

# Affidavit – Family law and child support proceedings

Federal Circuit and Family Court of Australia (Family Law) Rules 2021 – RULE 8.15

**Filed in:**

- Federal Circuit and Family Court of Australia
- Family Court of Western Australia
- Other (specify) \_\_\_\_\_

**Type of proceedings:**

- Family law proceedings
- Other (specify) \_\_\_\_\_

**Filed on behalf of:**

Full name: \_\_\_\_\_

**COURT USE ONLY**

Client ID \_\_\_\_\_

File number (P)NCC3896/2023 \_\_\_\_\_

Filed at \_\_\_\_\_

Filed on \_\_\_\_\_

Court location \_\_\_\_\_

Court date \_\_\_\_\_

**Name of person swearing/affirming this affidavit:**

Drew Cowen

Date of swearing/affirming 24/03/2025

## Part A About the parties

**APPLICANT 1**

Family name (as used now)

COOKE

Given names (as required)

STEPHEN CHRISTOPHER

**RESPONDENT 1**

Family name (as used now)

COOKE

Given names (as required)

HEATHER ANNE

**APPLICANT 2**

Family name (as used now)

Given names (as required)

**RESPONDENT 2**

Family name (as used now)

Given names (as required)

What is the contact address (address for service) in Australia for the party filing this affidavit?

You do not have to give your residential address. You may give another address at which you are satisfied that you will receive documents. If you give a lawyer's address, include the name of the law firm. You **must** also give an email address.

Culwulla Chambers, Suite 601, 67 Castlereagh Street

Sydney

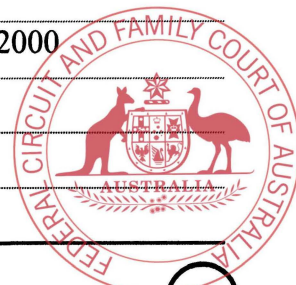
State NSW

Postcode 2000

Phone 02 9221 1111

Lawyer's code

Email reception@therelationpace.com.au



A

## Part B About the independent children's lawyer (if appointed)

Independent children's lawyer family name Given names

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Firm name

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## Part C About you (the deponent)

Family name (as used now) Given names

Cowen	Drew
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Gender

Male
  Female
  X

Usual occupation (if applicable)

Psychologist
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What is your address?

You do not have to give your residential address if you are concerned about your safety. You may give another address at which you are satisfied that you will receive documents.

Culwulla Chambers		
Suite 601, 67 Castlereagh Street		
Sydney	State NSW	Postcode 2000

## Part D Evidence

- Set out the facts divided into consecutively numbered paragraphs. Each paragraph should be confined to a distinct part of the subject matter.
- Attach extra page(s) if you need more space. Make sure that the page containing the signature (Part E or F) is always the last page of the form. You and the witness to your affidavit must sign the bottom of each additional page.

1. By way of Orders dated 15 October 2024 I was appointed as the Expert Witness in these proceedings, tasked with preparing a Single Expert Report.
2. Annexed and marked "A" is a copy of my report in this matter.
3. Annexed and marked "B" is a copy of my current CV.
4. Annexed and marked "C" is a copy of the joint letter of instruction dated 18 December 2024.
5. I have made all the inquiries I believe are necessary and appropriate and to my knowledge there have not been any relevant matters omitted from this report, except as otherwise specifically stated in this report.





Signature of person making this affidavit (deponent)

Signature of witness

*[Handwritten signature: Drew Cowen]*

*[Handwritten signature: James]*

6. I believe that the facts within my knowledge that have been stated in this report are true.
7. The opinions I have expressed in this report are independent and impartial.
8. I have read and understand Divisions 7.1.4, 7.1.5 and 7.1.6 of the Federal Circuit and Family Court of Australia (Family Law) Rules 2021 and have used my best endeavours to comply with them.
9. I have complied with the requirements of the following professional codes of conduct or protocol, being the Code of Ethics of Australian Psychological Society (APS).
10. I understand my duty to the court, and I have complied with it and will continue to do so.

 Signature of person making this affidavit (deponent)	 Signature of witness
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# Part E Signature

I swear\* /affirm\* the contents of this affidavit are true

Signature of Deponent *[Handwritten Signature]*

Place *SYDNEY* Date *24/03/2025*

Before me (signature of witness) *[Handwritten Signature]*

Catherine James  
Full name of witness (please print)

- Justice of the Peace *2145678*
- Notary public
- Lawyer
- Other authorised person (specify)

\* delete whichever is inapplicable

This affidavit was prepared / settled by  deponent/s  
 lawyer

[Empty box for name and lawyer's code]

PRINT NAME AND LAWYER'S CODE



**This is the Annexure “A” referred to**

**in the Affidavit of Drew Cowen**

**affirmed/sworn on 24 March 2025**

**Before me:**



**Catherine E. James**

**Justice of the Peace**

**JP 214599**





IN THE MATTER OF

**STEPHEN CHRISTOPHER COOKE**

(Applicant)

**&**

**HEATHER ANNE COOKE**

(Respondent)

**IN THE FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA**

**(DIVISION 2) AT NEWCASTLE**

**No: NCC3896/2023**

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**SINGLE EXPERT REPORT**

**21 March 2025**

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Report Ordered by: Judicial Registrar Furner

Date of Order: 15 October 2024

Drew Cowen

Consultant Psychologist

drewcowenpsychology@gmail.com



## SOURCE OF INFORMATION

### Court Orders:

- Final Property Orders of Judicial Registrar Furner 13 September 2024
- Interim Orders by Consent of Judicial Registrar Furner 15 October 2024
- Orders of Judicial Registrar Furner 18 December 2024

### Reports and Letters:

- Child Impact Assessment Report by Drew Cowen dated 29 February 2024
- Joint Letter of Instruction dated 18 December 2024

### Subpoenaed Material:

- S1 – Lab learning
- S2 – Newcastle General Practice
- S3 – Oracle Psychology
- S4 – Merewether Heights Public School
- S5 – Newcastle Paediatric Clinic
- S6 – Dr Suraiya Moisey, Atune Health Centre
- S8 – Merewether Heights OOSH
- S9 – Dr Suraiya Moisey, Atune Health Centre
- S10 – Merewether Heights Public School
- S11 – Merewether Heights OOSH
- S12 – Pillar Allied Health
- S13 – Dr Suraiya Moisey, Atune Health Centre
- S14 – Chromis Occupational Medicine

### Material from the Applicant Father:

- Initiating Application sealed 5 December 2023
- Notice of Risk sealed 5 December 2023
- Genuine Steps Certificate sealed 5 December 2023
- Affidavit sealed 5 December 2023
- Parenting Questionnaire sealed 6 December 2023
- Amended Initiating Application sealed 2 April 2024
- Affidavit sealed 2 April 2024
- Case Outline sealed 10 April 2024
- Certificate of Dispute Resolution sealed 27 September 2023
- Affidavit sealed 29 October 2024

### Material from the Respondent Mother:

- Response to Initiating Application sealed 5 February 2024
- Notice of Risk sealed 5 December 2023
- Genuine Steps Certificate sealed 5 December 2023
- Affidavit sealed 5 December 2023
- Affidavit sealed 3 April 2024
- Amended Response to Initiating Application sealed 8 April 2024
- Case Outline sealed 11 April 2024
- Affidavit sealed 30 October 2024



**Interviews in person at The Base, Newcastle West**

- Stephen Cooke - 27 February 2025
- Joshua Cooke - 27 February 2025
- Christian Cooke - 27 February 2025
- Heather Cooke - 27 February 2025

**Observations at The Base, Newcastle West**

- Brief informal observations of both children together with the mother - 27 February 2025
- Brief informal observations of each child separately and both children together with the father - 27 February 2025
- Brief informal observations of both children together with both parents - 27 February 2025

**Interviews by telephone**

- Dr Suraiya Moisey (father's treating psychiatrist) -10 March 2025
- Zachary Herron (mother's current treating psychologist) -12 March 2025
- Kylie Monroe (mother's previous treating psychologist) -13 March 2025
- Tim Beaven – very brief and followed up with written summary from Tim Beaven (principal Merewether Heights Public School)

**Limitations to the Report:**

- No records, including COPS records, have been provided from NSW Police
- Multiple requests over a three week period were made to speak directly with the children's treating psychologist, Ms Holly Bolton, but Ms Bolton did not respond to those requests. This is not considered to be a significant limitation as subpoenaed records included the session notes and other material from Ms Bolton.

**BACKGROUND TO THE DISPUTE**

1. This report concerns the children, Christian Finn Cooke (Christian), born 20 August 2014 and now aged 10 years 6 months; and Joshua Finn Cooke (Joshua), born 27 January 2017 and now aged 8 years one month.
2. The father, Stephen Cooke, born in Canada 27 October 1981 and raised in Canada is now aged 43 years. The mother, Heather Cooke, born in the United Kingdom 31 July 1978 and raised in Australia from the age of 8 years, is now aged 46 years. They met in Canada and commenced a relationship in August 2011 when the mother was undertaking a medical fellowship in Canada. They commenced living together in 2011 according to the father and 2012 according to the mother. When Christian was born in August 2014 the father was working full time as an insurance broker in the paternal grandfather's firm and the mother took 8 weeks leave from her full time job as a cardiologist. The parents married in Canada on 26 September 2014. When the mother returned to work in October 2014 the parents hired a nanny to care for Christian.
3. The parents relocated to Australia in July 2015 when Christian was aged 11 months. The father was initially on a temporary visa and unable to work or study and he cared for Christian while the mother undertook full time paid work. In October 2015 the father gained Australian Residency and was allowed to undertake paid work and study. In February 2016 the father commenced an IT degree and Christian commenced at daycare 2 days each week.
4. In January 2017 Joshua was born and the mother took six months maternity leave. In April 2017 Christian increased to 3 days a week at daycare and a nanny was hired to care for Joshua and undertake household chores. In July 2017 the father withdrew from his IT degree due to insufficient progress. In August 2017 the mother returned to full time paid work. In 2018 both children were attending daycare 2 or 3 days each



week. In 2019 Christian also commenced an additional 2 days a week at preschool. In 2020 Christian commenced kindergarten and Joshua commenced an additional 2 days each week at preschool. In 2022 Joshua commenced kindergarten.

5. Both parents assert that they were the primary caregiver and primary attachment figure for both children from their birth up to the parents' separation.
6. In 2022 the father became an Australian Citizen.
7. On 17 November 2023 the parents separated. It is common ground that the relationship had been under substantial strain in the months prior. On 2 December 2023 the mother unilaterally removed the children and relocated to premises she had recently rented nearby.
8. The children had telephone communication with the father and the mother reports that the children spent time with the father on 8 December 2023 and 9 December 2023. On 17 December 2023 agreement was reached that the children would spend week about with each parent during the summer school holiday period which had just began.
9. On 12 January 2024 the parents undertook mediation and reached an interim agreement that during term the children would live predominantly with the mother and spend time with the father on alternative weekends from after school Thursday to before school Monday and in the off week from after school Thursday to before school Friday. These arrangements are continuing.
10. On 29 February 2024 a Child Impact Assessment was completed by the report writer and released to the parties soon after.
11. The mother reported (in her affidavit sealed 30 October 2024) that on 23 April 2024 interim Court Orders were made consistent with the arrangements that had been in place since 12 January 2024. Additional arrangements were made for the children to spend half of each holiday period with each parent.
12. On 13 September 2024 Court Orders were made by Consent finalising the parents' financial dispute. The father reports that he received funds from the settlement around October or November 2024. An Independent Children's Lawyer was appointed around September or October 2024.
13. On 11 October 2024 the father's previous solicitor filed and served a Notice of Ceasing to Act and the father has been a self-represented litigant since that time.
14. On 15 October 2024 Court Orders were made for the preparation of a Single Expert Report. On 18 December 2024 Court Orders were made permitting the report writer to view the Court Orders of 13 September 2024 (regarding financial matters). On 18 December 2024 a Joint Letter of Instruction was prepared setting out the requirements of the Single Expert Report.

