

Child Relocation | Empower Family Law & Mediation

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Details:

Services

Child Relocation

After separation, a parent may wish to relocate with their children within Victoria, interstate or overseas, for reasons such as work, family or housing affordability.

If the relocation will impact significantly on a child's ability to have a relationship with their other parent, the parent wishing to relocate must seek the consent of the other parent or obtain a relocation order from the Federal Circuit and Family Court of Australia.

The child's best interests are the paramount consideration. Under the Family Law Act 1975, the Court considers factors including the child's safety, their views, their developmental and emotional needs, the benefit of relationships with their parents and other significant people where it is safe, and each parent's capacity to meet their needs.

It is important to ensure that your application to relocate or oppose a relocation carefully considers these factors. Child relocation cases are complex. The outcomes are life-changing for children and parents. At Empower Family Law & Mediation we have the expertise and experience to negotiate your child relocation case and to optimise your prospects of achieving the outcome you want.

We can also assist parents to recover children who have been relocated or removed from their care by the other parent without consent or a Court order.

Contact us

If you have found yourself in a situation where you need assistance with relocation, contact us on (03) 7020 6542 to discuss your options.

FAQ's

Can I move with my child without the other parent's agreement?

If the move would significantly affect your child's time with their other parent, you should seek their agreement or Court orders first. Moving without either can lead to urgent Court proceedings and may breach existing parenting orders.

Does my child get a say?

The Court can consider a child's views, but how much weight that carries depends on the child's age and maturity.

Do we have to go to Court?

Not necessarily. Most parents must attend family dispute resolution (mediation) before filing, and many reach agreement at that stage.

What if the other parent has taken my child?

Contact us urgently. The Court can hear urgent matters and make orders for the child's return. If you're worried about your or your child's safety, call 000.

What if I need to move because of family violence?

Safety is the Court's first consideration. Contact us as soon as possible, so we can take the right steps, and reach out to support services such as 1800RESPECT.

Speak with us

Your first 30-minute consultation is free. Call (03) 7020 6542 or contact our team to discuss your circumstances and next steps.

Phone : (03) 7020 6542

Email : info@empowerfamilylaw.com.au

Let us be your voice in troubled times.

Contact Us

More Services

Binding Financial Agreements (including Prenuptial Agreements)› Child Support› Consent Orders› De Facto Relationships› Divorce› Family Mediation› Family Violence and Intervention Orders› Grandparents and Other Carers› Parenting and Child Custody› Property Settlement› Separation› Spousal Maintenance› Superannuation› Urgent Family Law Issues›

Can a parent relocate with a child without the other parent's agreement?

A move that would significantly affect the child's time or relationship with the other parent should generally be addressed through agreement or Court orders before relocation. Existing parenting orders must be checked carefully, because moving without consent may breach them. Even without current orders, a unilateral move can lead to urgent proceedings and a request that the child be returned while the dispute is decided. The legal question is not whether one parent has a general right to move. The focus is the child's best interests in the circumstances. Relevant facts may include the current care arrangement, the reason for the move, the effect on important relationships, schooling and health needs, family violence or safety concerns, and whether a practical proposal can preserve meaningful relationships. Obtain advice before committing to housing, employment or school changes that depend on the relocation.

What information helps when proposing a relocation?

A detailed proposal should address more than the destination. Explain why the move is sought, where the child would live, schooling and childcare, health and support services, transport, costs, communication, holiday time and how the child's relationship with the other parent and significant people would be maintained. If the move is connected to employment, housing, family support or safety, identify the supporting information. It is also useful to compare the proposal with realistic alternatives, including what would happen if the move did not occur. Keep the discussion centred on the child rather than treating it as a contest between adults. If there are safety concerns, do not disclose information or negotiate in a way that creates risk; ask about safe communication and procedural options. The strength of a proposal depends on the full evidence, not on a single factor.

How does the Court assess a relocation dispute?

The Court applies the child's best-interests framework and considers the competing proposals available in the case. It may examine the child's relationships, views where appropriate, developmental and

practical needs, safety, the capacity of each proposal to support the child, and the impact of distance on time and communication. The Court does not apply a simple rule that always favours the parent who wishes to move or the parent who opposes the move. Evidence should therefore explain how each proposed arrangement would work in practice. Timetables, travel logistics, school information, support networks and the history of care can matter. Family violence and the risk of harm require careful attention. Because relocation cases can become urgent and fact-heavy, legal advice is valuable before the child is moved or firm commitments are made.

What if the child has already been moved, withheld or may be taken overseas?

Seek urgent advice. The Court can consider recovery and other urgent parenting orders, and different steps may be needed where overseas travel is threatened or has occurred. Existing orders, passports, travel details, messages, the child's current location and a precise chronology can all be important. Do not delay while trying to assemble a perfect file; explain what is known and identify what is uncertain. If there is immediate danger, call 000. Safety considerations may also affect how the other parent is contacted and what information can safely be shared. An urgent application must be supported by evidence and clear proposed orders. A lawyer can help distinguish between a genuine emergency, a dispute that may be negotiated quickly and a matter requiring immediate Court intervention.