



Domestic Violence and Divorce

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What is domestic violence?

There are four types of domestic violence:

- **Physical abuse** is what most people think of when they think of domestic violence. Physical abuse includes hitting, punching, slapping, kicking, choking, shoving, being hit with objects or being held against one's will.
- **Emotional abuse** includes yelling, name-calling, repeated insults, isolation, threats or hurting pets. Emotional abuse also includes "crazy-making," a process that questions the victim's sense of what is real and what isn't.
- **Sexual abuse** includes, among other things, unwanted sexual touching, demanding sex and rape. Marital rape is also a type of sexual abuse. Marital rape is defined as any sexual activity by a married or cohabiting partner that is performed without the consent of the other partner.
- **Stalking** includes following someone when they leave the house, harassing phone calls, purposefully running into the victim in public places, and calling or stopping by the partner's workplace too often.

The abuser's need for power and control is often woven through many domestic violence situations, regardless of the type of abuse.

Power and control

There are many different ways that abusers may try to control their partners. They may:

- Threaten to hurt their partners or themselves in order to get what they want.
- Exert power over their partners by acting based on the idea of "male privilege." Male privilege includes: treating partners like servants, making all of the decisions and being the one to determine how men and women should behave.
- Economically abuse their partners by preventing them from having a job, making partners ask for money or not giving partners access to the family income at all.

Following break-up or divorce, abusers may:

- Use the couple's children to control partners.
- Threaten to take children away or use visitation as an opportunity to harass their ex-partners.
- Intimidate their partners by destroying property, showing partners their

weapons and abusing pets.

These actions intimidate and control partners until they are afraid to ask for help. Many abusers also isolate their partners from family and friends so they feel that there is nowhere to turn when they do decide to seek help.

Cycle of violence

Domestic violence tends to follow a specific pattern over time called the "cycle of violence." The cycle of violence has three stages:

During the tension-building phase, abusers often verbally harass their partners. They are afraid that their partners will leave them and they become more possessive, jealous, and aggressive. During this phase, partners may do anything to try and keep the peace. They are very nurturing and go along with whatever the abuser wants. Some victims may try and set the abusers off in order to get the abuse over with. Partners often make excuses for abusers' behavior during the tension-building phase.

The second phase involves acute battering. Abusers are extremely unpredictable and often seem to be out of control. Abusers blame their partners for the abuse and may fail to confine their abusive behavior to the home. Abuse may not necessarily be

physical. It can involve humiliation or intimidation as well. Partners are left to passively accept the abuse and often minimize the abuse to themselves or others who may question them.

The last phase is often referred to as the honeymoon period

because abusers are calm, loving and apologize for their actions, promising their partners that “it will never happen again.” Partners often feel guilty about possibly leaving the abuser. They often hope that the abuser will change.

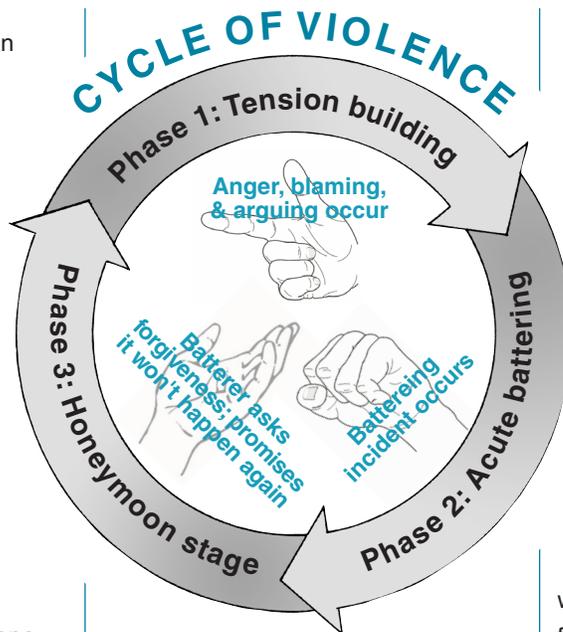
Over time, the tension-building and honeymoon stages get shorter and the battering increases. This pattern results in battering incidents that become increasingly longer and more severe.

This cycle works to keep partners in abusive relationships by controlling them. Partners hope that abusers do not mean to harm them and will change. Secrecy, fear, lack of opportunity, and low self-esteem all combine to make leaving an abusive partner extremely difficult. Leaving may also be difficult because abusers often escalate violence in order to keep their partners in the relationship. If abusers detect that their partners may leave, their partners’ risk of injury or death increases.

Child protection and custody issues

Getting an attorney

Many abused women fear losing custody of their children to their abusive husbands. If any aspect of the custody arrangement or visitation is being disputed, get an attorney.



Domestic violence cases involve complex issues (such as, power and control dynamics, fear). Try to find an attorney who understands domestic violence and has experience with domestic violence divorce cases. To locate an attorney, ask:

- ✓ local victim advocate services,
- ✓ other victims of domestic violence,
- ✓ local legal services,
- ✓ the state bar association.

