

FAMILY REPORT: 15 July 2008
File No: SLC 4736/2008

Between

Mr Ian Morgan (Father)

And

Ms Monica Parker (Mother)

Children:

- **Bernard DOB: 20 September 1998**
- **Belinda DOB: 12 February 2004**

The report prepared by Ms Sarah Femar: (Psychologist and Regulation7 Family Consultant), as requested by the solicitors acting for the parties.

Information for this report was obtained from the following:

- 12.6.08: Contact with the solicitors.
- 2.7.08: Office interviews with the mother, father and the children.
- The children were observed with the father and the mother.
- 18.6.08: Phone discussion with the mother.
- 20.6.08: Phone discussion with the father.
- Perusal of Court documents.

Brief background and disputed issues:

1. This family report is prepared to assist the Court in the determination of final Parenting Orders in relation to Bernard and Belinda aged 9 and 4 years. The parents, Mr Ian Morgan and Ms Monica Parker commenced living together in 1996 and separated in May 2007.
2. At present the mother resides in the former family home and the father resides close by. During the relationship the parents shared the parenting responsibilities equally and after separation they have continued to spend equal time with the children. The parents have continued to operate a family business together after separation and are currently seeking final orders in relation to their children and property issues.
3. At the time of the father making his application he believed that the mother was planning to relocate to Western Australia; therefore he sought orders for the children to remain in Sydney. Subsequently the mother has clarified that she never had plans to relocate to Western Australia. Both parents plan to reside in Sydney for the foreseeable future.

IMPORTANT NOTE:

Names and other identifying details have been changed to comply with Section 121 FLA.

Mr Ian Morgan (Father)

4. Mr Morgan (52) resides in Springwood at the home of a friend and he is the co-proprietor of a dry cleaners business situated close to home. Currently he provides care for the children 3 nights in one week and 4 nights in the other week with partly shared weekend periods. He informed that his parenting and work responsibilities were also equally shared with Ms Parker.
5. Mr Morgan shared that in the past he had worked with Ansett for 20 years and gained vast experience in Aviation and Fire safety consultation. He currently does consultancy work on a part time basis and mostly he is able to carry it out from his home base. Mr Morgan is not in a partnership and most of his extended family members and the three older children from his previous relationship aged between 18 and 12 years reside in Victoria.
6. The father reported that the dry cleaners business was for sale. He shared that after settlement, the business would be financially untenable to run as he could not afford to employ another person to share the work responsibilities. He and Ms Parker always ran the family business together as it was labour intensive in nature and had to remain open for business seven (7) days per week. That arrangement also made it imperative that the parents shared the daily care of the children in an equal manner over the years. The father further stated that there was enough evidence to prove that over the years at intermittent periods he was in the role of a sole care provider to the children whilst the mother worked full time.
7. Speaking about his past history, the father reported that he grew up in Victoria. He was married to Karen from Victoria for 16 years and had three (3) children from that relationship. He ended that marriage in 1994 as he had commenced a relationship with Ms Parker who was also working in Melbourne with Ansett at the time. His parents were quite upset with him for ending his first marriage and they have continued to have regular communication with his older children. His former wife had made it hard for him to continue an active relationship with the children and, apart from sending presents for them at Christmas and birthdays, he had no active communication with the children. In 1996 Mr Morgan and Ms Parker decided to relocate to Sydney to start their life afresh.
8. In relation to his relationship with Ms Parker, the father shared that he did not feel that there was anything drastically wrong with their relationship apart from the usual daily work and family pressures. They had worked several jobs before deciding to buy a dry cleaners and run it together so that one of them was always available to look after the children. The dry cleaners was bought on the insistence of Ms Parker.
9. The father expressed a view that "maybe as a husband I could better myself but as a father I can take good care of my children and I have excellent parenting skills." He was shocked and surprised about the mother's decision to end their relationship because on his previous birthday he had received a beautiful greeting card from Ms Parker stating "a bright new future together and two months later the relationship was all over."

