

“Domestic Violence And Divorce”

By Alicia Williamson on 3/24/2008

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According to the Department of Justice, domestic violence affects more than 10 percent of the U.S. population, or approximately 32 million people. Nearly 5.3 million incidents of intimate partner violence occur annually among U.S. women 18 years of age and older, and 3.2 million such incidents among men. Sad to say, but domestic violence is a very common occurrence in our society and often escalates when two individuals start divorce proceedings.

What Exactly is Domestic Violence?

When defining domestic violence, the simplest definition would be to say that it is any behavior that attempts to control and gain power over an intimate partner. It is any type of assault inflicted on one household member by another and which causes physical, emotional psychological, sexual or economic harm. In the United States it has been found that 70% of all domestic violence occurs after a couple has separated and that abusive men are more inclined to harm a spouse or child during the separation. Consequently, if a man has tendencies towards violence, it's very likely that it become worse during a separation. It is for that reason that it's very important for a woman who is going through divorce to be cognizant of the increased risk, which means she should pay attention to the warning signs by keeping herself and her children safe.

Divorce and the Victim

Finding the courage to get divorced can be very difficult. In fact, many times a victim may want out of the abusive relationship and consider divorce but they may be very frightened of the consequences. The abuser often threatens the victim so they are afraid to leave. So for anyone who wonders why the person stays, it's often because they are terrified of what might happen to themselves or their children.

The signs of abuse are usually seen in the following ways:

- The abuser may call the victim names or make fun of them
- The abuser may threaten to take the children away from the victim
- The abuser may keep the victim from visiting with family and friends
- The abuser may have unexpected and uncalled for bursts of anger
- The abuser may be jealous for no reason
- The abuser may control all the money
- The abuser may hit, kick or throw things at the victim.
- The abuser may force the victim to participate in things that make them uncomfortable.

Common Risks When Seeking Divorce

While there are many women abusers, it is more common to hear about male abusers. Going through a divorce is extremely emotional for anyone but for those

with abusive tendencies, who are often not equipped to handle their emotions, the risks are high. Many times, these people resort to violence during and after a divorce. The most common risks particularly to women can occur if someone other than the abuser fathered the woman's child. If that's the case they may take it out on the child. Other times a partner becomes so enraged they falsely accuse their partner of cheating. They also may threaten to injure or kill the partner. Sometimes abuse is more subtle and may come in the form of making a person feel worthless, holding back money or controlling the person by keeping them from leaving the home. If the abuser has a drinking or drug problem, the problem escalates, but alcohol or drugs do not cause domestic violence. Domestic violence is a result of the abuser's need for power and control.

Seeking Help From a Divorce Attorney

While most divorce cases can be handled through mediation, when it comes to domestic violence, mediation should never be considered. Instead, it's imperative that these types of situations are handled in a court of law so that a judge can issue orders against the abuser. Consequently, when a victim reaches out for assistance, if the threat of domestic violence is a factor, a divorce attorney should be aware of any problems involving domestic violence. The person filing for divorce should tell the attorney if there is any danger and the divorce lawyer should be prepared to handle domestic violence issues. A victim should only speak to an experienced divorce attorney who can protect their legal interests and safety issues. A divorce attorney should notify an abused woman well in advance of her husband being served with divorce papers. In that way, the woman can find safety for herself and her children. The judge will be sure to avoid child custody and visitation rights to an abuser.

Is the Accusation of Domestic Violence Ever False?

In most instances, if a woman or man claims to be a victim of domestic violence, they're telling the truth. But on occasion, when partners are involved in a messy divorce, they may not be telling the truth. Sometimes there is conflict over who will have child custody, or who has to pay child support. In these instances, an angry partner may lie and accuse their spouse of domestic violence. In these cases, it's very important to speak with a qualified divorce lawyer who can protect your legal rights. Otherwise, if you are falsely accused of violence, you could lose your child custody and visitation rights.

About the Divorce Attorneys at Straight Divorce

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