Be sure to ask about attorneys who offer their services at a reduced fee or on a no-charge (pro bono)

Safety issues

Safety during an abusive incident

There are some important things you can do to protect yourself during an abusive incident:

- ✓ Go into a room or area that has access to an exit; not the bathroom, kitchen or anywhere near weapons.
- ✓ Practice how to get out of your home safely.
- ✓ Keep a packed bag ready and hidden in order to leave quickly.
- ✓ Identify a neighbor you can tell about the violence and ask to call the police if he or she hears a disturbance
- ✓ Devise a code word to use with your children, family, friends and neighbors when you need the police.
- ✓ Develop a plan for where you will go if you have to leave home (even if you don't think you will need to). Know the number of a shelter in your area you can call if you need a safe place to stay.
- ✓ Use your instincts and judgment. If the situation is dangerous, consider giving the abuser what is necessary to calm him or her.

Safety when preparing to leave

Being prepared to leave an abusive situation can be the difference between success and failure:

- ✓ Open a savings account in your own name. Think of other ways to make yourself more independent.
- ✓ Leave money, an extra set of keys, copies of important documents and extra clothes with someone you trust so you can leave quickly.
- ✓ Determine who will let you stay with them or lend you money.
- ✓ Keep shelter and other important phone numbers close at hand.
- ✓ Make a safety plan and review it regularly in order to plan the safest way to leave.

basis. Sometimes they give preference to victims of domestic violence.

Representing yourself

If custody arrangements and visitation are being disputed and you cannot afford an attorney, you can represent yourself in court. Seek out expert advice from local domestic violence programs, law school legal clinics, and the state bar association. To reduce the costs of representing yourself, ask the court to waive fees you are unable to pay. Only represent yourself if you have no way of getting an attorney.

Protecting yourself

Whether or not you are representing yourself in court, you should keep copies and records of the following:

- ✓ Written records of all interactions with the abuser, including exact times and dates children are picked up and returned, dates and amounts of child support paid/owed, and any violations of court orders of protection;
- ✓ Documentation of abuse, including police reports, medical records, photographs, and claims for crime victim compensation;
- ✓ Certified copy of marriage certificate;
- ✓ Rent receipts, bank statements, utility bills, credit card records, children's report cards.

These documents may be necessary when going to court over custody arrangements or visitation. You may also need them if there are future incidents of abuse or motions to modify custody or child support.

During the divorce process, you may have to make a number of decisions about the future of your children. There is a great deal of emphasis by the courts on cooperation between divorcing parents. Remember, University of Missouri-Columbia

however, that mediation and joint custody arrangements can be dangerous for survivors of domestic violence and their children. You can ask the court to waive mandatory mediation because you are a victim of domestic violence.

Don't assume that mothers are favored in custody disputes. Sometimes courts favor the friendly parent, or the parent who seems most cooperative, so avoid making negative statements about your former spouse during the divorce process. Instead, focus on what

Co-parenting after divorce

If you have continued contact with your children's other parent as a result of the custody arrangement or visitation, consider the following ways to ensure the safety and well-being of you and your children:

- ✓ **Recognize continued abuse and control attempts.** If abuse continues, document it. Continue to document interactions with your former spouse as described under "Protecting Yourself."
- ✓ **Set boundaries.** Change your locks if your former partner has a key. Decide who is and is not allowed to enter the house. Decide what topics you will talk to each other about and what methods you will use to communicate (in person, by telephone, by e-mail, leaving notes or messages for each other, etc.).
- ✓ **Prioritize safety.** Exchange children in a neutral public place and consider having a third party present. Inform teachers and other care providers exactly who does and does not have access to your children.
- ✓ **Foster positive adjustment for you and children.** You or your children may continue to experience symptoms of stress after the divorce. Some symptoms that are commonly reported by people who have experienced domestic violence are:
 - Fear of closeness or difficulty trusting others;
 - Post-traumatic Stress Disorder (signs include reexperiencing the traumatic event, feelings of numbness and constantly feeling "on edge");
 - Depression;
 - Anxiety;
 - Low self-esteem.

The divorce transition may be difficult for your children, even though it may ultimately result in a healthier and happier life for them. Also, children may continue to experience distress even after the domestic violence has ended.

Some **signs of stress** to look for in your children:

- Fear or anxiety;
- Sleep problems;
- Physical complaints (e.g. stomach aches or headaches);
- Aggressive (e.g. biting, hitting, kicking) or defiant behavior;
- Delinquent behavior;
- Problems at school;
- Withdrawal or depression.

Encourage your child to communicate his or her feelings. Seek support and help for yourself and your children. Professional counseling can be very beneficial to adults and children who have experienced or witnessed domestic violence. Other resources are listed at the end of this guide.

is best for the children. However, it is still important to let the courts know about the abuse because it does bear on what is in the best interests of the children.

Whether represented by an attorney or yourself, learn more about these issues. You have a right to justice and safety!

If you develop a post-divorce parenting plan with your children's other parent, be specific. Don't assume your former spouse will cooperate because he or she promises to or is being nice during the divorce process. Get in writing what is expected of each of you in your new roles and what steps will be taken if there is a need to change the plan.

When making these decisions, think about the long-term well-being of your children. Many survivors of abuse just want to get the divorce over with so they can move on with their lives. In doing so, they compromise the safety of themselves and their children. Avoid compromising out of fear or for the sake of getting it over with. However, it is still important to take your safety seriously. Do not hesitate to go into protective custody or a shelter and to get an escort to court and elsewhere.

Conclusion

Safety is the first priority in domestic violence situations. There are steps you can take to protect yourself and your children. Contact the National Domestic Violence Hotline, 1-800-799-SAFE, or a local shelter for more information.

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