## Financial Empowerment Curriculum

Moving Ahead Through Financial Management



## **Module One:**

# Understanding Financial Abuse

Keeping Safe and Starting Over



### **MODULE ONE:**

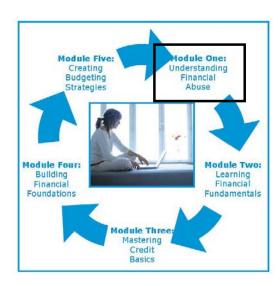
### Understanding Financial Abuse

Financial abuse is a common tactic used by batterers to control and isolate their partner. It can have far-reaching and devastating consequences. Because the experience of abuse is different for every woman, this module addresses what women from varying backgrounds may experience when trying to overcome financial abuse.

The module also provides information to consider before ending a relationship with an abusive partner including strategies to protect your safety. It does not have all the answers, but it is a start. Also, please note that the information in this curriculum is intended to be general advice for individuals involved in an abusive relationship. However, not everyone's situation is the same. So, if you need specific advice regarding your particular situation, you should contact a domestic violence advocate, financial adviser or attorney.

#### The objectives of this module are:

- ☐ Recognize the signs of a financially abusive relationship.
- ☐ Recall how to keep safe after ending a financially abusive relationship.
- Explain the financial impact of separation, divorce and child support.
- Describe some of the consequences of disclosing abuse.
- ☐ Explain the challenges to maintaining your privacy and changing your identity in regard to financial abuse.



Key topics covered in this module include:

- Financially Abusive Relationships
- Safety Planning
- Separation, Divorce and Child Support
- Disclosing Abuse
- Privacy Challenges and Identity Change



National Domestic Violence Hotline: 1-800-799-SAFE (7233)



### **Story of Survival**

Fatima, an immigrant from Ethiopia, came to the U.S. after marrying Fariq, a U.S. citizen who is also Ethiopian. Fariq controlled every aspect of their lives, managing all bank accounts and paying all bills. Fatima wasn't allowed to leave their home, even to shop for food, clothing or household supplies. He also controlled how she cared for their children and criticized her for the lessons she shared with them.

After five years of marriage, Fatima was determined to free herself of his insults and control, and she left her abusive husband. She knew little about her new country and had no idea where to turn for help. After leaving, she visited a library where she found information that led her to a domestic violence shelter. While working with her shelter advocate, Fatima began making plans to support herself and her children.

Although she had never applied for a loan, her application for an apartment was denied due to a poor credit rating. Her credit report revealed that she was responsible for more than \$33,000 in debt from her husband's business, which he had put in her name. In addition to caring for herself and her children, Fatima must manage the overwhelming debt created by her husband and rebuild her credit.

Fatima's story is one of many domestic violence survivors. The good news is that there is hope and there are people, programs and organizations willing and ready to help Fatima recover from this setback. They will also help you.

In Fatima's situation, she was able to recover financially and gain independence by working hard, staying focused, and never giving up despite the challenges that continued to cross her path.

The Allstate Foundations' Financial Empowerment Curriculum, along with support partners at the National Network to End Domestic Violence (NNEDV) will help you do just that: gain personal and financial independence.

## **Financially Abusive Relationships**

- Financially Abusive RelationshipsSafety Planning
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#### What is Financial Abuse?

Financial abuse often begins subtly and progresses over time. The aim of financial abuse, as with other forms of abuse, is to gain power and control in a relationship. Financial abuse along with emotional and physical abuse, manipulation, intimidation and threats are all aimed at getting and maintaining control over another person. The purpose is to trap them in the relationship.

Financial abuse is a tactic used to control relationships by preventing access, use or maintenance of money or other financial resources. It might include:

Controlling all decisions of how money is spent
Withholding money or "giving an allowance"
Withholding basic living resources, medication or food
Not allowing their partner to work or earn money
Stealing their partner's identity, money, credit or property
May justify behavior as cultural or religious.

It can be difficult for couples to navigate the complexities of family finances and almost all couples have arguments about money. However, in financially healthy relationships, couples successfully negotiate their wants and needs in the following ways:

- Both partners have access to financial statements and information although one partner might manage the day-to-day finances and bill paying,
- Identify when they have different values about money and negotiate joint financial goals;
- Set plans to meet joint goals and stick to them;
- Recognize and respect that decision-making is equal regardless of who earns more income for the family;
- Each partner has access to money on their own without having to ask for permission or hide their spending;
- Financial decisions are made jointly between partners; and
- Both partners have access to money and knowledge about where and how money is spent, and neither partner is deceitful.

These are the elements that appear in happy, productive and loving relationships. A true partnership does not include any facet of financial abuse and includes open dialogue, communication, and agreement to all financial matters.