## ADULTS

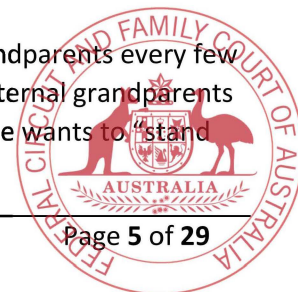
### Stephen Cooke (Applicant Father)

15. The father arrived on time for his scheduled 9.00am appointment and was unaccompanied. Shortly after the interview commenced, he opened a can of cordial and slowly consumed the contents. He answered all questions asked of him and there was no indication he was trying to mislead or avoid. On occasion he completely misunderstood a question. On other occasions his answers were vague or tangential. He was



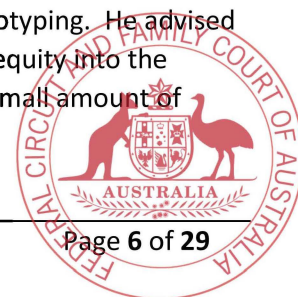
polite, helpful and calm throughout. He made appropriate eye contact, and his voice was spontaneous and appropriate volume throughout. There was no abnormal psychomotor agitation or retardation. His mood was normal. There was no evidence of thought disorder. There was no evidence of perceptual disturbances or delusions.

16. The father grew up in a regional area near Toronto, Canada. He has a brother, Dave, 18 months his junior, and a sister, Angela, 10 years his junior.
17. The father described the paternal grandfather as being anxious, inflexible, and having a temper as well as being very successful in his insurance business. He also described him as being hard but fair. He looked to the paternal grandfather for reassurance and continually sought validation from him. He now questions whether the paternal grandfather may have undiagnosed attention deficit hyperactivity disorder (ADHD). He advised that the mother (Heather) has a lot in common with the paternal grandfather.
18. The father described the paternal grandmother as being permissive, passive and nice, and that when it came to discipline and decision making, she deferred to the paternal grandfather. She had previously been married briefly but did not have any children from that union. She worked in admin and met the paternal grandfather at her workplace. The father is uncertain if the paternal grandmother had any mental health issues. The father advised that following Angela's birth the children would often attend the paternal grandparents' workplace with one parent and return home with the other parent.
19. The father was not a strong student throughout his schooling and even with one to one support he struggled. At some point he was assessed as having a specific learning disorder and a hearing impairment. In high school he was exposed to information technology (IT) which quickly became a passion. He did well with practical aspects of IT but not the academic aspects. He started mixing with peers who were frequently smoking and using alcohol.
20. The father reported no adverse events in his childhood. After completing school he started college but did not do well. He tried a few jobs and was soon working in his father's insurance business. He obtained various required certificates and licences. When the parents relocated to Australia he did not undertake any paid work and spent his time caring for the children and engaging in various IT related activities. In July 2024 he commenced a 12 month IT internship with Diamond IT but ceased in September 2024 as he did not complete the required IT training courses. He cited time pressures associated with the current Family Law Court matter including preparing the matrimonial home for sale as the reason he did not complete the training courses.
21. The father advised that the paternal grandparents continue to live together in the father's childhood home and also work together. Dave also lives in Toronto and works in the same job the father left when he came to Australia. Dave is married with two young children. They travel a lot as Dave's wife is Brazilian. Angela also works for the paternal grandfather's company. Angela is single with no children. She was previously in a long term abusive relationship.
22. The father advised that he has maintained a good relationship with the paternal grandparents and with his two siblings. Since living in Australia from 2015, the parents and children have holidayed in Canada every 18 months (other than during the Covid 19 travel restrictions). The parents were due to go to Canada again late 2023 but did not amid increasing stressors in the matrimonial home.
23. The father advised that prior to the parents' separation he spoke with the paternal grandparents every few days and less so with his siblings. After separation he generally spoke daily with the paternal grandparents and that he has now made a conscious decision to speak less frequently with them as he wants to "stand



on his own two feet more". He explained that his communication with them was becoming repetitive and focussed predominantly on the current Family Law Court matter, and he realised this was not helpful or appropriate.

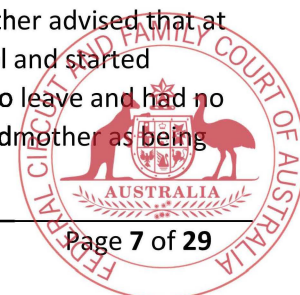
24. In May 2023 the father consulted his general practitioner, Dr Alex Tobin, seeking a referral to be assessed for ADHD. He advised that the mother had encouraged him to do so and that his son, Christian, had previously been diagnosed with ADHD. The father subsequently saw psychiatrist, Dr Suraiya Moisey, in September 2023, and Dr Moisey diagnosed the father with ADHD. The father was commenced on lisdexamfetamine 20mg daily and soon after this was augmented with short acting dexamphetamine 5mg daily with an option for an additional 5mg daily if required. The lisdexamfetamine was subsequently increased to 30mg daily. The father advised these medications have been helpful and are continuing as prescribed.
25. Dr Moisey was spoken with by telephone on 10 March 2025. She advised that the father's ongoing anxiety is secondary to executive functioning problems. Dr Moisey advised that based on the father's self report his executive functioning has improved and his anxiety has reduced. It is of considerable concern that the information the father has provided to Dr Moisey (such as the reason his employment ceased and the circumstances around the preparation and sale of the matrimonial home) appear to be inaccurate and incomplete. Dr Moisey advised that it would be beneficial for the father to engage with an appropriately qualified and experienced psychologist.
26. The father advised that the mother and the paternal aunt Angela have encouraged the father to engage with a psychologist but he has never done so and feels it is not required as he is managing everything well now. The father also noted that Dr Moisey has never suggested that he do so.
27. When the matrimonial home was sold in July 2024, the father moved to his current rented three bedroom home at Warabrook. Shortly afterwards Joshua made friends with two similar aged boys across the road and the father subsequently became good friends with those children's parents. This family introduced the father to the Hunter Bible Church (founded in Newcastle in 1989 and currently located at Garden Suburb). The father advised that he has completed the Life Program and generally attends church each Tuesday evening and Sunday afternoon. The father advised that the children also attend with him when they are in his care but if they are too tired and request not to, they do not attend. The father advised that the children recently undertook a one week school holiday Wave Program with the church and the father was team leader for the group Joshua was in.
28. The father advised that he previously ran every day for at least an hour but that he has ceased this and now drives to various scenic locations and does inline skating daily for around an hour. The father added that on occasion he spends more time on these trips as he stops and reads the gospel as well.
29. The father advised that his interest in IT has been lifelong and continuing. He described it as a passion and how he manages stress. He advised that prior to the parents' separation he would spend at least 30 hours a week on IT related activity but now this has reduced primarily because of the time he is involved in Family Law Court related activity. The father was reluctant to estimate a current figure and eventually said conservatively it would be at least 15 hours a week.
30. The father advised that since ceasing with Diamond IT he has put an enormous amount of time, effort and money into establishing an IT company based on 3D printing and possibly security prototyping. He advised that since receiving a lump sum from the parents' financial settlement he has injected equity into the company and is paying himself a wage to cover his rent. This company has received a small amount of income but there have been considerable administrative and legal issues.



31. The father advised that he has submitted 29 job applications since December 2024 and has been for three interviews (two IT related jobs with the same school and one at Bunnings as a driver). He advised he has “lowered the bar” considerably recently and thought he might be well suited and do well in the service industry. He said it had been difficult as the current parenting arrangements interfered with his job seeking activity and his availability for paid work.
32. The father reported that following the parents’ separation, he significantly reduced his alcohol intake. He reports that during the three months he was working at Diamond IT he would drink moderately on social occasions with his colleagues but that he would never drink on his own. Since he ceased with Diamond IT in September 2024, he reports consuming no alcohol at all. It is noted that Dr Moisey referred to testing the father voluntarily engaged in and reported that this supported the father’s self-reported moderate alcohol use. The father denied illicit drug use or gambling. He advised he does not have a criminal record. He advised that he has been single since separation. He advised he was not anticipating any significant changes in his circumstances.
33. The father reports that he completed the Triple P Parenting program online on 6 April 2024 and again through Family Transitions on 7 April 2024. It is unknown why the father would want to complete the same course on consecutive days.

#### **Heather Cooke (Respondent Mother)**

34. The mother attended on time for her scheduled appointment. She was accompanied by the children. The parents had made prior arrangements that the father would return the children to school as the mother was returning to her paid work. The mother appeared to have a good recall of dates and sequences. She responded thoughtfully to questions and indicated appropriately when she was uncertain of something. There was no indication she was trying to avoid or mislead. She made appropriate eye contact. Her voice was spontaneous and appropriate volume throughout. There was no abnormal psychomotor agitation or retardation. Her mood was generally stable throughout. On one occasion she appeared a little teary and was able to quickly regain composure without the need for a break. There was no evidence of thought disorder. There was no evidence of perceptual disturbances or delusions.
35. The mother advised that she was born in the United Kingdom. She has a sister, Carol, 3 years her junior. The maternal grandparents met at their IT workplace. The maternal grandfather held senior IT positions, and the family moved around a lot. When the mother was aged 8 years, the maternal grandfather accepted a job in Sydney and the family relocated to Australia. In Australia the maternal grandmother worked as a teacher at Carol’s preschool and then returned to administrative work in IT.
36. The mother described the maternal grandfather as being very bright but that he was away from the family a lot with his work and when he was home, he was not particularly involved with the family. She said that he answered directly to Bill Gates at Microsoft and “spent half his life in Seattle”. She said he had a mid life crisis and established a long term relationship with a women in Seattle. When he was in Australia he would talk to this woman daily and she visited him in Australia. The maternal grandmother and children knew of the maternal grandfather’s affairs at the time.
37. The maternal grandparents separated in 2011 when the mother and Carol were adults. The mother maintained good relationships with the maternal grandmother and the maternal aunt Carol but her relationship with the maternal grandfather had become increasingly strained. The mother advised that at Joshua’s second birthday in 2019 the maternal grandfather had drunk too much alcohol and started speaking in a derogatory way about the maternal grandmother. The mother told him to leave and had no contact with him after that. He died in 2023. The mother described the maternal grandmother as being



very supportive. She lives on the Central Coast and engages frequently with the children. The maternal aunt Carol also lives on the Central Coast with her partner of five years, Adam, and her 18 year old and 14 year old daughters from a previous relationship.

