Risk Assessment – Imminent Risk

Felicity and Jason were in a relationship for two years, during which time they married and began living together. They separated soon after the birth of their only child who was diagnosed with Autism at a young age. Both are university educated and professionally qualified. Felicity now works part time and is studying to gain further qualifications. Jason is in highly-paid employment and is also retraining in another discipline. Their child, and Felicity’s two children from a previous marriage, live with Felicity in a house she owns. Jason has one child from a previous marriage; there are shared living and care arrangements in place with the mother, Jason’s first wife.

Felicity recalls when she first met Jason that he wasn’t a charmer, but intelligent and engaging, quite persistent, and even somewhat deceitful in his interactions with her. She found him interesting, and welcomed a male role model/father figure for her two children who she was pleased readily clicked with his child. While her children would have alternate weekends with their father, Felicity had been mostly sole parenting for some years while working in a demanding full-time job, and she felt they needed more adult support.

Felicity and Jason clashed from the start about parenting styles; Felicity put it down to the challenges associated with blending two families. Jason would often belittle his own child in front of her children, and early in the relationship he hit Felicity’s four-year old to the ground in the presence of his parents. Felicity told Jason never to touch the child again. Jason’s mother, who appeared to Felicity to be overly dominant in Jason’s life and their relationship, told her that she must leave Jason to discipline the children as he decided. The mother would ring Felicity daily.

Both Felicity and Jason come from strong religious backgrounds, however Jason insisted that Felicity and her children convert to his faith in preparation for the marriage. Felicity stopped going to the church she and her close extended family attended, and was required to attend Jason’s church where she felt uncomfortable and yet Jason and his family put pressure on her to participate. In his early interactions with Felicity’s family, Jason was so aggressive and confrontational in his views and behaviour that he alienated Felicity from them. Soon Felicity was no longer seeing or speaking to her family despite living only houses away and the cousins being close in age and friendship. They didn’t attend Felicity and Jason’s wedding.

Jason’s behaviour towards Felicity became more hostile and controlling. On an outing with the children, Felicity fell over in public and hurt herself; Jason laughed while others went to help her. When Jason travelled for work, as he often did, Felicity would ask Jason why he never called to talk with her and the children while he was away; Jason angrily accused her of checking up on him, and dictating when he must report to her. Jason’s mother told Felicity not to put demands on him.

On their wedding night, Jason complained to Felicity about every aspect of the day, he threw a drink at her, tore a necklace from her neck, and pushed her up against the wall. A wedding guest witnessed the incident and went to seek help from other guests believing that Jason was about to hit Felicity; they intervened and took Jason away and he didn’t return to Felicity for a couple of days.

Further conflict arose around Jason’s demands for a child; he argued that Felicity had given another man children, and he was therefore similarly entitled. Despite her hectic work schedule and both being away regularly, Felicity was pregnant within a month of marrying.

When Felicity reprimanded his child for inappropriate comments, Jason held a knife to Felicity’s face. She withdrew to another room to diffuse the situation, and refused to comply when he demanded that she eat a meal with them. Jason told her she was “a piece of shit” and to “get the fuck out of my house” by the time he was back from church. At the time, Felicity’s children were holidaying with their father. Felicity packed some belongings and left to stay with a girlfriend, then travelled interstate for work; she made no contact with Jason until days later she told him she needed to come home and collect more belongings. Jason lectured her about sabotaging the family by causing trouble and leaving.

Felicity had leased her own house out so it wasn’t available to move back into. She tried to talk to Jason’s mother about getting Jason to agree to Felicity taking over the lease on their current shared property so that when her children returned from holidays, they would be in familiar, settled surrounds; his mother refused, and told her she had to live with the situation she had caused. Jason told Felicity the relationship didn’t need to end; she should have tried to reconcile and now she needed “to fix her act up”. Jason then left for interstate to see friends. Felicity stayed on at the house as her children were coming home, she was pregnant, and she felt she had no other choices.

Felicity and her sister began having contact again. The sister commented to Felicity that every six weeks Jason would explode, then disappear for a week, then return in good and generous spirits, then the cycle would start over.

