PREPARATION PACK · QUEENSLAND (COMMONWEALTH FAMILY LAW APPLIES)

Parenting arrangements when the other parent wants to move interstate

PREPARED	JURISDICTION	REFERENCE	CITATIONS CHECKED
4 November 2026	Queensland (Commonwealth family law applies)	ATU-2026-000241	26 of 26

WHAT YOU ASKED

My former partner and I separated 14 months ago after nine years together. We were never married. We have two children, a daughter aged 7 and a son aged 4, and since we separated they have lived week-about between our two homes in Brisbane under an arrangement we agreed between ourselves, with nothing in writing and no court orders. Both children are settled: our daughter is in Year 2 at the local state school and our son is at kindy three days a week, and both sets of grandparents live within 20 minutes. Three weeks ago my former partner told me she has been offered a job in Melbourne starting in late January at about $40,000 a year more than she earns now, and that she intends to move there with both children and 'work out' my time with them as school holidays and some long weekends. I said no. She has since said she will go anyway because 'there are no orders stopping me'. We have not been to mediation. I have been a hands-on parent throughout: I do school drop-off and pick-up on my weeks, I coach my daughter's soccer team, and I have the kids' medical appointments in my calendar. I am worried she will simply leave with them in January. I want to know whether she can lawfully move the children interstate without my agreement, what the court actually weighs in a case like this, what I can do now to stop a move before it happens, what the process and timing would look like, and realistically where I stand.

ROLE
the father (we were de facto partners, never married)

GOAL
keep the children in Brisbane under the current week-about arrangement, or at least stop a move happening before it is properly decided; know what to do this month

DATES
separated August 2025; week-about since September 2025; relocation announced 3 October 2026; proposed move late January 2027

THE CLOCK: TIME LIMITS FOR THIS KIND OF MATTER

- The move date stated by the other parent is late January 2027. This is the externally fixed date the rest of the timeline runs against. From today, 4 November 2026, that is roughly a quarter-year away.
- Before an application for a parenting order (a Part VII order) is accepted for filing, the applicant must file a certificate from a family dispute resolution practitioner, or obtain a court exemption [4] s 60I(7). The grounds on which the court may grant an exemption include that the application is made in circumstances of urgency [4] s 60I(9)(d), and certain family violence and abuse grounds [4] s 60I(9)(b). How long family dispute resolution and obtaining a certificate takes is not set out in the sources; a lawyer or free legal service can indicate this.

- The validity of proceedings and of any order is not affected by a failure to comply with the certificate requirement [4] s 60I(11). This is a provision to ask about, not a conclusion about this matter.
- No general limitation period for commencing parenting proceedings about these children appears in the supplied sources. The time limits in the sources relate to other things: proceedings in relation to the birth of a child (within 12 months of birth, by leave later) [19], and de facto property or maintenance (within 2 years of relationship breakdown) [26]. Whether any time limit bears on a parenting application is a matter to confirm with a lawyer or free legal service.

How the certificate requirement and the urgency exemption interact, given the stated move date, is a question for a lawyer or free legal service.

01 Your situation

This pack prepares you for advice about a parenting dispute. It does not assess your position or predict any outcome.

The children are the children of a de facto couple. Parenting matters for them are dealt with under the Family Law Act 1975 (Cth), administered by the Federal Circuit and Family Court of Australia. Brisbane is the relevant registry; the substantive law is Commonwealth.

You and your former partner were de facto partners for nine years and separated in August 2025. You were never married. You have two children, a daughter aged 7 (in Year 2 at a local state school) and a son aged 4 (at kindy three days a week). Since September 2025 the children have lived week-about between your two homes in Brisbane under an arrangement you agreed between yourselves, with nothing in writing and no court orders. Both sets of grandparents live within 20 minutes. You describe yourself as a hands-on parent: school drop-off and pick-up on your weeks, coaching your daughter's soccer team, and holding the children's medical appointments in your calendar.

Three weeks ago your former partner told you she has been offered a job in Melbourne starting in late January, at about $40,000 a year more than she earns now, and that she intends to move there with both children and arrange your time as school holidays and some long weekends. You said no. She has since said she will go anyway because "there are no orders stopping me". You have not been to mediation.

