Risk Assessment – Imminent Risk

Faith and Ryan were in a relationship for around 15 years, and have five children together ranging from early primary to high school age at separation. Faith also has an adult child from a previous relationship. Faith is tertiary educated and employed in a professional role. Ryan completed an apprenticeship following high school and has worked periodically during the relationship; however is currently unemployed and receiving Centrelink benefits. Ryan had a work accident some years ago and received a significant compensation payout. He continues to take medication to manage his pain. The five children live with Faith in the family home. Ryan has contact with the children about one day each week, supervised by his parents at their home.

Faith and Ryan met in a social setting and began dating. Ryan went with Faith on her first work posting away from their home town. At that stage, Faith noticed that Ryan could get angry and frustrated easily. It was when Faith was pregnant with their first child that Ryan became abusive towards her. The abuse started as name calling; he would call her a ‘fat ugly cunt’ and a ‘loser’ if he felt he wasn’t getting his own way or he objected to spending money. Initially, Faith would fire back her disapproval, but over time she became so diminished by the abuse that she said and did nothing, which would enrage Ryan even more.

Faith was employed through the relationship other than when the children were very young. She and Ryan had a joint bank account that her salary was paid into. Faith realised that if she didn’t pay the bills immediately, Ryan would clear out the account. She describes a constant juggle with money, making sure there was enough available for household expenses and the family’s needs. When Ryan was working, he would regularly spend his pay cheque at the pub on his way home, usually on alcohol and gambling. Despite mostly working full time, Faith looked after the children’s needs and took care of the house. Ryan was dismissive of the children.

As time went by Ryan’s abuse became physical. He frequently spat on Faith, pulled her hair, dragged her through the house, smashed her head into the wall, and threw drinks over her, on many occasions in front of the children. During another pregnancy, Ryan strangled Faith because she had discovered he had been cheating on her; she managed to kick him away from her, but miscarried afterwards.

Faith had tried previously to end the relationship. Ryan was staying with a friend because he didn’t want to be with the family; Faith was determined to stay in the house and keep the children together. At that stage, Faith’s adult child was still living with them and he was regularly the target of Ryan’s belittling and intimidating abuse. On one occasion, he kicked in the child’s bedroom door while the child was in the room and threatened to kill him. Faith rang the police who attended the house four hours later despite her distress over the phone and her expressed fear that Ryan was going to kill the child. By the time the police arrived, Ryan had long departed. Police were hostile to Faith and told her she should be protecting the children from the violence; they didn’t enter the house, inspect the damage, or advise her about protection orders.

Though Ryan wasn’t living with the family, he would visit and stay from time to time. Faith put up with this in the interests of preserving the family as Ryan had threatened to get a court order to take the children if they separated. Ryan had convinced Faith that she was the cause of his behaviour and the court would see it that way too. Ryan’s behaviour went through cycles: friendly and engaged followed by angry and violent. He claimed he had depression. He would kick Faith hard in the legs, or push her to the ground and kick her; she suffered extensive and painful bruising. Faith tried not to respond for fear that the violence would escalate. Ryan tried to isolate Faith from her family and friends, but they persisted in their support for her as they were extremely concerned for her wellbeing, knowing that she was struggling to make a break from the relationship. Despite their concerns Faith wouldn’t and couldn’t listen to their criticism of Ryan.

When Faith felt Ryan’s violence and abuse had become extreme, on her sister’s advice, she sought a protection order. The domestic violence support service at the court helped her prepare the application and explained the court process to her. Faith obtained a temporary protection order, but after pressure from Ryan, she failed to appear at the final hearing, and the magistrate dismissed the application.

Ryan told Faith he wanted a happy family life, and wanted them to try again to make the relationship work. Faith found Ryan beguiling when he was in this mood, and agreed to get back together. However, the physical and emotional violence started again immediately, as well as socially isolating behaviours separating Faith from her family and friends, and controlling the family finances. He also told her over the phone of his five-step plan to destroy her. The plan involved: reporting Faith to her employer and ensuring that she lost her job; taking the children away from her; causing her to lose title to the house; reporting her to police for offences she hadn’t committed; and destroying her name. Faith kept going, putting up with the abuse and focussing on the children’s needs. On one occasion, Faith’s sister rang her and could hear Ryan’s verbal abuse in the background; she was so horrified that she called the police and asked them to check on the house. When the police arrived, Ryan ranted at them blaming Faith, and then he left the house. The police questioned Faith; she told them she hadn’t called them, and that this was normal behaviour for Ryan. The police explained that it was domestic violence and suggested to Faith that she get a protection order. At that stage, Faith felt so controlled by Ryan that she was incapable of recognising his behaviour as domestic violence, and says perhaps it would have been better for her if the police had taken the matter over and applied for an order on her behalf.

It wasn’t until after their fifth child was born that Faith took steps to seek protection. Ryan’s violence and abuse had continued during periods of separation when Faith, having suffered a black eye, reached a point where she told him to leave and put his belongings in the front yard. Faith received legal aid funding and applied for a protection order, and Ryan responded with a cross application. The matters did not go to a hearing, and were settled by an exchange of mutual undertakings to be of good behaviour towards one another for two years. The legal aid lawyer had explained that if she breached an order, her job may be jeopardised. Faith believes she accepted this result because she wasn’t ready to cut off contact with Ryan, but also felt that she was given very little advice about her legal options or their ramifications.

