

Domestic Violence and Its Effects on Family Law Clients



By Ilene Fletcher & Greg Butler

Family Law cases often involve domestic violence allegations. Restraining Orders are very common in Family Law cases. Statistics tell us that 85% of those who are abused are women. Since we live in a community with a great deal of cultural diversity, it is important to also understand that in most countries around the world wife beating is an acceptable form of control. This cultural component is exported to our community in Los Angeles due to the sheer numbers of immigrant clients. One of the most difficult concepts in understanding domestic violence has to do with why battered women stay in abusive relationships, often for many years and through the birth of various children. There are various theories about why they stay. The most accepted theory was formulated by Lenore Walker in 1979 and is called the “Cycle of Violence.” This theory defines the tension-building phase, the acute phase (the actual battering), and the honeymoon phase. By going through these phases, there is always renewed hope that things will get better, especially during the honeymoon phase—but they don’t. The power of commitment to stay together with someone through thick and thin is also very powerful, along with other social, cultural, and religious influences that keep couples together. Many people also believe they are helping their children by staying together, regardless of the circumstances.



Domestic violence begins with lies and alienation from others. One of the first ways that a batterer exercises control over the other party is to cut them off from others, including their extended family, so they cannot be influenced. This isolation makes it harder for the person being abused to judge the situation clearly; they are left to listen only to the batterer. Economic issues and the lack of resources can also contribute to staying in the relationship. The conflicting values of loving and being committed to someone and then being hurt by that same person can lead to justification for the behavior. The web of oppression, fear, and confusion that the batterer produces in the battered person lead the battered person to learn to be helpless. This is a type of socialization that the family teaches to its members—forcing them to seek stress relief and coping through unhealthy behaviors, including alcohol and drug use, overeating, shopping addiction, and gambling. The most affected of all are the children in a home where domestic violence is occurring. Children tend to accept family standards; they internalize the practices and these behaviors become almost second nature to them. This leads to the intergenerational transmission of domestic violence. Children raised in a war zone at home will tend to feel insecure, affecting the bonding with their parents. Later in life, this absence of healthy bonding can produce behavioral issues for these children when they become adults.

Clients who find themselves in Family Law Court have often experienced domestic violence in the home. As a professional charged with aiding the client, you might ask yourself why the abused person did not report the abuse and attempt to have the abusive partner convicted. Most of the time, you find yourself working with only a Restraining Order that accuses the partner of abuse. When these partners are battling through the legal system, they may demonstrate characteristics of their embattled relationship. For example, a batterer will seek to control the other partner during litigation. They sometimes want to punish the other partner as well. They will sometimes

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think more about themselves than the children. This can result in unreasonable requests and expectations. The partner who was abused may not tend to defend themselves sufficiently, being able to voice only their hurt feelings and not focus on the facts that could influence the case. The abusive partner may still be seeking to control his ex-partner.

Recovery from abuse and the rehabilitation of the abuser can help to break the Cycle of Violence. In California, as you probably are aware, batterers are sent to a 52-week program to learn empathy and how their actions affect others. They must recognize when they are being controlling and find better ways to interact with their future partners. The person who has been abused needs to learn about domestic violence and its cyclical nature to as not to fall into the same trap again. They often feel a great deal of guilt and shame; even they wonder how they could have allowed such a relationship to continue as long as it did. They feel sadness and desperation; they are broken. Many times they are still fearful of the abuser. Recovery from being abused can take a great deal of time and work in therapy before the abused person feels secure again. Trauma never goes away. We only cope by having tools and doing self-care; recovery is a life process.



It is the children who are often left out of the equation when it comes to getting better. Little is offered to children to learn how domestic violence has affected them. They are in some ways doomed to re-enact what they have witnessed when it comes to relationships. While it is a recognized fact that most children blame themselves for the family breaking up, each parent needs to feel that the children accept them and do not blame them. This desire for the children to need them and accept them as the crucial parent drives many clients to a variety of actions, both legal and otherwise.

It is a well-known fact that domestic violence relationships are not always as simple as abuser and abused; there is often mutual abuse. We have witnessed situations where the abuser has gotten a Restraining Order against the person who was abused (while they were defending themselves). Sometimes everything can be upside down in these cases. Some of these clients want to use the Courts to help them control the other party, even at the expense of the children at times.

Understanding domestic violence is important in trying to help your clients. With abusers, empathy is necessary; remember that the abuse is a result of trauma that they have experienced as children themselves. In many cases, they did not know they were abused; it became a life style. Owning it is the first step to healing. With the abused client, helping them to find their voice with solid referrals is key for change, especially for therapy and support. A professional monitoring agency that provides monitors with experience and education in the area of domestic violence can be critical in helping both parties to deal with the issues of visitation. Successful visitation can help to reduce further trauma and be part of a process of healing for the family and children exposed to domestic violence.



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