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Relocation of Children

Kim Wilson & Co can efficiently and sensitively help you with Relocation of Children.

At times, parents may wish to relocate either within Australia or internationally, and have their children with them.

Parents need the consent of the other parent (or a Family Court Order) should relocation of children be sought.

Kim Wilson & Co assists you to address these issues before a move takes place including negotiations and/or litigation regarding relocation and associated issues of who the children will live with and spend time with and child support.

To book your confidential Family Law consultation call (08) 6380 3900

Frequently Asked Questions

What is the process I need to undertake if I want to relocate with my children?

Any issue as it relates to children, you and the other parent must attend Mediation unless one of the exceptions applies. If agreement cannot be reached, then proceedings will be required.

The Court process will depend upon where you want to relocate to, the reasons for the relocation, the attitude of the other parent, the age of the children, and your proposals for the maintenance of contact upon relocation.

Is it necessary to engage a Family Law Firm to assist me if I want to relocate with my children?

It is possible to act for yourself if you wish to relocate. A Family Law Firm can assist you to ensure the Court has all the relevant information upon which to make a decision in the best interests of the children.

What if my partner/the other parent is not involved at all with the Children and has not been in touch with them for some time, do I still need their consent?

The issue of where children live is a major long term issue and responsibility for both parents. If agreement is not possible then Court proceedings will be required. The level of involvement the other parent has with the children will be one factor the Court has to consider in determining the best interests of the children.

What if I do not gain consent from the other parent, what might be the ramifications?

If you relocate without the consent of the other parent, or without a Court Order, there is a risk the children will be the subject of a Recovery Order Application (in Australia) or an Application pursuant to the Hague Convention on the Civil Aspects of Child Abduction, if you have relocated away from Australia to a country that is a signatory to the Convention.

You may be criticised by the Court for taking unilateral steps about the care of the children, and this may have implications if you are required to return the children to where you were previously living.

Unlike other aspects of child welfare, the Hague Convention does not require the Court to consider the best interests of the children as the paramount consideration, but rather the principle that any proceedings relating to the care of the children should take place in the Country where they are habitually resident (unless one of limited exceptions apply).

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