There are no court orders and no filed proceedings at present, so this matter is not yet before a court.

Timeline

- August 2025: parties separated (from what you told us).
- September 2025: week-about arrangement for the children began in Brisbane (from what you told us).
- 3 October 2026: relocation to Melbourne announced (from what you told us).
- Late January 2027: proposed move date stated by the other parent (from what you told us).

02 The law for situations like yours

PARENTAL RESPONSIBILITY WHERE THERE ARE NO ORDERS

Each parent of a child under 18 has parental responsibility for the child [2] s 61C(1), meaning all the duties, powers, responsibilities and authority that parents have by law [17] s 61B. This is not affected by the parents separating [2] s 61C(2), and has effect subject to any court order in force [2] s 61C(3). The supplied sources do not establish how the term "major long-term issues" is defined or whether a parent moving is included in it; that is a matter to raise with a lawyer or free legal service. Some provisions that bear on how parents who share parental responsibility deal with major long-term decisions where there are no orders (for example, s 61DA, s 65C and s 65D) are not in the supplied sources, so this pack cannot set them out; they are matters to raise with a lawyer or free legal service.

INTERSTATE RELOCATION AND THE OVERSEAS-TRAVEL OFFENCES

Sections 65Y, 65Z, 65YA and 65ZAA create offences for taking, sending or retaining a child outside Australia in defined circumstances [10,11,13,16]. By their terms these address travel to a place outside Australia, and each contains an exception where a person believes the conduct is necessary to prevent family violence and the conduct is reasonable in the circumstances as the person perceives them [10,11,13,16]. Whether any restriction applies to a move within Australia (a Brisbane-to-Melbourne move) is not resolved by the supplied sources and is a matter to raise with a lawyer or free legal service.

BEST INTERESTS AS THE PARAMOUNT CONSIDERATION

In deciding whether to make a parenting order, the court must regard the best interests of the child as the paramount consideration [6] s 60CA; [21] s 65AA. In determining what is in a child's best interests, the court must consider the general matters set out in the Act [1] s 60CC(1)(a), and, for an Aboriginal or Torres Strait Islander child, additional cultural matters [1] s 60CC(1)(b), (3). The supplied sources do not contain a separate statutory relocation checklist; relocation is assessed through the best-interests framework. When making a parenting order the court is to have regard to the terms of the most recent parenting plan (if any) if doing so would be in the child's best interests [25] s 65DAB.

WHAT A PARENTING ORDER CAN DEAL WITH

A parenting order may deal with whom a child is to live with, the time a child is to spend with another person, the allocation of parental responsibility, and the communication a child is to have with another person [7] s 64B(2). An order can be made "until further order" (an interim order) [7] s 64B(1)(a). A parenting order may expressly provide that the parties must consult with a family dispute resolution practitioner to help resolve disputes about the terms or operation of the order, or reach agreement about changes to it [7] s 64B(4A). A parenting order confers parental responsibility only to the extent it confers duties, powers, responsibilities or authority, and does not take away any aspect of a person's parental responsibility except as expressly provided or as necessary to give effect to the order [8] s 61D(1), (2).

CONSULTATION WHERE A CHILD IS SPENDING TIME WITH A PERSON

Under the Act, if a child is spending time with a person under a parenting order, the order is taken not to require that person to consult a person with parental responsibility about decisions made during that time on issues that are not major long-term issues, subject to any contrary provision in the order [18] s 61DAB. Where a parenting order provides for joint decision-making about major long-term issues, it is taken to require each person to consult the others and make a genuine effort to come to a joint decision [20] s 61DAA.

