

Individual Advocacy and Legal Rights in Consumer Issues, and Building Partnerships to Access These Rights

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Spotting Consumer Issues

- Consumer Rights Screening Tool:
[http://crdvsf.files.wordpress.com/2012/04/
consumerrightsscreeningtool-9-11.pdf](http://crdvsf.files.wordpress.com/2012/04/consumerrightsscreeningtool-9-11.pdf)

Different Circumstances have Different Issues

- What is important when:
 - Clients are still with their abusers
 - Clients have fled and are in a shelter
 - Clients begin to realize their independence
 - Clients are on their own and seeking employment
 - Clients are fully self-sufficient

How do adverse consumer issues affect clients?

- Clients can have adverse consumer issues which affect their:
 - Employment
 - Taxes
 - Bank accounts
 - Government benefits
 - Home ownership

Credit Reports

- Credit Reports are accessed for almost any financial transaction
 - Employment
 - Utilities/Cell phones
 - Bank Accounts
 - Auto loans/leases

Credit Reports

- Clients should always safely pull their credit report
- Clients should review their reports for identity theft, misuse and errors
- Clients can obtain a free report at: www.annualcreditreport.com
- Difference between credit report and credit score

What financial concerns do domestic violence survivors have?

- Credit cards
- Car loans
- Undocumented loans to abuser and the abuser's family
- Mortgage/foreclosure debts
- Fraudulent deed transactions
- Improper tax filings
- Ruined credit/low credit score
- Bankruptcy concerns
- Loss of employment due to DV/Court appearances

Credit card concerns

- Is the survivor liable for the debt?
- Can the survivor safely remove her name from the credit card?
- Can the survivor pay the entire debt, if necessary?
- Will the abuser become angry if she tries to take her name off the credit card?
- How does she inform the credit card company without telling them of her whereabouts?
- How old is the credit card?

Debts: Credit Cards

- Questions to ask
 - Did client ever use a credit card?
 - Did client ever sign an contract, or give anyone their social security number?
 - Check bank records for payments to companies by check or EFT
 - Does client have any cards with your name on them?

Debts: Credit Cards

- Co-signer, authorized user, joint debtor-differences, liabilities, and What not to do!

Debts: Credit Cards

- What do you if client is being harassed?
 - Taking monies out of bank accounts
 - Safeguarding their paycheck
 - Tell them to stop
 - Work out a negotiated settlement
- What do you if client is being sued?
 - Call a lawyer and respond
 - Do not give them very much information
 - Always check the court file and go to court

Car Loan concerns

- Who is named on the loan contract?
- Who is the vehicle titled to?
- Who has access to the vehicle?
- Who uses the vehicle?
- What is owed on the vehicle vs. what the vehicle is worth (equity in vehicle)?
- Can the survivor afford the vehicle?
- Can the survivor be found by the abuser because of the vehicle?

Loans to the abuser or abuser's family

- Many survivors have loaned their abusers', or the abuser's family, money, either to pay off the abuser's debts, improve the abuser's property or purchase assets that are not in the survivor's name.
- Many of these loans are not documented properly.
- Unmarried survivors have a difficultly accepting they usually can not get this money back.
- Married survivors may have remedies in their divorces.

Home Ownership/Home Debt

- Who is the owner of the home?
- How is it owned?
- Who is on the mortgage, HELOC or lien?
- Is the survivor married to the abuser?
- When did the abuser purchase the home?
- Did the abuser remove the survivor's name? If so, how and when?
- Did the unmarried survivor contribute to the property? If so, survivor likely will not be able to get money back.
- Can the survivor prove any of the financial contributions?
- Is the property located in the United States?