## Financially Abusive Relationships (cont'd)

- Financially Abusive Relationships
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It's important to know that financial abuse can happen to anyone regardless of their income, education or independent success. Despite great diversity, survivors face similar struggles, challenges and conflicts as they try to care for their families, secure work, find affordable housing and create long-term assets.

To help you determine whether you are in a financially abusive relationship, ask yourself these questions. Does your partner:

- Steal money from you or your family and/or force you to give access to your money or financial accounts?
- Make you feel as though you don't have a right to know any details about money or household decisions?
- Make financial or investment decisions that affect you or your family without consulting or reaching agreement with you?
- Refuse to include you in important meetings with banks, financial planners, or retirement specialists?
- Forbid you from working or attending school or training sessions?
- Overuse your credit cards or refuse to pay the bills?
- Force you to file fraudulent tax claims?
- Prevent you from obtaining or using credit cards or bankcards?
- Withhold physical resources including food, clothes, necessary medications or shelter from you?
- Force you to work in a family business for little or no pay or refuse to work to help support the family?
- Interfere with your performance at work through harassing activities like frequent telephone calls, emails or visits to your workplace?
- Force you to turn over your benefit payments or threaten to report you for "cheating" on your benefits so your benefits will be cut off, even if you aren't cheating?
- Force you to cash in, sell or sign over any financial assets or inheritance you own (e.g. bonds, stock or property)?
- Force you to agree to power-of-attorney in order to be able to legally sign documents without your knowledge or consent?

If you find yourself answering yes to one or more of these questions, you may be in a financially abusive relationship. Recognizing this may be very difficult, but there is help available. You are not alone. Please continue reading this module for strategies that can help you understand and empower you to regain control over your finances.

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### **Safety Planning**

If you determine you are in an abusive relationship, the first call to action is developing a plan that will keep you and your family safe. Working with a domestic violence advocate is also critically important. If you are not currently working with an advocate, contact the National Domestic Violence Hotline at 1-800-799-7233. They will refer you to an advocate or organization in your community that will help you work through the strategies in this curriculum.

### What should you do if you are being financially abused?

## Step One: Evaluate your personal confidence level regarding finances.

First, work on understanding how your experience of being a victim of financial abuse makes you feel about your ability to manage finances. You might not feel confident in your ability to manage your money. However, understand that your partner probably wanted you to feel this way so that he could maintain his power and control over you and your finances. With education, assistance and support you can become a successful money manager and work toward setting and achieving your own financial goals.

Financial safety planning is important whether or not you choose to leave an abusive relationship. Although there is no perfect way to ensure your safety, you can take steps to increase your confidence and knowledge regarding money management, which will provide you and your children with more options.

### Step Two: Gain information about your assets and liabilities.

It is a common strategy for an abusive partner to hide assets and information about bank accounts and debts. Consider doing some investigative work to find financial documents and make copies of these documents to hide in a safe place. Possible safe places include opening your own safety deposit box to store documents or storing copies at a friend or family member's house.

Other information to store in a safe place include Social Security numbers (for yourself, children and your partner), marriage certificate, birth certificates, mortgage documents, car title, utilities statements, bank statements and credit card statements.

Documentation regarding joint property and other assets (like furniture, appliances, etc) can also be very helpful, particularly if you decide to leave the relationship. Photographs may make things easier than extensive lists, so consider taking photographs of any joint property. Take pictures that help to confirm the property was at your residence by including children, family or friends in the photographs.

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Be aware that gathering these documents may put your safety at risk if your partner discovers you have gone through or accessed these files. Talk to an advocate to create a safety plan and be mindful of keeping safe. The following tips may also be helpful:

Be careful as you gather documents and store the information. Abusive people may set traps in files to detect if someone has accessed them.
If you cannot get access to your birth certificate or Social Security number, you can use your driver's license or state identification card to request a copy of your birth certificate or Social Security card at a later date by contacting the appropriate state vital records department. Be aware that there may be a charge to obtain copies of these documents.
You need only the most recent copy of your bank, investment or credit card statements.
If you cannot find paper copies of documents, request an electronic copy be sent to a private email account you set up with a new password.
Don't worry if you can't access your utility or other monthly expenses. If you have a checking account, your most recent bank statement will provide information about monthly expenses (or if you pay via money orders, make copies of the receipts).

The following list of documents may help you rebuild your financial life.

This list is the ideal, but don't be discouraged if you are unable to obtain all of these documents. At a minimum, make note of account numbers, the phone number for your bank or credit union, credit card companies or other lenders.

With the account numbers and contact information you will be able to reconstruct many of these documents. Work with your advocate to make a plan around safely gathering documents.

