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Relocation amendments: Results from the 2025 National Family Law Survey of Legal Advisers and Family Justice Professionals

Under the *Divorce Act*, relocation refers to a change in residence that is likely to have a significant impact on a child's relationship with someone who has, or is applying for, parenting time, decision-making responsibility or contact. A relocation can occur when a child moves or when a person with parenting time or decision-making responsibility moves.¹

This JustFacts summarizes results from the relocation amendment questions in the 2025 National Family Law Survey. In total, 178 legal advisers and 97 other family justice professionals² answered the survey. For more information about the survey and its methodology, see [Children's views and best interests: Results from the 2025 National Family Law Survey of Legal Advisers and Family Justice Professionals](#).

More than two in three respondents agreed that the relocation amendments provide useful guidance to them and their clients when discussing relocation; very few disagreed.

When the *Divorce Act* amendments came into force in 2021, they introduced new provisions related to relocation. These provisions established rules for relocating with a child, such as a notice requirement, which focus on the best interests of the child.³ As shown in Figure 1 below, legal advisers (78%) and family justice professionals (68%) were significantly more likely to agree⁴ than disagree (7% and 8%, respectively) that the *Divorce Act* amendments related to relocation provide useful guidance to them and their clients when discussing relocation.⁵ The remaining respondents (15% of legal advisers and

¹ For more information, see: *Divorce Act*, RSC 1985, c 3 (2nd Supp).

² Legal advisers include practising lawyers across Canada, as well as paralegals in British Columbia and notaries in Quebec who are able to provide legal advice in the context of certain family law matters. Other family justice professionals include, for example, mediators, arbitrators and parenting coordinators.

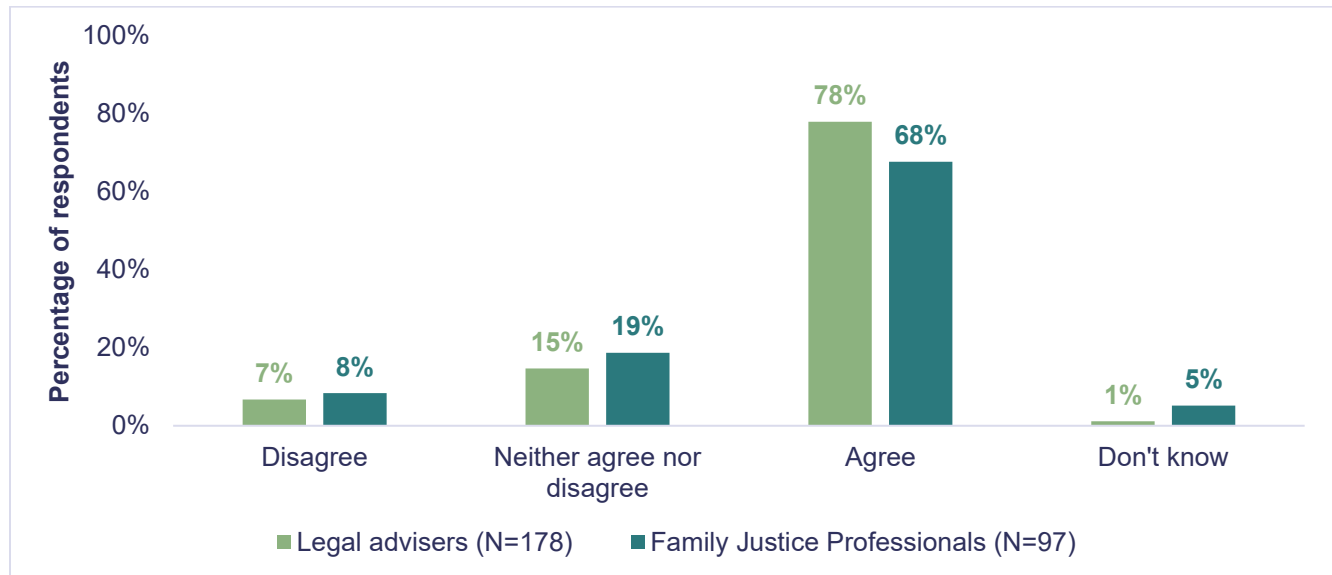
³ For more information, see the explanation in [The Divorce Act Changes Explained](https://www.justice.gc.ca/eng/fl-df/cfl-mdf/dace-clde/div103.html) (<https://www.justice.gc.ca/eng/fl-df/cfl-mdf/dace-clde/div103.html>).