10. He wondered if a miscarriage suffered by Ms Parker in the past and the unresolved grief from the experience had contributed to the demise of their relationship. Mr Morgan shared that he had enjoyed each day spent with Ms Parker and there were no problems with drugs, alcohol or violence between the parties during the relationship. He stated that he also recognised that Ms Parker worked as hard as him and was a good mother. Likewise he felt that he was a good father who had invested a lot of time and energy in the upbringing of his children.
11. Mr Morgan stated that he was unsure about mother's expectations regarding the future arrangements of the children. He shared that there were no arguments about the historical joint care regime that existed between the parents. Further to that, after separation the couple had attended mediation and reached the current shared care agreements. Whilst he wished to obtain consent orders to reflect the current practice the mother had refused to sign the agreement which necessitated a family report process.
12. The father explained that he had solid tape recorded evidence indicating that the mother was planning to relocate to Western Australia with the children which had prompted him to commence proceedings. He believed that it was in the best interests of the children that the parents shared the care responsibilities but if the mother planned to relocate the children to a location where the shared care regime would become impossible, he preferred to provide predominant care for the children.
13. Mr Morgan presented as a concerned and attached father and a partner who was still emotionally struggling to accept the decision made by Ms Parker regarding separation. He remained rational at all times in his expressed views, refrained from making negative comments about the mother and validated Ms Parker as a good person, capable mother and a partner he found quite lovable. There were no cues to doubt his sincerity in his narrative. To his credit Mr Morgan returned to the topic of what was in the interests of his children time and again.
14. Only when confronted with the mother's stated perception that Mr Morgan was "falsely pretending to be a nice person who respected his former partner when in fact he hated her" the father shared that in the process of separation at times, particularly whilst retaliating the mother's transgressions, he might not have been as cooperative as he wished to be and at times had used harsh words to the mother. He further shared that, although not admissible in Court, he had given the recording of a conversation between the mother and her current boyfriend, where they had wished to "break his legs or shoot him down", to the police. He felt that in comparison he certainly did not have such vile feelings against the mother of his children. Mr Morgan shared that he merely wished to move on with his life and most importantly preserve his role as a father to his children in the years to come.

Ms Monica Parker (Mother)

15. Ms Parker (46) resides in Springwood in the former family home and has plans to live there on a permanent basis. She shares work and parenting responsibilities equally with Mr Morgan. Ms Parker is in a new relationship with Mark (35) who resides with his parents on the same street as her, she stated that she had no plans to live together with Mark. Ms Parker informed that she plans to find office administrative jobs after the sale of the dry cleaners.

16. Ms Parker reported that she grew up mostly in Western Australia and both her parents had passed away. Her father died when she was 13 years of age and her mother was a soft person but had to face a hard life. She grew up without a father and did know the importance of her children having a good relationship with their father. The mother stated several times that there was no need for the father to commence the current proceedings which further depleted their limited equity and would lead to an insecure financial future for their children. Ms Parker declared a few times that she did not wish to hinder a close relationship and substantial time together between the father and the children. She never had plans to relocate to Western Australia and the father had simply misunderstood and jumped to wrong conclusions.
17. Speaking about her relationship with Mr Morgan, the mother shared that she felt controlled by Mr Morgan for most of their relationship. She explained, "He has had it pretty good. It was a smothering relationship and I was not happy and was emotionally exhausted. There was no intimacy in the relationship. Before separation Ian moved out of our bedroom. Maybe he wished to scare me to be good to him. When I had a little bit of space and a tiny window of freedom I could see how unhappy I was and I did not wish to go back to the relationship after that." Subsequently the couple had attended marital counselling, where the couple were told by the counsellor that she resented Mr Morgan for failing to look after her needs and Mr Morgan was a self-centred person.
18. Ms Parker shared that she was also very angry with Mr Morgan for accusing her of sleeping with Mark and stealing the children as well as telling her relatives that she had a mental breakdown. When the writer informed that Mr Morgan had made many positive comments about her as a partner and a parent, Ms Parker became quite distressed. She explained that Mr Morgan had "a positive persona which he displays in the outside world. But people who knew him well understood that it was only a façade." She believed that in reality the father hated her and had sent her text messages addressing her as "gutter trash."
19. The mother further alleged that after the report interviews the father had threatened to her that he did not care about the future of the children and he would "see that the business went bankrupt." The mother strongly felt that although Mr Morgan had put up a good front during the report interview, in reality he was full of hatred for her, which made her concerned about his capacity to care for the children in a substantial manner. He refused to communicate with her, had a caveat on their matrimonial home, refused to pay bills and was quite hostile to her at the time of the changeovers.
20. When challenged that the couple had a shared care regime in practice for many years and why was she now concerned about the quality of care provided by the father, the mother responded that in the relationship she was the nurturer and mostly took care of the emotional needs of the children. She agreed that in the past the children did spend substantial time with each parent but they had her around and received ongoing support from her to cope with their daily lives. She felt that after separation although the father was showing extra interest in the children by taking them to different activities and showering them with much attention, she did not believe that he would continue to care for the children in a similar manner after the Court proceedings had ended.

