

# Domestic Violence Can Happen To Anyone

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June 14, 2016 | by Bonnie Frost

The celebrity press has reported extensively on the breakup of Johnny Depp's marriage to Amber Heard, based on her claims of alleged domestic violence.

The California court appears to have treated Heard's claims of domestic violence in parallel with New Jersey courts as if the alleged acts had occurred in New Jersey. On an emergency, ex-parte basis (without the input of Johnny Depp), the California court granted Heard a restraining order; directing that Depp stay away from her, granting her possession of the condo, denying her spousal support of \$50,000/month, denying her counsel fees and possession of the Range Rover. After having filed for divorce on Monday, Heard showed up in court the following Friday to obtain a restraining order with a mark on her face, alleging was the result of Depp throwing his cell phone at her face the previous Saturday. According to news accounts, the police have indicated that there was no sign of injury when they responded to her phone call on Saturday.

In New Jersey, if a judge believes that domestic violence has occurred, a restraining order will be issued. The order will stay in effect until a return date when there will be a full hearing where both sides' recitation of events will be heard. This is exactly what the court has done in California with a June date for the final hearing. All of the relief granted and requested by Heard could have been requested in New Jersey under the Prevention of Domestic Violence Act, N.J.S.A.2C:25-17.

Depp's lawyer has stated that Heard is making the allegations of domestic violence in an effort to "secure financial gain" in the divorce. The New Jersey domestic violence statute provides that there is a presumption that the non-violent parent be granted custody. Our Courts have cautioned judges not to issue final restraining orders when it perceives domestic violence allegations are being used to gain an advantage in the divorce proceeding, whether it be for financial gain or to obtain an order of custody.

Domestic violence is a serious issue and should not be diminished by false allegations. The New Jersey State Police Uniform Crime Report of 2013 stated that there were 64,556 domestic violence offenses reported such that an incident occurred every 8 minutes and 14 seconds, and forty three percent of those were assaults.

Depp has also stated that because the marriage was relatively short, he hopes the divorce will also be over quickly.

When the final hearing is held on the issue of whether or not Depp did commit an act of domestic violence which, if these events were to occur in New Jersey, would take place within 14 days but at most within 30 days, Depp will have the police testimony on his side. In addition, in New Jersey, our law provides that a delay in reporting domestic violence should not be held against the alleged victim and it should not affect the decision of the court. In fact, it could lead, in this case, to Heard being subjected to rigorous cross examination of the timing and therefore, the veracity of her allegations. On the other hand, it will also be an opportunity for Depp and Heard to negotiate an overall settlement of their divorce, which might in fact, have the unintended benefit of giving Heard a financial advantage in negotiating a settlement advantageous to her if Depp hopes the divorce will be over quickly.