### **Financial Records:**

- Bank statements and cancelled checks
- Bank certificates of deposit
- Brokerage account statements
- Credit card accounts, loan documents and statements
- Mortgage applications and repayment records

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### Financial Records (cont'd):

- Pay stubs or income receipts for the last six months for you and your partner (make sure you remember to include other possible sources of income such as royalties, contractual work, advances, etc.).
- Tax filings and refunds
- Business financial statements
- Employee benefit records including insurance, stock options and bonuses
- Statements of all retirement accounts
- Copies of credit card bills and other incurred debt (car loan, etc.)
- Records of business partnerships
- Money order receipts
- Documentation from any public assistance received

### **Example of Financial Records-Bank Statement:**

FIRST BANK OF WIKI  1425 JAMES ST, PO BOX 4000 VICTORIA BC V8X 3X4 1-800-555-5555  CHEQUING ACCOUNT STA' Pag								
	OHN JONES		Statemer	nt period	Account No.			
10	643 DUNDAS ST W APT 27		2003-10-09 to	2003-11-08	00005-			
= т	ORONTO ON M6K 1V2				123-456-7			
Date	Description	Ref.	Withdrawals	Deposits	Balance			
2003-10-08	Previous balance				0.55			
2003-10-14	Payroll Deposit - HOTEL			694.81	695.36			
2003-10-14	Web Bill Payment - MASTERCARD	9685	200.00		495.36			
2003-10-16	ATM Withdrawal - INTERAC	3990	21.25		474.11			
2003-10-16	Fees - Interac		1.50		472.61			
2003-10-20	Interac Purchase - ELECTRONICS	1975	2.99		469.62			
2003-10-21	Web Bill Payment - AMEX	3314	300.00		169.62			
2003-10-22	ATM Withdrawal - FIRST BANK	0064	100.00		69.62			
2003-10-23	Interac Purchase - SUPERMARKET	1559	29.08		40.54			
2003-10-24	Interac Refund - ELECTRONICS	1975		2.99	43.53			
2003-10-27	Telephone Bill Payment - VISA	2475	6.77		36.76			
2003-10-28	Payroll Deposit - HOTEL			694.81	731.57			
2003-10-30	Web Funds Transfer - From SAVINGS	2620		50.00	781.57			
2003-11-03	Pre-Auth. Payment - INSURANCE		33.55		748.02			
2003-11-03	Cheque No 409		100.00		648.02			
2003-11-06	Mortgage Payment		710.49		-62.47			
2003-11-07	Fees - Overdraft		5.00		-67.47			
2003-11-08	Fees - Monthly		5.00		-72.47			
	*** Totals ***		1,515.63	1,442.61				

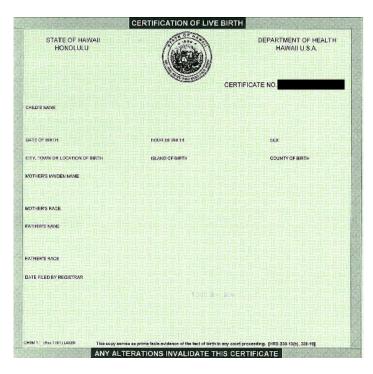
### **Legal Documents:**

- Birth certificates
- Marriage certificate
- Passports

### Legal Documents (cont'd):

- Social Security card
- Wills and trust documents
- Pre- and post-marital agreements (divorce settlements)
- Records of any pending legal actions
- Records of inheritance
- Driver's license or state identification card
- Adoption papers for any adopted children
- Paperwork pertaining to immigration for you, your children and partner
- Protection orders and temporary protection orders (including police reports)

### **Example of Legal Documents-Birth Certificate and SSN Card:**





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### **Property Documents:**

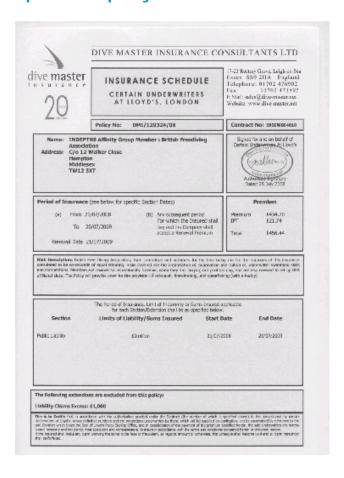
- Title documents, mortgage agreements and payment records
- Original purchase documents, such as appraisal documents
- List of collectibles, jewelry, artwork, other valuables (include photos)
- Vehicle registrations

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### **Property Documents (cont'd):**

- Insurance policies
- Pictures of the furnishings and personal items in your home
- Copies of any existing wills and deeds

