



# Family Law

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YOUR EX DOES!



M. Omar Khan  
LAWYER

## Q

I have recently moved further away for work and lifestyle reasons. Can I make this move even though I have joint custody of our daughter [I have primary residency].

## A

This is a mobility issue. The first point of reference is your existing Court Order. If there is a specific term limiting your ability to move, you may be breaching that term. If you have already moved and registered your child into a new school without informing your partner, you need to return to Court and update the Order, or risk having the original terms enforced against you, which could look like moving back with the child and re-enrolling her into her original school.

If there is no restriction regarding where you can relocate within the Court Order, you are still required to make major decisions with your former partner, including decisions surrounding education or a change of school. This may mean a 'duty to consult' or a duty to consult and agree upon, the child's residence and school. If the matter is returned to Court, you will then need to prove how it is in the child's best interest to have made the move; overall the child's quality of life must have improved

to demonstrate the move was in the child's interests, such as a school environment better suited to her needs, medical specialists, etc. Moving for a new partner or better paying job is not generally given much weight by the Court.

If access is reduced as a result of the move, you may be required to meet at an alternative location, closer to the access parent, or do all the travel, or provide the access parent with make up time for any lost access.

In these situations, it is better to obtain the consent of the other parent before acting.

Your friends at Shank Law.



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