

### **The Right to Move with a Child - New Family Law Act**

Under the new Family Law Act, a Guardian who wishes to relocate himself/herself and/or with his/her child, that person must give 60 days' notice to all other Guardians and persons having contact with the child.

A Court may grant an exemption to this requirement if giving notice may create a risk of family violence or there is no ongoing relationship between the other guardian or person having contact with the child.

The new Family Law Act imposes a duty on all the Guardians and persons having contact with the child to try and come to a written Agreement and the Collaborative Family Law Team includes Child Specialists who can work with such persons to assist in determining whether such a move is in the best interests of that child.

The Guardian must show that the move is made in good faith and that reasonable arrangements have been made to maintain the child's relationship with the other Guardian(s) and/or person(s) who have contact and other significant person(s) in the child's life (E.g. grandparents).

A Court can make an order prohibiting the move and must seek to preserve, as much as possible, the parenting arrangements which existed under a Separation Agreement or Court order.