### **Example of Property Documents-Insurance Policy:**



### **Health Records:**

- Medical and dental records
- Health, life and disability insurance policies
- Medical expense records
- Records of prescriptions for drugs and eyeglasses
- List of doctors (for you and your children or other dependents) and their telephone numbers
- Living will

### **Example of Health Records-Living Will:**

Please lange a regy of	of this how living will at home o	and in your car and make sure a relative lawrer of it.
	Living	g Will
Declarative made this willfully and tributar characteristics of field	day of 1 day make travers my distinct the Notice, and I do boostly declare th	and the spirity and the artificially personaged under the bat, if at any total I are incorporitated and
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### **Expense Documents:**

- Household bills (utilities, rent/mortgage)
- Education records
- Childcare contact information
- Children's school or after-school activities information
- Clothing receipts
- Church and charitable donation records
- Laundry and cleaning expense records
- Transportation information (gas receipts, toll receipts, taxi fare, etc.)

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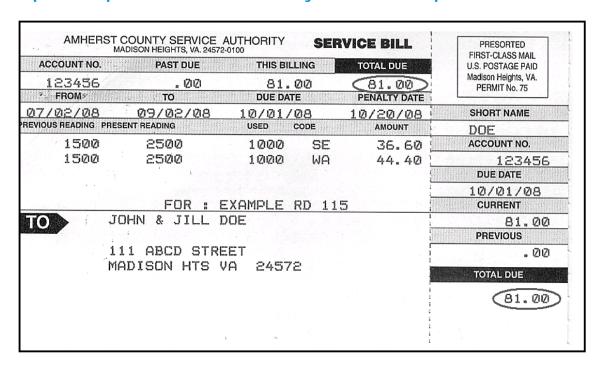
Child Support

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### **Example of Expense Documents-Utility Bill and Receipts:**





Although this is not an all encompassing list of every financial document that exists, it provides a thorough starting point for collecting the information and data you need to independently rebuild your financial future. Additionally, you may not be able to access every document on the list, but reviewing it may help you remember assets and liabilities you have.

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### Step Three: Begin saving money immediately.

Another common control tactic used by abusive partner is to not allow the victim to have any money on their own. Consider finding a way to save some cash for yourself for emergencies or if you need to escape the relationship on short notice. This can be a challenge, but it is something many victims have been able to accomplish by using all their resources.

One strategy is to save change from purchases and save it in a safe place or secret bank account. Another possibility is having raises or bonuses from work deposited directly into an account that your abusive partner is unaware of (make sure to have bank statements sent to a special PO Box or safe address). Be creative and utilize your strengths and resources to ensure cash flow for yourself and your children.

Also, consider taking at least half of the money in your joint checking and saving accounts immediately upon leaving your relationship. However, remember that batterers frequently increase their efforts at power and control if the partner is leaving.

Many victims of domestic violence who have had to flee their home report being surprised to discover their partner immediately drained any joint bank accounts. This tactic is a deliberate attempt to get the victim to return and can be a very powerful method of regaining control. Taking at least half of the money is a way of protecting yourself and ensuring that you have the means to take care of yourself and your children. If you are hesitant to do this, remember that you can always deposit it back. It's also a good idea to keep track of how the money was spent, in case you are asked to account for it at a later date by the courts. Taking care of yourself and any children is top priority.

### Step Four: Seek financial independence, one step at a time.

Consider opening your own checking account and applying for a credit card. Having a personal checking account and at least one credit card in your name ensures that you have your own personal credit history. Also, remember to change the signature authority on any joint accounts so that both of you must sign for any transaction to occur. One way to do this is by setting up your bank account in the following way: "Jane Doe and John Doe", rather "Jane Doe or John Doe".

These are only four basic steps to help prepare you to leave your abusive partner. Again, we highly recommended seeking the help of an advocate at a local domestic violence program for additional guidance and instruction as you prepare for personal and financial independence. In addition to these four basic steps, as well as seeking help from an advocate, you may also want to consider filing for an order of protection. This is especially important if you have experienced threats or feel that you are in danger.

Relationships

Safety Planning

Financially Abusive

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#### **Orders of Protection**

An order of protection is a court order signed by a judge that generally prohibits a batterer from threatening, stalking or harassing a victim of domestic violence. Different states have different names for these orders. They may also be referred to as "protective orders", "restraining orders" or "protection from abuse orders." An order of protection can remove your batterer from your home; prohibit your abusive partner from coming to your home or place of work, or contacting you by phone or email. Orders of protection are available in every state; however, each state has its own process and requirements and available protections or remedies.