38. The mother works as a cardiologist 2 days each work in the public system and 2 days each week in her private practice. She also does a private clinic 10 days a year and is on call for four weekends a year. Prior to the parents' separation she also had an education role which she estimated was around 40 to 80 hours each year and ceased this when the father filed his Initiating Application. The mother drops the children to school on her way to work and then picks the children up from OOSH around 4.30pm. She advised that this was not dissimilar to arrangements prior to the parents' separation. On the days that the children are with the father she typically works a little longer.
39. The mother advised that around late February 2024 she was at a swimming pool with the children and that the father was also present. She reported experiencing something like a trauma response and that it had developed since then. She spoke with her general practitioner who spoke with her about family violence and provided her with a Mental Health Treatment Plan and a referral to a psychologist.
40. The mother had sessions with psychologist, Kylie Monroe, on 13 March 2024, 27 March 2024 and 16 April 2024. Ms Monroe was spoken with by telephone on 13 March 2025 and advised that the mother initially presented as shaking, tense and hypervigilant and provided a detailed account including elements of coercive and controlling behaviour from the father including monitoring the mother and watching her.
41. Ms Monroe advised that sessions were focussed on assisting the mother to develop safety plans for herself and the children. Ms Monroe advised that the mother required a trauma centred approach such as Cognitive Behavioural Therapy (CBT) or Eye Movement Desensitisation and Reprocessing (EMDR) but sessions ceased before this could commence as the mother engaged with another psychologist funded through the NSW Victims Support service.
42. The mother advised she did not have a lot of funds to privately fund psychology and around early April 2024 she lodged an application with the NSW Victims Support Scheme which provided her with up to 22 hours of free counselling. The mother also lodged applications on behalf of Joshua and Christian and those applications were also approved providing each child with up to 22 hours of free counselling support. The applications and assessment report for these three applications have not been seen by the report writer.
43. In late April 2024 the mother commenced seeing psychologist, Mr Zachary Herron, at Pillar Allied Health. The mother advised that about a month after she commenced sessions with Mr Herron, both children commenced seeing a different psychologist at Pillar Allied Health, Ms Holly Bolton, also funded by their own NSW Victims Support Scheme claims.
44. Mr Herron was spoken with by telephone on 11 March 2024. He has not seen any material relating to the mother's application for funding under the NSW Victims Support Scheme. The mother has had 23 sessions and continuing fortnightly. Mr Herron advised that he has not undertaken any formal diagnostic assessment as this is not funded under the NSW Victims Support Scheme but that it was likely that when the mother first presented, she would have met the criteria for Complex Post Traumatic Stress Disorder (DSM-V 309.81, ICD-11 6B41).
45. Mr Herron advised that initially the mother was experiencing low mood, was feeling overwhelmed, had a sense of threat from the father and was avoiding interaction with the father. The mother reported being harassed for sex from at least 2017 and until separation and also reported the father's covert surveillance of her. The mother noted a pattern of behaviour from the father such as his ongoing harassment and



surveillance of neighbours who he was in conflict with. Treatment initially focussed on re-framing past events and how the mother could effectively co-parent with the father.

46. The mother advised that around July 2024 she was having a lot of physical manifestations of the trauma response and that this was also around the time that Joshua reported to her that the father had hit and kicked Joshua. She took time off work and walked a lot as well as doing lots of self-directed education about family violence. She advised that she has never been diagnosed with a mental health disorder and has never been prescribed any medication for her mental health. She advised that Mr Herron would like to commence Eye Movement Desensitisation and Reprocessing (EMDR) therapy with her but was concerned this may lead to complications with any evidence she gives in the current Family Law Court matter so is currently focussing on assisting the mother to more effectively manage her anxiety.
47. Mr Herron advised that the mother had recently applied to the NSW Victims Support Scheme and has been granted an additional 22 hours of free counselling (being a total of 44 hours) as the carer of a child who was a victim of violence being a reference to Joshua allegedly being physically assaulted by the father in July 2024. Mr Herron has not seen the details of that recent application or the assessment of that application.
48. Mr Herron advised that the mother was now functioning at a very high level and had accepted and found a way to co-parent with the father. She continues to hold concerns that decisions for the children such as their future schooling will be delayed because of the father's inability to make decisions without excessive equivocation. Treatment has moved to how the mother can move forward with her life and effectively manage her concerns about the father.
49. In December 2024 the mother purchased a three bedroom home and moved in. The children's first night at the new home was 25 December 2024. The address or name of the suburb has not been included in this report on the request of the mother as the mother has kept this information concealed from the father including prohibiting the children from disclosing anything about the home's location to the father. The mother advised that she remains fearful that if the father knew her address he would set up security cameras nearby and track the mother's movements.
50. The mother has been single since the parents separated. She advised that a couple of months ago she started seeing someone which was a big step for the mother. The children have never met the person and are not aware that the mother has started to see someone. The mother stressed that she is taking things very slowly and that it was very early days with the person she is seeing.
51. The mother advised that she enjoys drinking a glass of wine. The current Court Orders restrict both parents from being over the legal driving limit of 0.05 when the children are in their care. The mother advised that she has not been over that limit for a very long time irrespective of the children being in her care. The mother reports that in January 2024 to counter the father's allegations, she voluntarily did testing which indicated her liver functioning was normal. The mother denied illicit drug use, gambling or having a criminal history. She was not expecting any substantial changes in her circumstances in the near future.
52. The mother advised that she has recently completed the Kids In Focus program online and also the Triple P Parenting program online.

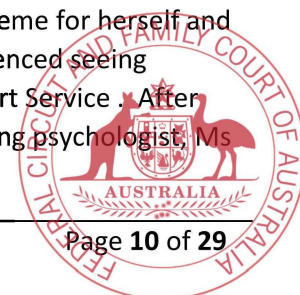
## THE CHILDREN

### Christian Cooke

53. Christian is aged 10 years and six months. He was interviewed after Joshua. Christian presented as a serious and somewhat troubled boy of stated age.



54. Christian commenced daycare 2 days a week in February 2016 aged 18 months. In 2017 this increased to 3 days each week and in 2019 Christian attended daycare 2 days a week and pre-school another 2 days each week. In 2020 he commenced kindergarten at Holy Family Catholic school and in 2022 he transferred to Merewether Heights public school which is when Joshua commenced kindergarten. In January 2024 both children commenced attending OOSH three days each week. Christian is currently in year 5 at school.
55. It is common ground that Christian has always struggled at school. The mother reports that in early 2022 the new school advised her that Christian was exhibiting concerning behaviours. He commenced one to one support through Learning Lab and was also getting support through the school. He was assessed by psychologist, Mr Kane Becker, at Oracle. The assessment pointed to a diagnosis of ADHD – combined sub type and specific learning disorder. In June 2022 Christian was assessed by paediatrician, Dr Alison Freeth, who confirmed a diagnosis of ADHD-C, dyslexia and dyscalculia. In June 2022 Christian commenced on short acting lisdexamfetamine (Vyvanse) and in January 2023 this was changed to long acting lisdexamfetamine, which is continuing.
56. Information provided by Mereweher Heights Public School on 18 March 2025 indicates that Christian is working below grade level in mathematics and in some areas of English. Christian’s attention in class is inconsistent at times and he needs individual attention to complete some tasks. Christian relies heavily on adult support to begin tasks and has limited independence with his work habits. At times Christian can present as being overwhelmed. At times Christian physically taps to self soothe. At times Christian becomes withdrawn. Christian is hyper vigilant and is often concerned about peers in the room looking at him. Christian receives regular support from the classroom teacher, multi-step tasks are broken down into smaller chunks and Christian has access to a cooldown or time-out space.
57. The school reported that Christian has a small social group and usually plays with two or three students but not always the same two or three. He is overly focussed on horror themes, and particularly Five Nights at Freddy’s. His playground and social experiences are immature compared to peers, and he has some difficulty with emotional regulation. He has ongoing social issues relating to dysregulation and small social issues are major challenges for Christian. The mood and behaviour of peers can also result in Christian being dysregulated. When Christian is frustrated or upset from social situations, he often finds it difficult to communicate or self regulate without adult intervention.
58. The mother advised that in mid 2023 Christian began seeing a psychologist for assistance with anxiety, personal hygiene and assisting him to prepare for a school camp (name of psychologist not known). She advised that following those six fortnightly sessions, the lisdexamfetamine increased from school days only to every day.
59. Subpoenaed records indicate that on 11 August 2023 Christian commenced seeing psychologist, Mr Kane Becker, at Oracle psychology. At intake it was noted that Christian had significant anxiety including separating from his parents. Christian was sleeping in a bed in his parents’ room and had difficulty being on his own. Christian was very reliant on his parents for security and safety, seeking reassurance from them. Christian was displaying cognitive rigidity and was struggling with flexibility and change. By late September 2023 Christian was reported to be sleeping in his own room. The sixth and final session occurred 30 October 2023. The father attended five sessions and the mother one session. Therapy ceased as goals had been achieved including Christian going on a school camp.
60. The mother reports that in March 2024 she applied under the NSW Victim Support Scheme for herself and for both children. Subpoenaed material indicates that on 5 April 2024 Christian commenced seeing psychologist, Mr Grant Henry, at Pillar Allied Health, funded by the NSW Victims Support Service. After four sessions Mr Henry left the practice and on 29 July 2024 Christian commenced seeing psychologist, Ms



Holly Bolton, at Pillar Allied Health, under the same scheme. Sessions are continuing. Multiple attempts were made to speak directly with Ms Bolton but Ms Bolton did not respond to requests for contact.

61. The father has had no involvement with Christian's psychology treatment. The mother advised that the father is aware that the sessions are occurring because of the documents provided to Court. The father advised he does not know who the children are seeing and has not attempted to find out. It is noted that an attachment to the mother's affidavit sealed 3 April 2024 indicates that on 2 April 2024 the mother informed the father that she has arranged counselling for the children.
62. The mother advised that in August 2024 Ms Bolton contacted her concerned that Christian was obsessed with violent video games and that Christian was missing emotional connections. The mother reports that Ms Bolton also stated that Christian speaks about abduction, torture and murder of children and "is giving me really spooky serial killer vibes". The mother reports that Ms Bolton advised the mother that court orders were required restricting screen time and access to horror content.
63. The mother requested a letter from Ms Bolton, and this was provided on 9 September 2024. On 12 September 2024 the mother wrote to the father with a copy of Ms Bolton's letter. The mother proposed restrictions on the children's gaming and screentime. On 16 September 2024 the father wrote to the mother acknowledging there was a problem and suggesting the issue be dealt with at an upcoming mediation on 18 September 2024. On 19 September 2024 the father raised concerns with the mother that watching a movie was being included as screentime.
64. The mother asserts that the father has not restricted the children's screentime and access to horror. The father asserts that he has tried to put some restrictions in place but it has been difficult for various reasons. The children continue to have virtually unlimited screen time when with the father and continue to have access to age-inappropriate material including horror themes. The father does not believe that it is inappropriate for the children to view horror content. He spoke in detail about what he saw as advantages for the children, and particularly Christian, to engage in his video gaming passion. The father referred to comments from Christian's Lab Learning teacher, Michelle (surname and qualifications unknown), as actively supporting Christian's passion for Five Nights at Freddy's (FNAF) as a good way for Christian to manage his emotional regulation.
65. Christian is continuing to consult with Ms Bolton. The mother advised that recently Ms Bolton sent her a parent questionnaire for Christian regarding an assessment for Autism Spectrum Disorder (ASD).
66. Christian seemed to have a clear and strong goal to convince the report writer of four main points. The first and most important was that playing violent video games was his right and was good for him and that he should be allowed unfettered access and that he should be financially supported by both parents to do this. The second was that the games he liked playing "are not even that violent". The third was that he needed to spend more time with his father because his father let him play video games and his mother did not. The fourth was that his father told the truth and behaved fairly and that his mother did not tell the truth and behaved unfairly including favouring and believing Joshua over Christian which was particularly upsetting because Joshua was also a liar and untrustworthy.
67. Christian spoke at length and with passion to all four points. When a question was asked which was unrelated to these points (at least in Christian's mind), he either ignored the question completely or answered it with a focus on one or more of his points. He often repeated the same comments and criticisms.



