

IN THE FEDERAL CIRCUIT AND  
FAMILY COURT OF AUSTRALIA (DIVISION 2)  
AT NEWCASTLE

NCC 3896 of 2023

**STEPHEN CHRISTOPHER COOKE**  
(Applicant Father)

and

**HEATHER ANNE COOKE**  
(Respondent Mother)

And

**INDEPENDENT CHILDREN'S LAWYER**

**CASE OUTLINE FOR THE RESPONDENT MOTHER**

1. The Respondent reads the following documents (Page 2)
2. Chronology (Pages 2 to 8)
3. Summary of Argument (Pages 8 and on)

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**1. THE RESPONDENT READS THE FOLLOWING DOCUMENTS**

		Filed
1.	Amended Response to Initiating Application	11.08.2025
2.	Affidavit of Heather Anne Cooke	20.10.2025
3.	Exhibits to the Affidavit of Heather Anne Cooke	(To be provided)
4.	Affidavit of Taylor Jordain Toni	20.10.2025
5.	Exhibits to the Affidavit of Heather Anne Cooke	(To be provided)
6.	Respondent's Tender Bundle	(To be provided)

**2. CHRONOLOGY**

Date	Event	Reference
31.07.1978	Respondent mother born; currently aged 47 years	
27.10.1981	Applicant father born; currently aged 43 years	
20.08.2014	Subject child <b>Christian</b> Finn Cooke born; currently aged 11 years	
27.01.2017	Subject child <b>Joshua</b> Finn Cooke born; currently aged 8 years	
2020	Christian observed to exhibit behaviours suggestive of developmental difficulties	<b>M 27</b>
June 2022	Christian diagnosed with ADHD and prescribed Vyvanse	<b>M 29</b>
January 2023	Christian prescribed Ritalin	<b>M 29</b>
June 2023	Father diagnosed by his GP with anxiety and prescribed medication – refuses to take medication	<b>M 31</b>
September 2023	Father diagnosed by Dr Moisey, psychiatrist with ADHD and prescribed medication	<b>M 32</b>



<b>Date</b>	<b>Event</b>	<b>Reference</b>
17.11.2023	Parties separate on a final basis	<b>M 10</b> <b>M 30 to M 47</b>
05.12.2023	Father commences proceedings	
22.01.2024	Child Impact Report observations	
29.02.2024	Child Impact Report of Drew Cowen	<b>'CIR'</b>
11.04.2024	Interim hearing before Judge Carty – judgment reserved	<b>M 93</b>
23.04.2024	Interim orders by Judge Carty, inter alia: 1. That the children spend time with the mother; 2. That the children spend time with the father:  2.1 During school term, each alternate weekend from Thursday after school until the commencement of school Monday, and each intervening week Thursday overnight (i.e. 5 nights per fortnight); 2.2 Sharing of school holidays;  4. Non school changeovers at the Shell Service Station on Glebe Road, Merewether	
24.06.2024	Children return from spending the weekend with the father – Joshua discloses the father hitting him across the back and bottom and leaving him in time out twice, first for 3 hours, secondly for 5 hours.	<b>M 53 to M 55</b>
26.06.2024	Joshua discloses to the GP his father hitting him, and also pulling him by the t-shirt	<b>M 56 to M 66</b>



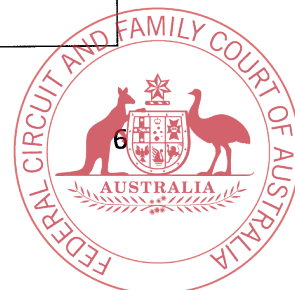
Date	Event	Reference
13.09.2024	Final orders in the financial proceedings made by consent	
13.11.2024	Mother purchases her home at Macquarie Hills and moves in with the children in December 2024	<b>M 97</b>
27.02.2025	Family Report interviews	
03.03.2025	Children return to school from the conclusion of time with the father as normal, next due to spend time with the father commencing after school 6 March 2025	<b>M 98 to M 100</b>
06.03.2025	<p>Mother contacted by the school circa 3:30pm – father has not collected the children from school. Mother sends message to the father.</p> <p>Mother collects the children from OOSH.</p> <p>Mother tries to call the father circa 5:00pm which goes straight to message bank. Father sends the mother a message circa 5:03pm.</p> <p>Mother messages the father circa 5:05pm indicating her concern for the father and that she will have the police check in on him.</p> <p>Mother speaks to the police circa 5:15pm and again circa 6:30pm – they have attended his home and cannot locate him. Police indicate to the mother that his phone and Apple watch are tracking him through Goondiwindi.</p>	<b>M 101 to M 110</b>