In additional to physical safety, an order of protection can be a tool for accessing economic relief. Many states specifically recognize that access to economic resources is important for staying safe and there is a range of economic relief options available through protection order laws. While they vary from state-to-state, the most common forms of economic relief are: child support, spousal support, mortgage and rent payment, temporary possession of property (car and clothing), restitution for medical expenses and property damage. Other examples include: lost wages, attorney's fees, and the payment of bills that are due during the time of the protection order.

If you are interested in seeking economic relief through your protection order, consider talking with a domestic violence court advocate or an attorney. An advocate can identify possible forms of economic relief that you may be eligible for, and help to state your request to the court in a way that meets both your economic and safety needs. Orders of protection can be an important tool for safety, but they do not guarantee safety or access to economic resources and may not be the right choice for everyone. A domestic violence advocate or an attorney in your community can help you decide if an order of protection is a good option for you considering your personal circumstances. Trained advocates can help you to make the decision that is right for you. Remember, protection orders are available regardless of immigration status, and may serve as evidence for abused women who are seeking legal immigration status. Also, abusive partners who violate protection orders may affect their own immigration status.

Save threatening e-mails, voice mails, letters and gifts. If you choose to use the legal system, this evidence will be helpful. If you have a protection order, document your experience to help prove that your partner or ex-partner is violating that order.

For more information about the order of protection laws in your state go to: <a href="https://www.womenslaw.org">www.womenslaw.org</a> or Office of Justice (<a href="https://www.ogp.gov">www.ogp.gov</a>). Use the state chart on the following page as an initial resource to help determine the types of financial relief you are eligible for that are authorized by statute (provided by The Battered Women's Justice Project, Civil Office).

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State	Child Support	Spousal Support	Housing (Vacate)	Housing (Financial)	Personal Property	Expenses	Other
Alabama	Х	Х	Х	Х	Х		Х
Alaska	Х	Х	Х		Х	Х	Х
Arizona			Х				х
Arkansas	Х	Х	Х				х
California	Х		Х		Х	Х	Х
Colorado			Х				Х
Connecticut			Х				Х
Delaware	Х	Х	Х	Х	Х	Х	Х
D.C.			Х		Х		Х
Florida	Х	Х	Х				Х
Georgia	X	X	X	Х	Х		
Hawaii	7.		X				Х
Idaho			X				X
Illinois	Х	Х	X	Х	X	X	X
Indiana	X	X	X	X	X	X	X
Iowa	X	X	X	X		<u> </u>	X
Kansas	X	X	X	X	X	<del> </del>	X
Kentucky	X	X	X	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	, A		X
Maine	X	X	X	Х	X	X	X
Maryland	X	X	X	Α	X	^	X
Massachusetts	X	X	X		^	X	X
	^	^	^			^	^
Michigan	X	X	X			X	X
Minnesota	X	X	X	X	X	X	^
Mississippi Missouri		X	X			X	
Montana	Х	^	X	Х	X	^	V
			+		^		X
Nebraska			X				X
Nevada			X	X			X
N. Hampshire	X	X	X	X	X	X	X
New Jersey	X	X	X	X	Х	X	X
New Mexico	X	X	X	X		X	X
New York	X	1	X		1	Х	X
N. Carolina	X	X	X	X	X		Х
North Dakota	X	X	X		X		
Ohio	Х	X	X	X	Х		X
Oklahoma			Х				Χ
Oregon	1	1	X		1	1	X
Pennsylvania	Х	X	X	X	X	Х	X
Rhode Island	1	1	X			ļ	Х
S. Carolina	Х	X	X		X	1	
South Dakota	Х	X	X				Х
Tennessee	Х	Х	X	X			
Texas	Х	Х	X		Х		
Utah	Х	Х	Х		Х		Χ
Vermont	Х	X	X				Х
Virginia			X	X	Х		Х
Washington			X		Х		Х
W. Virginia	Х	X	X		Х	Х	
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Χ

Χ

Χ

Wisconsin

Wyoming

Χ

Safety Planning (cont'd)

Χ

Χ

Χ

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In addition to the strategies previously shared, there are other things to keep in mind while seeking independence from your abusive partner.

