

Definition of Spousal Abuse

Spousal abuse is a common occurrence in this country and is routinely an issue in divorce and custody actions. But as much as it is asserted in those actions there is little understanding of just what spousal abuse encompasses and how far reaching it is.

Domestic Violence

Spousal abuse is just one form of domestic violence. When defining domestic violence the central issue is control. At most basic domestic violence occurs when person engages in a pattern of physical assault, threats of violence and emotional abuse to maintain power and physical control over another member of his household.

Member of Household Defined

As domestic violence generally occurs when one member of a household takes action against another member of the household it would seem that domestic violence can only occur between people who are living together, but this is not the case. Domestic violence occurs not only between spouses, but former spouses and current and former boyfriends and girlfriends, as well, whether living together or not.

Forms of Violence

Domestic violence is not limited to physical violence, or threats of physical violence, but takes many forms. It includes actions taken to isolate a person from their friends and family; verbal abuse; intimidating actions, such as destruction of property or displaying firearms; economic abuse and interference with employment; coercion; using children and threats of kidnap; sexual abuse; and stalking.

Prevalence

Spousal abuse is sadly common. In 2001 it was reported that 20% of all nonfatal violence against women over the age of 12 was committed by current or former spouses, boyfriends or girlfriends and in 2000, a full third of female murder victims were killed by the same. Though the incidence of fatal and non-fatal violence was much lower in men the numbers still paint a picture of spousal abuse as a shockingly common occurrence.

Taking Action

All 50 states have statutes authorizing the courts to grant personal protection orders to enjoin abusive behavior. Though a personal protection order is a simple piece of paper and would never prevent somebody who is determined to abuse, generally it is enough to end the abuse. In those cases where it does not the order is can be legally enforced by jailing if broken. In addition to personal protection orders, laws have been changed so that in states where fault must be plead before a divorce will be granted, domestic violence can now serve as grounds, and in custody actions the courts in every state now consider the domestic violence and spousal abuse when considering child placement

Caution

Laws in every state differ on the definition of domestic violence. However, if you feel you have been abused do not wait to consult with an attorney. Always escape the violence first and talk to an attorney second.

National Coalition Against Domestic Violence <http://www.ncadv.org>
Intimate Partner Violence, U.S. Department of Justice, 1993-2001 (Feb. 2003)
<http://www.ojp.usdoj.gov/bjs/pub/pdf/ipv01.pdf>

Michigan Compiled Laws §§722.23, 600.2950, 400.1501