



Lucy is a fictional character. Read the case study in full and find out what the legal and non-legal issues are by clicking on the highlighted text on the next page.

Blue boxes represent legal issues. Orange boxes represent non-legal issues.

Lucy

(Rural, Cycle of Violence, Children, Property)

Lucy is 39 years old and she lives on a cattle farm 80km out of a small town in NSW. She and her husband, James, both work on the farm.

Lucy has been married to James for 15 years and together they have five children between the ages of 8 and 1. Lucy and James live in the farmhouse on the property. There is also a small fibro cottage on the property that used to be the living quarters of the farm hands. Since the drought, they no longer employ any farm hands. They have one family car and a number of motorbikes. They have three dogs that are the family pets.

Throughout her marriage to James, Lucy has felt that she can never do things quite right for him. He constantly criticises her, makes unkind comments about her appearance and generally makes her feel stupid.

Since the prolonged drought, the relationship has deteriorated further due to the financial pressures associated with the upkeep of the farm. Lucy doesn't have any real friends because James never wants to go out and he doesn't like her to go out on her own or talk to people over the phone. Lucy hardly ever sees her sister who lives in Sydney.

Lucy and James own the property together. The mortgage and title to the property is in joint names. All the payments are made from the joint account. James does not allow her to take money out of the account. He gets angry if she takes money out without his permission. James insists on taking her shopping every week to buy the groceries and to fill the car with petrol.

James has always liked a drink or two. However since the prolonged drought James has really started to drink. The more drinks he has, the more aggressive and unpredictable he becomes. James yells at Lucy in front of the kids and puts her down if she doesn't do things the way he wants them done. Recently, James has started to get physically violent towards Lucy. After some of the violent incidents, Lucy threatened to leave because she could not take it anymore. James then became very apologetic - he stopped drinking and helped around with the household chores. The violence stopped for a while.

However, during a more recent argument, James slapped Lucy across the face a couple of times. Last night James pushed her to the ground and kicked her in the back a number of times. When he



kicked her, the children were asleep in their rooms. James has never been violent or aggressive to the children and Lucy doesn't believe he would ever harm them.

Lucy is reluctant to go to the police and does not think they will take her seriously because James is a good mate of the Local Police Officer who regularly comes over for a drink at the farm. In addition, she is concerned that if she reports James' violence, the police may take James's rifle away from them – James believes that living on the farm, the rifle is necessary to protect Lucy and the children.

Lucy says that she feels embarrassed that this is happening to her.

She wants to save the marriage for the sake of the kids and she wants James to get help to stop hitting her. She is also hopeful that if the drought breaks, James will stop drinking and that the violence will also stop.

Lucy is afraid that if they do separate, James will take the children from her or he will harm or kill the family dogs. She also doesn't know how she would support herself on her own.



Legal and Non-Legal Issues

Lucy is 39 years old and she lives on a cattle farm 80km out of a small town in NSW. She and her husband, James, both work on the farm.

Lucy has been married to James for 15 years and together they have five children between the ages of 8 and 1*.

** Lucy will need some family law advice to understand her options for parenting arrangements after separation. See the 'Living without violence Parenting after Domestic Violence factsheet' for more information. (LINK to FACTSHEET)*

** See our webinar on 'Family Law 101: Parenting Arrangements.' (LINK to PAST WEBINARS)*

Throughout her marriage to James, Lucy has felt that she can never do things quite right for him. He constantly criticises her, makes unkind comments about her appearance and generally makes her feel stupid*.

** Lucy is experiencing emotional abuse which is a common form of domestic violence. See the pamphlet 'Emotional Abuse is Real' for further information about emotional abuse as a form of domestic violence. (LINK to FACT SHEET)*

Since the prolonged drought, the relationship has deteriorated further due to the financial pressures associated with the upkeep of the farm. Lucy doesn't have any real friends because James never wants to go out and he doesn't like her to go out on her own or talk to people over the phone. Lucy hardly ever sees her sister who lives in Sydney*.

** Lucy is experiencing social isolation, which is another form of domestic violence. The isolation would be further increased because Lucy lives in a rural area where there is also geographical isolation. See the Power and Control Wheel for more information about the forms of domestic violence (LINK to DIAGRAM)*

Lucy and James own the property together. The mortgage and title to the property is in joint names. All the payments are made from the joint account*.

** If Lucy separates from James she will need some property law advice. See the Living without violence factsheet 'Property, Child Support and Maintenance' factsheet' for more information. (LINK to FACTSHEET)*

** Also see our webinar and factsheet on 'Property Settlement' (LINK to PAST WEBINARS)*

James does not allow her to take money out of the account. He gets angry if she takes money out without his permission. James insists on taking her shopping every week to buy the groceries and to fill the car with petrol*.



** Lucy is experiencing financial abuse which is another form of domestic violence. See the pamphlet 'Domestic Violence and Safety' for more information about forms of domestic violence. (LINK to FACTSHEET)*

James has always liked a drink or two. However since the prolonged drought James has really started to drink. The more drinks he has, the more aggressive and unpredictable he becomes*.

