

# File Note

<b>Date:</b> 13 September 2024	<b>Time:</b> 17:50	<b>File No:</b> R240096
<b>Matter:</b> Your Family Law Matter		

## Notes:

### Part 1 DRCP with SJR Kelly and Stephen – 10.11am

- Not determine who is right or wrong
  - No vested interest – she can challenge both about perceptions, truth, positions and underlying reasons
  - Not taking the other's side
- To get deeper understanding
- On the day, plenty of opportunity to speak
  - If two of you don't reach understanding, nothing said at conference can be used or said going forward
  - If do reach an agreement, then SJR Kelly can make final orders
- SJR Kelly used first names – she is referred to as "Registrar"
- If you get off track, SJR will gently bring back on track
  
- **"When you think about dispute and parenting conflict, why do you think the two of you haven't been able to resolve?"**
  - "Punishment" – November 2023, Stephen was asked to sign "Game Plan" to assign all things to Heather
    - Stephen didn't sign document – "wise enough to download a copy"
  - Breakdown of emotional connection, including sex – emotional connection had been absent for over a year
    - Stephen pressed for marriage counselling – Heather didn't want to do this as she was concerned about her insurance coverage
  
- **"Why can't the two of you have a conversation?"**
  - Trying to mitigate against money loss – financial implication for children.
    - Stephen talk about prospective costs order – and excessive costs
  - She wants financial gain from having children predominate time
  - She knows the children are important to him, and are using them to punish him
  - Stephen says he has provided evidence that these things were acceptable and okay, re screen time
  - "I need your influence to get us to a counsellor to get parenting on track"
    - My influence is only as great as parties are willing to engage and listen
  
- **"Have you done anything that has contributed to the conflict/impacted?"**
  - Stephen said that he made the mistake of making the comment to school that their breakdown in marriage will be amicable
  - Stephen says he has not done anything to contribute
  - SJR Kelly explains victim mentality can mean that someone can believe they will never get what than they need → SJR says it might be helpful for Stephen to reflect on
    - Stephen says that he previously reflected on this

- He says that they were both drinking too much – drinking contributed
  - Stephen says he has never “put his hands” on Heather
    - He was honest, and she probably didn’t like it
  - **“How do you think she would have perceived the behaviour?”**
    - She probably saw it as controlling and put her on high alert
- **“What would one thing you’d ask Heather to do differently to change conflict or co-parenting?”**
  - Get rid of the lawyers (as they’re adding to costs, she’s on high alert, and don’t know if she’s getting best counsel for dealing with someone of his intelligence)
    - Stephen says he has best interest at children at heart – he’s not going to roll over
  - “We need to go to counselling together”
    - Stephen feels like superiority complex, feels like god
  - Stephen has done PPP parenting, Family Transitions course
- **“If Heather was here, and I asked Heather what Stephen could do differently, what would ask of him?”**
  - She would say that Stephen is not capable as he has ADHD
  - She would ask greater executive function (which is an issue of people with ADHD) – being more organised essentially
  - Stephen is open to hearing what he could do differently from Heather
- **“What does Heather do well as a mother?”**
  - They were a team
  - Good at executing plans efficiently or quickly
- **“What do the boys love most about their mother?”**
  - She is loving and reads to them at nighttime, buys them new toys, new things
  - Stephen challenged when he says
  - Stephen says he needs Heather to stop staying negative things – he is worried about
- **What is the key thing you’d like to get agreement on at the Conference**
  - “I need 6 nights a fortnight at the very least”
    - The need comes from the children and from Stephen
    - What do would 6 nights do that 4 or 5 could not
      - “It tries to undo the upheaval that has been forced upon us, and foster a fair, loving relationship for the boys”
        - “Treating both kids fairly”
- No safety concerns about being on the screen as Heather
  - Stephen says that he has said no to giving her his address for the time being
    - Blames Delaney
- **“Is there anything else you’d like to discuss?”**
  - Silence from Stephen
    - A lot of information trying to get across – understands there is due process to follow but it is expensive
      - Final agreement on property matters – worried going into parenting matter that Stephen might be put in a position that parenting aspect comes down to who has more money to spend
        - SJR says that you’ve got the ability to reduce costs by coming to an agreement – need to come into mediation with a view to resolve them and open mind, willingness to negotiate

- You come in with lots of options – somewhere between your option and Heather’s option are a range of options
- “Whilst ever you’re focussed on OS and their costs, you’re not focussed on yourself and what *you* can do”
  - Whilst ever we’re looking at OS, we’re not looking at ourselves and what we can control e.g., parents come home from school and say something was said, children’s stories aren’t always accurate
- Stephen says children’s lifestyle has been partitioned since separation – Heather has eliminated a lot of digital entertainment
  - 5 nights a fortnight and Stephen is accommodating the screen time and making up for lost time
    - Stephen ultimately want to reduce screen time
      - Children themselves kind of want to keep this partition also