

# Halle Berry Custody Dispute: Christopher C. Melcher Analyzes Legal Case

**Publication:** PEOPLE Magazine

**Publication Date:** October 2, 2026

**Journalist:** Elizabeth Rosner

**Archived Media Coverage:** PEOPLE Magazine Feature

**Original Article Title:** What Happens Next for Halle Berry After Olivier Martinez's Child Abuse Allegations? Legal Experts Explain

**Original Article URL:** <https://people.com/what-happens-next-halle-berry-olivier-martinez-child-abuse-allegations-legal-experts-explain-8721995>

**Summary:** Celebrity lawyer and legal analyst [Christopher C. Melcher](#), partner at [Walzer Melcher Yoda LLP](#) (ranked Band 1 by Chambers & Partners and Tier 1 High-Net-Worth top family law attorney by Best Lawyers®), is interviewed regarding the Halle Berry and Olivier Martinez child custody and temporary restraining order dispute.

Exclusive

# What Happens Next for Halle Berry After Olivier Martinez's Child Abuse Allegations? Legal Experts Explain (Exclusive)

Berry, through her attorney, has denied the allegations, calling them "entirely meritless and deliberately misleading."

By [Elizabeth Rosner](#) | Published on October 2, 2026 06:28PM EDT

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Halle Berry and Olivier Martinez.  
Credit : Dimitrios Kambouris/WireImage; Pascal Le Segretain/amfAR2017/WireImage

## NEED TO KNOW

- Olivier Martinez accused Halle Berry of physically abusing their son; she has denied the allegations and called them "entirely meritless and deliberately misleading"
- A judge granted Martinez a temporary restraining order and temporarily restricted Berry's time with their 12-year-old son
- Three California family law attorneys explain what to expect ahead of an Oct. 16 hearing



[Halle Berry](#) is facing new restrictions on her time with her 12-year-old son, Maceo, after ex-husband [Olivier Martinez](#) accused her of physically abusing their child.

[A Los Angeles County judge granted Martinez](#), 60, a temporary restraining order against Berry, 60, on Oct. 1, and restricted her parenting time to daytime visits ahead of an Oct. 16 hearing. Berry's visitation with Maceo is currently limited to Mondays and Tuesdays between 10 a.m. and 8 p.m., and Saturdays and Sundays from 10 a.m. to 8 p.m.

The judge, however, declined Martinez's request to prevent Berry from having contact with Maceo altogether amid his request for sole custody.

In his request, Martinez alleged that [Berry "physically abused our son, Maceo](#), by jumping on him, putting her hands around his neck, and choking him" during a Sept. 26 incident.



Halle Berry and Olivier Martinez.  
Credit: Jamie McCarthy/Getty; Jenny Anderson/Getty

[Berry, through her attorney, has strongly denied the allegations](#), calling them "entirely meritless and deliberately misleading."

Berry and Martinez currently share legal and physical custody of Maceo.

PEOPLE spoke with three California family law attorneys who are not connected to the case about what could happen next, how the judge could weigh the allegations and whether the temporary restrictions could lead to further custodial changes.



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## What Happens at the Oct. 16 Hearing?

Before the hearing, Berry and her attorneys will have an opportunity to formally respond to Martinez's allegations, [attorney Monica Mazzei](#) tells PEOPLE.

"She will be able to put forth what her opposition is," Mazzei says. At the hearing, the judge will review both sides' filings and hear arguments before deciding whether a longer-term restraining order should be issued.

[Attorney David Glass](#) says the hearing could also include testimony from Berry and Martinez.

"It'll be a combination of Halle Berry's attorney making arguments, Olivier Martinez's attorney making arguments, and then possibly both of the parties providing live testimony as to what their experience was," Glass says.

The judge will also review both sides' filings and hear arguments before deciding whether a longer-term restraining order should be issued.

"The judge will decide at that point whether a permanent restraining order should be issued— and that could be anywhere from one month to five years," Mazzei says.



Olivier Martinez.  
Credit: Jemal Countess/Getty

[California family law attorney Christopher C. Melcher](#) stresses that the temporary order is not a final determination on the allegations.

"The temporary restraining order is not a determination on the merits," Melcher says. "It's just a, 'Hey, stay away, let's just have a cooling off ... until we can have a hearing where findings could be made.'"



Mazzei similarly notes that the temporary order was issued before Berry had an opportunity to fully respond to the allegations.

"A temporary restraining order is issued without hearing from the other side, so the judge really doesn't have all the universe of information," she says.