68. Christian spoke in detail about how unfair his mother was to the father and to Christian. Christian gave example after example of things his mother had done which were unfair and things that she had said which were untrue. Overwhelmingly the information underpinning Christian's views had been supplied to him directly and repeatedly by the father, including recently.
69. Christian spoke at length about specific video games. His knowledge was extensive and extended to details about the origin of the games and the game developers. Christian repeatedly talked about the sudden and complete removal of his games and game related activity by his mother as having a major negative impact on him. He repeatedly said that this had resulted in him losing his imagination and creativity. Similarly, he repeatedly spoke about the games giving him "courage" to do other things and now he had lost that courage as well.
70. When asked if his treating psychologist, Ms Bolton, had a good understanding of what had been occurring and how he felt, Christian stated that she knew he was heartbroken and cried a lot because he misses his games and he misses his father. He said he was worried that his mother might take other things away and referenced a Furby toy which he had recently obtained from each parent. He said he had tried to develop other interests but couldn't and stressed that he no longer has any imagination and no longer has any creativity.
71. Christian spoke about his mother never giving him money (for gaming) or things and his father regularly giving him money including recently "because he knows I have had a very hard time". Christian was highly critical of his mother for removing all his gaming related items and emphasised that the majority had been provided by the father and not the mother and that Christian had used his own money (which had predominantly been provided by the father) to purchase those items. He questioned the legal as well as moral basis for the mother's actions.
72. Christian was asked about the relationship between his parents and specifically asked about the scene earlier in the day where the parents were in the same room but did not look at each other or speak with each other. Christian explained that his parents got along okay and that they never saw each other. He was not surprised or disturbed that they did not acknowledge each other earlier in the day and calmly explained "Mum freaks out when Dad is too close".
73. Christian was asked about the occasion last year when the mother took Joshua to the doctor after the boys had spent the weekend with the father. Christian spoke passionately and with no further prompting. He advised that Joshua told the mother that the father had hit Joshua but that this was a lie. He explained that Joshua had been deliberately annoying Christian who was watching the movie, If. Joshua had ignored both Christian and the father telling him to stop. The father then sent Joshua upstairs to his room and the father followed Joshua upstairs. Christian then followed the father upstairs to see what punishment Joshua would get. Christian said the father told Joshua he could not yell in Christian's ear and the father gave Joshua a time out. Joshua then threatened the father "I'll tell that you hit me" and the father said it would be wrong to do that and the father and Christian returned downstairs and resumed watching the movie while Joshua had a 10 minute time out followed by a second 10 minute time out.
74. Christian was asked why a day or two later when Joshua was completely calm, Joshua would lie about the father hitting him. Christian confidently said that Joshua likes to lie a lot. Christian said that he was present when Joshua told the mother that the father had hit Joshua, and that Christian had told the mother that Joshua was lying but "as usual" the mother believed Joshua and not Christian. Christian added that even a week later when Joshua told the mother he was lying about the father hitting him, the mother still didn't believe Christian. When asked why Joshua would tell the mother he had lied, Christian explained that in

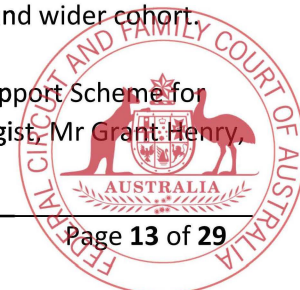


the intervening week the father had explained to Joshua the problems it caused when Joshua told the mother the lie.

75. Christian then volunteered additional and repeated some earlier criticisms of the mother lying and the father telling the truth. Christian spoke passionately about the mother lying that the father had hit the children and that the mother had never hit the children when the truth was that the mother previously hit the children and that the father had never hit the children. It is noted that the father has reported that the mother had hit Christian on several occasions and that the mother reports that the parents agreed that they would both use physical discipline if strictly necessary and that she has used physical discipline on Christian on occasion but not Joshua. The mother also reports that the father has used physical discipline on both children on numerous occasions including in 2023 hitting both children multiple times where they sustained red welts and Christian sustained a visible bruise lasting a few days.
76. Christian also spoke in detail about the mother getting her friends to lie for her and against the father and the mother getting doctors to lie for her and against the father on the basis that the mother was also a doctor. Christian spoke about the mother "manipulating" things and that "she would do anything to make sure we never see Dad". Christian advised that as well as paying her own lawyer, the mother had also paid the father's lawyer so that the father's lawyer would help the mother and not help the father. When asked why the father's lawyer would do that, Christian confidently said that some people were just greedy and the lawyer did it for greed. Christian said he knew this because the father had told both children this. Christian volunteered "I hate how Mum thinks she can take Dad out of our lives forever".
77. Christian was clear that he wanted to spend "50/50" with each parent. If he couldn't do this, he would want to reverse the current "9/5" arrangements so that he spent the majority of the time with the father.

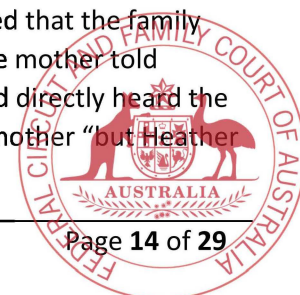
#### **Joshua Cooke**

78. Joshua is aged 8 years and one month. He volunteered to be interviewed first. Like his presentation 12 months earlier, Joshua appeared to be excited to be interviewed and very chatty. He referred to changes in the report writer's office and his vocabulary and style of speech was typical of someone much older. Joshua spoke in detail with very little prompting. He again referred to his parents as either "dad" and "mom" or by their Christian names "Steve" and "Heather" on a random basis. He appeared to be very serious throughout.
79. Joshua commenced daycare 2 days a week in January 2018 aged 12 months. In 2020 Joshua attended daycare 2 days a week and pre-school another 2 days each week. In 2022 he commenced kindergarten at Merewether Heights public school. In January 2024 both children commenced attending OOSH three days each week. Joshua is currently in year 3 at school.
80. Both parents reported that Joshua settled well into school and has not had any difficulties socially, emotionally or academically.
81. Information provided by Merewether Heights Public School on 18 February 2025 indicates that Joshua is working at or above grade level in English and above grade level in maths. He has high attention and participates well in class. He is compliant with his teacher and peers and applies high effort. Joshua presents as very settled at school and interacts with a known peer group. Joshua has never presented with any behavioural concerns and appears to manage social situations well with his peers and wider cohort.
82. As noted, the mother reports that in March 2024 she applied under the NSW Victim Support Scheme for herself and for both children. In April 2024 both children commenced seeing psychologist, Mr Grant Henry,



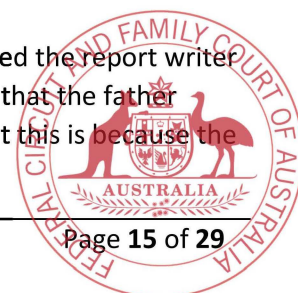
funded by that scheme, and when Mr Henry left the practice, the children started seeing psychologist, Ms Holly Bolton in July 2024. The mother advised that she did not inform the father and that as far as she knows, the father has had no involvement. The 13<sup>th</sup> and final session for Joshua was 22 October 2024.

83. The mother reports that on 24 June 2024 after spending the weekend with the father, Joshua was unsettled and upset. Joshua informed the mother that the father had hit him (in breach of Court orders prohibiting physical discipline). The mother took Joshua to the general practitioner on 26 June 2024. Dr Alex Tonkin was not available so Joshua saw Dr Dean Miller. The mother spoke with Dr Miller first. Dr Miller then spoke with and physically examined Joshua with the mother present. The mother reports Dr Miller then made a notification to the Department of Communities and Justice (DCJ) while the mother and Joshua were present.
84. The mother contacted her solicitor who advised her to inform the police and the school which she did. On 28 June 2024 the mother wrote to the father advising him that she would only allow the children to spend time with the father if it was supervised. On 1 July 2024 the father wrote to the mother denying that he had used physical discipline. An exchange of communication followed. The children continued to spend time with the father in accordance with the long standing arrangements.
85. It is noted that subpoenaed information from Pillar Health indicates that Joshua had his fifth session with his then treating psychologist, Mr Grant, on 13 June 2024. A sixth session was scheduled for 27 June 2024. It is not known whether this occurred but there are no case notes. On 26 June 2024 an email was sent to the mother advising her that Mr Grant was leaving and offering the mother the choice to follow Mr Grant to another practice or to commence with a new practitioner at Pillar Health. Joshua then commenced seeing Ms Bolton on 23 July 2024. There is no mention of the events of late June 2024.
86. On 13 August 2024 Ms Bolton spoke with the mother who advised that Joshua had “changed his story back and forth between whether or not dad hit him and she’s concerned that he’s been bullied into saying it didn’t happen”. Ms Bolton then spoke with Joshua about truth and lies and “Joshua stated that he didn’t remember his dad hitting him and just that he was meant to remember that his dad hit him”.
87. Joshua advised that in the father’s home the children have access to a switch lite, an iPad, a phone, a computer and that the father has recently purchased the children a \$1600 laptop each. At the mother’s home the children cannot access the internet. Joshua advised that the mother only allows the children to play games rated G or sometimes PG and that at the father’s home the children only played games rated M. Joshua advised that the father has restricted some parts of Five Nights at Freddy’s but that Christian still plays it a lot.
88. Joshua explained the mother does not let the children bring any devices from the father’s home into the mother’s home as the mother is concerned that the father will have done “crazy stuff” to the device to allow the father to access the mother’s home. Joshua advised that the mother gets “anxious, startled and scared of the father but there is no need for her to be”. Joshua advised that the mother was “insecure” about the father, but that Joshua did not know why she would be. Joshua advised that the mother had asked for the father’s address which Joshua did not think was fair “because if she feels that insecure” why would she want to know.
89. Joshua also felt it unfair that the mother could leave Australia with the children but that the father could not. Joshua added that he has not asked the father why that is the case. Joshua advised that the family were planning on visiting the paternal cousins in Canada in December 2023 but that the mother told Christian we couldn’t go because of Christian’s behaviour. Joshua was clear that he had directly heard the mother say this to Christian. Joshua advised that the father had tried to convince the mother “but Heather



got ahead of herself". Joshua did not think it fair that the mother would blame one child for the trip not going ahead.

