

# What's An Abused HUSBAND To Do?

---

April 19, 2012 | by Matheu Nunn

Dear Ask the Attorney:

My wife and I have not gotten along for several years. In the past few months she's been drinking and has actually hit me or pushed me on a few occasions. I was raised to never hit a woman, but I'm really not sure what to do when she gets violent. So, what can I do?

Beaten Down Hubby

***Our guest blogger today Matheu D. Nunn, Esq. is an associate of Einhorn, Barbarito, Frost & Botwinick PC. He is also the current Morris Township Prosecutor.***

Dear Beaten Down Hubby:

In 2009, 73,709 individuals in New Jersey reported incidents of domestic violence. Of that number, 76% of the reported cases involved female victims. I present these figures so that you understand while you are in the minority of reported cases, you are certainly not alone. So, your question is, "what should I do?" The simple answer is: call the police or go to your local police department and apply for a Temporary Restraining Order ("TRO"). I understand, however, that there is no "simple" answer to your question, considering the emotional and physical abuse that caused you to ask this question in the first place.

In New Jersey, fourteen acts, including assault, qualify as domestic violence under the Domestic Violence Prevention Act (DVPA). If any one of the crimes has been perpetrated against you, and you, for example, married to or divorced from the abuser, a basis exists to obtain a TRO. She's your wife; she physically "assaults" you—the requirements for a TRO seem to be present.

The next step is to file a TRO, along with a criminal complaint. Key point: you do not have to wait until the next act of violence against you. If there is a history of abuse and the abuse is ongoing, you can apply for a TRO.

A TRO is a document that will limit the physical contact between you and your wife. The application can be made either directly through your local police department, who will, in most cases, contact a Municipal Court Judge, or, you can go to the Superior Court in the County where the abuse occurred. When applying for a TRO you must include all of the details of both the incident leading to the application for the TRO as well as previous acts of domestic violence (reported or unreported) that your wife has committed against you.

Within 10 days you will appear in Superior Court and tell the judge what your wife did that caused you to file for a TRO (your wife hit you, threatened you, etc.). The judge will decide whether or not to give you a Final Restraining Order (or “FRO”). You must also detail the other instances of abuse committed against you. The judge will enter an FRO if he/she determines that it is more likely than not that the FRO is necessary to protect you.

Some final points: an FRO stays in place until it is dissolved. After a period of time, your wife may move to dissolve the FRO; if she does, you will receive notice and the court will consider: whether you consent to the dissolution; whether you fear your wife; whether there have been any violations of the restraining order; whether your wife has alcohol/drug abuse or violence issues; whether your wife has had counseling; and whether there is a history of domestic violence. Lastly, an FRO carries serious consequences for your wife: she will be listed in the domestic violence registry, which is available to law enforcement agencies and Family Court domestic violence personnel. If she violates the FRO (by, for example contacting you) she has committed a criminal offense, which results in a mandatory arrest and in some cases jail.

While you can do this on your own, it would be helpful if you have an attorney experienced in domestic violence on your side during this time.

*“Ask the Attorney” is a blog in which answers to your legal questions submitted to [asktheattorney@einhornlawyers.com](mailto:asktheattorney@einhornlawyers.com) may be answered. The answers to the questions are for informational purposes only and are not to be construed as legal advice or the creation of an attorney-client relationship. The*

*facts of each case is different, therefore you should seek competent legal representation.*