⁴ For the purpose of this JustFacts, "agree" includes those who indicated that they agree or strongly agree with the statement (i.e., 4 and 5 on a 5-point Likert scale) and "disagree" includes those who disagreed or strongly disagreed (i.e., 1 and 2 on the Likert scale). Note that where comparisons are made, only statistically significant differences are presented.

⁵ A chi-square test of independence was performed to examine the relationship between legal advisers' level of strong agreement [95% CI = 25.13, 38.92], agreement [95% CI = 38.14, 52.87], disagreement [95% CI = 0.37, 5.25] and strong

19% of family justice professionals) neither agreed nor disagreed about the guidance that these relocation amendments provide to them and their clients.

Figure 1. Percentage of legal advisers and family justice professionals by their level of agreement or disagreement that the 2021 relocation amendments provide useful guidance, 2025



Source: National Family Law Survey, 2025.

Note: The response option “disagree” includes those who disagreed or strongly disagreed and “agree” includes those who agreed or strongly agreed with the statement.

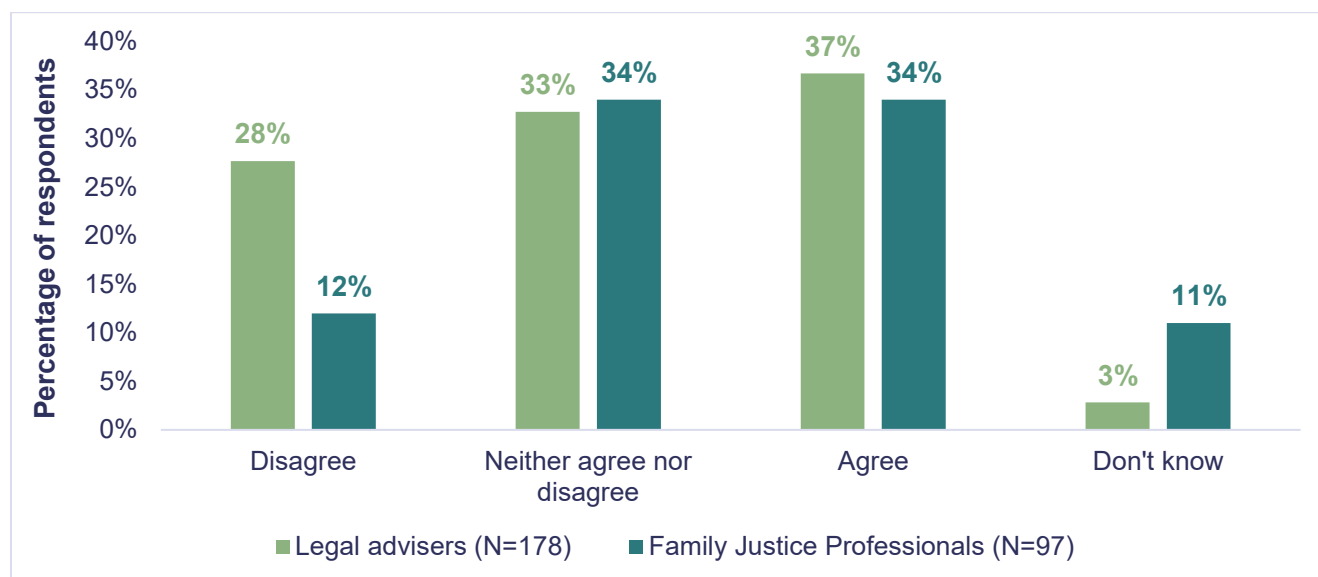
More than one in three respondents agreed that the relocation amendments help to settle relocation cases out of court.

