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Commentary

My Daughter's Spouse is an Abuser. What are my Legal Options?

Ask any parent how much they should intervene in their adult children's lives and the answer will be a definitive, "Only as much as they want."...

By **Daniel Pollack & Bari Z. Weinberger** | February 04, 2021 at 12:50 PM



Ask any parent how much they should intervene in their adult children's lives and the answer will be a definitive, "Only as much as they want." But let's say your daughter is being abused. She has lots of legal options, but what are yours on her behalf?

First things first

Domestic violence occurs in every kind of partnership, from marriages to casual dating relationships. No sexual orientation, income bracket, race or ethnicity is exempt. According to the Centers for Disease Control and Prevention, “about 1 in 4 women and 1 in 10 men have experienced contact sexual violence, physical violence, and/or stalking by an intimate partner during their lifetime.”¹

So, from a legal perspective, what can you do to help your daughter? Before addressing this question, there’s a more important one: Does your daughter have a safety plan? A personalized safety plan is a realistic plan that can help a victim avoid dangerous situations. The elements of a safety plan include:

- things the victim needs to have prepared and do before leaving the abuser;
- things the victim needs to do immediately upon leaving;
- a list of people to call and things to do once the victim is safely away from the abuser.

Simply stated, an abused person must create a safety plan in which the right resources can be applied at the right time in a potentially dangerous situation.

Legal Options

Here are some legal options:

- Temporary restraining order. This is an order of protection that prevents abusers from having contact with victims for a certain period of time. A

¹ <https://www.cdc.gov/violenceprevention/intimatepartnerviolence/fastfact.html>

judge may convert a temporary order into a final (permanent) order of protection after a formal hearing. Be prepared that you may be called on to give testimony as a witness to the abuse. Start keeping records of what you notice and when it occurred.

- Safeguarding children. When the abuser and victim have children together, the victim can request a temporary order of sole custody. Depending on the circumstances, the court can prevent all contact between the alleged abuser and a child or may allow only supervised visitation. If the victim parent cannot assume sole custody, grandparents may be given temporary guardianship of the children.
- Obtaining money to live. Victims can apply to the courts for temporary alimony and temporary child support at the same time they file for a restraining order. No contact with the abuser is needed to obtain support payments. Victims may need help budgeting to ensure that expenses such as groceries and rent are met.
- Special help for financial abuse. In the vast majority of domestic violence cases, abusers exert financial control through means such as forcing victims to turn over their paychecks, giving victims an “allowance,” or demanding receipts for even the smallest of purchases. The courts can help victims restore access to joint accounts. You may again be an important witness that can inform the courts about the extent of the abuse.
- Divorce and separation. When a victim decides to end an abusive marriage, separation and filing for divorce are the next logical steps. The divorce

process involves dividing marital assets, including retirement plans and the family home. Final decisions about alimony and child custody must also be determined. You can help by tracking down a divorce attorney who offers free consultations and has experience with domestic violence. You can even attend attorney meetings if your daughter agrees.

Taking the next steps

What can you do to help your daughter right now? Think practical: consider buying her a separate cell phone with a private number. Most pay-as-you-go phones can be discreetly set up. You can also help her with documenting all instances of domestic violence, including taking photos, making notes of places and times, and recording names of any other witnesses.

But most of all, you can send her the clear message that you are her safe person. Let her know that when she is ready, you will be with her every step of the way.

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