Sandra and Gary lived in a defacto relationship for some six years, though not continuously due to Gary’s violence towards Sandra. They have two children together, both boys, aged approximately three and one on separation; the younger boy has a serious genetic disability with limited life expectancy. Sandra had previously been in an abusive relationship, and suffers from post-traumatic stress disorder as a result of a physical assault by a stranger. She completed secondary education and is employed in a sales position. Gary is on a disability support pension, earns little or no additional income, and has an alcohol and drug dependency. Gary has had protection orders made against him in two different states as a result of his perpetration of domestic and family violence in two separate prior relationships.

Gary’s violence towards Sandra began around six months into their relationship. He would strike out at her physically, splitting her lip; emotionally abuse her, diminishing her self-esteem; and be forceful in his sexual demands, which Sandra would strongly resist rather than acquiesce to. Sandra has a horse she has cared for and been emotionally attached to for many years. Gary would threaten to shoot the horse, or slit the horse’s throat; he also threatened to kill Sandra’s parents. The violence continued after their first child was born when, for example, Gary karate kicked Sandra in the leg while she was holding the young child. Both Sandra and the child were hospitalised, and Child Safety formally intervened and arranged for their temporary safe accommodation. Sandra has not ever fully recovered from her leg injury, which requires expensive surgery.

Sandra confided in close friends about the violence she was experiencing and her concerns about bringing up children in that environment. Whilst she was alert to their advice to leave the relationship, she also believed that doing so was likely to escalate Gary’s violence. Sandra sought counselling during the relationship, intentionally without Gary’s knowledge, to develop strategies to cope with the violence. Sandra had attempted on numerous occasions over the years to leave the relationship and relocate to areas a considerable distance away from Gary to ensure her own and her children’s safety. On the birth of the second child, Sandra and the first child moved into a refuge while the newborn was being treated in intensive care at a nearby hospital for his disability related problems and before relocating the three of them to another city. On each occasion, Gary would track down Sandra and the children and seek to re-enter their lives. Focused on acting in the best interests of the children, Sandra would allow Gary to return provided he could be a responsible father towards the boys, not get into trouble with alcohol or drugs, not be violent, and not attempt an intimate relationship with Sandra.

However Gary’s violence and dysfunctional behaviour continued. Sandra reported the violence to police in a range of locations, and obtained protection orders either on her own behalf or police-initiated. Following instances of attempted strangulation, stalking and telephone harassment Gary was convicted of breaches of these protection orders, resulting in brief periods of incarceration in the local watch house and suspended sentences. Gary was never charged with criminal assault or stalking.

When Sandra and the children finally left, she obtained a temporary protection order against Gary stipulating email contact only between them, as well as Family Court parenting orders stipulating that Sandra have residence of the children and Gary have contact with the first child every second weekend, and the second child for 8 hours of every second weekend. Gary paid Sandra negligible child support; Sandra was supporting the children almost entirely from her own resources. Sandra had been concerned about Gary’s veiled threats not to return the older child to her, when this in fact transpired and the child remained with Gary for 28 days without attending school for eight of those days. Sandra qualified for Legal Aid and, after some delay, succeeded in child recovery proceedings against Gary. Whilst Sandra believed that Child Safety was diligent in its conduct of their part of the proceedings, she expressed frustration that police did not intervene immediately due to a belief that they have no powers in Family Court matters.

Subsequently, Gary sought a variation of the Family Court parenting orders to alter changeover from a supervised contact centre to parent-managed arrangements. In time, Sandra agreed, hoping that this would help the children feel more normal and relaxed about moving between parents; she also acknowledged that the contact centre was expensive and involved lengthy car trips, which weren’t good for the children. During these negotiations, Gary succeeded in securing repeated adjournments of the final protection order hearing on the basis that the Family Court orders ought be finalised first. Once finalised, on an occasion when she felt too intimidated by Gary to be present for the changeover, Sandra asked a male friend to be there on her behalf; he was intoxicated and an altercation ensued with Gary and his new partner. Soon after, the final protection order hearing took place, and while Sandra obtained a two-year order against Gary, with the children named as protected parties, Gary applied for and obtained an identical order (commonly referred to as a cross order or mirror order) against Sandra.

Sandra reported that on the many occasions she’d had contact with police, she experienced understanding and supportive officers who were focused on ensuring that she and her children remained safe. There was only one occasion she recalled when an officer doubted the veracity of her account that Gary had arrived angry and intoxicated at her home at midnight while she and the children were asleep then escaped without trace; and queried why she hadn’t taken photographs of Gary trying to enter the house. Sandra also believed that her experiences of the legal and court processes were generally positive, and despite not having perpetrated violence against Gary, she felt safer overall for having the final protection order, and confident that she would never be in breach of the order against her.