90. Joshua volunteered that the father feeds the children lots of vegetables and that the mother does too but that the mother also feeds the children a lot of junk food including allowing Christian to have toast with Nutella and banana every morning.
91. Joshua believes the parents separated because they were arguing too much. The father had told him that the father tried to hire a relationship doctor but the mother did not listen and the mother did not even tell the father about the mother leaving with the children. Joshua added that the father asked the extended maternal family for help but that the extended maternal family did not care about the father at all. Joshua advised that the father tells the children when he goes to court and what occurred but that the mother does not tell the children anything.
92. Joshua spoke in detail about being more active at the father's house compared to the mother's house as the father buys the children whatever video games they ask for. He referred to the father buying him all of the Hello neighbour games but the mother not allowing these. Joshua said he has lots of fun at the father's home without IT including bike rides and church. Joshua said it was not that much fun at the mother's house as she was still working on safety and was heavily restricting IT and IT related games because of that and that the father had already worked out what was safe and not safe for the children. Joshua added that when he plays Poppy Playtime he gets "terrified" (rated PG-13 and higher for some spinoff games).
93. Joshua advised that the father talks to the children a lot about "sides" with some people helping the father and some people helping the mother and that the father explained to the children that the mother has a lot more people on her side helping her. Joshua was not sure exactly what people were helping the mother, but he knew it was "quite a lot". He said that the father had said that the maternal grandmother and maternal aunt were helping the mother because they might be scared of the mother, but the father did not say why they would be. Again, Joshua was "not sure" if that would be the case. Joshua referred to an episode of The Simpsons TV show where Homer paid the doctor to tell a lie about Bart's health. Joshua said that the father has informed the children that the mother has paid doctors to help her. Joshua was clearly conflicted and upset as he was genuinely "not sure" whether the mother would do this.
94. Joshua was asked about financial arrangements. He said that the father was trying to be careful with his money to show the Court that he could save. Joshua added that the father continues to buy the children a lot of stuff and that "sometimes all Christian does is shop". Joshua explained that lately Christian had spent a lot of money replacing the FNAF games and related items that the mother had taken away. Joshua advised that he got angry when the mother took away all the FNAF merchandise including a plushie that Joshua had bought with his own money. Joshua said that he told his friend, McKenzie, who was furious as her family is on the father's "side". Joshua said that as a result of the FNAF items going "now Christian is bored and lonely".
95. Joshua volunteered that he wanted to spend time away from Christian as Christian annoyed him. He had previously spoken with the mother about this but she was not supportive. Joshua explained that even now that Christian has full access to FNAF again at the father's home, Christian was still really annoying. With his head in his hands Joshua said "I just want a break from him". Joshua has spoken with the father about "separating the kids" but he has not spoken with the mother as he didn't think she would do that.
96. Joshua said it was "unfair because 47% for Steve and 53% for Heather". Joshua reminded the report writer that in February 2024 Joshua had asked for "50/50" but it did not occur. Joshua added that the father wants "50/50" and that the mother does not want "50/50" and that the father says that this is because the



mother “wants all the shots at having us” and that the father “notices this quite a lot” and that the father always asks but the mother always says no. Joshua advised that the father says if the mother takes all the shots “we will get bored because she is more restricting”.

97. Joshua said bedtime with the mother is 7 or 8 and the children have more time in the morning to get ready and with the father bedtime is 10 or 11 or 12 and the children get up tired and are on devices in the morning and are usually late for school. He explained that the father asks the children not to play devices in the morning as this would help him but that the children play the devices anyway.
98. Joshua was prompted about the mother taking Joshua to the GP last year. Joshua said that he had told the mother a fib about the father smacking him and that a few weeks later he told the mother it was a fib and the mother still says it was not a lie. Joshua said he still felt upset that the mother would not believe that he had told her a fib. Joshua said that he had also told the GP a fib. He did not know why he told the fib and suggested maybe he was bored and “I hadn’t had my mind straight”. He said he told his mother that he had told a fib because “it is not helping Steve that I told a fib”. He said that he had not told any other fibs.
99. Joshua was asked if either parent had ever hit him. He said that sometimes his father tickled him and Joshua says to stop but the father continues but that this problem had now stopped.
100. Joshua was asked if his previous treating psychologist. Ms Bolton, would have a good idea about how Joshua was feeling about things. He said she would have a middle idea and that she would know a bit. Joshua volunteered that he really liked Ms Bolton’s sausage dog, Pavlov. Joshua volunteered that he thought the report writer would have more understanding than Ms Bolton because Ms Bolton was much younger and Joshua didn’t think she had built up a lot of skill.
101. Joshua expressed a clear view that he wanted to try 50/50 and that he wanted to try spending time with one parent without Christian being present. He did not know how this might work. Joshua advised that he does not like going to OOSH when the father picks the children up as he picks the children up really late.

#### **SPECIFIC MATTERS TO BE CONSIDERED**

**What arrangements would promote the safety (including safety from being subjected to, or exposed to, family violence, abuse, neglect, or other harm) of the children; and each person who has care of the children (whether or not a person has parental responsibility for the children)**

102. Family violence is when one person uses violent, threatening or other behaviour to pressure or control a family member or that causes them to be fearful. Family violence covers a wide range of controlling or other behaviours, commonly of a physical, sexual and/or psychological nature, which involve fear, harm, intimidation, and emotional deprivation. The Family Law Act does not require independent verification of allegations of family violence (such as police or medical reports) for a Court to be satisfied that it has occurred.
103. There are several cross allegations and denials of family violence, abuse or neglect in this matter.
104. In his Notice of child abuse, family violence or risk sealed 5 December 2023, the father reports that because of the mother’s behaviour the father has experienced emotional / psychological abuse, financial abuse, threatening comments and exposure to family violence; and that Christian has experienced physical abuse and emotional / psychological abuse; and that Joshua has experienced emotional / psychological abuse.



105. The father reported that the mother is mean and short tempered and that on 6 September 2023 and again on 18 November 2023 she slapped Christian on his face to control behaviour. The father asserts that the mother uses love as a weapon and has repeatedly told the children she only loves them when they do what she wants them to.
106. In her Notice of Risk signed 4 February 2024, the mother reports that because of the father's behaviour she experienced physical abuse, emotional / psychological abuse, sexual abuse, financial abuse, threatening comments, and exposure to family violence; and that the children experienced emotional / psychological abuse and exposure to family violence. It is noted that she made no mention of the father being physically abusive toward the children, but she has subsequently alleged that he routinely had been.
107. The mother alleges that the father abused alcohol rendering him unable to adequately care for the children and on occasion care for himself. She reported the father's behaviour can often be impulsive, irrational, controlling and abusive and that it posed a serious risk of harm to the mother and children. The mother reported that the father repeatedly harassed the mother for sexual contact despite the mother's repeated requests that he leave her alone. The mother reported that the father allows the children to view material online which is age inappropriate. The mother has subsequently asserted that the father prioritises himself over the needs of the children.
108. The mother reported that on or about 4 March 2024 she attended Newcastle Police Station and made a complaint about the father's ongoing harassment and control of her and that on 6 March 2024 she made a further complaint. . It appears that the police took no further action in regard to the complaints. As noted, it is a limitation to this report that the report writer has not seen the police records.
109. The mother reported that in early March 2024 she attended upon her general practitioner, who completed a Mental Health Care Plan and referred the mother to a psychologist. The mother had 3 sessions with psychologist, Ms Kylie Munro, at Anona House, and then commenced with her current psychologist, Mr Zachary Herron, funded through the NSW Victims Support Service.
110. The PPP screening tool provides a helpful framework to assist in the consideration of risk and impact of violence by reference to the three factors of potency, pattern, and primary perpetrator. The screening tool has been applied to the reported concerns. The report writer again notes that much of the evidence is yet to be tested by the Court and there is extremely little information available other than what has been provided by each of the parents.
111. Potency of Violence is considered with regard to severity, dangerousness, or risk of lethality by examining threats or fantasies of homicide or suicide; weapons; how extreme any prior violence was and any injuries sustained; history of mental illness - especially thought disorder, paranoia or severe personality disorder; history of substance abuse; the person expressing a high degree of depression, rage or extreme emotional instability (indicating a propensity to act irrationally and unpredictably); recent separation or other stressful events such as loss of job, eviction from home, loss of child custody, or severe financial problems.
112. The mother alleges that she has used physical discipline on Christian on occasion and that the father has used physical discipline on both children on many occasions. The father alleges that the mother has used physical discipline on Christian and that he has not used physical discipline on either child. Both parents allege the physical discipline has resulted in injury to the children and that the injury did not require medical attention. There is no allegation of use of any weapons or concerns about access to firearms.
113. The father has ADHD which he reports is well managed by medication. Neither parent has been diagnosed with a mental illness including thought disorder or paranoia. The father's treating psychiatrist suggests the



father has some personality traits of an anankastic nature (characterised by obsession or compulsion). There are cross allegations and denials of past alcohol misuse. Both parents report reduced alcohol intake and there is no evidence of problematic drinking.

114. The mother alleges that the father's ADHD caused him to be irritable, irrational, impulsive, paranoid and entirely focussed on his own needs and objectives. The mother also asserts that the father would have ritualistic behaviours around locking doors and that these behaviours increased when the father was stressed. The father has ongoing difficulties with executive functioning. He has difficulty initiating and completing tasks and is indecisive. He likely experiences significant anxiety related to decision-making, leading to procrastination and a sense of being overwhelmed by even simple responsibilities. These patterns suggest potential underlying issues with attention, planning, and emotional regulation.
115. The parents have now been separated for 15 months. They have finalised their financial matter and both have stable accommodation. The current interim parenting arrangements have been stable since shortly after the parents' separation. Neither parent is proposing the existing arrangements continue. The father is struggling to secure paid work and has recently experienced financial and legal difficulty in the start up company he is trying to establish.
116. The allegations of both parents involve low level potency.
117. Pattern of violence and coercive control is considered with regard to a history of physical violence including destruction of property; threats to hurt self or loved ones; assault or battery; sexual coercion or rape; harm to pets; disregard or contempt for authority, level of fear or intimidation; history of emotional abuse and attacks on self-esteem; decision making within the relationship; isolation and restriction from outside contacts; obsessive preoccupation with sexual jealousy and possessiveness; and multiple litigation for the purpose of controlling and harassing.
118. As detailed above the parents present very contrasting versions of the relationship and the period following separation including incidences of family violence. The children's account indicates that both parents were equally involved in verbal arguments and there is no indication that either child was fearful of either parent. At this time those accounts have not been tested.
119. Interestingly both parents claim that they were the primary care giver and the primary attachment figure for both children up until separation and that the other parents had very little genuine engagement with the children. Subpoenaed information provides scant information about the children's pre school years. It appears, however, that both parents were involved with organising and attending to the children's needs from at least the time that the children commenced school. It also appears that both parents spent large amounts of time engaged in activity not related to the care of the children. The father was and continues to be engaged with his interest in IT and the mother was and continues to be engaged in her paid work.
120. The mother alleges that throughout their relationship the father pestered the mother for sex. The father denies that he did. There is no indication of obsessive preoccupation or sexual jealousy post separation. Neither parent has a criminal history. There is no record of either parent having a history of using physical or other forms of violence outside of the home. There is no record of either parent having a history of harming pets. There are cross allegations and denials of verbal and emotional abuse throughout the relationship and continuing post separation.
121. The mother was the primary income earner throughout the relationship. Both parents appear to have had access to considerable funds. There is no indication that either parent was restricted from outside contact. The mother made complaints to police on around 4 March and 6 March 2024 which do not appear to have



been acted upon. There is no indication of litigation for the purpose of controlling and harassing. There is no indication of disregard or contempt for authority. The father, however, appears to be ignoring the parents' agreement to limit the children's access to screen time and inappropriate material.

