

SMITH v JONES

Federal Circuit and Family Court of Australia - Division 1

File No: SYD2025/0123

CASE SUMMARY

PARTIES:

Applicant: Jennifer Smith (Mother)

Respondent: Michael Jones (Father)

Children: Emily Jones (DOB: 15/05/2013) and Thomas Jones (DOB: 22/09/2017)

ISSUES:

1. Relocation - Mother relocated from Sydney to Brisbane with children in January 2025
2. Contravention of consent orders - Father alleges breach of week-about arrangement
3. Parental alienation - Cross-allegations between parties
4. Best interests determination - Where children should primarily reside

BACKGROUND:

- Parties married 3 March 2012 in Sydney
- Two children born during marriage
- Separated 10 June 2022 but continued cohabitation until December 2024
- Consent orders made August 2023 for equal shared parental responsibility and week-about care
- Mother offered senior position at Brisbane Children's Hospital November 2024
- Mother relocated with children to Brisbane 15 January 2025
- Father filed contravention application February 2025

CURRENT STATUS:

- Interim orders made 2 April 2025
- Children residing with mother in Brisbane
- Father has alternate weekend and half school holiday time
- Family report ordered
- Final hearing listed 10 June 2025 (3 days)

MOTHER'S POSITION:

- Relocation necessary for career advancement and financial security
- Children settled well in Brisbane with new schools and friends
- Eldest child (12) expresses preference to remain in Brisbane
- Father exhibits controlling behavior