Following the undertakings, Faith and Ryan got back together, but soon separated for several months. Ryan would continue to drop by the house to see the children, and occasionally have sexual relations with Faith who was starting to work on getting him out of her life as she believed he was going to kill her. She described Ryan then as her ‘heroin’; she couldn’t stop wanting him, yet she knew he would kill her. After telling Ryan that she couldn’t go on in the relationship, he convinced her to give him another chance promising her that he had changed, that he loved her and wanted to be together as a family.

It was only a matter of weeks before Ryan flared up. When they were separated and Ryan had begun a relationship with another woman, Faith booked a trip for herself, the children and her sister. When Ryan found out he became angry and verbally abusive. Faith locked herself and the children in a room and rang the police who took two or three hours to attend the house, by which time the children were asleep. Ryan had tried to get in and snapped the key in the lock; he then went to sleep downstairs. Though the police were friendly towards Faith, they did not try to speak to Ryan; rather they stood at the front door and told her to get a protection order. Ryan soon left again, however it took Faith a couple more weeks to realise that she must do something to protect herself. She describes the moment that both defined her resolve and caused her to break down: she had rung Ryan for a reason she can’t recall, and he put his new girlfriend on the phone who told her that she and Ryan had had sex in Faith’s bed. Not long after, Ryan rang and described to Faith how he was going to kill her: ‘I’m going to smash your head through the back door—it’s glass—until you’re all cut up. Then I’ll drag you by the hair down the stairs, put you in the ute, drive up to the Gateway Bridge, and push you onto oncoming traffic, and then I’m going to jump off the bridge.’ Faith notified the police and while they flagged her number so that she would in future receive a priority response, they didn’t make any attempt to charge Ryan.

Faith was so emotionally depleted and distraught that she had to take time off work to get some help while she continued caring for the children. She was able to access counselling and began learning about the cycle of violence she had endured for nearly 15 years. She realised that Ryan had manipulated her thoughts and her sense of self, and she had to retrain how to think and rebuild herself as a person.

Ryan was calling the children three times a week, and Faith was keen to get a parenting plan in place. She was referred to a solicitor through her union. She proposed supervised contact on the basis of the suicide texts she’d been receiving from Ryan and was able to show the solicitor. While a plan was agreed to it never became a consent order because the solicitor failed to have it signed and filed. Ryan never complied with contact arrangements, and his abuse towards Faith continued. One night he called Faith’s parents and said, ‘tell Faith she’s not going to make it to Christmas’, and then hung up. This was the prompt for Faith to obtain a temporary protection order; and pursue the matter through to a final hearing. Faith, self-represented, had a number of witnesses at the court ready to give evidence, however Ryan appeared without having prepared any material. The magistrate issued a final protection order against Ryan on the basis of his consent without admissions. Faith was devastated as she wanted Ryan’s domestic violence exposed and proven. The order is for two years with Faith and the children named as protected parties; Ryan is prohibited from coming near the house or school.

At the time the final protection order was made, Ryan applied to the Family Court for 50/50 shared care of the children and 75% of the value of the house property. He alleged in his material that Faith was using parental alienation tactics. At the interim hearing, with a great deal of help from a friend in preparing her material, Faith was granted residence, and Ryan was allowed weekly contact one day each week supervised by his parents between specified hours. The judge prohibited Ryan from making phone contact. Ryan and Faith were then required to attend mediation in relation to property matters despite Faith providing the details of the protection order in her material. Faith also tried to explain that Ryan had failed to disclose his financial circumstances as ordered, which would include the injury compensation payment he received and did not put in their joint account. Faith had applied for sole ownership of the house arguing that she’d paid for it and all related expenses, while Ryan had made no contributions. The mediator was initially hostile and uncooperative, but as the session proceeded, attempted to identify options. Faith and Ryan returned to the court, before the judge they’d had previously, however the judge didn’t appear to recall any of the details of the case, and urged them to talk and sort out their differences. The judge had also failed to read the family report, which he proceeded to read while they waited. Faith was shocked and despairing.

Faith noted that she, Ryan and the children were required to attend the court to be interviewed for the family report; they had to sit in the same waiting room as Ryan and his family before being relocated to a private area. There was no need to be present at the same time given that Ryan was interviewed first. The report recommended that Ryan complete an anger management program, undergo psychiatric assessment, not drink alcohol within 24 hours of seeing the children, and be supervised at all times with the children at his parent’s house, or a contact centre. Faith explained to the judge that Ryan’s parents had not adequately supervised in the past, and requested a contact centre. The judge declined stating that the family needed to be given a chance.

Faith tried to limit even email communication with Ryan. Her good friend assists with the children and contact logistics. Ryan has breached the protection order by turning up at the children’s school and sending abusive emails. Faith reported the breaches to the police, but Ryan was not charged. At no time have the police indicated to Faith that criminal charges would be appropriate in relation to Ryan’s repeated violence and threats. Faith believes however that the protection order has saved her life as Ryan is afraid of the police. She is beginning to feel stronger and more equipped to face the future now that she is receiving counselling support. She wants nothing to do with Ryan, and would prefer no changes to the current contact arrangements. If there is any contact with Ryan, Faith records it on her phone so she has evidence for the police and the court. The Family Court property matters have been finalised and she has been granted sole ownership of her house. Faith feels very fortunate that her workplace has been supportive throughout her long and traumatic ordeal. She is also grateful for the domestic violence court support service assistance she received, however believes that a greater effort needs to be made to keep victims and perpetrators separate in the court house. She has found the court processes frustrating and lengthy, not helped by Ryan’s deliberate attempts to delay proceedings. Sometimes Ryan pays around $40 a fortnight towards support for their five children.