122. Both parents appear to have inappropriately involved the children in the adult conflict. It appears that the mother ceased doing this shortly after separation but that the father is continuing to do so at a very significant and alarming level. The father has given the children selective information about the adult dispute. He is deliberately trying to undermine the mother's authority and credentials as a parent. The father is deliberately enlisting the children to pressure the mother to agree to the father's proposal.
123. Primary perpetrator indicators are considered with regard to primary aggressor; plausible account of the violent incidents; who denies, minimises, obfuscates, or rationalises the incident; motives used to explain; size and physical strength of each party relative to the amount of damage and injury; types of any injuries or wounds suffered; mutual combat, violent acts/injuries by one party far in excess of those by the other; prior protective orders; and special training or skill in combat.
124. Both parents appear to be within age and gender expectations regarding physical size and strength. Neither parent has an interest or special knowledge with weapons. Neither parent has been the subject of an ADVO. Neither parent reports any physical damage. The wounds reported to be sustained by the children appear to be minor and not requiring medical attention.
125. It is not possible to definitively categorise the behaviour which is being alleged as there are many cross allegations and denials and currently those allegations have not been tested.
126. Many of the cross allegations in the months prior to and following separation, however, are consistent with a categorisation of situational couple violence (defined as violence instigated by the separation where there was no history of violence in the relationship or in other contexts).
127. When identifying risk, it is important to consider both static and dynamic risk factors. Static risk factors are historical and do not change (for example, family background, childhood abuse and seriousness of offending). Age and gender also fall within this category. Dynamic risk factors are changeable and therefore offer the opportunity for intervention. Examples include current level of functioning in relation to diagnosed mental health issues, use of alcohol or illicit substances and compliance with treatment. Risk assessment involves the identification of risk factors and an estimation of the likelihood and nature of a negative outcome while risk management puts in place strategies to prevent these negative outcomes from occurring or to minimise their impact.
128. In this matter the static risk factors would include the childhood experiences of the parents including their experiences within the family unit such as the roles and relationships between children and adults and the dynamic risk factors include the current mental health and functioning of each parent.
129. Both parents report high functioning but psychologically absent fathers and high functioning mothers who deferred to and accepted poor behaviour from their spouse. The mother did well at school and enjoyed being at the top amongst her peers. The father did not do well at school and constantly sought but did not receive validation from his father.
130. The father was diagnosed with ADHD in 2023 and has been treated pharmacologically since that time and continuing. He has never sought or received any psychological support. He reports that he is now functioning well and does not require any psychological input. The father's self-assessment does not appear to be supported by his own account of his life circumstances. He reports managing activities of



daily living well but appears to struggle when he is required to juggle multiple tasks with timeframes. He finds it difficult to say no to the children. He also finds it difficult to establish and enforce basic household routines such as the children's bedtime. It is noted that the father's treating psychiatrist, Dr Moisy, advised that the father would benefit from ongoing psychological input.

131. The mother advised that in February 2024 she experienced an episode like a panic attack following contact with the father and since that time the mother has refused to have any direct contact with the father. The mother saw psychologist, Ms Kylie Monroe, on three occasions from 13 March 2024 until 16 April 2024. The mother then saw psychologist, Mr Zach Herron, from 23 April 2024 and continuing. Mr Herron advised that initially the mother probably met diagnostic criteria for complex PTSD but no diagnosis was formally made as diagnosis is not funded under the NSW Victims Support Service funding. Mr Herron advised treatment is now focussed on re-framing past experiences and supporting the mother to effectively co-parent with the father.

**Any views expressed by the children and any matters (such as the children's nature or level of understanding) that may affect the weight that the Court should place on those views**

132. Christian has expressed very strong and clear views that he wants to spend at least half the time with the father. These views appear to be underpinned by his obsession with video games as he believes this obsession will be supported by the father but not the mother.
133. Joshua has expressed a clear view that the current arrangements are not "fair" because they are not "half". This is a typical position of a child Joshua's age. Joshua wants some time away from Christian. Joshua wants to try an equal time arrangement.
134. The views of both children, however, have been inappropriately and unfairly tainted by the ongoing selective information that the father provides them with. Due to this ongoing contamination, the children's relationship with the mother has been damaged. It would not be sound to place much, if any, weight on the children's expressed views.

**The developmental, psychological, emotional and cultural needs of the children**

135. Christian is a 10-year-old boy navigating the transition from middle childhood to early adolescence, a period marked by increasing cognitive complexity and social awareness. He is developing a stronger sense of self and independence, seeking peer acceptance, and refining his problem-solving skills. The ongoing parenting dispute disrupts this crucial developmental stage, creating instability and anxiety that can impede his progress. The presence of ADHD further complicates matters, as he may struggle with emotional regulation, impulsivity, and attention, making him more vulnerable to the stress of parental conflict. Christian's addiction to video games is a maladaptive coping mechanism, providing temporary escape from the emotional turmoil.
136. Emotionally, Christian is likely experiencing a complex mix of feelings. He may feel caught in the middle, pressured to choose sides, or guilty for loving both parents. The constant conflict and uncertainty can lead to heightened anxiety, depression, and anger. His ADHD can amplify these emotional responses, making it harder for him to manage his feelings constructively. The video game addiction, while offering a temporary sense of control and mastery, ultimately exacerbates emotional dysregulation and social isolation. It creates a cycle where he avoids dealing with difficult emotions, leading to further dependence on the virtual world. The emotional strain of the custody battle, coupled with his pre-existing challenges, can significantly impact his self-esteem and sense of security.



137. Christian's difficulties in executive functioning, including planning, organisation, and emotional regulation, leaves him vulnerable to manipulation by a parent. As he enters high school Christian's impulsivity may lead to acting out or engaging in risky behaviours as a way to cope with stress. Christian's video game addiction further exacerbates these challenges as it will likely further impair his attention span, social skills, and academic performance. The constant stimulation and reward system of video games can also reinforce impulsive behaviours and make it harder for Christian to regulate his emotions.
138. Christian will benefit from a stable and supportive environment. This includes minimising parental conflict, establishing clear routines, and providing access to mental health services. Appropriate therapy can help him develop coping mechanisms for managing his ADHD, processing his emotions, and navigating the complexities of his family situation which will assist him to build resilience and confidence. Addressing the video game addiction is crucial, as it is both a symptom of and a contributor to his overall distress.
139. Joshua is developmentally within middle childhood. This is a period characterized by significant social and cognitive development. He is refining his social skills, forming close friendships, and developing a stronger sense of competence. He is also beginning to understand more complex social dynamics and moral concepts. The ongoing parenting dispute disrupts his sense of security and stability, potentially hindering his ability to navigate these crucial developmental tasks.
140. The added stress of his ongoing conflict with Christian, often fuelled by Christian's video game addiction, creates further instability and emotional turmoil. Joshua feels ignored, resentful, and jealous. This conflict will exacerbate his feelings of insecurity, and unless it is addressed, the ongoing conflict with Christian will result in Joshua losing a crucial source of support and connection.
141. The father's selective negative information about the mother introduces a layer of manipulation, potentially impacting Joshua's ability to form healthy attachments and trust relationships. This manipulation can create a distorted perception of the mother, leading to feelings of distrust and alienation. It can also create a sense of cognitive dissonance, as Joshua struggles to reconcile his own experiences with the information he is receiving.
142. Emotionally, Joshua is experiencing a range of intense and conflicting feelings. He is feeling anxious, confused, and sad about his parents' separation and the constant conflict. He also feels resentful towards Christian whose video game addiction tends to monopolise family attention and contribute to the chaotic atmosphere. The father's negative comments about the mother have created confusion and guilt, as Joshua is struggling to reconcile his love for both parents with the information he is receiving.
143. Unless there are significant changes, this emotional strain will likely result in behavioural changes such as aggression or withdrawal or difficulty concentrating in school. Joshua will increasingly struggle with feelings of loyalty and pressure to choose sides, further exacerbating his emotional distress and impacting his ability to develop healthy relationships.
144. Joshua will also benefit from a stable and supportive environment with parental conflict minimised. Joshua should be provided with clear routines and compatible rules (such as bedtimes on school nights). He may benefit from appropriate psychological support with a focus on removing him from the adult conflict and helping him to process his emotions, develop healthy coping mechanisms, and navigate the complexities of his family situation. Addressing the conflict between the brothers should also be a key therapy goal.
145. The cultural needs of the children do not appear to be an issue. Both parents appear supportive of the children knowing and positively engaging with extended family and in participating in the religious and social practices of each parent.

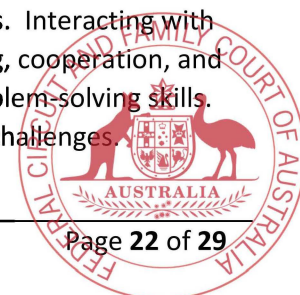


**The capacity of each person who has or is proposed to have parental responsibility for the children to provide for the children's developmental, psychological emotional and cultural needs**

146. Both parents are highly motivated to be actively involved in the lives of their children.
147. The father has struggled to manage the demands of child care with his other responsibilities. He advised that his job seeking activities have been impacted by the current parenting arrangements. Similarly, he advised that his availability for employment is impacted by the current parenting arrangements. The father's current plans around self-employment appear vague and it appears that those plans are not based on a sustainable financial footing. If the father was to secure paid employment, that will likely place further stress upon him and further negatively impact his parenting capacity.
148. The father has struggled to maintain appropriate boundaries with the children. The father has also struggled to say no to the children and to enforce simple arrangements like appropriate bedtimes and rules around not using devices on school mornings. The father does not currently have practical support from extended family and he has not utilised community resources.
149. The mother has managed her multiple roles effectively including participation in the current Family Law Court process and securing stable accommodation for the children. She has utilised the assistance of extended family and community resources effectively. She has maintained near full time paid work and continued to meet the children's ongoing needs including volunteering at the school. She has implemented appropriate rules and measures to ensure the children get sufficient rest and attend school on time.
150. The mother has facilitated the children's attendance with a psychologist. It is of concern that the father has chosen to absent himself from that process. As a result, the children's psychologist does not have the benefit of information from the father and the father does not have the benefit of information from the psychologist.
151. The father does not consider that Christian's involvement with video games is an addiction or that it is problematic and the father actively supports and encourages Christian's extensive engagement with video games with age inappropriate content. Similarly, the father does not consider the classification of video games and related material to be valid and applicable to the children. The father's justification for this is implausible and not supported by the available evidence. The mother is trying to deal with Christian's video addiction despite very strong resistance from Christian and active undermining of her efforts from the father.

