

# **DIVORCE IN DENVER**

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## **Shielding Yourself From Domestic Violence**

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*Protect yourself and your children from the physical and mental trauma of domestic violence while undergoing a divorce.*

According to the article "Determinants of Divorce Among Women: A Reexamination of Critical Influences," written by M.A. Dolan and C.D. Hoffman and published in the *Journal of Divorce & Remarriage* in 1998, research shows that physical abuse and domestic violence are cited as one of the top four reasons for divorce. Defined as a pattern of behavior used to establish power and control over another person through fear and intimidation, domestic violence takes place in far too many intimate relationships. Violence can be criminal acts such as physical assault, sexual abuse, and harassment or stalking. The abuse can also include noncriminal acts of economic and psychological abuse characterized by disrespect, attacks on self-esteem, pressure, manipulation, financial control, and isolation.

Domestic violence knows no boundaries. It happens to people of all ages, races, ethnicities, religions, economic classes, and in both opposite-sex and same-sex relationships. Although there are a few reported incidents of women battering their male partners, statistics show that the majority of abusers are men and more than 85% of domestic violence victims are women. In fact, a 2003 report by the National Center for Injury Prevention and Control, "Costs of Intimate Partner Violence Against Women in the United States," holds that more than 30% of women will experience physical violence from an intimate partner at some point in their lives. The Domestic Abuse and Assistance Program reported in 2004 that 5,677 women and children were sheltered in domestic violence safehouses in Colorado; an additional 4,793 women could not be placed because the shelters were full.

## Safety Planning

If your partner is abusive, your safety and your children's safety are extremely important. This is especially true if you are leaving your partner. Many women make the courageous decision to leave an abusive relationship. Yet, statistically, women experience the highest risk of violence during the process of separation. Leaving threatens the abusive partner's control and often evokes greater violence. Thorough safety planning during and after a separation and divorce is crucial.

For comprehensive safety planning, you can seek assistance from a local domestic violence organization. To find the domestic violence program closest to you, call the National Domestic Violence Hotline at 1-800-799-SAFE (7233). Advocates at your local organization may be able to help you with housing, counseling, economic assistance, job placement, child care, medical care, and many other types of support. Advocates can also provide guidance if you are moving a case through the criminal and/or civil justice systems. Although no one other than a licensed attorney can give you advice, some advocacy organizations offer self-help clinics staffed by volunteer lawyers.

Whether you have discussed your safety plan with a domestic violence advocate or a trusted friend or family member, you might determine that you need to file for an order of protection as a piece of your safety plan. An order of protection, sometimes also called a restraining order, is a court order that requires one person to refrain from harming another person. An order of protection may include provisions that order the abuser to stay away from you, your home, or your workplace, and to stop contacting you by any means. The courts can also order the abuser to turn over any guns, attend a batterers' treatment program, or start a counseling program to treat abuse of alcohol or drugs.

### **Survival Strategies: How One Woman Conquered Domestic Violence**

As a survivor of an extremely exploitative relationship, I would say that the single best decisions I made for myself were to (1) call the cops and get him out and (2) to insist on a parent coordinator, which took me out of the loop of "communication," i.e., further abuse. That did more to stop the cycle of unending rage, projection, attack, and being undermined than anything I could have imagined. I was then able to set limits on things such as his telephone contact and entry into my home. As I understand now, ours was never "love," but rather envy, which inherently brings about the need to destroy the other. Thank God I am out, but I am still recovering and will be for the rest of my life.

Watching Oprah has taught me a lot about predation, grooming, and being targeted – *none* of the marital therapists got it! I was so ashamed, so terrified, and so alone! Another person who helped was Sister Joan Chittister. After I called the cops, I was so shaken, stunned, horrified, and in disbelief. I happened to go to a workshop by Sister Joan Chittister called "The Next Step on the Journey to Justice for Women." I was crying and told her I felt so lost and alone, and like my world had ended. She took me in her arms and said, "Oh, honey, your life has just begun!" It's taken years, but she was so right!

