



# MOVING WITH CHILDREN

This fact sheet has information that can help if you are separated and are thinking about moving with your children.

## Do you need permission to move?

In most cases if you want to move away with your children the other parent will need to agree to the move, or you will need to have permission from the Family Court.

## Do you have to talk to the other parent about your plans?

If the move would make it hard for the other parent to spend time with your children and be involved in their life you will generally need to speak to the other parent about your plans and try to reach an agreement.

If you do not feel safe talking to the other parent, you should get legal advice about your situation before doing anything.

## What if you move away with the children without asking?

If you move away with the children without the proper permissions, the other parent may be able to get a recovery order for your children to be brought back to where they normally live.

This is the case even if there has never been a Family Court case about your children before or if there are no orders about your children in place.

## What if there is an order for equal shared parental responsibility?

If there are orders about your children that say you and the other parent have equal shared parental responsibility you must talk to the other parent and agree before you can legally move.

This is because an order for equal shared parental responsibility requires parents to talk to each other and agree about major long-term issues, and the Family Court considers moving children away from where they usually live to be a major long-term issue.

## What if you have an order for sole parental responsibility?

If you have parenting orders and they give you sole parental responsibility for your children, then the other parent will not usually have to agree to the move.

However, if you move you must still be able to follow the parenting orders.

For example, if the orders say that the children are to spend every second weekend with their other parent, then moving a long distance away with them will not be possible if you cannot ensure the children continue to see their other parent every second weekend.

## Do you need to do anything before asking the Family Court for permission to move?

In most cases, before you can ask the Family Court for permission to move, you need to try and work things out with the other parent by attending Family Dispute Resolution.

This is a type of mediation to help you and the other parent talk about the issues in your case and help you try and reach agreement.

In cases where there has been or may be a risk of family violence or child abuse you can ask for an exemption from going to Family Dispute Resolution.

## How does the Family Court decide whether a parent can move with children?

The Family Court's main concern when deciding all cases about children, including cases where a parent wants to move with children, is what arrangements will be in the best interests of the children.



## How can Legal Aid WA help?

### Legal advice

Legal Aid WA can provide legal advice regarding family law matters, including moving with children.

### Infoline, Legal Yarn and Infochat

You can call our Infoline on 1300 650 579, Legal Yarn (First Nations callers) or chat to us online.

### Website

You can find more information about family law on our website [www.legalaid.wa.gov.au](http://www.legalaid.wa.gov.au)

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