



Travelling overseas with children

This fact sheet has information on the law about travelling overseas with children following separation. It explains the restrictions on overseas travel with children if there are parenting orders in place or current Family Court proceedings.

Can I travel overseas with my child if there are parenting orders?

If there are Family Court parenting orders in place for your child, it is against the law to travel overseas with your child unless:

- » the parenting orders allow you to travel overseas, or
- » everyone included in the order agrees to the overseas travel in writing.

This is the case even if it is just for a short holiday.

If everyone included in the order does not agree, or there is no order allowing overseas travel, you will need to get permission from the Family Court.

Why is important to know about the laws about overseas travel?

There can be serious consequences, including jail, if you break the law about overseas travel with a child. This is especially the case if you have parenting orders which do not allow for overseas travel or if you have a current case in the Family Court.



Is there anything I need to do if my parenting orders allow overseas travel?

If you have a parenting order which allows you to travel overseas with your child, you will usually have to follow some conditions. For example, you may need to give the other parent:

- » information about the trip,
- » flight details,
- » an itinerary, and
- » contact details of where the child will be staying.

It is important that you check what your parenting orders say about overseas travel and get legal advice if you are unsure about what you need to do.

Can I travel overseas with my child if there is a current Family Court case?

If there is a current Family Court case about your child, it is against the law to take or send your child overseas.

You are only allowed to take or send your child overseas during a Family Court case if everyone involved in the case agrees and this agreement must be in writing.

If an agreement cannot be reached you can only take or send your child overseas if you have permission from the Family Court.

Can I travel overseas with my child if there is no Family Court case and no parenting orders?

You may travel overseas with your child if you do not have a parenting plan, parenting orders or current Family Court case.

However, you must bring your child back to Australia.

If your child is not returned, the other parent in Australia may bring legal action for the child's return.

How can Legal Aid WA help?

You can find practical information, videos and self-help guides on the Legal Aid WA website if you are concerned your child may leave Australia without your consent.

If there is a possibility or threat your child may leave Australia without your permission or permission from the Family Court, you can seek urgent legal advice from Legal Aid WA Family Court Services who are based at the Family Court of Western Australia in Perth.



If there is a current Family Court case about your child, it is against the law to take or send your child overseas.