

Affidavit

Family Law Rules ~ RULE 15.08

Filed in:

- Family Court of Australia
- Family Court of Western Australia
- Federal Circuit Court of Australia
- Other (specify)

Filed on behalf of:

Full name: Peter Griffin

Client ID
File number
Filed at
Filed on
Court location
Court date

Name of person swearing/affirming this affidavit (SEE PART C)

Date of swearing/affirming ____ / ____ / ____

Part A About the parties

APPLICANT 1

Family name as used now

Griffin

Given names

Peter

APPLICANT 2

Family name as used now

Given names

RESPONDENT 1

Family name as used now

Griffin

Given names

Lois

RESPONDENT 2

Family name as used now

Given names

What is the contact address (address for service) in Australia for the party filing this affidavit?

You do not have to give your residential address. You may give another address at which you are satisfied that you will receive documents. If you give a lawyer's address, include the name of the law firm.

C/- Covid & Co Family Lawyers, PO Box 456

Brisbane

State QLD

Postcode 4000

Phone 07 3238 5900

Fax* 07 3211 4749

DX

Lawyer's code DAF5503795

Email* lisa@covidco.com.au

* Please do not include email or fax addresses unless you are willing to receive documents from the Court and other parties in that way.

Part B About the independent children's lawyer (if appointed)

Independent children's lawyer family name

Given names

| | |
|--|--|
| | |
|--|--|

Firm name

| |
|--|
| |
|--|

Part C About you (the deponent)

What is your family name used now?

Your given names?

| | |
|---------|-------|
| Griffin | Peter |
|---------|-------|

Usual occupation

Safety Inspector

What is your address?

You do not have to give your residential address. You may give another address at which you are satisfied that you will receive documents.

21 Quahog Street

Carindale

State QLD

Postcode 4152

Part D Evidence

- Set out the facts divided into consecutively numbered paragraphs. Each paragraph should be confined to a distinct part of the subject matter.
- Attach extra page(s) if you need more space. Make sure that the page containing Part E is always the last page of the form. You and the witness to your affidavit must sign the bottom of each additional page.

Introduction

1. My name is Peter Griffin and I am the applicant father in these proceedings. I was born on 22 September 1986 and I am presently 34 years of age. I am a safety inspector and work full-time.
2. The respondent mother is Lois Griffin ("Lois"). Lois was born on 3 June 1988 and is presently 32 years of age. Lois is unemployed.
3. Lois and I met in early 2014. In February 2015, we moved in together. On 1 April 2016, we married and a few months later purchased and moved into our home at 21 Quahog Street Carindale.
4. Lois and I have one child together who is Stewie Griffin born 25 September 2018 and presently 2 years of age.
5. Neither Lois nor I have children from any previous relationship.

.....
Signature of person making this affidavit (deponent)

.....
Signature of witness

6. I am employed as a safety inspector with Queensland Transport. I travel around Brisbane for work but our office is based in Wynnum. My work hours are 9.00am until 4.00pm Monday to Friday.

Reason for my Application

7. On 15 September 2020, I returned home from work to a note from Lois left on the kitchen bench stating that our relationship was over, and she had left with Stewie. I immediately telephoned Lois. Lois did not answer. I have made several attempts to contact Lois by phone that night, but Lois did not respond.

8. On the afternoon of 16 September 2020, I received a text message from Lois stating that she and Stewie are residing in Gympie with her parents and would not be returning to Carindale. I replied to Lois' message stating that I objected to Stewie living Gympie and asked that he be returned to my care immediately. I did not receive a response from Lois.

9. The distance between our family home in Carindale, where I continue to live, and Gympie is approximately two hours by car.

10. Lois' parents relocated to Gympie six months ago. Prior to moving to Gympie, they lived in Camp Hill which is a few minutes' drive from our home in Carindale.

11. I have not had any contact with Stewie since the morning of 15 September 2020.

12. I have serious concerns for Stewie's safety and wellbeing. Lois has mental health issues and for the past year I have noticed a deterioration in Lois' ability to manage her mental health. I expand on this below.

13. I have always been involved in Stewie's care. I care for Stewie, getting him dressed in the morning and feeding him breakfast before I leave in the morning for work. When I arrive home from work I play with Stewie and help bath, feed and put him to bed. On the weekend, Stewie and I enjoy going to the park and visiting family and friends.

14. Stewie usually attends Mother Duck daycare in Carindale on Monday, Wednesday and Thursdays. On 18 September 2020, I telephoned Stewie's daycare to confirm that his enrolment remains current.

15. I have spoken to employer about my situation and I am informed by them and verily believe that I can alter my work arrangements to be more available to Stewie. My mother, Thelma Griffin, lives on the Gold Coast and is retired. My mother told me she can assist me with Stewie's care if he is returned to my care.

My concerns for Stewie in Lois' care

16. Before Lois and I married, she told me she had been diagnosed with bipolar disorder when she was a teenager and took daily medication to manage her disorder.

