**Jodie, James and Ella**

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**Background facts**

Jodie came to Australia from Sweden on a working visa in October 2006 straight after he finished year 12. He started working in a restaurant in Canberra, which is where he first met James in early 2008.

James is a member of the Ngunnawal nation and is currently working as a computer engineer for a private firm in Canberra.

James and Jodie moved in together and shared a 3 bedroom apartment (which James owned) from January 2010. They married in 2018.

James and Jodie have a daughter who was born in November 2017, whose name is Ella. Because James’ busy work schedule involves long hours, particularly when big project deadlines are near, it has been Jodie who has been the primary care giver. Jodie takes Ella to the doctors, to pre-school and to the various activities that she enjoys. As a child, Ella has always been slightly anxious and doesn’t like her routine changed much. For instance, when they changed her swimming teacher, she wouldn’t get in the water for almost 3 weeks! Instead she sat by the edge and refused to get in the water.

In October 2019 James and Jodie started to drift apart. They started to argue, and James told Jodie that their relationship was over and moved into the second bedroom in December 2019. James and Jodie continued to live in the same house because neither of them had the money to move out, and James wanted to stay close to Ella so that he could spend as much time with her as he could.

Since separation, James has continued to pay for all of Ella’s expenses. Jodie has continued to be the primary carer, to cook and clean for both James and Ella. Until recently, James and Jodie had agreed on everything and it was easy to organize parenting because they were still living in the same house.

But last month James moved out (May 2022) to live with his parents on their farm just outside Canberra. This has caused a number of issues that need sorting out and both James and Jodie have decided to get some legal advice.

Since moving out, James has been trying to have Ella to stay overnight on the farm with him, but Jodie does not agree to that arrangement. James doesn’t want to start an argument, because he knows that if conflict between him and Jodie wouldn’t be good for Ella. They tried Family Dispute Resolution but it didn’t get them anywhere.

James is proposing that long term, Ella live with him for a week, and then return to Jodie’s for a week. He thinks that this is important so that he will be able to expose Ella to a catholic upbringing and also maintain ties with her indigenous cultural heritage. James also wants equal shared parental responsibility. He wants to be involved in the decisions about which primary school Ella attends. He would like Ella to attend a Catholic school, Saint Joseph’s. Ella’s name has been put down on the waiting list there since before she was born. She is still on the waiting list but he thinks she might be offered a place soon. He knows that Ella doesn’t mind where she goes to school, but that Jodie wants Ella to go to Woden Public School.

Jodie is resisting James’ requests for Ella to live with James. Jodie would be happy if Ella saw James every second weekend and half the holidays. Jodie believes that if Ella spends equal time which each of them, then Ella would be in the car too often and that would make Ella stressed. James’ parents live on a farm outside of Canberra, in Murrumbateman. This is about a 40 minute drive from Woden. If Ella was to stay at the farm overnight, she wouldn’t have her own room. She would stay in James’ bedroom and James would move out onto the sofa.

Jodie also says that it is also inconvenient and disruptive for Ella to see James in the afternoon after pre-school because James tries to do too many activities with Ella and Ella gets overtired, and then she has trouble sleeping.

According to the family counsellor, Ella is quite an anxious child and has become even more so now that she knows that her parents are separating. She is tired after pre-school and she has been getting upset a lot. She has a good relationship with James, but, she is closer to Jodie. She has spent some time with her grandparents.

Because James works full time, his parents have offered to help look after Ella. James has asked his supervisor if he could have more flexible hours, but he hasn’t heard back yet.

Jodie also wants sole parental responsibility because she finds communicating with James difficult post separation. Jodie says that although they are still arguing on and off, they have never argued in front of Ella.