Around half way through Felicity’s pregnancy, Jason became angry and insistent about wanting a boy. He disappeared for a few days and arrived unexpectedly at the hospital where Felicity was having a scan. When told by the radiographer they were having a boy, he said “good” and left the hospital. Another argument soon followed about the baby’s name and christening arrangements. Felicity left to stay with her sister and, when she returned home, Jason threatened to shoot her (he had an unlicensed firearm), he threw her makeup and clothes out the window onto the concrete driveway, and again told her to get out of the house. Felicity managed to get to the car and drive away, then called the police, explaining the circumstances and that she was a government employee. When the police came to the house half an hour later, Jason had gone and Felicity’s sister had arrived. The police did not ask for any details about Jason or the incident, they gave Felicity no information about available protections, and, before leaving, simply asked her if she’d be “right”. With assistance from friends, Felicity moved all of her own and children’s belongings out of the house while Jason was absent, sent boxes to friends’ houses, and went to stay with her sister. This threw the family into chaos as they didn’t have access to what they needed, including the children’s school uniforms. Jason sent her abusive texts accusing her of ruining her children’s lives, and questioning her faith and who she worships.

Felicity and Jason kept their finances separate: he provided the house, and she paid for all other expenses, unaware of his earnings or assets. Some months prior, Jason had pressured Felicity into buying a block of land together that they could develop. When it came time to settle, he claimed he had no money. Felicity solely funded the purchase despite the land being registered in joint names. At that stage, one month from giving birth, Felicity was committed to the mortgage on the land, she had tenants in her own home, and she was facing the prospect of having to pay rent on another house for herself and children.

After a short time apart, Jason sought a meeting with Felicity, broke down tearfully, and promised to go to counselling organised through the church. Felicity said she wouldn’t see him again until he’d made some progress. Felicity soon agreed to joint counselling, during which Jason promised to change his behaviour towards her and the children. They returned to Jason’s house, but only unpacked the bare essentials as Felicity felt she couldn’t trust him. In separate sessions with Felicity, the counsellor alerted her to Jason’s cycle of violence, and asked her about safety strategies she had put in place with family and friends.

Just prior to the birth, Felicity’s mother came to help with the children as Felicity was stressed, exhausted and experiencing high blood pressure. The mother witnessed an explosive outburst from Jason, and tried to calm him down; Jason pushed her, then apologised immediately claiming he was “on edge”. The baby had symptoms of distress, and needed to stay in hospital for a few days. Jason wouldn’t allow any visitors. In the car on the way home from the hospital, Jason told Felicity she needed to lose weight; another argument ensued and Jason disappeared for a week. When he returned he, once again, yelling abuse, told Felicity to leave. By now accustomed to Jason’s behaviour, Felicity’s younger child rang her parents to alert them. Felicity locked herself in the bedroom with the baby and younger child for the night, and left the next morning when she heard Jason leave. Once more, friends and family helped her to move their belongings out of the house, for the last time. In the days following, Felicity received around 800 texts from Jason. He claimed that Jesus had appeared before him and told him he should forgive her for leaving him, and that she should be a submissive wife and come back.

Jason pressured Felicity to see the baby, however Felicity declined on the basis that they had no parenting plan in place. Jason threatened to take the baby. They saw a relationship counsellor and agreed on two-hourly contact visits. At changeovers, Jason would taunt Felicity, asking her whether she was happy that she’d destroyed the marriage and the family. One evening, Felicity’s mother was helping at home while Felicity was out briefly with friends. Jason arrived at the house to deliver back the baby, but angrily refused and drove off; meanwhile, Jason’s child witnessed the incident from the back seat of the car. Felicity called the police who initially declined to be involved due to no parenting orders. Felicity had to explain that the baby was at risk of not being fed because the baby was still an infant, allergic to dairy, and breast milk was the only suitable option. She also explained that Jason had previously threatened to kill her and that the police had done nothing to assist or protect her. On this occasion, the police agreed to intervene, retrieved the baby from Jason, and advised Felicity to apply for a protection order, which she promptly did.