**The benefit to the children of being able to have a relationship with their parents, and other people who are significant to them, where it is safe to do so.**

152. Safe relationships provide a space for the children to express emotions openly and learn healthy coping mechanisms. Interacting with a range of caring adults will help the children develop empathy and understanding of others' feelings. Regularly spending time with the people who the children have secure attachments with can reduce stress and anxiety, leading to improved psychological well being and functioning.
153. A strong foundation in family relationships will assist the children to establish and develop healthier peer relationships. Safe relationships provide a sense of belonging and connection to others. Interacting with others in an extended family context will help the children learn social skills like sharing, cooperation, and conflict resolution. Positive interactions can stimulate cognitive development and problem-solving skills. Strong relationships can help the children build resilience and the ability to overcome challenges.



154. The maternal grandmother lives on the Central Coast and has provided good support to the mother. The children have a meaningful relationship with her and also with the maternal aunt who also lives on the Central Coast. The children spoke fondly of their maternal cousins but as they are older teenage girls the children have little interaction with them.
155. The paternal grandparents and extended family live in Canada. Christian was born and lived in Canada for 11 months. Christian and Joshua visited paternal family each 18 months up to 2019. This only stopped due to Covid travel restrictions. A planned trip in late 2023 did not occur due to increasing tension within the parents' relationship and household. The children maintain contact with extended paternal family while in the care of the father. Both children are keen to visit paternal family and they are likely to benefit from doing so.
156. By having meaningful relationships with both parents and extended family, the children will have opportunity to explore and benefit from their rich cultural heritage.

#### **Impact of these proceedings on the children**

157. Both children have been inappropriately drawn into the adult conflict.
158. It appears that the mother has exposed the children to some material but this was limited and predominantly around the period of separation.
159. It appears that the father, however, has systematically blanketed the children with his views, including about the adult conflict, and that this is continuing.
160. Both children are parentified. They have been forced to referee their parents' ongoing dispute, and they have been given biased, incomplete and inaccurate information in an attempt to win their support.
161. Christian's relationship with his mother has been damaged. He unfairly and inappropriately blames his mother for all manner of wrongdoing based on the selective information the father has provided to him.
162. Both children believe that it is their right and their role to discredit a parent in order to achieve a desired outcome. The children have learnt that they need to be on one "side" or the other. This is not helping them to develop healthy relationships as they enter adolescence.
163. The children's relationship with each other has also been damaged. It appears that the parents' attention has been drawn towards the current Family Law Court dispute and that has taken their focus away from supporting their children, including the children's relationship with each other.

#### **Decision making responsibility**

164. The parents have been using a Parenting App since March 2024 for all communication other than urgent communication. This appears to have been somewhat effective. It appears that the parents have also required the involvement of their legal practitioners on several occasions to resolve relatively uncomplicated issues. It is noted that since October 2024 the father has been self-represented which has complicated that process and that the mother may not wish to retain her legal representation once the current Family Law Court matter is finalised.
165. The father is proposing that the parents have shared responsibility for decision making. The mother is proposing that she have sole responsibility for decision making.



166. The father asserts that the parents have worked co-operatively together to support the children's needs prior to separation and in the first few months following separation. He asserts that it was not until early 2024 that the mother announced that she could not cope with being in the same place as the father and that this was based on her opposition to the father wanting an equal time shared care parenting arrangement.
167. The mother is proposing that her address be kept confidential from the father. She asserts that if the father knew her address, he would likely stalk and harass her including setting up digital surveillance in her neighbourhood to track her movements. The mother advised that she was tracked and followed for 10 years in the parents' relationship but provided no information about this.
168. The mother advised that following the parents' separation, she contacted the police about the father tracking her and the police took and retained the mother's mobile phone and downloaded and analysed information on the mother's phone and subsequently informed the mother that it was "ready to be taken over". The mother asserts that the father has interfered with her phone in order to monitor and track her. It is a limitation to this report that no information, including COPS records, have been provided from NSW police.
169. The mother does not allow any devices to travel from the father's home to the mother's home to prevent the father from manipulating the devices to gain electronic access and surveillance of her home. The mother has raised concerns that the father may be using a television set the mother brought from the matrimonial home to her new home to spy on her but she has not taken any steps to objectively assess this and has not taken any remedial action. The children are aware of the mother's requirements and the mother's reasoning and are compliant with her wishes regarding this issue.
170. The mother asserts that in early 2024 she had a form of panic attack while at the same place as the father and that she has since learnt that being with the father triggers a trauma response for her resulting from the alleged abusive behaviour throughout the parents' relationship including being sexually assaulted by the father for 10 years. The psychologist the mother saw in March 2024 and the psychologist the mother saw in April 2024 both advise that the mother was exhibiting clear signs of distress in relation to interacting with the father at that time and that the mother had detailed a long history of abusive behaviour from the father including sexual violence and ongoing covert surveillance.
171. The father denies that he has ever, or that he has any interest or intention to track the mother's movements or have surveillance of her home or elsewhere. The father's self report is that he is highly skilled in this area of IT. It appears highly likely that if he wished to, the father could easily keep a track of the mother's movements. There is no available evidence, however, other than the mother's self report to various health practitioners and police, to suggest that the father has done so or has attempted to do so.
172. The mother asserts that she cannot effectively make decisions with the father because of the father's inability to place the children's needs above his own. The mother provided numerous examples of alleged behaviour by the father demonstrating this. The mother referred to the father choosing not to take the children to a Lab Learning appointment because he wanted to do something else and the father routinely failing to get the children to school on time and in a state conducive to learning.
173. The mother asserts that the father lacks insight. She gave examples of the father's refusal to accept the treating psychologist's assessment that Christian has a video game addiction and that Christian's obsession with horror is dangerous. The mother expressed concern that the father does not recognise the huge harm this is causing to Christian and indirectly to Joshua. The mother asserts that the father has ignored the treating psychologist's recommendations and actively undermines the mother's attempts to do so.



174. The mother asserts that the father is indecisive. She gave examples of the father agreeing to something and then changing his mind without informing the mother such as the children's engagement with psychology. The mother advised that the father's inability to manage time and meet deadlines also made shared decision making problematic and not in the children's best interest.
175. Equal shared decision-making can promote both parents' involvement in the children's life, fostering a sense of parental responsibility and potentially improving the children's well-being. However, in cases involving allegations of emotional abuse, shared decision-making can re-traumatise a victim of past abuse, particularly when direct interaction triggers past experiences. This can lead to heightened anxiety and difficulty in co-parenting effectively as well as negatively impacting the victim's overall well being and functioning.
176. Due to the parent's different views about Christian's video game usage, shared decision-making is likely to result in conflict and put strain on the co-parenting relationship. The father's support of excessive video game playing including age inappropriate content as a coping mechanism for Christian contradicts the mother's concerns about addiction and inappropriate content, potentially undermining therapeutic interventions. This disparity in parenting styles will be confusing and upsetting for Christian and hinder consistent management of his ADHD and of his current video addiction.
177. The children's needs for consistent boundaries and a unified approach to Christian's ADHD and addiction may be compromised by the parents' conflicting views. The children are likely to feel caught in the middle, experiencing increased stress and anxiety due to the parents' ongoing conflict.
178. Shared decision making also requires a level of communication and cooperation that might not be possible when there is a history of abuse. If the Court finds that there has been a history of emotional abuse, shared decision making may perpetuate the power imbalance and control issues that were present during the relationship.
179. If the Court considers shared decision making is not appropriate for all matters, it may be appropriate to give sole decision making responsibility to one parent for a specific area (such as the children's health care) and shared decision making responsibility for all other matters.

### **Parenting Arrangement**

180. Since the parents separated in December 2023, the children have spent equal time with each parent during school holidays and 9 nights with the mother and 5 nights with the father each fortnight during school term. Both parents are proposing that during school holiday periods the children spend half the time with each parent.
181. The father has always proposed and is continuing to propose that during school term the children spend equal time with each parent. The mother is proposing that during school term the children live predominantly with her and spend alternative weekends with the father from after school Friday to Sunday afternoon and also from after school each Thursday for a few hours but not overnight.
182. The father's self report is that despite his intention to ensure the children get to school on time and appropriately rested, he seldom achieves this. The children typically stay up on school nights until at least 10.00pm and often midnight playing video games. In the mornings, the children also play video games and routinely arrive at school late. In term 1 of 2024 Christian missed 1 full day of school and 11 partial days and Joshua missed 2 full days and 9 partial days. The mother asserts that the children are frequently overtired at school, and this affects their academic as well as their emotional and social functioning.



183. The father appears to use financial reward as his primary tool for managing the children's behaviour and emotional regulation. The father volunteered that when there was a mix up in the dates of the Christmas school assembly, Joshua was upset and the father managed this by providing Joshua with a \$60 Roblox card. The children each report that they both regularly manipulate the father into providing them with money or gaming equipment. Each child complained that the other child is excessive in their use of manipulation and in the amount of money and equipment they extract from the father. The father's justification for recently giving each child a \$1500 purpose built high end gaming laptop (which he proudly volunteered was actually worth \$2500) suggests he is inappropriately focussed on the children's involvement with IT.
184. The father appears to have dealt with his own disappointment with the existing parenting arrangements by failing to implement appropriate boundaries with the children. The father volunteered that both children sleep with him every night in his bedroom where they have access to a huge television. He advised that this was a good thing and he encourages it as the children get to spend more time with him. The father also advised that he has rules and guides, such as bedtime at 9.00pm, but that he does not enforce them because he "does not want to bring out the hammer" and because he is "trying to be forgiving".
185. Currently the father's lack of appropriate parental control and appropriate boundary setting and enforcement is causing significant problems for the children. This will only get worse as the children get older and increasingly exercise the power they know they have over the father. It is currently not in the children's best interest to spend school nights with the father.

**Any other matters that the report writer considers important to the welfare or best interests of the children**

186. Currently the children get very little physical exercise in either household. The father encourages bike riding but this appears to be ad hoc and determined by the children. It is noted that Christian has a diagnosis of asthma and has prescribed medication for the asthma.
187. The children have never been engaged in any team based activity and have never been engaged in any regular activity with peers. The father advised that Christian had indicated an interest in tennis and that was something the father may support in the future but currently neither parent has organised anything.
188. Both children are likely to benefit enormously from a physically based team activity with peers. It is likely the children will be resistant, particularly Christian, as he will see it as time away from video gaming. This may also provide an opportunity to expand the children's social connections and friendship opportunities which will be particularly beneficial for Christian. It will also provide an opportunity for the children to have some time and space away from each other and potentially provide an opportunity for each parent to spend quality one to one time with each child.

**Recommendations**

189. The parents have Joint decision making responsibility with the exception of the children's health, including mental health, which should be the sole responsibility of the mother.
190. The children spend time with each parent equally for significant occasions and during school holiday periods.
191. The children live predominantly with the mother during school term including all school nights.



