

Our Ref: OS:KN:13629
Your Ref: Jo Markham

31 March 2025

Ms J Markham
JLM Family Lawyers
Suite 3/10 Pulteney Street
Taree NSW 2430

By Email only: admin@jlmfamilylawyers.com.au
Copy: stephencooke.c@gmail.com

Dear Colleagues,

Re: Cooke & Cooke

We refer to our client's Application in a Proceeding sealed 12 March 2025 and the Directions Hearing listed for 9:30am on Tuesday 1 April 2025 before Judicial Registrar Furner.

We are instructed to write to you regarding further recent events since the filing of this Application.

On Thursday 13 March 2025, our client received a message from the Father via Our Family Wizard regarding him caring for the children that weekend in accordance with the Orders. Our client sent a message to the Father stating for their safety, the children would remain in her care at least until the Court event on 7 April 2025.

On Friday 14 March 2025, our client received another OFW message from the Father stating he did not consent to a change in the parenting arrangements and intended to follow the Orders including collecting the children from OOSH that afternoon. The message from the Father further stated:

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The current situation arose as a direct result of your report to the police, misrepresenting my message as a suicide note. I was detained under the Mental Health Act, incurring significant costs. I have since collected my vehicle and discovered that it was damaged in the process of being towed, including a smashed window in an apparent attempt to release the emergency brake. Given that my message clearly indicated that I was unavailable for one evening and reassured the boys of my love for them, your actions appear to have been taken with the intent to alter the care arrangements rather than out of genuine concern.

Our client received a further OFW message from the Father regarding the children's absence from school and requesting alternative changeover arrangements. Our client sent a message to the Father reiterating her position. We **enclose** a copy of the OFW messages exchanged between the parties for your reference.

On Thursday 27 March 2025, our client was contacted by the NSW Police who informed her that the Father's neighbours contacted the Police earlier that day to request they perform a welfare check on the Father due to his recent odd behaviour and not seeing him for a couple of days. The Police further informed our client that they attended the Father's residence and he could not be located, his mobile phone appeared to be turned off and he was listed as a missing person.

On Saturday 29 March 2025, our client was further contacted by the NSW Police who stated border services had confirmed that the Father is overseas. The Police presume he is in Canada and have closed the missing persons investigation.

Given the circumstances outlined in her Affidavit sealed 11 March 2025 and above, our client continues to hold significant concerns for the safety of the children in the care of the Father and the Father's parenting capacity. In our view, it is particularly concerning that the Father reappeared seemingly with nil insight into his behaviour and mental health and why the recent events are cause for significant concern for our client, state Police Forces, medical professionals and his community, and has now disappeared again.

Since these recent events, the children have remained in the care of our client. Our client has arranged for the children to be collected from school early on some days to avoid the children being collected by the Father. Our client's mother has been assisting with care of the children.

Until this matter is heard, the following issues remain present for the children:

1. They are at risk of being picked up from school by the Father who is clearly not in an appropriate mental state to care for them, and
2. In an effort by our client to mitigate the above risk, they are missing school.

At the Directions Hearing on 1 April 2025, we intend to request our client's Application be listed for an Interim Hearing as soon as possible and the Compliance & Readiness Hearing be re-listed thereafter.

Could you please advise your position concerning our Application and proposed next steps? Please let us know if you wish to discuss this matter prior to the Directions Hearing.

We look forward to hearing from you.

Yours faithfully

Delaney Roberts Family Lawyers



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