INJUNCTIONS AND RELATED MECHANISMS

Where proceedings are instituted for an injunction in relation to a child, the court may make such order or grant such injunction as it considers appropriate for the welfare of the child, including injunctions for personal protection and injunctions restraining a person from entering certain places [3] s 68B(1). A court exercising jurisdiction under the Act may otherwise grant an injunction in relation to a child, by interlocutory order or otherwise, in any case in which it appears just or convenient to do so [3] s 68B(2). An injunction may be granted on terms the court considers appropriate [3] s 68B(3). A location order (concerning finding where a child is) may be applied for by a range of people concerned with the care, welfare or development of a child [29] s 67K(1), and in making one the court regards the child's best interests as paramount [9] s 67L. A recovery order is a separate mechanism, also decided on the child's best interests [24] s 67V; its definition is cross-referenced to a section not supplied. The supplied sources do not set out the test or procedure for urgent or ex parte applications; these are governed by the Rules of Court and are matters for a lawyer or free legal service.

FAMILY DISPUTE RESOLUTION BEFORE FILING

The object of the family dispute resolution requirement is that people with a dispute about matters that may be dealt with by a Part VII order make a genuine effort to resolve it by family dispute resolution before applying [4] s 60I(1). An application must not be accepted for filing unless a certificate is filed with it, or the court grants an exemption after the application is made [4] s 60I(7). A practitioner may give one of several kinds of certificate [4] s 60I(8). The court may grant an exemption only if satisfied one or more statutory grounds exist [4] s 60I(8A), (8B), including a consent or responsive application, reasonable grounds to believe there has been or is a risk of child abuse or family violence, a recent order and alleged serious disregard of it, circumstances of urgency, inability to participate effectively, or other prescribed circumstances [4] s 60I(9). The court may also order attendance at a post-separation parenting program [27] s 65LA and require a family consultant to supervise or assist compliance with an order [23] s 65L.

03 What gets looked at

- **Safety of the child and carers** [1] s 60CC(2)(a): the court considers what arrangements would promote the safety of the child and of each person who cares for the child, including safety from family violence, abuse, neglect or other harm.
- **History of family violence and family violence orders** [1] s 60CC(2A): in considering safety, the court must also consider any history of family violence, abuse or neglect, and any family violence order that applies or has applied.
- **Views of the child** [1] s 60CC(2)(b): the court considers any views expressed by the child.
- **The child's needs** [1] s 60CC(2)(c): the court considers the developmental, psychological, emotional and cultural needs of the child.
- **Capacity to meet needs** [1] s 60CC(2)(d): the court considers the capacity of each person who has or is proposed to have parental responsibility to provide for those needs.
- **Benefit of relationships** [1] s 60CC(2)(e): the court considers the benefit to the child of being able to have a relationship with the child's parents and other significant people, where it is safe to do so.
- **Anything else relevant** [1] s 60CC(2)(f): the court considers anything else relevant to the particular circumstances of the child.
- **Aboriginal or Torres Strait Islander culture** [1] s 60CC(3): for an Aboriginal or Torres Strait Islander child, the court considers the child's right to enjoy their culture and the likely impact of the proposed order on that right.

- **The most recent parenting plan** [25] s 65DAB: when making a parenting order the court has regard to the terms of the most recent parenting plan (if any) if that is in the child's best interests.
- **Best interests paramount** [6] s 60CA; [21] s 65AA: across these matters, the child's best interests are the paramount consideration.

04 What the other side may say

ARGUMENTS COMMONLY RAISED IN MATTERS LIKE THIS

- That a higher-paying job improves the children's circumstances and wellbeing, which may bear on the children's needs and the capacity to provide for them [1] s 60CC(2)(c), (d). What weight is given to this is a question for a lawyer.
- That proposed replacement arrangements (school holidays and some long weekends) preserve the children's relationship with the other parent [1] s 60CC(2)(e). How such arrangements are assessed is a question for a lawyer.
- That, in the absence of any parenting orders, each parent has parental responsibility [2] s 61C(1) and there is said to be no legal restriction on movement, with the statutory travel offences applying only to travel outside Australia [10,11,13,16]. Whether any restriction reaches an interstate move is a question for a lawyer.
- That the children's developmental, psychological and emotional needs can be met in the new location [1] s 60CC(2)(c). How this is weighed is a question for a lawyer.
- That a relocation is necessary to prevent family violence, a matter the Act treats as a safety consideration [1] s 60CC(2)(a) and as the basis of the exception in the overseas-travel offences [10,11,13,16]. How safety considerations and any such exception apply is a question for a lawyer.

