



Relocation

What is relocation?

If the parent who the child primarily lives with wants to move with their child to another town, state or country this is called relocation.

Can I just move with the child?

Generally if there are orders in place concerning your child, and your child is primarily living with you and you want to move to another area with the child you should talk to the other parent and reach an agreement BEFORE you move. If you move and the other parent has not agreed to you moving with your child you may be breaching the court order or consent order and the Court can order you to bring the child back. You should get some legal advice before moving.

Even if there are no court orders you should still talk to the other parent about moving BEFORE you move and get their approval. If you do not, the Court can order that the child come back.

If the other parent agrees to you and the child moving it is a good idea to have the agreement drawn up into a parenting plan or consent orders before you move. If you do not and the other parent changes their mind, the Court may order that you and the child come back until it considers your case.

You can have the agreement made up into a parenting plan at your local Family Relationship Centre or you can get a solicitor to write the agreement into consent orders for you. Alternatively you can do it yourself. The forms needed for a consent order application are

available from the Family Court or you can download them from www.familylawcourts.gov.au.

If the move is going to limit the time the other parent will be able to spend with the child you may be able to reach an agreement with the other parent where the child will spend more time with them during school holidays and/or longer visits throughout the year. The other parent may also be willing to move to an area that will be closer to where the child are moving.

What if the other parent won't agree to you moving with the child?

If the other parent won't agree to you moving, you can apply to the Court for a Relocation Order and the Court will decide whether or not you can move.

What does the Court look at when deciding whether or not you can move with the child?

The Court ALWAYS looks at what is in the best interests of the child. The more the move is likely to limit the time the child can spend with the other parent the less likely the Court is to give permission for you to move.

See our fact sheet "Best Interests of the Child" for a list of factors that the Court can consider.

What if the other parent wants to move with the child?

If the other parent wants to move with the child and you do not agree you can apply to the Court for an order to stop the relocation of the child.

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