Date	Event	Reference
	<p>Mother speaks to the police again circa 8:30pm – father has been located by the Queensland police.</p> <p>Mother speaks to the Queensland police and ambulance service circa 8:45pm - police and ambulance express concern at the father’s presentation.</p>	
08.03.2025	<p>Mother speaks to the Queensland police who tell her:</p> <ul style="list-style-type: none"> <li>• On 6 March the police took the father to Goondiwindi Hospital for Mental Health Assessment. The father absconds and leaves behind his phone and Apple watch;</li> <li>• The father was located by police on 7 March walking along a river bank, and he told them that he was leaving Australia;</li> <li>• Police expressed concerns for his mental health;</li> <li>• The father was to be airlifted to Toowoomba Hospital</li> </ul>	<b>M 111</b>
10.03.2025	Mother speaks to NSW police who have found the father’s car on the side of the road in Boggabilla	<b>M 112</b>
11.03.2025	<p>Mother speaks to the staff at Toowoomba Hospital who tell her:</p> <ul style="list-style-type: none"> <li>• The father remained admitted there;</li> <li>• It was unlikely that he would be discharged by 14 March, and that he was probably not safe to be</li> </ul>	<b>M 114 &amp; M 115</b>



Date	Event	Reference
	<p>discharged until the following weekend</p> <p>Mother instructs her solicitors to file urgent interim parenting application</p>	
12.03.2025	Mother contacted by the father's sister-in-law (based in Canada) expressing concern as the paternal family have not heard from the father	<b>M 117</b>
13.03.2025	Mother receives a message from the father. Mother confirms with staff that he remains admitted at Toowoomba Hospital.	<b>M 118</b>
14.03.2025	Mother receives messages from the father seeking to resume parenting arrangements	<b>M 119</b>
17.03.2025	Orders by JR Furner listing the mother's interim application for directions on 1 April 2025	
21.03.2025	Family Report of Drew Cowen	<b>'FR'</b>
21.03.2025	Mother meets with the school principal who advises her that the father attended that day and sought to collect the children	<b>M 122</b>
27.03.2025	Mother speaks to NSW police who have been contacted by the father's neighbours asking that they perform a welfare check on him. Police are unable to locate the father, his phone is turned off, and he is listed as a missing person	<b>M 124 &amp; M 125</b>
29.03.2025	Mother speaks to NSW police who have been in contact with Australian Border Services – the father has recently left the country	<b>M 126</b>
01.04.2025	Directions hearing before JR Furner – father appears on his own behalf and addresses	<b>M 127 to M 128</b>



Date	Event	Reference
	<p>the court concerning his mental health, and confirms that he is in Thailand as a “self-protection measure”.</p> <p>Orders for the children to spend time with the father suspended by consent.</p> <p>Police confirm to the mother that the father is in Thailand</p>	
07.04.2025	Compliance and readiness hearing before Judge Betts – father appears on his own behalf and addresses the court. Father tells the court that he cannot indicate when he would return to Australia	<b>M 131</b>
04.05.2025	<p>Mother receives a message from the father that he is getting rid of his rental home and providing her access codes to the door.</p> <p>Mother speaks to rental agent who indicates that NCAT proceedings have been filed against him.</p> <p>Mother attends the father’s home to collect items for the children. Observes the father’s car in the driveway</p>	<b>M 134 to M 136</b>
20.05.2025	Mother receives a message from the father declining phone contact with the children on the basis that it “would not be safe or appropriate at this time”	<b>M 141</b>
June 2025	Joshua hands a knife to Christian and says “here you go, just end it all”	<b>M 171</b>
August 2025	Christian’s GP prescribes medication to reduce his anxiety symptoms	<b>M 175</b>



Date	Event	Reference
08.08.2025	Mother files Amended Response	
09.08.2025	Mother's solicitor receives email from the father	<b>M 148</b>
12.08.2025	Mother's solicitor receives email from the father	<b>M 150</b>
09.09.2025	Taylor Toni instructed to extract material posted by the father on TikTok	<b>TT 3 to TT 5</b>

### 3. SUMMARY OF ARGUMENT

1. These are parenting proceedings under Part VII of the *Family Law Act* ('the Act') concerning the children:
  - (a) **Christian**, currently aged 11 years; and
  - (b) **Joshua**, currently aged 8 years.
2. The children live with the mother and have done since the parties separated in November 2023.
3. The children have not had any contact with the father since 3 March 2025, and it seems as though he has left Australia and not returned since later that month. The background in relation to those circumstances is set out herein.
4. On 23 April 2024, interim parenting orders were made following a contested hearing before Judge Carty ('the April 2024 orders') which made provision for the children to spend time with their father for 5 nights per fortnight and there being a sharing of school holidays. Those orders insofar as they make provision for the children to spend time with the father were suspended by JR Furner with the father's consent on 1 April 2025, following the mother filing an interim parenting application on 11 March.