21. Speaking about the children, Ms Parker shared that Bernie suffered from anxiety and Belinda had a disputed diagnosis of autism. The mother felt that the children were unable to spend extended time with the father if she was not around. The mother felt that at the most the children could spend three (3) nights at a time at the father's home. On the other hand, Ms Parker felt that until the issues are settled it was best that she provided predominant care for the children and they spent limited time with their father. At the same time she wished to come to an agreement with the father to avoid becoming embroiled in litigation, so as to save money and to keep the family home, which provided the children with a sense of stability and emotional security, as well as a familiar environment.
22. Ms Parker presented as a devoted and caring parent whose life revolved around her children's daily lives. She seemed highly stressed and exhausted from the recent events in her life and concerned about the future emotional and financial security of her children. In the process of moving through the separation cycle, the mother was at the stage where she considered her ex-partner as totally blameworthy for the current situation in her life. Nonetheless, when she was not overwhelmed with angst and anxiety about the current and future difficulties, Ms Parker presented as a warm, cooperative and loving person.

The Children:

Bernie (Bernard)

23. Bernie (9) is in grade 4 and attends a private school. He takes the school bus daily and reported to be excelling at school. Both parents shared that Bernie was assessed as a gifted child with a very high IQ level. However he was considered quite immature socially and at times had relationship difficulties with his peers. It was reported that no matter what subject or sports that Bernie became involved, he tended to excel in it quite effortlessly.
24. Bernie is reported to be suffering from high level of anxiety and had attended a psychologist in the past. Ms Parker shared that a school counsellor, Ms Rogers, had expressed a view that Bernie may also have some traits of Asperger's Syndrome or just have an innate anxiety issue.
25. On the day of the report interviews the mother stated that on the way to the writer's office Bernie had an anxiety attack as he was scared to express his feelings openly about his father. The father shared that the only time Bernie became anxious was when he was presented with a problematic choice that did not sit right with him.
26. Bernie shared that he worried about not being able to do what was expected of him at school or at home and that that made him anxious. He often wished to be perfect and it created a level of discomfort for him. Bernie stated that usually he handled it well. Bernie shared that he was scared to sleep on his own, particularly in recent times, and he often slept in his mother's bed. Mr Morgan stated that reducing sugar intake in his son's food seemed to make Bernie less anxious and more relaxed.
27. Bernie reported that he felt sorry for his father because he was all alone and he did not have nice things at home in comparison to his mother's home. He worried about his mother when he was away from her. He had fun times with his mother's boyfriend Mark but he could not see him in a father's role. Bernie was quite balanced in his views about his parents and was able to speak about fun activities at both homes.

