



Good People Can Face Bad Charges

Men and women alike are wrongfully charged with domestic violence every day – especially when divorce proceedings are under way. In fact, 50 percent of all divorce cases involve a restraining order, a claim of domestic violence, or both.

During a divorce, a petitioner may claim domestic violence as a strategy for:

- **Gaining exclusive use of the marital home**
- **Winning sole custody of minor children**
- **Creating a “bargaining chip” for a larger financial settlement**
- **Draining a former partner’s assets and resources – both financial and emotional**

A claim of domestic violence can quickly spiral into a nightmare for the accused:

- **Once police are called, they can arrest the accused party immediately**
- **The accused may not be allowed to return to the marital home until the case is resolved**
- **If children are in the home, the DCF will be involved**
- **A criminal court may issue a no-contact order regarding minor children**
- **The accused is now facing a criminal case and possibly a civil restraining order**

It can take months to work through all of these court proceedings – and can be a huge distraction and drain on your resources if you are facing a battle for custody or spousal support.

If you or a loved one are facing an acrimonious divorce, and fear the possibility of false domestic violence charges, we recommend actions that may proactively limit the danger:

- **When interacting with your spouse, use your cell phone to record conversations**
- **When possible, have witnesses to exchanges with your spouse**
- **Sleep in separate bedrooms**
- **Document your daily activities – keep a log or diary of where you were, who you saw, and keep any receipts of purchases**
- **Keep your driver’s license, birth certificate, car titles, and bank cards in a safe place**
- **Change all of your log in information, such as passwords to bank accounts, cell phones, and social media**
- **Notify family members of your concerns**

If the worst has happened and you do stand falsely accused, the most important thing you can do is hire an attorney with experience in this area! Your divorce attorney can steer you through custody issues, financial plans, and property settlements, but may not have the experience necessary to fight a domestic violence or battery charge. The Misdemeanor Clinic can help you fight bad charges – contact us at (561) 425-8229 today.