05 Documents that usually matter

- Whether any family violence order applies or has applied to the children or a family member: relevant to the safety considerations [1] s 60CC(2A) and to the exemption grounds [4] s 60I(9)(b).
- Any existing parenting plan between the parents: the court has regard to the most recent parenting plan if in the child's best interests [25] s 65DAB.
- Details of the current week-about arrangement in a form that can be put in evidence: relevant to the children's needs and existing arrangements [1] s 60CC(2).
- The children's views and anything bearing on their developmental, psychological, emotional and cultural needs [1] s 60CC(2)(b), (c).
- Each parent's proposed arrangements in detail (schooling, housing, support networks in each city): relevant to capacity to meet the children's needs [1] s 60CC(2)(d).
- Any evidence relevant to safety or family violence [1] s 60CC(2)(a), (2A).
- Any communications recording the other parent's stated intention to move: relevant to the factual basis of any application.
- Whether the children are Aboriginal or Torres Strait Islander children, which engages the additional considerations [1] s 60CC(3).

- Whether the parties have attempted any family dispute resolution already: relevant to the certificate and exemption pathway [4] s 60I.

06 The routes

- **Direct negotiation between the parents**: resolving arrangements by agreement, with nothing filed in court. The sources note that parents may record arrangements in a parenting plan, to which a court later has regard if that is in the child's best interests [25] s 65DAB.
- **Family dispute resolution**: a family dispute resolution practitioner conducts a process aimed at a genuine effort to resolve the dispute, and may issue a certificate of one of the kinds set out in the Act [4] s 60I(1), (8). A parenting order can itself require parties to consult a family dispute resolution practitioner about disputes over the order [7] s 64B(4A).
- **An application for a parenting order in the Federal Circuit and Family Court of Australia**: a Part VII order dealing with whom a child lives with, the time a child spends with a person, parental responsibility, or communication [7] s 64B(2). A certificate must be filed with the application, or an exemption granted [4] s 60I(7). An interim order "until further order" is possible [7] s 64B(1)(a).
- **An application for an injunction or related order**: an injunction in relation to a child for the welfare of the child [3] s 68B, a location order [29] s 67K; [9] s 67L, or a recovery order [24] s 67V. The test and procedure for urgent or ex parte applications are governed by the Rules of Court and are not in the supplied sources.

The supplied sources do not state court filing fees. Check the current fee with the Federal Circuit and Family Court of Australia.

07 Questions to ask a lawyer or free service

1. As no proceedings are on foot and a move date is stated for late January 2027, how do I find and engage a lawyer or free legal service quickly, and what is a realistic sequence and timetable for family dispute resolution, obtaining or being exempted from a certificate [4] s 60I, and seeking any urgent relief?
2. Do any of the exemption grounds in s 60I(9), including circumstances of urgency [4] s 60I(9)(d) or the family violence or abuse grounds [4] s 60I(9)(b), arise here, and what would be needed to rely on one?
3. How does the certificate requirement [4] s 60I(7) interact with the urgency exemption [4] s 60I(9)(d) given the stated move date, and what order would these steps take?
4. What interim or urgent options exist to address a move before a final decision: an injunction under s 68B [3], an interim parenting order under s 64B [7], a location order under s 67K and s 67L [29,9], or a recovery order under s 67V [24], and what does each require?
5. How does parental responsibility operate where there are no orders [2] s 61C, and does the concept of "major long-term issues" bear on a unilateral interstate move?
6. Do any restrictions apply to moving the children interstate, given that the travel offences in s 65Y, s 65Z, s 65YA and s 65ZAA address travel outside Australia [10,11,13,16]?
7. How are the best-interests factors in s 60CC [1] applied where a relocation is proposed, and what evidence bears on each factor?
8. What weight does the court give to the most recent parenting plan [25] s 65DAB, and would recording the current arrangement in a parenting plan matter here?

9. How might the family violence considerations [1] s 60CC(2A) and the family violence exception in the travel offences [10,11,13,16] arise if family violence is asserted?
10. What would an application need to address about the current week-about arrangement, each parent's proposed arrangements, and the children's needs [1] s 60CC(2)?

