



5 things to know if you are separated or divorced and want to travel overseas with your child/ren

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Covid-19 has affected our everyday lives and the things we normally would or wouldn't consider when looking after our children. Prior to Covid-19, one aspect that used to be on the forefront of most parents' minds after they have separated is if they can travel with their child/ren overseas.

Since Covid-19 has become somewhat part of our normal lives and restrictions have been introduced regarding travel, some parents have become less concerned about international travel because nobody (without specific exemption) can travel outside of Australia.

Once restrictions are lifted and Australians are able to travel overseas again, there's a few things that parents will need to keep in mind. These include the following:

1. If parties have separated and there are no court proceeds or court orders regarding care of the children, as long as the children have passports, either parent can take the children overseas without the other party's consent. This may be problematic particularly if there is a risk that the travelling parent is likely to relocate with the children overseas or if details about the travel is not provided to the non-travelling parent.
2. Once proceedings are on foot or the parties have parenting orders, neither party can take the children overseas without either the written consent of the other parent or without a court order allowing such travel.
3. It is important that orders are included in parenting orders that allow for international travel and what needs to be done prior to the intended travel and during the travel, such as notice of the travel, copies of itineraries, details of the holiday and contact details for the travelling parent and children while they are overseas etc.
4. If you are concerned that the other parent will take the children overseas without your consent or knowledge it is important that you obtain legal advice quickly and consider whether you want to make an application to place the children on the airport watch list



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an application to place the children on the airport watch list.

5. Placing children on the airport watch list means the children are not able to travel outside of Australia while they remain on the airport watch list.

If you have any questions about this issue or your family law matter, please do not hesitate to contact our Family Law team.

How we can help

We are pleased to offer expertise in the area of Family law from our Sydney and Melbourne offices. We have Accredited Specialists in Sydney and Melbourne who are more than happy to assist with any enquiry you may have. For any enquiry in Sydney, please contact our national head of Family law [Amy Jenkins](#). If your enquiry relates to a matter in Melbourne, please contact [Nicky Neville-Jones](#) – Special Counsel and Accredited Specialist in Family Law .

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