## What Evidence Could Matter?

The attorneys have differing views on the significance of text messages included in Martinez's filing.

"The text messages are very significant," Glass says, pointing to messages allegedly sent by Maceo that he says show "that the child was upset by this [incident]."

Glass also cites a message in which Berry allegedly expressed feeling "terrible" about the previous night, saying it showed "that she acknowledged what happened and she felt bad about it."

Melcher, however, disagrees that the messages establish what allegedly happened.

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Halle Berry.  
Credit: Stefanie Keenan/Getty

The court could also seek more information about Maceo's experience. Glass says the court could have a social worker interview him or appoint minor's counsel to represent his interests.

Mazzei says California courts can order a custody evaluation by a mental health professional that could include an interview with the child, though

Mazzei says California courts can order a custody evaluation by a mental health professional that could include an interview with the child, though judges “very rarely” speak directly to children, and children are generally not brought into court to testify.

Child Protective Services would also not automatically become involved.

“Unless someone filed a report with Child Protective Services, they typically do not become involved in family law cases automatically,” Mazzei says.

## Could Berry’s Parenting Time Change Further?

The attorneys caution against assuming the temporary order signals what the judge will ultimately decide.

“Just because the court made some tweaks to their parenting plan in no way indicates that that’s what the court would do after a hearing,” Melcher says.

The judge could also consider past allegations involving Berry and Martinez.

“Part of any domestic violence restraining order hearing is not only what happened most recently, but what happened in the past,” Glass says.

Older allegations may become “less important, less relevant” over time, he says, but could still be considered in determining whether there is a pattern.

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Melcher says the court must consider “the totality of the circumstances,” though the current allegation will likely be central.

“Primarily the concern is going to be: Did mom choke the child?” he says.

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Melcher says the court must consider “the totality of the circumstances,” though the current allegation will likely be central.

“Primarily the concern is going to be: Did mom choke the child?” he says. “If mom choked the child ... that is going to take precedence and be probably the most important factor over what might have happened years ago.”

Glass believes the fact that Berry was not completely barred from seeing Maceo could be significant.

“Maybe some of her custody time is slightly reduced, but if the court didn’t put in a complete ban on having custody on the emergency basis, it’s less likely to do so after a full hearing,” he says.



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For now, Mazzei cautions against viewing the temporary order as a preview of the ultimate outcome.

“This could look very different at the hearing,” she says. “We’re only hearing right now one side of the story in a temporary order. To me that doesn’t tell me the full story.”

On Oct 1, Berry’s lawyer told in a PEOPLE in a statement that the actress “is used to this kind of outrageous conduct from Mr. Martinez and, while she is deeply saddened, she will not allow it to deter her from fighting for Maceo’s best interests and providing him with the love and support he needs.”

Martinez’s lawyer Patrick Baghdaserians told PEOPLE on Oct. 1 that Martinez’s “paramount concern is the health, welfare and the safety of the minor child, hence the action that he took in court by filing the request for domestic violence restraining order. The second concern would be for mother to get the appropriate help that she needs to address her issues so she can better herself, which would in turn help the minor child moving forward.”

## Excerpt from the PEOPLE Magazine Article:

Following allegations made by ex-husband Olivier Martinez, a Los Angeles County judge granted a temporary restraining order restricting Halle Berry's parenting time with their 12-year-old son ahead of an October 16 court hearing. Berry, through her attorney, strongly denied the claims, calling them "entirely meritless and deliberately misleading."

California family law attorney [Christopher C. Melcher](#) stresses that the temporary order is not a final determination on the allegations.

*"The temporary restraining order is not a determination on the merits," Melcher says. "It's just a, 'Hey, stay away, let's just have a cooling off ... until we can have a hearing where findings could be made.'"*

Regarding potential changes to long-term parenting plans, Melcher cautions against assuming the temporary order signals what the judge will ultimately decide.

*"Just because the court made some tweaks to their parenting plan in no way indicates that that's what the court would do after a hearing," Melcher says.*

Melcher explains that while courts may review past history, recent safety allegations take priority in emergency custody determinations:

*Melcher says the court must consider "the totality of the circumstances," though the current allegation will likely be central.*

*"Primarily the concern is going to be: Did mom choke the child?" he says. "If mom choked the child ... that is going to take precedence and be probably the most important factor over what might have happened years ago."*

*This article originally appeared on PEOPLE Magazine and is archived here for reference in connection with media coverage featuring Christopher C. Melcher.*