17. Lois general practitioner is Dr Black at the Carindale 7 Day Medical Centre. Lois attends upon Dr Black every few months to manage her medication.

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Signature of person making this affidavit (deponent)

.....
Signature of witness

18. In mid 2019, Lois' behaviour changed and I developed concerns about her mental health. On a day in August 2019, I can not recall the exact date, I received a call from Stewie's daycare asking where Lois was as it was 6.00pm and Stewie had not been picked up by Lois. The daycare closes at 6.00pm. I was working late that night. When I received the call, I tried telephoning Lois but she was not answering her phone. I immediately left work and collected Stewie by 6.30pm. Lois arrived home at 10.00pm that night. I could smell alcohol on her breath, and I believe she had been driving while intoxicated. Lois and I argued about where she had been, and we got into a huge fight. Lois became violent and started hitting me and throwing objects around the house.
19. The following day, Lois attempted to take her own life by overdosing on medication. I was at work and Stewie was at home with Lois. I received text messages from Lois stating her intent to end her own life. I immediately called the ambulance and left work early. Lois was admitted to the Belmont Psychiatric Hospital where she stayed for five days. I cared for Stewie during her stay. Lois told me she was meant to stay in hospital but discharged herself early.
20. On the first weekend of February 2020, Lois took Stewie out to Southbank for the day. She did not arrive home when I expected to. I could not reach her that night. Lois returned with Stewie the following day. We argued about where she had taken Stewie. Lois told me they stayed with a friend, someone I didn't know and that it was none of my business. I asked Lois if she had stopped taking her medication. Lois called me an "asshole" and stormed off.
21. In March 2020 I discovered that Lois was having an affair. Lois was acting differently, dressing up and drinking more and going out more than she did before. I accessed Lois' phone and found text messages between Lois and a man named Gary. When I confronted Lois, she denied any affair.
22. In August and September 2020, Lois' behaviour deteriorated again. She was sleeping less and seemed more impulsive. I was worried about Stewie in Lois' care.
23. I believe Lois is not taking her medication. When Lois left the Carindale property with Stewie, I found Lois' medication and it was full.

My efforts to return Stewie to my care

24. On Saturday 19 September 2020, I drove to Lois' parents house in Gympie. I attended the property at approximately 10.00am and knocked on the door. I saw Lois' car parked in the driveway. Lois' mother, Barbara answered the door and would not let me inside the house. I said I wanted to see my son and talk to Lois. Barbara told me to leave the property or she would call the police. I asked again to see my son to say hello and see if he was ok. Barbara gave me the same response. I told Barbara that I had driven two hours to see my son and I was not leaving until I got to speak to him or Lois.

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Signature of person making this affidavit (deponent)

.....
Signature of witness

25. After approximately fifteen minutes of me being at the property, the police attended. One police officer spoke to me and the other entered the house to speak with Lois. I asked that a welfare check be performed on Stewie. I informed the police that Lois had taken Stewie to Gympie without my consent. The police officer suggested I leave the property so as not to cause an altercation. I left the property immediately after receiving this advice.
26. On Sunday 20 September 2020 at approximately 11.00am, I called Lois' mobile telephone and she answered. I asked her to return home with Stewie. I offered to leave the Carindale property and stay with a friend so that she and Stewie could reside in the Carindale property without me present. Lois refused and hung up the phone.
27. On 22 September 2020, I instructed my solicitors to send Lois an email requesting that Stewie be returned to my care by 24 September 2020 failing which I would file an application seeking a recovery order.
28. On 25 September 2020, my solicitors received a letter from Lois' solicitors proposing an equal time arrangement for Stewie if I undertake not to file an application to court for the return of Stewie from Gympie. **Annexed hereto** and marked with the letters "PG-1" is a true and correct copy of the correspondence received from Lois' solicitors dated 25 September 2020.
29. All of the facts and circumstances herein deposed to are from my own knowledge save such as are deposed to from information only and my means and knowledge and sources of information that appear on the face of this my Affidavit.

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Signature of person making this affidavit (deponent)

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Signature of witness

PG-1

Email: info@pandemic.com.au
Date: 25 September 2020

Covid & Co Family Lawyers
PO Box 456
Brisbane QLD 4000

“Without prejudice save and except as to costs”

Dear Colleagues

RE: GRIFFIN & GRIFFIN – PARENTING MATTER

We refer to the above matter and confirm we have received instructions to act for Lois Griffin. We note your correspondence of 22 September 2020 and your client’s intention to file an application to court for the return of Stewie to the Carindale area.

We are instructed that our client will agree to Stewie spending equal time with your client and her. Given our client is now residing in Gympie, it is proposed that changeover occur each Sunday at 5.00pm at a mid way point between Carindale and Gympie. If your client is agreeable, we request that your client undertakes not to make an application to court for the return of Stewie from Gympie and we will prepare a draft consent order for your client’s perusal.

This offer will expire in 7 days.

Yours faithfully
Pandemic & Associates