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	If you're concerned that your partner may use a credit report to locate you, consider limiting your housing search to private property owners rather than larger property-management firms. Private property owners often use proof of credit history provided at the time of application while larger property management firms often use a credit bureau.
	Supply a copy of your credit report for housing applications instead of having a potential landlord check your credit report to avoid your partner from discovering your new address. All inquiries on your credit report except ones made by you will leave an address on the inquiring party (i.e. ABC Apartments, 123 Maple St).
	Protect your contact information from being shared by finding a roommate who will agree to have the utilities listed in her name.
	Consider opening a PO Box at the Post Office.
	Find out if your state participates in an address confidentiality program usually offered through a government agency.
Te	chnology Concerns
	Change all account passwords immediately (email, bank, etc).
	Find out how much of your personal information is available on the Internet. Use free and fee-based websites such as <a href="www.google.com">www.google.com</a> , <a href="www.google.com">www.google.com</a>
	Be cautious about completing any applications online or using the Internet to communicate with your landlord or mortgage company. Information sent over the Internet can be intercepted or monitored. To protect your privacy, fax the information or send it by mail.
	Set up a news alert on <a href="www.google.com">www.google.com</a> that will notify you whenever your name, address or phone number are published on the Internet. Google archives about four billion Web pages.
	Contact your state's domestic violence coalition or local domestic violence program to learn more about technology safety and privacy strategies. Visit <a href="www.nnedv.org">www.nnedv.org</a> or <a href="www.nnedv.org">www.clicktoempower.org</a> or call the National Domestic Violence hotline at 1-800-799-7233 for contact information.
W	orkplace Safety
	If it is safe to disclose, consider providing a photograph of your partner to your employer's security personnel and reception.
	Make arrangements with security to be escorted to and from the parking lot or to public transportation.
	Provide company security personnel and your supervisor with a copy of your protection order.

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Workplace Safety (cont'd)

Screen your telephone calls, if possible.
Consider changing your work schedule and travel patterns to and from work.
Save threatening e-mails, voice mails, letters and gifts. If you choose to use the legal system, this evidence will be helpful. If you have a protection order, document your experience to help prove that your partner or ex-partner is violating that order.
Request your workspace be relocated to a more secure area or to another site if possible.
Get a donated cell phone from your local domestic violence shelter to provide you with another way to contact help or emergency services, if needed.

Remaining safe is of the utmost importance during this difficult time. Contact the National Domestic Violence Hotline at 1-800-799-7233 or a domestic violence program in your community for information, support and guidance to help you move forward and gain financial independence. Additionally, it's important to know that in every U.S. state and territory there is a coalition of domestic violence programs that can help put you in touch with a resource in your area. To find out more about these coalitions, go to <a href="https://www.nnedv.org">www.nnedv.org</a>.

## Separation, Divorce and Child Support

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One of the major issues a married domestic violence survivor faces is determining whether or not to file for divorce. The most important action to take on this topic is to immediately consult an attorney. Good legal advice is essential, and the right legal course of action is different for every individual. If you're leaving an abusive relationship, your partner may try to prevent you from accessing financial information. Since most attorneys charge by the hour, any time you can save the attorney in tracking down documents, is money saved in billable hours. Try gathering as much data as possible before meeting with an attorney, including:

- Past income tax returns.
- One of your own pay stubs if you are working and one of your partner's paycheck stubs.
- Copies of your partner's employee-benefit statement.
- Your wish list of assets you would like to retain.

To prepare for a meeting with an attorney, take an inventory of your possessions and assets including your home, car, furniture and financial accounts (savings, checking, retirement, etc). List these in three categories: items that are yours, items that are your partner's, and items you own together.

Next, determine your living expenses. As a single woman and possibly a single mother, your financial status may change dramatically after leaving your partner. Estimate your current living expenses, including any money you may spend on children. If you can't maintain your current lifestyle, consider cutting back on expenses or finding additional sources of income. Different budgeting and money saving strategies may be helpful for you and are discussed in this curriculum.

Another important item to consider when preparing for a divorce is insurance coverage. If you're covered under your partner's company health plan, you may be able to continue the same coverage for 18 months under a program called COBRA (although your premiums could be quite expensive). If COBRA coverage is too expensive, consider requesting that the court order your partner to be responsible for your children's health insurance by including it in the divorce settlement.

The pro se divorce process is often unsafe for victims of domestic violence. Pro se is a legal term that means that a person appears in court without an attorney. Since domestic violence is rooted in fear, power and control, it may be unsafe for a survivor of domestic violence to represent herself effectively in a divorce when her safety, financial future, emotional well-being and the custody of any children are at stake.

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Pro se divorces are best suited when domestic violence is not a factor and when couples jointly agree on the conditions of the divorce. If you have children or property and have experienced any form of abuse, identify ways to secure legal representation.

Finding an attorney with the right credentials is essential to a successful outcome in your case. You can find legal counsel through several resources:

### ■ Local Domestic Violence Program

Contact a domestic violence program in your area. Some programs have an attorney on staff or can give you a referral to a low-cost attorney who is familiar with divorce and domestic violence laws.

#### State Bar Associations

Your local bar association may help you identify the names of attorneys who specialize in divorces cases and may be able to provide information on whether attorneys licensed to practice law in that state have been the subject of an ethical complaint or inquiry.