Police failed several times to serve Jason at home, so Felicity’s mother tried, unsuccessfully, to contact his work for an address. Soon after, Felicity was served with Jason’s cross application on the basis that she had threatened him at work and had access to guns through her work. As a result, strict protocols dictated that Felicity be placed on restricted work duties, which she felt humiliating given her seniority, so instead she took annual leave. Her boss made submissions to the court that Felicity was not a risk, had never received a complaint in her work, and Jason’s application was vexatious. Eventually, Jason was served with Felicity’s application. She engaged a lawyer, and obtained a temporary protection order; a hearing date was set to deal with Felicity’s final order and Jason’s application. Felicity engaged a solicitor and barrister for the hearing; a final order was granted in her favour, and Jason was found guilty of wilful injury and malicious damage however Felicity is not aware of the sentence he received. The order prevented Jason from coming within 500 metres of Felicity for 2 years; the baby and her children were not named as protected parties. Felicity describes the order as very effective and a great relief as Jason didn’t come near them and they were given a chance to get on with their lives.

Prior to the expiration of the protection order, Felicity applied to the court for an extension. Jason tearfully told the magistrate that he still loved Felicity and that he just wanted to see his child. The magistrate told them to go outside and sort it out because Jason had clearly changed, and in any event it was a matter for the Family Court. The magistrate refused the extension, but told Felicity to come back to the court if there was further violence.

Immediately, Jason’s abuse started again, including harassment about seeing the baby, and repeated daily emails making offensive religious references. Felicity needed to sell the jointly-held property as she found the financial burden too great. Jason had lodged multiple child support assessment appeals alleging that Felicity earned a high income and was receiving additional cash through out-of-hours jobs. Jason forced a Centrelink investigation of Felicity, and arranged for her to be put on airport watch claiming she was a flight risk with the baby. Meanwhile, the baby was diagnosed with Autism. Eventually, Felicity had no choice but to give up her career and find employment that allowed her to care for the baby’s special needs and her other children, although her financial resources were significantly diminished. Jason’s claims proved to be false in the child support and Centrelink matters.

Having not had any form of contact with their child for nearly four years, Jason applied for an urgent Family Court hearing to determine 50/50 shared residency on the basis that he was soon to be sent on an interstate posting. On advice, Felicity immediately offered supervised access pending the court’s decision. Suspicious of his motivations however, Felicity subpoenaed Jason’s employment file and it was revealed that Jason was relying on the application to avoid his posting, and that he’d told his employer that the child had been in his part care since infancy. The judge ordered a family report, and a complex process ensued involving assessment of the child’s special needs, mediation, Jason contesting medical and health worker professional opinions, and Felicity having to spend significant sums of money on reports relating to the child’s Autism and its impact on capacity and quality of life.

Felicity also applied to the Family Court for property settlement to deal with the proceeds from the sale of the jointly-held property, which had increased in value due to subdivision. Jason had received half the profits despite Felicity having paid all costs and outlays. She was therefore claiming reimbursement for her share. In this process, Jason was forced to disclose his salary, which was in the order of $250,000.

In both the Magistrates’ Court and Family Court, Felicity was subjected to scrutiny as to why she didn’t act earlier in response to Jason’s abuse. She feels that there was little understanding of the range of issues she had to manage in order to protect herself and her children, care for a newborn and later a child with special needs, maintain her employment, and preserve her financial resources. Felicity has tried to deal with a range of matters with Jason—protection order application, child support appeals, Family Court property and parenting applications—and each time, she believes he has obfuscated the process and caused her to erode her resources. In later proceedings, she could no longer afford legal representation, and was forced to prepare for and conduct the matters on her own behalf.

Felicity is now only able to work part-time due the child’s Autism, however she is studying to gain a further professional qualification and eventually wants to work in an area she feels she can make a contribution, having given up her former profession which she loved. She expects that Jason will continue his abusive behaviour through the court system while the parenting and property matters remain unresolved.