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| **Federal circuit court of australia****REGISTRY:** BRISBANE | File number: ........................................................... |
| COURT USE ONLY |
| CourtLocation |
| Court date |
| Court time |

Elizabeth Williams

Applicant

Troy Williams

Respondent

**AFFIDAVIT**

**Name of deponent:** Elizabeth Williams

**Date sworn / affirmed:** 27/2/2019

I, Elizabeth Taylor Williams of 11 Green Street, Red Hill, Queensland make oath and affirm:

1. I am the Applicant in these proceedings.

### **Personal details**

1. I was born on 26 October 1990 and am currently 28 years old.
2. I am in reasonably good health.
3. I am employed by In-Sure Insurance Co at Level 3, 56 Cinema St South Bank. My usual work hours are Mondays, Wednesdays and Fridays from 9am – 1pm.
4. The Respondent (hereafter referred to as the “Father” or “Troy”) was born on 4 June 1988 and is currently 30 years old.

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| Filed on behalf of | Elizabeth Williams |
| Prepared by | Elizabeth Williams | Lawyer’s code |       |
| Name of law firm |       |
| Address for service in Australia |  |
|  | State | QLD | Postcode |  |
| Email |  | DX |       |
| Tel |  | Fax |       | Attention |       |

**Relationship details & the children**

1. Troy and I started living together in or about June 2010.
2. We married on 20 May 2012.
3. We separated on 12 August 2017, shortly after Troy assaulted me. There is no prospect of reconciliation.
4. There are two children of our relationship, Clint Thomas Williams (born 11 October 2012) and Jacinta Molly Williams (born 27 December 2016).
5. Jacinta has been a little slow in her development. When we were still together I took her to see a doctor. The doctor said she might be autistic and she may need to be assessed when she is older. I told Troy what the doctor said. He said that she was fine and I was just overreacting. I think he is in denial that Jacinta has ASD.

**Court proceedings & Orders**

1. Interim Orders were made by Judge Dixon on 10 December 2018 for Troy to spend supervised time with the children at the “Dreaming contact centre”.
2. A Final Protection Order was made on 3 August 2018. Troy consented “without admissions” to the Order. It is on the standard conditions and will expire in 2023.
3. There has been no involvement from the Department of Communities (Child Safety Services).

**Domestic and family violence**

1. There were several incidents between Troy and I during our relationship.
2. There was a physical argument between us on 10 August 2017. Troy had been drinking all afternoon. Troy got upset by something that Clint did and blamed me for it. He started shouting profanities at me and behaved threateningly. I sent the children to the next room as I didn’t want them to see their father acting in this way. Troy then took hold of my hair and slammed my head into the wall with great force. I was very frightened. However, I managed to talk Troy down.
3. The children heard my head hitting the wall and were aware of my highly distressed state.
4. I suffered bruises and a concussion as a result of this incident.
5. I left the house with the children and dropped them at my parents’ house so I could go to see my doctor as my head was hurting. He told me to go to the hospital if the head ache got worse. Fortunately it didn’t.
6. The next day, I went to the closest police station to make a report. They suggested I go to the Court house to make an application for a protection order. I did this the following day.
7. I stayed with my parents for a few days before returning to the apartment in which we had lived. Troy called me and told me to return to the home with the children immediately in the early hours of 15 August 2017. I refused.
8. I knew that Troy was going away on a training course and waited until after he had gone to return to the apartment. I then had the locks changed.
9. I texted Troy to tell him that I viewed our relationship as over and not to return to the apartment. I told him that I would leave his belongings out for collection on a date and time to be agreed.
10. Despite this Troy came to the apartment when he returned from training and started banging on the door. I asked him to leave but he refused to do so. So I called the police. Troy left just before the police arrived.
11. He has never asked for a time when he could collect his belongings.