28. When asked about the desirable changes in people around him, Bernie shared that he felt self-conscious about the shape of his ears and wished to change it if it was possible. He was scared of his mother when she was angry and wondered how she could get so angry. When he was with his father at times he was put in a difficult situation because his parents did not like each other. He gave an example of being asked to wait outside his father's home because he once insisted that he wanted to return home to his mother. He desperately wished his parents to be friends and speak to each other in a peaceful manner.
29. Bernie seemed very fond of and protective towards his little sister. He shared that as the big brother he tended to take care of his sister. He did not wish to be separated from her and loved to spend time together with her.
30. Speaking about his wishes Bernie shared that he wished to spend three (3) nights at a time with his father, however he was not sure of the reasons. He also wished to spend a whole weekend with each parent. Bernie requested the writer not to discuss his wishes with his parents on the day.

Belinda

31. Belinda (4) attends kindergarten / Early Intervention Centre on Thursdays and Fridays. She has attended crèche / kindergarten for the last two (2) years. The parents informed that there was a disputed diagnosis of autism with regard to Belinda. She had also been to see a paediatrician.
32. Both parents shared that Belinda had speech problems and her speech therapist had stated that the child had elective mutism. She was receiving speech therapy at the Early Intervention Centre. The parents informed that at home Belinda was a 'chatterbox' but she spoke in a limited manner outside home. When she did speak, her selection of words was good.
33. Both parents spoke very fondly of Belinda and addressed her as 'gorgeous little girl and a princess.' They also noted that Belinda had a stubborn streak in her and was strong willed. They stated that there were no problems in relation to her eating and sleeping habits.
34. Belinda did not verbally convey her views to the writer. She played well and remained close to her brother. She did not make much eye contact with the writer or explore her surroundings freely. Belinda seemed to feel comfortable with certain toys and had a repetitive pattern in play activities. She laughed when Bernie joked and was able to return warm gestures of affection from her brother.

The parents and the children

35. On the day of the report interviews Belinda entered the office clinging to her mother and cried when the mother tried to separate from her. Mr Morgan had completed his interview and he wished to take Belinda and Bernie to lunch with him. But the mother wished the children to stay with a lady who had accompanied her (it is reported to be the mother of Ms Parker's current partner Mark) Belinda did not wish to part from her mother and the mother was not seen encouraging the child to go with the father. After the father had left the office, the mother gradually was able to settle Belinda to let go of her. Bernie stated that Belinda usually was happy to come and go between the parents and he was not sure why Belinda was so distressed on the day.

36. During the time spent with the parents the children seemed to behave in a similar manner. The parents were affectionate and attentive and the children reciprocated positively. Bernie seemed comfortable and relaxed and Belinda did not exhibit any difficulties in relating to her father or mother.
37. Both parents seemed highly attuned to the needs of their children and presented as keen observers of their children's behaviour and encouraged the brother and sister to learn, play and share with each other.

Evaluation and Recommendations:

38. Bernie and Belinda are 9 and 4 years old. The parents separated in mid 2007. They still run the family business together as they did before separation although the level of disagreement and discontent between them is gradually gaining force.
39. The parents have always shared the care of the children and after separation they have further agreed in mediation to continue an equally shared care regime. Both parents are keen not to become embroiled in litigation which is likely to destroy the small pool of their financial equity.
40. The parents are seeking to find an arrangement that would work in the long run in relation to the children. The mother expresses a view that the children would fare better if they spend lesser time with the father, although at times she also states that 3 nights per week with the father would be an option. The father at present has 3 nights one week and 4 nights in the other. Neither of them has an uninterrupted weekend with the children as they are currently operating a business that runs seven (7) days per week.
41. The business is on the market for sale. Ms Parker also expressed a view that after the business is sold she would work only part time, therefore the children should spend time with her on a predominant basis. The father shares that in the near future he has plans to work from home as a consultant and therefore is able to continue the current shared care regime in the future. He argues that the couple have been joint carers for the children over the years and in fact at times he has been the sole carer whilst the mother worked full time. Mr Morgan believes that as the children are settled in a set status quo situation both parents should continue to be equally involved in the daily lives of their children.
42. Although Ms Parker concedes that the parents had shared the work and childcare responsibilities equally when they were together, she perceives that the children will not be able to cope with living away from her for extended periods, as she is not going to be around on a daily basis, as before, when the parents were together. Whilst her sentiments are understandable, the father is of the view that it is an inevitable situation after separation and the same rule applies to his relationship with the children too. He therefore believes that it is best to continue what has been in place for years and continue the regime that is familiar and comforting to the children.

