



Moving with children

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

Do I 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 I have to talk to the other parent about my 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 I 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 parenting orders in place.



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Do I have to ask for permission to move if there is an order we share parental responsibility?

Yes. If there are parenting orders that say you and the other parent share parental responsibility you must talk to the other parent and agree before you can legally move.

This is because an order for 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.

This fact sheet contains information only. It is not legal advice. If you have a legal problem, you should speak to a lawyer. Legal Aid WA aims to provide accurate information but does not accept responsibility if it is not.

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“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.”

Do I have to get permission to move if I 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, you must still be able to follow the parenting orders if you move.

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

Do I 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 an agreement.

In cases where there has been or may be a risk of child abuse or family violence you can ask for an exemption from attending 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 the children, will be what arrangements will be in the best interests of the children.

How can Legal Aid WA help?

If you would like more information or legal advice about moving with your children, you could see a private solicitor or contact the Legal Aid Infoline on 1300 650 579.