192. The children spend alternative weekends with the father.
193. The children spend additional time with the father on some school day afternoons but not overnight.
194. Provision be made to allow each parent to take the children on an extended overseas holiday, particularly to encourage the children's relationships with extended family.
195. The parents jointly determine appropriate extra-curricular activities for the children with a focus on physical activity and peer interaction.
196. In consultation with Joshua's general practitioner, Joshua be referred to an appropriately qualified and experienced mental health practitioner to support Joshua with his relationships with each parent and with Christian.
197. Both parents actively engage with each child's treating psychologist.
198. In consultation with Christian's treating psychologist and general practitioner, Christian be referred to an appropriately qualified and experienced mental health practitioner to assess and treat his current relationship with video games, including implementation of any recommendations that may be made to limit screen time and content.
199. The father consults with his general practitioner and treating psychiatrist about a referral to an appropriately qualified and experienced mental health practitioner to assist with the father's anxiety, executive functioning, and approach to parenting, including supporting him to immediately cease his current practice of involving the children in the adult dispute and undermining the mother's parenting authority.
200. The father completes the Bringing Up Great Kids program.
201. The father completes the Dads Tuning Into Kids program and also the Tuning into Teens program.
202. The father completes the Positive Behaviour Parenting Course.
203. The parents determine a suitable changeover location when changeovers do not occur at the children's school. The venue should be child friendly such as a library or park.
204. The parents continue to communicate using a Parenting App. In addition, the parents develop and implement a Communication Protocol to underpin their communication. Some parenting Apps have protocols inbuilt which can be selected and modified and there are also many examples freely available online.

Drew Cowen  
Consultant Psychologist

21 March 2025



**This is the Annexure “B” referred to**

**in the Affidavit of Drew Cowen**

**affirmed/sworn on 24 March 2025**

**Before me:**



**Catherine E. James**

**Justice of the Peace**

**JP 214599**



## BRIEF CIRICULUM VITAE

### Drew Cowen

#### Core Competencies

- Providing a broad range of psychological treatment services to individuals and families
- Extensive experience in conducting a range of Single Expert Reports
- 15 years providing oral evidence to Courts as an Expert Witness
- Provision of family therapy services in forensic and private settings
- Provision of child centred family dispute resolution and case management
- Assessment, diagnosis and treatment of children and adolescents
- Supporting individuals and families through changes in family relationships and legal processes
- Expertise in supporting families with children with neuro-diversity and disability
- Expertise in working with high conflict families
- Cultural sensitivity
- Supervision of Post graduate Counselling Students and Clinicians
- Lecturing to Undergraduate and Post Graduate University Students
- Presenter at Local, Regional and National Conferences

#### Professional Memberships and Registration

- Australian Health Practitioner Registration (AHPRA)
- Australian Psychological Society (APS)
- Australian Psychological Society – College Forensic Psychology Member
- Australian psychological Society – Family Law Interest Group
- Australian and New Zealand Association of Psychiatry, Psychology and Law (ANZAPPL)
- International Family Therapy Association (IFTA)
- Hunter Valley Family Law Practitioners Association (HVFLPA) – Associate Member

#### Qualifications

- |               |                                     |                         |
|---------------|-------------------------------------|-------------------------|
| • 1997 – 2001 | Masters in Applied Psychology       | University of Newcastle |
| • 1993 – 1994 | Graduate Diploma in Hlth Sci (Coun) | University of Newcastle |
| • 1987 – 1992 | Bachelor of Science (Psychology)    | University of Newcastle |

#### Relevant Work Experience

##### 2018 to cont.                      Consultant Psychologist (Private Practice)

- Preparation of Expert Reports for Family Law Courts
- Oral evidence to Courts
- Court Ordered interventions
- Assessment and diagnosis of children, adolescents, and adults
- Psychological treatment for individuals and families
- Family Therapy
- Comprehensive NDIS Behaviour Support Plans
- Supervision of colleagues and students
- Facilitating Anxiety Management Group Programs



**2006 – 2018 Family Consultant / Senior Family Consultant - Family Law Court**

- Comprehensive Family Assessments and Child Inclusive reports
- Oral and written advice to Courts as an expert witness
- Community outreach, engagement and training
- Rural and remote outreach service
- Confidential mediation and dispute resolution

**2000 – 2006 Psychologist - Best Practice Rehabilitation**

- Evidence based and best practice psychological interventions
- Mediation and dispute resolution for individuals and organisations
- Preparation of reports for Courts and other litigation
- Oral evidence to Courts and Tribunals

**1999 – 2000 Program Manager - Hunter Urban Division General Practice**

- Manage projects and undertake research associated with Evidence Based Best Practice
- Development and application of electronic Decision Support Systems

**1997 – 1998 Provisional Psychologist - Northern Rivers Area Health Service**

- Anxiety Management Service
- Drug and Alcohol Service
- Community Mental Health Service

**1993 – 1997 Counsellor - CRS Australia**

- Vocational and independent support for clients with physical, sensory, psychiatric need
- Aboriginal outreach and support service

**Relevant Professional Development**

- Trauma Informed Practice: Assessment and Treatment
- Family Violence and Assessment Analysis Framework
- Parenting Co-ordination and Family Dispute Resolution
- Cultural Competence: Working with Aboriginal Families in Family Law Litigation
- The New Family Law Court – Children’s Voices
- Treatment principles and Paradigms: Working with Sex Offenders
- Treatment principles and Paradigms: Working with Personality Disorder
- Parental Alienation in the Family Law System
- Coercive Control and Legal Systems Abuse
- Family Law Courts Performance and Development Training on Family Violence
- Narcissism: Diagnosis, Treatment and Management
- Developmentally focussed approaches to family law interventions
- Mandatory Reporting of Family Violence: Child Protection
- Best Outcomes for Children in Family Violence Cases
- Family Law Separation and Parenting
- Role of Family Consultant in Assessing and Reporting on Parental Alienation
- Minimisation of Trauma for Families and professionals involved in Family Law
- Family Law: First Nations Perspectives
- Treating Anxiety in Children and Young People



**This is the Annexure "C" referred to**

**in the Affidavit of Drew Cowen**

**affirmed/sworn on 24 March 2025**

**Before me:**



**Catherine E. James**

**Justice of the Peace**

**JP 214599**





# DELANEY ROBERTS

Our Ref: ALR:OS:13629

Your Ref:

18 December 2024

Mr D Cowen  
The Relationspace  
601/67 Castlereagh Street  
SYDNEY NSW 2000

**By Email only: [reception@therelationspace.com.au](mailto:reception@therelationspace.com.au)**

Dear Colleague

**Re: Cooke & Cooke NCC3896/2023**

We refer to the above matter. We act on behalf of the Respondent Mother, <sup>Dr</sup>Ms Heather Anne Cooke. The Applicant Father, Mr Stephen Christopher Cooke, is self-represented.

There are two subject children:

1. Christian Finn Cooke, born 20 August 2024 and aged 10, and
2. Joshua Finn Cooke, born 27 January 2017 and aged 7.

The children are represented by Independent Children's Lawyer, Jo Markham of JLM Family Lawyers. All parties are copied into this correspondence.

The matter is in Division 2 of the Federal Circuit and Family Court of Australia in Newcastle. Orders made on 15 October 2024 appoint you as the Single Expert to prepare a Family Report in relation to the children pursuant to Part 7.1 of the *Federal Circuit and Family Court of Australia (Family Law) Rules 2021* ("**the Family Law Rules**"). Order 2 particularises the matters to be addressed in the Report.

SYDNEY NEWCASTLE ADAMSTOWN

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## Documents

Pursuant to Orders 3 and 5, we enclose the following documents:

1. Applicant Father:
  - (a) Initiating Application sealed 5 December 2023,
  - (b) Affidavit sealed 5 December 2023,
  - (c) Genuine Steps Certificate sealed 5 December 2023,
  - (d) Notice of Risk sealed 5 December 2023,
  - (e) Parenting Questionnaire sealed 6 December 2023,
  - (f) Affidavit sealed 2 April 2024,
  - (g) Amended Initiating Application sealed 2 April 2024,
  - (h) Case Outline sealed 10 April 2024,
  - (i) Certificate of Dispute Resolution sealed 27 September 2024,
  - (j) Affidavit sealed 29 October 2024,
2. Respondent Mother:
  - (a) Response to Initiating Application sealed 5 February 2024,
  - (b) Affidavit sealed 5 February 2024,
  - (c) Genuine Steps Certificate sealed 5 February 2024,
  - (d) Notice of Risk sealed 5 February 2024,
  - (e) Affidavit sealed 3 April 2024,
  - (f) Amended Response to Initiating Application sealed 8 April 2024,
  - (g) Case Outline sealed 11 April 2024,
  - (h) Affidavit sealed 30 October 2024,
3. Child Impact Report sealed 8 March 2024,
4. Final Property Orders sealed 13 September 2024,
5. Orders sealed 15 October 2024, and
6. Orders sealed 18 December 2024.

Further, we enclose copies of the sealed Subpoenas to the following entities:

1. Lab Learning sealed 19 December 2023,
2. Newcastle General Practice sealed 19 December 2023,
3. Oracle Psychology sealed 19 December 2023,
4. Merewether Heights Public School sealed 19 December 2023,



5. Newcastle Pediatric Clinic sealed 19 December 2023,
6. Atune Health Centre sealed 16 February 2024,
7. Merewether Heights OOSH sealed 14 March 2024,
8. Atune Health Centre sealed 11 October 2024,
9. Merewether Heights OOSH sealed 11 October 2024,
10. Merewether Heights Public School sealed 11 October 2024,
11. Pillar Allied Health sealed 11 October 2024,
12. Atune Health Centre sealed 22 October 2024, and
13. Chromis Occupational Medicine sealed 22 October 2024.

Order 12 states, if requested to do so by you, the Solicitor for the Respondent Mother is granted leave to photocopy any or all documents produced under Subpoenas and to provide a copy to you directly. Please advise if you wish to make such a request. Order 13 provides you liberty to inspect any Court material, including documents produced under Subpoenas, at the Newcastle Registry or electronically.

#### **Requirements**

We **enclose** Divisions 7.1.4, 7.1.5 and 7.1.6 of the Family Law Rules. Rule 7.13 requires you to read the enclosed Divisions.

Rule 7.21(1) provides the Report must be addressed to the Court and the instructing parties, attach a copy of this letter and any other correspondence between you and the parties, include a list of any documents relied upon in preparing the Report and be verified by an Affidavit.

Rule 7.21(2) provides the Affidavit verifying the Report must state:

*"I have made all the inquiries I believe are necessary and appropriate and to my knowledge there have not been any relevant matters omitted from this report, except as otherwise specifically stated in this report.*

*I believe that the facts within my knowledge that have been stated in this report are true.*

*The opinions I have expressed in this report are independent and impartial.*

*I have read and understand Divisions 7.1.4, 7.1.5 and 7.1.6 of the Federal Circuit and Family Court of Australia (Family Law) Rules 2021 and have used my best endeavours to comply with them.*

*I have complied with the requirements of the following professional codes of conduct or protocol, being [ state the name of the code or protocol ].*



*I understand my duty to the court and I have complied with it and will continue to do so."*

Rule 7.22 states the required contents of the Report.

Please note all parties must be included in any correspondence with you and all instructions to you must be in writing and countersigned by the parties. Please forward the Report to each of the parties. Please direct correspondence to the parties' Solicitors (where applicable).

The Applicant Father and the Respondent Mother will each pay equal shares of your fees. Please issue two (2) Tax Invoices accordingly.

We understand it is your firm's practice for all Court materials to be uploaded to a portal. Upon receipt of the links to the portal, the Applicant Father and the Respondent Mother will upload their respective filed documents enclosed herein.

If you have any questions or require additional information, please do not hesitate to contact us.

Yours faithfully

*per: [Signature]*

Anna Roberts  
Delaney Roberts Family Lawyers  
Solicitor for the Respondent Mother

Stephen Christopher Cooke  
Applicant Father

*[Signature]*

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