

Abuse of Protection Orders

While this is probably not going to make me popular, it needs to be said that the ease in which potential litigants receive a protection order has made the process ripe for misuse.

I have sat in the Domestic Violence Protection Order docket on more than one occasion and seen flagrant abuse of the process, where one party is seeking first mover advantage for a family court dispute. The court rightfully errs on the side of caution in these cases. No one wants to be sitting on the bench and deny an order only to see headlines on the front page when the situation blows up and someone is injured. There should be some demonstrable level of threat of injury other than I think he/she might do something bad, which is often all that is needed to receive the protection order.

I can see the DV advocates running with this, saying something to the effect that I am advocating that we wait until domestic violence occurs before the court steps in, which isn't exactly what I am suggesting. Rather, I think that there should be penalties levied against the accuser when it becomes clear that the allegations made to obtain the DVPO were made under false pretenses solely for the purpose of gaining some degree of leverage in another matter before the courts in a different courtroom.