

*Jaime G. v. H.L.*

Domestic violence: Can you hear the SLAP as Othello strikes Desdemona? Can you tolerate his rage, view her discomfort, and witness him smothering her to death upon her bed? Othello was written more than 400 years ago, but domestic violence remains a profoundly disturbing and persistent problem in our society.

Domestic violence cases are always blindingly fact-intensive. The horrific events of these types of cases should not be allowed to obscure the important core legal principles involved. Family Code section 3044 creates a presumption that after a domestic violence finding, the trial court is required to state the reasons for its decision in writing or on the record. In the event a trial court ends a child custody proceeding before completing a statement on the record of the seven factors set forth in Family Code section 3044(b), Family Code section 3011 requires the Court's statement of reasons for its decision to be set forth in writing. In this case, because the trial court ended the hearing in which it had made a domestic violence finding before making an express statement of reasons of each of the seven 3044 factors, the case was reversed and remanded.

Interestingly, the trial judge in this case was quite careful, holding four separate hearings before concluding that the presumption in Family Code section 3044(a) had been rebutted by father being the better parent to raise the child rather than mother, and granting joint custody of their minor son, despite the fact that there had been a domestic violence finding against father. The reversal occurred because of the failure to scrupulously adhere to the requirements of Family Code section 3044, to put the Court's findings of the seven factors, either orally on the record, or set forth in writing.

Rage, jealousy, racism, violence... Shakespeare deals with all of it in Othello. So, too, sadly, do all these human frailties present themselves for resolution with ever-increasing frequency before our judicial system. *Jaime G. v. H.L.* reminds us that scrupulous adherence to statutory guidelines in this minefield of emotions is not only important but is essential.

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