



Abuse-onomics

Survivors of domestic violence typically incur a huge financial hit by escaping their abuser. Even though your partner may have been knocking you around, terrifying and intimidating you, chances are good that they contributed a bit to the financial support of the family unit. I understand that this isn't universal, but for the purposes of this article, we'll go with it. And the loss of that financial contribution is painful.

And if there are any financial means at all, and the abused party makes a decent income, the financial toll can be astounding and ridiculously unfair.

The [Bureau of Justice Statistics, Intimate Partner Violence - Search \(bing.com\)](#) finds that 85% of domestic violence victims are women. Almost 50 percent of marriages fail, and a significant percentage of women make more income than their husbands. I have not scrupulously researched this as I'm not writing an academic piece. My source for information is Dr Google. The salient points are presented, though, and I've lived them.

The statistics are grim. It's time for women to become proactive and protect their assets in the event of a divorce resulting from abuse. I was woefully unaware, and the result is I'm paying alimony to my non-working ex-husband who punched me in the face and tried to choke me. After the dust settled on our split, he had more dispensable income than I did, and he did not have to work at all.

Who knew? I certainly didn't. My naïve assumption was that if you abuse, you lose. The ONLY state in which that is occasionally the case at the time of this writing is California. The financial toll of getting rid of my abuser was vicious. I had to sell my home and take on freelance work in order to provide him with his check every month.

It is monstrous.

I live in New York State, one of the most progressive in the country in terms of victim's rights and the protection of those who endure domestic violence. This protective shield has not extended to the judiciary, however, and there can be hell to pay—and a whole lot of money.

(Due to the statistics, and the fact that I am a woman who has endured this mess, this article skews towards a woman's perspective. I welcome input that offers a male's perspective.)

Here's how NY works it. If you have a long-term marriage, and you make significantly more income than the abuser (also commonly referred to as rat bastard in my vernacular), there is a formula for the support and asset distribution calculations. These are strictly based on the numbers; there is no subjectivity or consideration of circumstances factored in; the "it is what it is" attitude is pretty much carved in stone.

For me, specifically, it was a 25-year marriage, during most of which he only received disability income. I, never a huge wage earner as I worked in social service roles, still made significantly more than he did—for years! Further, due to my full-time employment with some major companies, I managed to accrue a respectable 401K balance.

Year 25, smack, choke, punch and my financial nightmare began. It's expensive to wrench yourself away from a violent partner. I was spared the whole child support angle as my children had reached the age of majority. Still, six years later and the financial impact is real.

Enter the attorneys.

Again, naïve as I was, during my first consultation with my attorney, I flipped when he told me I would be paying spousal support AND splitting my retirement funds with him.

I couldn't believe it. I consulted with other attorneys and the agencies that assist victims of violence, and all concurred. "Yes, it sucks, but those are the rules in New York State" --and likely your state as well.

Wow. That's what I got for assuming a fair system that penalized the abuser and protected the victim.

The results, for me, were a \$500 month payment for seven years, and half of my retirement assets.

Sadly, it could have been far worse. According to the formulas, he was technically eligible for \$1,100 per month—more than my mortgage at the time. Oh, and let's not leave out that he was also entitled to pursue legal fees. Though I vilify him routinely, on some level I am relieved that he didn't pursue the maximum amount to which he was entitled by law.

So, how do you protect yourself?

I'll have a few ideas for you to explore and get you thinking. None of these have been vetted by an attorney, and with states differing so much in their treatment of these issues, please, please, get counsel. There are inexpensive to free legal services most everywhere. Avail yourself of them!

Ah, the controversial Pre-Nuptial Agreement, or pre-nup. No one goes into a marriage expecting trouble. The statistics on DV and divorce prove otherwise. In the first blush of romantic love, the words "pre-nup" are chilling. I have known for a long, long time that it would have been in my best interest to execute a pre-nup, but I couldn't. If you have the strength and your relationship can withstand it, go for it! And if your relationship can't weather the decision to prepare a pre-nup, perhaps that's a message in itself.

Another option: forget marriage! Go the Domestic Partner route. Your assets will remain yours alone, but you and your partner MAY have rights to shared healthcare and the ability to be considered "family" in a health emergency, allowing you access to your loved one in a hospital or care facility.

Unfortunately, this too is a state-by-state status. Americans are subject to the laws of the state they reside in. If you are a resident of the states of Alabama or Oklahoma for example, there are no rights afforded Domestic Partners. Do your research!

Another option—just co-habitate. If there are children, or assets, or both, that you and your partner want protected and cared for in a certain way in the event of a split, there's an attorney for that.

Essentially, this article is intended to be a wakeup call, primarily because my ignorance bit me hard and I wanted to bring this travesty to others attention. Awareness goes a long way towards self-protection. It's grim that it requires research and money to preserve what's yours, but that's the deal.

May each and every reader enjoy a wonderful relationship of whatever kind, and never have to be concerned with these issues.

And then there's reality...

Great article found here:

[The Law Made These Women Pay Up To Get Out Of Their Abusive Marriages \(buzzfeednews.com\)](http://buzzfeednews.com)