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New York Divorce and Family Law Blog

[What To Do If My Wife Threatens to Call 911?](#)

Posted on May 4, 2009 by [Daniel Clement](#)

I was asked the following question on the [Law Guru website](#)

My wife and I are having problems. We are proposing a temp. separation. Things are getting heated, with demands and threats... "If I don't do as she wishes or says" she will call 911. I avoid her as much as possible, most of the threats are over the phone. We also have a 5yo child. I don't know what to do. Do I move out per her demands and face abandonment, do I call 911 first??

If your spouse commits or even threatens to commit an act of violence the police should be immediately summoned. When there has been an act of domestic violence and the police forced to respond, they have no discretion and will make an arrest.

In cases where each of the parties accuses the other of domestic violence, both parties could find themselves under arrest. The police will arrest both parties and let the court sort out the facts and determine who is the violent offender. When there is an arrest, an order of protection is issued.

In cases where there has been no actual violence, but your spouse still threatens to call 911, it is best to simply leave the home. It is simply too dangerous to remain under the same roof with someone willing to make false accusations of domestic violence. From my professional experience, these threats are carried out. Fights are provoked and the police are called.

If you are arrested an order of protection will be issued and you will be expelled from the marital home. As a result, you may have limited access to you children and you unable to retrieve your clothing and other personal property unless escorted by a police officer.

Given that your personal liberty is a stake, there is no downside to leaving the marital home given the threats.