When asked whether the *Divorce Act* amendments related to relocation help settle clients’ relocation cases outside of court, over one-third of respondents (37% of legal advisers and 34% of family justice professionals) agreed with the statement. As shown in Figure 2 below, a similar proportion of respondents (33% and 34%, respectively) reported neither agreeing nor disagreeing on whether the amendments have helped to settle these cases outside of court. The remaining respondents (28% and 12%, respectively) disagreed with the statement.

disagreement [95% CI = 1.06, 6.81]. Similarly, another chi-square test of independence was performed to examine the relationship between family justice professionals’ level of strong agreement [95% CI = 17.41, 35.23], agreement [95% CI = 28.08, 47.71], disagreement [95% CI = 0.15, 8.27] and strong disagreement [95% CI = 0, 3.12]. The results indicate a statistically significant association among legal advisers ($\chi^2(1, N = 176) = 162.59, p < .0001$) and family justice professionals ($\chi^2(1, N = 83) = 62.84, p < .0001$).

The lower levels of agreement with this survey question may be, in part, due to the proportion of relocation cases that are difficult to settle out of court. In fact, a previous study found that relocation cases tend to be more difficult to settle without a trial than most other family law cases.⁶

Figure 2. Percentage of legal advisers and family justice professionals by their level of agreement or disagreement that the 2021 amendments help settle relocation issues out of court, 2025



Source: National Family Law Survey, 2025.

Note: The response option “disagree” includes those who disagreed or strongly disagreed and “agree” includes those who agreed or strongly agreed with the statement.

Four in five legal advisers agreed that the relocation amendments help explain which parent has the burden of proving that the relocation is in the best interests of the child.

The majority of legal advisers (82%) agreed that the *Divorce Act* relocation amendments help them to explain to their clients which parent has the burden of proving that the relocation is in the best interest of the child. They were also significantly more likely to agree with this statement compared to the proportion that disagreed (7%).⁷ The remaining 10% neither agreed nor disagreed that the

⁶ Bala, N., Bertrand, L. D., Wheeler, A., Paetsch, J. J. and Holder, E. 2012. *A Study of Post-Separation/Divorce Parental Relocation*. Ottawa, ON: Department of Justice Canada (<https://www.justice.gc.ca/eng/rp-pr/fl-lf/divorce/spsdpr-edpads/index.html>).

⁷ A chi-square test of independence was performed to examine the relationship between strongly agree [95% CI = 30.28, 44.72], agree [95% CI = 36.91, 51.73], disagree [95% CI = 1.44, 7.65] and strongly disagree [95% CI = 0.36, 5.32]. The results indicate a statistically significant association ($\chi^2(1, N = 176) = 191.41, p < .0001$).

amendments help them explain the burden of proving the relocation is in the best interests of the child to their clients.

More than half of legal advisers indicated that they use the new prescribed forms for relocation.

Following the 2021 *Divorce Act* amendments, the Department of Justice Canada introduced forms indicating to parents the information they must provide a court when they seek a relocation. Legal advisers (59%) were significantly more likely than not (7%) to report using these new prescribed forms for relocation.⁸ A further 10% of legal advisers reported that they were unaware of the prescribed forms.⁹

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⁸ A chi-square test of independence was performed to examine the relationship between yes [95% CI = 51.69, 66.29] and no [95% CI = 3.02, 10.46]. The results indicate a statistically significant association ($\chi^2(1, N = 178) = 120.40, p < .0001$).

⁹ Percentages do not add up to 100%, as another 24% of legal advisers indicated that the question did not apply to them and/or that they did not take on any cases with relocation issues.