Personal Property

- Bank accounts, CD' s, mutual funds, whole life insurance,
- Who owns under consumer/banking law?
- Who owns if married?
- What do you do when separating?
- Pull credit report to find information

Income Tax issues

- Has the survivor filed income taxes?
- If not, can she file now? Is there a reason to file?
- Should she amend her tax returns?
- What is her filing status?
- Who claims the children?
- What tax programs may help her (EITC, Child Tax Credit, Innocent Spouse Relief)?
- Is the survivor here without status, an LPR or a citizen?
- Should the survivor obtain her past tax returns?
- What income taxes should have been filed (federal and state)?

Workplace/Employment concerns

- Does the abuser come to the job? Do they call/email frequently?
- Did the survivor tell her situation to her supervisor or someone in a similar position?
- Has the survivor removed the abuser's name from her insurances, HR forms or any other company documents? Can she do this legally?
- Should a transfer be considered?
- Will the survivor be fired for missing work? Is she salaried or hourly?

Tips for helping with survivors

- Always let the survivor decide what is most important.
- Survivors will know what the trigger is for their abuser: money, children, both or something else.
- All personal information sent to a third party can be discovered by the abuser.
- Have the survivor open a P.O. box for communication with third parties. Have the P.O. box be in another state, and have a friend/relative get the mail and send it to the survivor.

Tips continued...

- Have the survivor consider a new cell phone number with an area code not from their location.
- Have the survivor change all passwords immediately.
- Have the survivor check the computer for keystroke software, spyware devices and other technology.
- Have the survivor check the home for cameras.
- Remind the survivor of all points of access to information that the abuser may have the ability to see.

Protecting a survivor

- Try to close all credit cards with the abuser. Do not just remove an abuser's name, as that can keep them liable.
- Transfer joint debt to another credit card in only one name.
- Use tax refunds, home sales and bank accounts to close joint credit cards, if married.
- Always have them get a copy of their credit report and place a red alert if they fear the spouse will take out credit in their name.
- Close all joint accounts, even checking accounts, as overdraft coverage could amount to a debt.
- List all accounts, by name and number, in stipulations and settlements, so any unknown account can be easily identified.

How do we help survivors' access these rights?

- Build partnerships with:
 - Courts
 - Law Schools
 - Family Justice Centers
 - Financial Planners
 - Financial Literacy organizations
 - Private Attorneys



The **Consumer Rights for Domestic Violence Survivors Initiative** is a national project that seeks to enhance consumer rights for domestic violence survivors by enhancing the capacity of and building partnerships between domestic violence and consumer lawyers and advocates.

- Launched in 2007 with funds from Office of Victims of Crime. In the Fall of 2011, CSAJ received a grant from the Office on Violence Against Women to provide technical assistance to LAV, Rural, and other non-profits who can benefit from enhanced service provision to survivors.

- Partners include: National Consumer Law Center, National Law Center on Homelessness and Poverty, Feerick Center for Social Justice, and a cadre of expert advisors

- **Activities and Resources:**

- National Conferences
- Practice Webinars
- Individualized Technical Assistance
- Online Resources and Listserv
- Building Partnerships Pilot Projects and Technical Assistance

To learn more about trainings, technical assistance, and resources offered by CRDVSJ, visit the project's website at crdvsj.wordpress.com or contact CSAJ at 301.915.0160 or info@csaj.org

Partnering with the Courts

- Can a clinic be held at the Courthouse?
- Will the private bar assist?
- What about law schools?
- DV CLARO is a prime example in New York

DV CLARO

- Court/law school partnership
- Involves private bar
- Gives advice/ assists with paperwork
- Assists with filing papers
- Weekly at Civil Court

Family Justice Centers

- If you have an FJC, they can bring players together, such as
 - Financial Literacy specialists
 - Budgeting specialists
 - Financial Planners

Financial Planners

- National Financial Planning Associations have pro bono committees
- Many are eager to assist survivor's in planning for their future
- Many survivors, with newly acquired assets, need assistance

Private Bar Partnerships

- Some federal claims have automatic attorney's fee provisions
- Therefore, they are eager for certain cases
- Some will handle these claims and take the consumer issue for a reduced fee