### ■ Attorney Referral Services

For approximately \$30, an attorney referral service will recommend someone who specializes in your type of case. Some services will allow you to talk with an attorney for the first half hour at no charge. These services can be found in the yellow pages under "Attorney Referral Services" or "Attorneys."

#### Recommendations

Talk to your friends. Some of the most reliable referrals are from people you trust.

Most attorneys charge by the hour and the rate is usually based on experience. However, there are some attorneys that offer set fees or upfront deposits called retainers. A retainer provides legal service without the unpredictability of the hourly fee arrangement. Usually, this type of arrangement is written out in a formal retainer agreement, which lists the specific terms of the agreement.

Other attorneys bill clients on a per project basis. The client is charged a fixed fee per project, regardless of the work involved or difficulty of the project. Another fee arrangement, the contingency fee, provides the attorney with a portion of any damages received by their client in settlement of a lawsuit or the judge or jury reaches a decision, or verdict, in a case.

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A prepaid legal plan is an arrangement in which a participant or that person's employer pays for future legal services the participant may require. A prepaid legal plan is similar to a medical benefit plan. Participants pay a fixed amount each month or year for service benefits to be used when needed. Nearly every plan provides advice and consultation by telephone as a basic service and may also include office consultations, reviews of simple documents, and preparation of simple wills and letters. Other plans offer more comprehensive coverage for trials, bankruptcy, etc.

Many legal aid offices and other legal services have specific funding for or collaborative agreements with domestic and sexual violence advocacy programs to ensure the safety of victims. They provide legal services to victims who are unable to afford or access them on their own. Contact an advocate from a local domestic violence program to learn more about legal assistance in your community. Different attorneys and legal assistance providers have different billing processes. Ask questions during conversations about billing to make sure you understand all of the terms and your responsibilities.

Remember that an attorney works for you. At the initial meeting feel free to interview the attorney about their experience in working with domestic violence cases, divorce, child support etc. Ideally, you want to secure an attorney that has experience and knowledge in pursing similar court cases.

Child support may be a topic you choose to discuss if you have children once you have secured legal counsel. Child support is financial support paid by a parent for a child or children with whom they do not live with in the same home. Child support can be voluntary or ordered by a court or administrative agency, depending on the laws the state in which you reside. It can include medical support, educational assistance, and insurance costs among the other regular expenses involved in raising a child.

Paternity is another issue you may choose to discuss with your attorney. Paternity is a legal determination of a child's biological father. For unmarried partners, paternity is not automatic. Many states require that a court make a legal determination of paternity in cases where the parents of a child are unmarried. Paternity establishes a legal relationship that may result in eligibility for benefits from the legal father such as inheritance, veteran's benefits, Social Security benefits or life insurance. But it also establishes a legal role for the father including custody and visitation, which may result in increased safety risks. Consult an attorney or ask a domestic violence advocate about the paternity laws in your state to make sure you make the choice that is right for you and protects you and your children's safety.

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Child support decisions create a difficult dilemma for many survivors. The best way to resolve this challenge is to speak with an attorney and domestic violence advocate.

To help you learn more about child support, below are some frequently asked questions:

### What agency manages child support?

Child support enforcement programs are run by the states, usually by the human services department, attorney general's office or department of revenue.

Several Native American tribes also have established child-support enforcement programs.

### Am I eligible to receive child support?

You may be able to collect child support if:

Αt	least	one	child	for	whom	you	are	seeking	support	is	under	18

☐ You are the child's custodial parent or guardian

Any person with custody of a child, who needs help to establish a child support or medical support order or collect support payments, can apply for child support enforcement services.

People who have received assistance under TANF, Medicaid and federally-assisted foster care programs are automatically referred for child-support enforcement services; however, safety exceptions for automatic referral may apply for domestic violence survivors.

Talk to an attorney or a domestic violence advocate in your state to fully understand the laws.

## If I receive public assistance, will it impact my child-support options?

If you have been abused and are receiving funds through TANF, you must cooperate with state efforts to collect support unless you believe that collecting child support would put you or your child in danger.

If you choose not to pursue child-support enforcement, you could lose some or all of your TANF assistance, unless you can demonstrate you have a "good cause" not to cooperate.

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## What does "good cause" mean and what does it have to do with my child support options?

Everyone who applies for or gets cash assistance, subsidized childcare assistance or other TANF benefits must establish paternity and pursue support.

If domestic or family violence (or other circumstances such as rape or incest) makes complying with these requirements dangerous, the recipient may be excused based on "good cause."