43. The mother also makes some comments about the father's mental health status at present and doubts his capacity to care for the children. Mr Morgan, although having a warm personality, relates to the world around him from a thinking perspective, whereas the mother seemed to recount living through feelings. This disparity over the years might have led to the demise of the relationship, as it is likely that Ms Parker felt emotionally neglected by her partner during the relationship, in spite of Mr Morgan's efforts to provide and care for the family in a manner what he believed to be the right way. The writer is of the view that both parties contribute to success or failure of a relationship. Basically, it seems that the parents need time to come to terms with what did and what did not work in their relationship.
44. The children appear well attached to both parents. Their behaviour is similar with each parent and they benefit from spending time with each parent. Each parent contributes positively to the physical, emotional and intellectual needs of the children and without doubt, their understanding of the behaviour and nature of their children, is impressive.
45. Both Bernie and Belinda have special needs of different nature. It would cause them immense emotional damage to see their parents locked in a tug of war over them. The mother particularly is very stressed about the future financial security and inability to provide a comfortable abode for the children if there is no resolution to the current stalemate.
46. In terms of future living arrangements, the children need to spend a whole weekend with each parent so that they can have extended leisure time with each of them. After the family business is sold it is recommended that each parent has the opportunity to spend time with the children from Friday evening to Monday morning on a fortnightly basis. The parents can also equally share the school holiday periods in the future.
47. As Mr Morgan is equipped to secure better income, he may have more work responsibilities in the future and in that case it would be beneficial for the children to spend increased time with the mother. Secondly, although the father is capable of providing as good care as the mother in a jointly shared regime, if Mr Morgan voluntarily agrees to spend 3 nights in each week with the children, it might assist the mother to come to terms and there may not be further litigation which ensures better financial security for the children and frees them from the web of the parental conflicts.
48. As the children are young and have special needs, a week about regime (seven (7) days at a time) between the parents is not recommended until Belinda is in grade 1. After that period the children could live with the parents in the alternate weeks with changeovers from Friday to Friday at school.
49. It is essential that the parents give their best shot to not becoming involved in a lengthy litigation process and instead concentrate on settling their property issues which frees up all of them to move on with their lives more positively.

In keeping with the Guidelines for Expert Witness (FCA2/2003) I declare:

- I have made all the enquiries 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 all 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 understood part 15.5 of the Family Law Rules 2004 and have used my best endeavors to comply with it.
- I have complied with the requirements of the professional codes of conduct as a Reg 7 Family Consultant of the Court.
- I understand my duty to the Court and i have complied with it and will continue to do so.

**SARAH FEMAR
PSYCHOLOGIST
Regulation7 Family Consultant
Date: 15 July 2008**

Ms Sarah Femar
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Qualifications:

- Bachelor of Arts (Psychology and Sociology).
- Master of Social Work (Psychiatric Social Work & Family and Child Welfare).
- Post Graduate Diploma (Psychotherapy and Counselling).

Advanced Training:

- Transactional Analysis (Californian model-USA).
- Couple Therapy (Relationships Australia).
- Mediation (Family Court Model – New South Wales).
- Participation in ongoing training sessions conducted by the Family Court-Australia.

Memberships:

- Psychologists Registration Board of New South Wales.
- Australian Association of Social Workers.

Employment History:

- Currently practicing privately, as well as a Regulation 7 Family Consultant for the Family Court and the Federal Magistrates Court - specialising in preparing family assessment reports - 2001-2008.
- Fifteen (15) years of full time employment as a Counsellor, Mediator and Report Writer - Family Court of Australia.(Sydney and Parramatta) - 1986-2001
- NSW Department of Community Services - Child Protection Unit - 1985
- Ten (10) years of overseas experience as a Family Counsellor and Psychologist - Private practice -1975-1985
