

Options for Domestic Abuse Victims During the COVID-19 Lockdown

By Alexandra Roth

It is hard enough navigating through a world infiltrated and overwhelmed by the unseen enemy of COVID-19. But it is harder still if you are quarantined with an abusive partner. Whether you are currently embroiled in a divorce or thinking of separating from your partner, abusers are likely using the virus as an opportunity to seek further control. This control takes many forms —threatening sole custody, talking trash to the children about you, curtailing financial support or, worse, becoming physically violent. Abuse tends to move in cycles, with tension mounting before the abuser erupts. The emotional, psychological and financial stress caused by the pandemic has created an atmosphere ripe for the “tension-building” phase of the cycle of abuse. What are your options during these times if you are in a relationship that is marked by domestic abuse or scarred by actual violence?

Arming yourself with knowledge of the legal field is truly powerful — it will allow you to have the upper hand the next time you hear “you will never see your kids again.” In my experience, abusive partners tend to throw around legal jargon without any actual understanding of what they are saying. It is simply another means by which they try to make you feel helpless. Step one is speaking to a family law attorney who can give you a basic understanding of the law and your financial and custodial rights as an equal partner or parent.

Many individuals in these circumstances have three major concerns: (i) access to the children; (ii) access to the house; and (iii) access to finances. An attorney can address all of these concerns and put your mind at ease or fight on your behalf, if that’s what’s necessary. Some important points to keep in mind:

- Custody is not a win or lose contest between you and the other parent — the best interests of the children will always come first. However, courts will judge that contest in large part on whether a parent facilitates the relationship between the children and the other parent or seeks to undermine it.
-

-
- You have a legal right to remain in your home even if you are not the title-holder. And you may even have a right to exclusive use and occupancy if your partner (a) presents a physical threat or (b) has both caused “domestic strife” *and* demonstrated an intent to establish an alternative residence.
 - Just because one partner has more financial resources than the other does not mean that he or she gets to dictate how much of those resources are available to the other partner. Rather, courts will generally obligate the monied partner to provide the other partner with reasonable support both while a divorce is pending and afterwards.

Of course, if you feel that you or your children’s safety or financial security are at risk from an abusive partner, you should contact a family lawyer as soon as possible. In addition, there are multiple resources readily available to support and protect you from an abuser while you’re in quarantine:

- The New York City Family Courts remain open for emergency applications regarding (a) orders of protection, including updates to existing orders and (b) custody or visitation issues. A qualified family lawyer can help you navigate this process.
 - NYC Hope is an excellent site for resources, offering tips, information on domestic violence and call centers for assistance: [NYC HOPE](#)
 - A 24-hour Domestic Violence Hotline is available for immediate assistance and additional resources: **(800) 621-4673**
 - If you are being physically threatened or, worse, have actually been attacked, do not hesitate to call the police – a 911 operator will get you the help you need, fast.
-