5. The mother seeks final orders as set out in her Amended Response to Initiating Application filed 11 August 2025 which broadly provide, inter alia:
- (a) That the mother have sole parental responsibility and sole responsibility for decision making in relation to the children;
  - (b) That the children live with her;
  - (c) That the children spend no time and have no communication with the father;
  - (d) A series of injunctions are granted pursuant to Section 68B of the Act as an adjunct to that purpose; and
  - (e) That the mother be at liberty to travel internationally with the children and obtain a passport for them.
6. The mother also makes application for costs against the father however is mindful that the operation of the Rules permits the that matter to be addressed at the conclusion of these proceedings.
7. The father's position in the proceedings is presently unknown. The last indication in respect of the father's proposal for parenting orders is as articulated by him to the family report writer at interview on 27 February 2025 wherein he was proposing an equal time arrangement (**FR 181**).
8. Despite his participation in the directions hearing before JR Furner on 1 April 2025, and again at the compliance and readiness hearing for Judge Betts only 6 days later, the father has not complied with trial directions, and he has no sworn evidence before the court. Rule 10.27 is noted.

Background



9. The mother gives evidence of the father having some mental health complications advancing to the point of diagnoses in 2023 - first being diagnosed with anxiety and prescribed medication for that in June. The mother also deposes that the father was non compliant with his medication.
10. Three months later in September 2023 the father was diagnosed by his psychiatrist with ADHD and prescribed medication.
11. The parties separated in November 2023.
12. Following the father commencing these proceedings on 5 December 2023, a child impact report was prepared and the matter proceeded to interim hearing before Judge Carty and the April 2024 orders were made.
13. The April 2024 orders were the subject of compliance however the mother gives evidence of some unsatisfactory behaviour by the father, including immersing the children in the conflict, competing for their views or allegiances, and excessive discipline including physical in nature.
14. On Monday 3 March 2025 and following their usual time with him, the children returned to school - next due to spend time with the father for a period commencing Thursday 6 March 2025. The father did not show up.
15. The mother's evidence bears out the developments with respect to an apparent decline in the father's mental health as she discovered them that afternoon, and for the balance of that month.
16. The father made his way to Goondiwindi, and it would seem was detained there by the police and admitted to hospital for mental health assessment. The father absconded from the hospital.
17. The father was found again by the police airlifted to Toowoomba Hospital where he was admitted.



18. Concerned as to the state of the father's mental health, the mother had filed an interim application for the suspension of orders for the children spend time with him.
19. On 27 March 2025 the mother was advised by the police that the father was to be listed as a missing person however 2 days later the police advised the mother that it become known to them that he had left Australia.
20. On 1 April 2025, the father told the court that he was living in Thailand. On 7 April 2025 the father told the court that he did not know when he was going to return to Australia.
21. In May 2025, the mother came to understand that the father had effectively abandoned his rental home in the Newcastle area. Later that month the father declined all offers to have telephone or audio-visual communication with the children.
22. The mother gives evidence of a decline in the stability and mental health of the children throughout June to August 2025.

#### Best Interests

23. In circumstances where the father had an emerging work up of mental health diagnoses shortly before separation, and in circumstances where the evidence will establish that the father was not compliant with his treatment, there is every reason that the court would consider that the events post 3 March 2025 represent a significant deterioration in the father's mental health.
24. Such finding would resonate with concerns expressed by both the NSW and Queensland police, as well as staff the Goondiwindi and Toowoomba Hospitals – off of whom have observed him.



25. The father's mental health situation is unknown with any precision however it is unlikely that he is receiving adequate treatment or that his mental health is stable.
26. The evidence establishes that the children would be at an unacceptable risk of physical, psychological, and emotional harm if they were to spend time or have any communication with the father.
27. The evidence establishes that any arrangement whereby the children would be required to spend time or communicate with the father would not promote their safety physically, psychologically, or emotionally.
28. The evidence establishes that the father's mental health situation is such that his capacity to meet the needs of the children on all levels as a parent is significantly compromised.
29. Those matters outweigh completely any benefit to the children being able to have a relationship with the father.

Dated: 14 November 2025



**ASHLEY R BITHREY**  
Counsel for the Respondent Mother