08 Free help

- Legal Aid Queensland (the state legal aid commission).
- Community legal centres in Queensland.
- Federal Circuit and Family Court of Australia (the court administering these matters and the relevant registry in Brisbane).
- Family dispute resolution services and family relationship services.

09 Your documents

No documents were supplied. The documents that would most help are:

- Any written record or communications showing the current week-about arrangement and the other parent's stated intention to move (for example, messages or emails).
- Any existing parenting plan or written agreement between the parents, if one exists.
- Any family violence order that applies or has applied to the children or a family member, if any exists.

10 The law relied on

CITATION CHECK
26 of 26 citations were matched to the source text, after correcting the ones the first check flagged.

1	**Family Law Act 1975 s 60CC** How a court determines what is in a child's best interests	Compilation 2025-06-10 (C2025C00341)
2	**Family Law Act 1975 s 61C** Each parent has parental responsibility (subject to court orders)	Compilation 2025-06-10 (C2025C00341)
3	**Family Law Act 1975 s 68B** Injunctions	Compilation 2025-06-10 (C2025C00341)
4	**Family Law Act 1975 s 60I** Attending family dispute resolution before applying for Part VII order	Compilation 2025-06-10 (C2025C00341)
6	**Family Law Act 1975 s 60CA** Child's best interests paramount consideration in making a parenting order	Compilation 2025-06-10 (C2025C00341)
7	**Family Law Act 1975 s 64B** Meaning of parenting order and related terms	Compilation 2025-06-10 (C2025C00341)
8	**Family Law Act 1975 s 61D** Parenting orders and parental responsibility	Compilation 2025-06-10 (C2025C00341)

9	**Family Law Act 1975 s 67L** Child's best interests paramount consideration in making a location order	Compilation 2025-06-10 (C2025C00341)
10	**Family Law Act 1975 s 65Y** Obligations if certain parenting orders have been made: taking or sending a child outside Australia	Compilation 2025-06-10 (C2025C00341)
11	**Family Law Act 1975 s 65Z** Obligations if proceedings for the making of certain parenting orders are pending: taking or sending a child outside Australia	Compilation 2025-06-10 (C2025C00341)
13	**Family Law Act 1975 s 65YA** Obligations if certain parenting orders have been made: retaining a child outside Australia	Compilation 2025-06-10 (C2025C00341)
16	**Family Law Act 1975 s 65ZAA** Obligations if proceedings for the making of certain parenting orders are pending: retaining a child outside Australia	Compilation 2025-06-10 (C2025C00341)
17	**Family Law Act 1975 s 61B** Meaning of parental responsibility	Compilation 2025-06-10 (C2025C00341)
18	**Family Law Act 1975 s 61DAB** No need to consult on issues that are not major long - term issues	Compilation 2025-06-10 (C2025C00341)
19	**Family Law Act 1975 s 67G** Time limit for institution of proceedings	Compilation 2025-06-10 (C2025C00341)
20	**Family Law Act 1975 s 61DAA** Effect of parenting order that provides for joint decision - making about major long - term issues	Compilation 2025-06-10 (C2025C00341)
21	**Family Law Act 1975 s 65AA** Child's best interests paramount consideration in making a parenting order	Compilation 2025-06-10 (C2025C00341)
23	**Family Law Act 1975 s 65L** Family consultants may be required to supervise or assist compliance with parenting orders	Compilation 2025-06-10 (C2025C00341)
24	**Family Law Act 1975 s 67V** Child's best interests paramount consideration in making a recovery order	Compilation 2025-06-10 (C2025C00341)
25	**Family Law Act 1975 s 65DAB** Court to have regard to parenting plans	Compilation 2025-06-10 (C2025C00341)
26	**Family Law Act 1975 s 44** Institution of proceedings	Compilation 2025-06-10 (C2025C00341)
27	**Family Law Act 1975 s 65LA** Court may order attendance at a post - separation parenting program	Compilation 2025-06-10 (C2025C00341)
29	**Family Law Act 1975 s 67K** Who may apply for a location order	Compilation 2025-06-10 (C2025C00341)

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