

Our Ref: ALR:ALR:13629
Your Ref: Samantha Miller

14 December 2023

Clarity Lawyers
T&G Building
Level 4, Suite 4A 45 Hunter Street
NEWCASTLE NSW 2300

By Email Only: samantha@claritylawyers.com.au

Dear Colleagues

**Re: Cooke & Cooke
Property and Parenting**

We refer to the above matter.

Proposed parenting arrangements

Our client wishes to make parenting arrangements for the children to spend time with your client from this weekend and throughout the Christmas break and commencing into Term 1 2024 as follows:

1. From 3:00pm on 17 December to 3:00pm on 24 December,
2. From 3:00pm on 31 December to 3:00pm on 7 January,
3. From 3:00pm on 14 January to 3:00pm on 21 January,
4. On 27 January, Joshua's Birthday, from 1:00pm to 5:00pm,
5. From 3:00pm on 28 January to 3:00pm on 31 January,
6. Changeover to occur at the Shell Service Station on Glebe Road, Merewether.
7. The parent who is caring for the children is to facilitate a phone call with the children each day at 5:00pm.

We are instructed that your client has acted irrationally and impulsively around the time of separation including withholding Christian's Ritalin from our client after she departed the former matrimonial home. Further, he has brought a Recovery application in Court where this was clearly not necessary and a Mediation would have been more conducive to the

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parents resolving their differences in relation to the parenting arrangement without involving the children in Court proceedings.

In light of your client's behaviour, the commencement of our client's above time proposal is conditional upon our receiving written confirmation of your client's undertaking to return the children at the agreed times in order that further distress for the children can be avoided.

Other parenting issues

We are instructed that your client has told the children that he cannot attend their regular sporting activities without our client's permission however our client has never made such statement to the children and has no issue with your client attending such events.

We are instructed that your client is a Canadian citizen. Would you please confirm that your client does not intend to leave Australia until resolution of the Court proceedings?

Spousal maintenance

Our client proposes that she pay to your client spousal maintenance in the sum of \$5,000 per month provided that he provides documentary evidence of his attempts to secure paid employment at least once a month from the date of the first payment.

We are instructed that on 20 November 2023, your client removed approximately \$8,000 from the parties' joint accounts. Our client had allowed \$5,000 of this amount for your client's use however the remaining \$3,000 was for joint expenses for which automatic transfers were set up to debit that week. Our client changed her own direct debits and asked your client to change his, however, he failed to do so which resulted in charges and overdrawn fees of approximately \$200.00 that our client has paid.

As such, our client's first payment to your client of the \$5,000 in spousal maintenance will be reduced by the \$3,000 withdrawn by him in addition to the \$200 in fees and charges.

Inter-parental communications

We are instructed that your client has had a history of immature and inflammatory behaviour and communications towards our client, particularly since separation. This has included:

1. Removing boxes of our client's clothing and belongings while she was packing to leave the former matrimonial home so that she had no clothing other than activewear to attend her employment as a Cardiologist,
2. Crying loudly and openly in front of the children regarding the separation,
3. Withholding Christian's Ritalin, as set about above, and
4. While the parties were separated under the one roof and after your client had withdrawn the sum of \$8,000 from the parties' joint account, sending our client an email requesting that our client reimburse him for take away that he had purchased for the children's dinner.

Whilst our client wishes to maintain a shared parenting arrangement in the best interests of the children, such approach is made very difficult for her when your client persists with such behaviour. Would you kindly assist your client to understand the importance of maintaining appropriate communications with our client and of prioritising the children's interests over his own.

We look forward to hearing from you in respect of the above proposals.

Yours faithfully

Delaney Roberts Family Lawyers



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