

Domestic Violence

The COVID-19 global pandemic has led to truly unprecedented time. As city and state leaders have issued stay at home orders to help slow the spread of COVID-19, there are concerns that such measures have led to a dramatic increase in domestic violence. Victims are not only being forced to self-isolate with their abusers, but their ability to access help and resources from the outside world is severely restricted during this time. It is important for victims of domestic violence to know that while courts are closed for all non-emergency matters, measures have been implemented allowing judges to continue issuing Temporary Domestic Violence Restraining Orders on an emergency basis.

There is a common misconception that domestic violence is limited to just physical violence. However, under the law, domestic violence encompasses much more than just physical violence. Without a broader understanding as to what exactly constitutes domestic violence, many victims of domestic violence not only fail to recognize that they are victims, but also fail to recognize that they may be able to seek protection from their abuser with the protection of a Domestic Violence Restraining Order.

Under California law, domestic violence is defined as abuse, or threats of abuse, when the victim and the abuser are, or used to be, in an intimate relationship. To be deemed an “intimate relationship” the victim and the abuser must be either married or registered domestic partners, divorced or separated, dating or used to date, living together or used to live together, have a child together, or be closely related. Pursuant to statutes, “abuse” is defined as any of the following: (1) to intentionally or recklessly cause or attempt to cause bodily harm (e.g. kicking, shoving, pushing, pulling hair, throwing items); (2) Sexual Assault; (3) Making someone reasonably afraid that they or someone else are about to be seriously harmed, including threats or promises to harm; or (4) Behaviors like harassing, stalking, threatening, or hitting someone; disturbing someone’s peace; or destroying someone’s personal property.

It is important to understand that under California law, domestic violence is not limited to just physical violence, but it also includes verbal abuse, emotional abuse, financial abuse, or psychological abuse. In fact, an abuser often uses a combination of physical, verbal, emotional, and/or psychological abuse to try and exert power and control over the victim. While not an exhaustive list, lesser known examples of domestic violence include isolating a victim from family and friends, demeaning the victim with put-downs, controlling every penny of what the victim spends, controlling who the victim is allowed to see, where the victim goes, or what the victim does, blocking the victim’s movements, preventing the victim from making his or her own decision, destroying the victim’s property, tracking the victim, threatening to hurt the victim’s pets, and pressuring the victim to engage in sexual acts.

Especially during these trying times, if you believe you are the victim of domestic violence as defined above, it is important to know that steps can be taken to protect you. You are not without resources and our office is here to help.

Contact our law office today at (949) 565-2793 to request a free initial consultation with one of our compassionate attorneys. We are conducting all new and existing consultations via phone, video or email due to COVID-19.