Risk Assessment - Imminent

Anna and Nathan met one another at high school, however neither completed year 12. During their five-year relationship, they lived together for periods, on and off, and had a child who was aged two when they separated. Anna has experienced physical and mental health problems since early adolescence, which, as an adult, have prevented her from gaining a qualification or employment. She is on a disability pension and, as the primary carer of the child, receives parenting and public housing support. When younger, Anna took party drugs to cope with her anxiety and depression, but feels now that she has grown out of the habit. Nathan’s drug taking and dealing and associated criminal activity have dominated his life for many years, and on one occasion resulted in a serious conviction for which he served a sentence of probation. Anna describes Nathan as extremely aggressive—and more so when taking drugs or alcohol—and possibly having a mental illness, though she believes undiagnosed. The child has been diagnosed with various behavioural disorders, which are now managed with medication and ongoing medical treatment. There are Family Court parenting orders in place granting Anna residence and allowing Nathan weekly contact, however Nathan rarely sees or telephones the child.

From early on in the relationship, Nathan would regularly (and wrongly) accuse Anna of cheating on him, he would often check on her whereabouts and who she was spending time with, and constantly monitored her money while refusing to make any contribution himself to rent and other joint expenses. On a few occasions when Nathan got drunk and felt that Anna was giving him attitude, he would put his hands around her throat strangling her in front of others. Anna became pregnant when Nathan was on probation, and child protection was alerted to Nathan’s physical and emotional violence towards her. On a visit during her pregnancy, a child protection officer told her the child would be taken away from her if she stayed with Nathan. Anna wasn’t overly concerned because she had good family support around her and, with the help of a local youth service, was attending parenting and ante-natal classes and getting set up at home.

Nathan’s physical violence did however escalate during and after the pregnancy. Nathan wielded a knife at Anna causing her to barricade herself in a locked room. While the baby slept, he strangled and beat her so badly that she blacked out and, with help from a family member, was taken by ambulance to the hospital and treated for multiple fractures, and facial and scalp wounds. Two months later, he yanked her arm forcefully, resulting in a serious elbow injury and lengthy recovery. Nathan was often drunk or stoned during these violent rampages, and would always flee the scene leaving Anna to fend for herself. On one occasion, Nathan assaulted Anna while they were walking with their child to the local shops. He took off with the child, leaving Anna on the street with severe cuts and bruising and torn clothes. Police were alerted and successfully applied to the court for a two-year protection order on Anna’s behalf, with the child named as a protected party.

On the expiration of the first order, police obtained a further identical order, which is due to expire in the coming months. Anna has spoken to a local domestic violence support worker who is encouraging her to seek a five-year order. Anna reports feeling both frustrated and terrified because, despite having these orders and being on the police high-alert list, Nathan has repeatedly and flagrantly breached the orders, and continues to do so regularly, by stalking Anna and the child, ringing and letting her know where she has been and with whom, and threatening physical harm and death. Nathan has ready access to guns and knives and, on one occasion when he was facing the possibility of a jail term for another offence, threatened to shoot Anna’s mother and Anna herself if Anna tried to disappear with the child. Anna has returned to police, repeatedly, to make statements attesting to Nathan’s breaches, and at times, has had to appear at the hearing, self-represented (due to no access to Legal Aid), accompanied by a local domestic violence support worker, and intimidated by the prospect of Nathan being in the courtroom. Nathan would frequently seek and obtain adjournments for the breach hearings; and whilst he was often found guilty of breach, he has never received other than a fine as penalty. Following each hearing, Anna expected that the police would contact her to advise the outcome, but she found that she had to constantly ring and ask. She was only ever told about the fines, and can’t say whether convictions were recorded, or whether Nathan has ever been charged with stalking, assault or any other offence related to his domestic and family violence towards her and the child.

Anna believes that Nathan continues to be involved with criminal activities and that he is known to police. Although Nathan doesn’t physically approach Anna, he continues to monitor her and the child through his family and friends. Anna feels constantly unsafe and under threat, and won’t venture out of the house without people who can protect her and the child. Anna regularly changes her appearance and telephone number, and has recently changed the locks on her house. The police have cautioned her to lock herself in. Still young, Anna is desperate to establish a normal and happy life; however she feels trapped and damaged by Nathan’s ongoing domestic and family violence, and by what she perceives to be the failure of the justice system to recognise the seriousness of Nathan’s crimes and to punish him appropriately, and to protect her and the child adequately.

Nathan has only ever paid a negligible amount of child support; ultimately, his violence resulted in Anna having to obtain an exemption from claiming. Despite having contact orders, Nathan has always flouted the conditions, or not bothered to see or speak with the child at all. Anna would like to have the orders varied to disallow contact on the basis of Nathan’s serious and ongoing violence, however she expects to be criticised by the court for seeking to prevent a relationship between Nathan and the child; and yet has had the experience of being told by child protection that if she remains with Nathan, the child will be removed from her.

Having tried and failed, time and again, over five years to secure proper protection from Nathan, at this stage, Anna can’t see what else she can do to improve her situation. She doesn’t have the financial resources to engage a private lawyer, and her health is so compromised that her prospects of future employment are limited. She is also very concerned about the daily and long-term impacts of the violence and fear on the child.