

Relocation: I want to move with the children

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Relocation: I want to move with the children

After separation, a parent may want to move for work, housing, family support, a new relationship or safety. When the move would significantly affect a child's time with another parent or important person, it can become a relocation issue under family law.

Planning the move carefully matters. Moving first and trying to resolve the dispute later can lead to urgent Court proceedings and, in some cases, an order that the child return while the dispute is decided.

This article provides general information only. Relocation matters are fact-specific, and early legal advice can help you understand the options in your circumstances.

Start with consent or Court orders

If the proposed move would make existing parenting arrangements difficult or significantly affect the child's relationships, seek the other parent's written agreement before relocating. If agreement is reached, the parties can consider formalising it through consent orders.

If there are current parenting orders, read them carefully. A move that prevents compliance may place a parent in breach of those orders.

When agreement is not possible, a parent can ask the Federal Circuit and Family Court of Australia to decide whether relocation should occur. In most cases, parties must attempt family dispute resolution before applying for parenting orders. Exemptions may apply, including for urgency, family violence or child abuse.

The child's best interests come first

The Court does not decide a relocation case by asking only whether the move is reasonable for a parent. The child's best interests are the paramount consideration.

Relevant matters can include:

- arrangements that promote the safety of the child and each person caring for them;

- any views expressed by the child;

- the child's developmental, psychological, emotional and cultural needs;

- each parent's capacity to meet those needs;

- the benefit of the child having relationships with parents and other significant people, where it is safe; and

- any other circumstances relevant to that child.

The Court considers the competing proposals as a whole. There is no automatic rule that a parent must stay in the same suburb or that a proposed move will be allowed because it offers better work or family support.

Build a practical relocation proposal

A detailed proposal is usually more useful than a statement that the move will be “better”. Consider how the arrangement would work in practice, including:

- the reason for the move and the proposed date;
- housing, employment and financial arrangements;
- the child’s school, childcare and health care;
- the child’s support network and cultural connections;
- travel time, cost and who will organise transport;
- school holiday, weekend and special occasion time;
- telephone or video communication;
- how urgent decisions and information will be shared; and
- alternatives if the relocation does not occur.

The parent opposing the move should also explain a workable alternative and how that proposal meets the child’s needs.

Safety and urgent situations

If family violence or an immediate safety risk is affecting the proposed move, obtain advice quickly. Safety is central to parenting decisions, and the usual dispute-resolution steps may not be appropriate.

If a child has already been moved without consent, or you believe they are about to be taken interstate or overseas, urgent legal advice may be required. The Court can make urgent parenting, recovery and travel-related orders.

If you or a child is in immediate danger, call 000.

How Empower Family Law & Mediation can help

We can help you assess a proposed relocation, prepare a practical parenting proposal, negotiate through family dispute resolution or apply to the Court where agreement is not possible.

Read about our child relocation service , parenting and child custody or contact our team .

Your first 30-minute consultation is free. Call (03) 7020 6542 .

For official information, see the Court’s guidance on relocation and travel and children’s best interests .

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Can I move with my child after separation without the other parent’s agreement?

A move can become a family law relocation issue when it would significantly affect the child’s time or relationship with another parent or important person. Before moving, seek written agreement and consider formalising any revised arrangement through consent orders. If current parenting orders exist, read them carefully because a move that prevents compliance may breach those orders. When

agreement cannot be reached, a parent may ask the Federal Circuit and Family Court of Australia to decide whether the relocation should occur. Moving first and resolving the dispute later can lead to urgent proceedings and, in some cases, an order that the child return while the case is decided. Relocation disputes are fact-specific, so early advice should be obtained before changing the child's residence, school or travel arrangements.

What does the Court consider in a child relocation dispute?

The Court decides relocation as part of a parenting case, with the child's best interests as the paramount consideration. Relevant matters can include safety, any views expressed by the child, the child's developmental, psychological, emotional and cultural needs, each parent's capacity to meet those needs, and the benefit of relationships with parents and other significant people where safe. The competing proposals are assessed as a whole. There is no automatic rule that a parent must remain in the same suburb, and a move is not automatically approved because it offers employment, housing or family support. The Court examines how each realistic proposal would work for the particular child. Both the parent seeking to move and the parent opposing the move should present a practical arrangement addressing care, relationships, costs and the child's ongoing needs.

What should a practical relocation proposal include?

A useful proposal should explain the reason for the move, the proposed date and the arrangements that would support the child. It should cover housing, employment, finances, school or childcare, health care, the child's support network and cultural connections. It should also set out how the child would maintain safe relationships through school-holiday time, weekends, special occasions and telephone or video communication. Travel needs detail: identify journey times, costs, who will organise and pay for transport, and how delays or changes will be managed. Explain how information and urgent decisions will be shared. Include alternatives if the relocation does not occur. A parent opposing the move should also offer a workable alternative rather than only objecting. The quality of the plan does not determine the case by itself, but it helps the Court assess the real effect of each proposal.

What should I do if a child has already been moved or may be taken interstate or overseas?

Seek urgent legal advice. If a child has been moved without agreement or in a way that conflicts with orders, the Court may be asked to make urgent parenting or recovery orders. If overseas travel is threatened, travel-related orders may also be considered. The appropriate step depends on current orders, parental responsibility, the destination, the timing and the evidence of risk. Preserve lawful records such as messages, travel details, parenting orders and a factual timeline. Do not make threats or take unsafe action to recover the child yourself. Family Dispute Resolution is usually required before parenting proceedings, but exemptions can apply for urgency, family violence or child abuse. If a person or child is in immediate danger, call 000. Early advice is critical because delay can change the practical position and the available response.