**Arrangements for the children**

1. I was the full-time carer for the children during our relationship. Troy was away for significant periods due to military deployment. In particular, he was deployed from:
	1. March 2015 to September 2015; and
	2. February 2017 to August 2017; and
	3. December 2017 to May 2018.
2. During these times he would return for periods of less than two weeks at a time. He would generally chill out during time and did very little.
3. Since separation the children have been living with me.
4. The children initially spent no time with Troy because I was scared the children would not be safe with him. This is because of his violence towards me and also his drinking.
5. The children have been seeing their father at the “Dreaming contact centre” pursuant to the interim orders. Aside from the fact that Troy keeps giving the children gifts which they are not allowed to bring home to my house, the visits are going ok.
6. The children and I live in a three-bedroom unit. We each have our own room.
7. Clint attends the Try Hard Primary School and Jacinta attends the Happy Days Day Care while I am at work. Jacinta usually attends from 8:30am – 1:30pm on Mondays, Wednesdays and Thursdays.
8. The children both attend Kiddy Sports from 9am – 11am on Saturday mornings. I drive the children to Day Care, Kiddy Sports and elsewhere.
9. I have recently applied for child support and am waiting for a child support assessment. My parents gave me some financial support when I first separated from Troy. Otherwise the children are financially supported by me.
10. I do not propose to change the arrangements for the children.

**Concerns (need for protection from harm)**

1. I am concerned about the safety of the children whilst they in the care of the father for the following reasons:
	1. By the time the relationship ended, he drank around a 12-pack of XXXX beer approximately every second night from about 4pm until he passed out drunk in bed sometime around midnight.
	2. This meant that he did not wake up when the children cried in the night.
	3. He also woke up several hours after the children on the day following a drinking session and behaved irritably after he woke up.
	4. He has sworn at me and slammed my head into the wall when the children were in the house.
	5. Troy doesn’t understand Jacinta’s special needs.
	6. Troy has a new girlfriend and I am worried he is violent to her.
2. Troy recently appeared at Jacinta’s day care and Clint’s school without warning. Staff refused him entry on the grounds that he appeared drunk, which should be in their records.

**Children’s health**

1. Troy had no interest in the children’s health when we were together. I would take the children to all of their appointments.
2. However, recently Troy seems to have become very interested in the children’s health. He has been demanding information from me and when he hasn’t been able to attend appointments has demanded I text him with the results of the appointment within 15 mins. I am finding this very stressful.
3. Jacinta’s GP has told me that she may be developmentally delayed. Troy doesn’t want to accept that Jacinta is slow or that she might be autistic.

**Personality, needs and attachments of the child/children (s60cc factors)**

1. Both children are generally happy and well-behaved. Clint occasionally has tantrums and Jacinta is quite shy around people she does not know well. They seem to be progressing well at day care/school.
2. The children and I have a very close and loving parental relationship. The children are not close to their father as he would not see them for periods of up to 6 months due to deployment.
3. The contact supervisor told me in January that the children were very nervous of Troy during his contact visits. Jacinta in particular was very clingy and did not want to spend time with Troy.
4. I have done some internet research and am aware that difficulty with a change in routine is often a characteristic of children with autism. I do not believe that Troy has done any research into autism,
5. The children have a good relationship with my parents who spend time with them at least once per fortnight. They are also close to my sister who visits when she is in Brisbane.
6. I have always supported the children having a relationship with Troy’s family. However, even though I have invited Troy’s family to various events over the years they have declined to attend. I don’t think they like me. They have not attempted to communicate with me at all since Troy and I separated.

**Orders sought**

1. I seek that Troy’s time remain supervised because I am concerned about the things mentioned above.
2. It would not be practical for us to share the care of the children as I can’t communicate with Troy and he works full-time.

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| Affirmed by the deponent |  |  |
| at Brisbane |  | Elizabeth Taylor Williams |
| on 27/02/2019 |  | Signature of deponent |
|  |  |  |
| Before me: |  |  |
| Bob Witness |  |  |
| Signature of witness |  |  |
| Full name of witness: Bob Witness |
| Qualification of witness: Justice of the Peace |