As part of your safety planning, keep a certified copy of your order of protection with you at all times. Let friends, neighbors, and employers know that you have an order of protection in effect and that the police should be called if the abuser violates the order. If the abuser does something that the court has ordered him not to do, you can call the police and ask them to enforce the order. If you are unable to call them when the violation occurs, they should still take a report if you call them soon after the violation took place.

If you are separating from an abusive partner, there are additional safety precautions you should consider taking as part of your safety planning. These include changing your locks, putting a deadbolt on your doors, installing a security system, making sure that the outside of your house is well lit with motion-sensitive lights, keeping bushes around your house well trimmed, and having a plan for getting help in an emergency. Talk with your neighbors about your situation and agree on a signal that will indicate for them to call the police. A safety plan might also include taking different routes to work, to the children's school, to the grocery store, to the bank, and to any other place you go on a regular basis. If you can, change the hours that you work or vary your routine. You might also want to change your phone number, telling the phone company to not list your new phone number. Be sure to have your phone number blocked so your partner won't be able to get your new, unlisted phone number.

### **Seeing Your Partner in Court**

While you are in the process of getting a divorce, you might need to see an abusive partner in court. Keeping safe might involve making special arrangements for getting to court, moving around once inside the courthouse, and for leaving the courthouse. You might want to get to court well before your hearing. Ask an advocate from the local domestic violence organization, a friend, or a family member to go with you. Find out if a law enforcement officer will take you to the courthouse and ask the officer to walk you inside.

Once you're inside the courthouse, travel with the people who came in with you. Find a place where you can wait and not be seen. Let the bailiff or courthouse security know if your abuser harasses or tries to intimidate you. When leaving the courthouse after your hearing, ask the judge to keep your abuser in the courtroom until you can leave. If the judge won't require him to remain in the courthouse, let your abuser leave first and then wait for a while. Consider asking a law enforcement officer to walk out with you or have a friend pick you up at the exit.

### **Custody Concerns**

You might also need to hire a lawyer to assist with your divorce and any custody issues. If you are able to afford an attorney, hire one! You have enough to handle without acting as your own lawyer at this difficult and emotional time. Because custody cases are complicated, it is important to try to find a lawyer experienced with domestic violence cases. When you're interviewing lawyers, be sure to ask about their

experience with custody and domestic violence cases and their experience with taking cases to trial. It's important that you shop around and hire someone with whom you feel comfortable because this person will be your voice in the courtroom.

For all children, the divorce of their parents is a challenging and life-altering transition. For children who have been exposed to parental battering, divorce can be one in a series of traumatic family events. Separation and divorce often do not ensure the end of family violence. The process of marital dissolution and custodial determination can evoke protective and healing changes or destructive and re-traumatizing processes for children. Discuss your concerns about your children with your lawyer so he or she can try to make the process as positive as possible for your children.

Judges make decisions about child custody based on what they think is in the best interest of the child. Although this is defined differently from state to state, the best interest of the child is the central legal issue. In a divorce case with no marital violence history, the goal is the promotion of the child/parent relationship. Therefore, the custodial and visitation assessment would be focused on the child's stage of development and needs, the parental ability levels, and the family's activity schedules.

It is important for the court system to recognize the significantly different visitation and custodial needs for children who have experienced family violence. With a relationship in which one parent has been violent, the primary custodial and visitation issue becomes the safety of the nonoffending parent and children. The court evaluation ideally shifts to assess the level of danger and lethality of the abusive parent, the impact of the violence on the mother and child, the abuser's accountability regarding past violent behavior, battering treatment and progress, and the nonoffending parent's safety plan.

Separating from an intimate partner is almost always difficult. When domestic violence has been a part of the relationship, separation can be even harder and sometimes dangerous. In addition to dealing with all the other changes that come with separation, you are faced with keeping yourself and your children free from harm. Although this experience can feel isolating, realize that you are not alone. There are many domestic violence programs throughout Colorado that provide a variety of services and support for women and children who are survivors of domestic violence. Through these resources, as well as with the support of friends, family members, and neighbors, you can stay safe – which is the first and most important step on the road to healing.

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