plan; or

formalising parenting arrangements with a court order.

You can learn more about the differences between a plan and orders in our blog, “Difference between parenting orders and parenting plans”.

It’s important to remember that, at any point during negotiations or court proceedings, the principle of “the best interests of the child” are paramount.

In circumstances where there are parenting orders in place, they will likely be explicit if there is any departure from shared parental responsibility. If you are considering deviating from shared parental responsibility,

it is crucial that you seek legal advice from practitioners experienced in family law.

The choice of school or changing a child’s school is a common area of dispute between parents within separated families. To read more detail about this, see our blog “Separated parents and choosing your child's school”.

Communication about schooling is crucial for separated parents

Separated parents are equally entitled to receive correspondence and communications from their child’s school, including:

access to academic reports;

school photos;

key event dates; and

the opportunity to attend parent-teacher interviews.

Although separation can be difficult and emotional, it is important for separated families to establish strong and cordial lines of communication. This will benefit both the children and parents by reducing stress and, often, saving money, as parents will not end up in the courts if there is a breach of parenting orders.

OurFamilyWizard is a communication platform used by parties to family law matters that helps separated parents manage their child’s schedule, exchange co-parenting information and arrangements, and assist in creating co-parenting communications.

Communicating respectfully after separation will ultimately deliver more favourable outcomes for all involved. It will also avoid potentially insincere, insensitive or even abusive texts and emails, crafted in a moment of emotion, being read aloud in court or annexed to a family law document.

Ensure your child’s school is aware of any family violence

The unfortunate reality of family law is that there are often issues of family violence.

It is important for parents to alert their child’s school of any Family Violence Orders in place and provide the school with a copy of existing Orders for their records. Ensuring your child’s school is aware of existing court Orders and that they have an understanding of the family dynamics is crucial to ensure the best interests of your child are protected. This also ensures that the school is equipped to respond appropriately if Orders are breached or not complied with.

Get help from a family lawyer

Navigating your child’s first day at school or going back-to-school, becomes even more challenging when co-parents are not in agreement about parenting arrangements. Where there are children in family law proceedings, speaking to an experienced family lawyer early after separation or divorce can assist in setting the foundation for communication moving forward.

Our team of experienced family lawyers can assist you with working through parenting matters and the options for navigating your child’s education in their best interests with the aim of reaching an amicable solution for separated families.

The information contained in this article is of general nature and should not be construed as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.