** Alcohol can escalate domestic violence, however it is not the cause of domestic violence. See the fact sheet 'Myths about domestic violence' for more information. (LINK to FACT SHEET)*

James yells at Lucy in front of the kids and puts her down if she doesn't do things the way he wants them done*.

** Lucy's kids are being exposed to domestic violence. See the factsheets 'Babies & Toddlers: Keeping them safe' and 'Children 4-12: Growing up in a safe environment' for more information about the effects of DV on children. (LINK to FACT SHEET)*

Recently, James has started to get physically violent towards Lucy. After some of the violent incidents, Lucy threatened to leave because she could not take it anymore. James then became very apologetic - he stopped drinking and helped around with the household chores. The violence stopped for a while*.

** Lucy may be experiencing the 'Cycle of Violence'. See this diagram for further information. (LINK to DIAGRAM)*

However, during a more recent argument, James slapped Lucy across the face a couple of times. Last night James pushed her to the ground and kicked her in the back a number of times*.

** The domestic violence has now escalated to physical violence, which is another form of domestic violence. Lucy's personal safety is a priority and she can ask the police to apply for an Apprehended Domestic Violence order for her protection. See the pamphlet 'Apprehended Domestic Violence Orders' for more information. (LINK to PAMPHLET)*

When he kicked her, the children were asleep in their rooms. James has never been violent or aggressive to the children and Lucy doesn't believe he would ever harm them.

Lucy is reluctant to go to the police and does not think they will take her seriously because James is a good mate of the Local Police Officer who regularly comes over for a drink at the farm*.

** By law, NSW Police must act when there has been domestic violence and apply for an Apprehended Domestic Violence Order for the victim's protection. See the fact sheet '5 Quick Tips for Reporting Domestic Violence to Police' for some hints to reporting DV. (LINK to FACT SHEET)*



In addition, she is concerned that if she reports James's violence, the police may take James' rifle away from them – James believes that living on the farm, the rifle is necessary to protect Lucy and the children*.

If Lucy applies for an ADVO against James and she is successful in getting a final AVO, James must surrender all firearms and related licenses to police and he will lose his gun licence for ten years. James may **want to have a rifle on the farm but he doesn't **need** to have a rifle. Having a gun licence is a privilege and as James is violent and the violence is escalating, it is a great risk and concern that he has access to a firearm.*

For more information, see our webinars and factsheets on AVOs (LINK to PAST WEBINARS).

Lucy says that she feels embarrassed that this is happening to her.

She wants to save the marriage for the sake of the kids and she wants James to get help to stop hitting her. She is also hopeful that if the drought breaks, James will stop drinking and that the violence will also stop*.

** Lucy is experiencing common feelings that victims of domestic violence suffer e.g.: shame, embarrassment, wanting to keep family together for the children. See the factsheet 'Everyone has the right to feel safe in their own home' for further information about the effects of domestic violence on victims. (LINK to FACTSHEET)*

Lucy is afraid that if they do separate, James will take the children from her*

** Lucy will need some family law advice to understand her options for parenting arrangements after separation. See the 'Living without violence Parenting after Domestic Violence factsheet' for more information. (LINK to FACTSHEET)*

For more information, see our webinar on 'Family Law 101: Parenting Arrangements' (LINK to PAST WEBINARS)

or he will harm or kill the family dogs*.

** The abuse of pets/animals is a form of psychological abuse, which is a form of domestic violence. The RSPCA runs a 'Safe Beds for Pets' Program, which provides low cost accommodation for, pets whose owners are escaping an abusive relationship. In some circumstances, it can also be used for livestock. See the RSPCA website for more details: www.rspcansw.org.au/programs/safe_beds_for_pets*

** For more information, see our webinar and factsheet on 'Domestic Violence and Pets' (LINK to PAST WEBINARS)*



She also doesn't know how she would support herself on her own*.

**Lucy needs information about separating from James and what steps she will need to take if she does decide to leave him. Lucy might benefit from the 'Living Without Violence – Checklist and Useful Contacts' factsheet which provides a useful checklist for women to help them prepare for leaving a violent relationship. (LINK to FACTSHEET)*

Lucy may be eligible for a Centrelink payment to help support herself and her kids. See the Living without violence factsheet 'Centrelink Payments and Domestic Violence' for further information. (LINK to FACTSHEET)

** Lucy should seek legal advice about personal injury and victims support – to ensure that she knows about all her legal options as a victim of violence. For more information on victims support see the Victims Services website: www.victimsservices.lawlink.nsw.gov.au*

** For more information, see our webinar and factsheet on 'The New Victims Support Scheme' (LINK to PAST WEBINARS).*

** Free financial counselling is also offered Australia-wide on 1800 007 007*

** Lucy may benefit from having counselling to help her heal from the domestic violence that she has experienced. Victims Services offers 10 hours of free counselling for victims of crime including victims of domestic violence. For more information see the Victims Services website for details: www.victimsservices.lawlink.nsw.gov.au*