You can request good cause from your state child enforcement agency at any time. Good cause will be granted if pursuing support would:

Make it more difficult for a family or household member to escape domestic violence;
Place a family or household member at risk of further domestic violence;
Unfairly penalize a family or household member because of domestic violence; or
The child who needs support was raped by the biological father or born as a result of rape or incest.
hat will happen if I have "good cause" for not pursuing child ipport?
When a caseworker or family court is notified that someone wants to request good cause, they should not take action to collect support until the application has been considered.
Applicants are referred to the child support enforcement office or to a specific caseworker who will help fill out the domestic violence verification form or supply verification in cases of rape, incest or adoption.
Once the form is complete, the survivor and her caseworker or child support enforcement representative will work together to obtain a formal

### What does a protection order have to do with child support?

In addition to providing safety protections from abusive partners, protection orders can help you and you children obtain financial support.

In a protection order, you may have the right to ask the court to order your partner to pay for various types of expenses, including child support.

response to the "good cause" claim.

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### What are some common child support strategies to consider?

If you need child support quickly, consider going to court on your own.
File a temporary child support order when you file your complaint. It is a request to the court to give you child support until the hearing on your original complaint.
Ask if your state has a child-support worksheet/form, which will allow you to put in both parents income/assets to calculate a reasonable monthly support amount.
Find out if your state provides a child-support order when you apply for a protection order.
Review the non-custodial parent's financial statement (bank statement) required in a child support enforcement case for accuracy.
Consider consulting a lawyer if the financial statement appears inaccurate or fraudulent.

### Where can I go for more information on child support?

Although there are federal laws regarding child support, each state has laws to regulate enforcement and procedures.

To get information about child support enforcement in your state, contact the Office of Child Support Enforcement at:

Office of Child Support Enforcement Administration for Children and Families Department of Health and Human Services 370 L'Enfant Promenade, SW Washington, DC 20447 (202) 401-9373

www.acf.dhhs.gov/programs/cse

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### Separation, Divorce, and Child Support (cont'd)

### Do I still have rights in the U.S. if I'm from another country?

Battered immigrant and refugee women may be unaware that they are eligible to file for divorce in the United States. Some immigrant and refugee women also fear that divorce will adversely affect their ability to obtain immigration relief, since they must file Violence Against Women Act selfpetitions within two years of the date of divorce. In addition, even if they are documented, some battered immigrant and refugee women also fear that they will be deported if they access the U.S. legal system.

Access to immigration relief under The Violence Against Women Act offers options for relief and support to battered immigrant and refugee women. Documented and undocumented immigrants who are battered by a spouse or parent who is a (1) U.S. citizen or (2) lawful permanent resident can apply for some public benefits after filing a Violence Against Women Act selfpetition or I-130 family-based visa petition.

### What is the Violence Against Women Act Self-Petition?

The Violence Against Women Act self-petition is extremely complicated and time consuming. Do not attempt to file these papers on your own. Ask an advocate and immigration attorney to support you through this process.

The Violence Against Women Act contains provisions that allow battered immigrant and refugee women to flee violent marriages without being deported. Violence Against Women Act provides battered immigrant and refugee women with three forms of relief. It: (1) allows them to file petitions on their own behalf; (2) addresses the cancellation-of-removal relief as it applies; and (3) clarifies that immigration authorities must accept "any credible evidence" submitted by a battered immigrant wife who is filing a self-petition or requesting a "battered-spouse waiver" if her abusive husband has filed immigration papers on her behalf. These provisions protect immigrant and refugee women and children whose abusive partners attempt to use immigrant status to inflict physical, mental, emotional and/or economic abuse.

### What is the Violence Against Women Act Self-Petition process?

Obtaining lawful permanent residency status ("green card") through Violence Against Women Act is a two-step process. First, the applicant must have the self-petition approved by the United States Citizen and Immigration Services (USCIS). Second, she must apply for permanent residence through the adjustment-of-status process or consular process.

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Self-petitioners must complete USCIS form I-360 (Petition for American Widow or Special Immigrant) with supporting documentation. The filing fee for this form is approximately \$80. Self-petitioners may also file a waiver of

When a self-petition is approved, the spouse or child of a United States citizen is immediately eligible to receive a green card. She may file USCIS form I-485 (Application for Adjustment of Status) with a copy of her approved self-petition with the USCIS District Office responsible for her jurisdiction. The filing fee for the I-485 is approximately \$220.

### What are the Violence Against Women Act Self-Petition requirements?

### Requirement 1: Spouse or child of an abusive partner at the time of filing the self-petition

A self-petitioner must demonstrate that she is the legal spouse or child of a citizen or lawful permanent resident of the United States with documents such as a marriage certificate, love letters, etc.

### Requirement 2: Self-petitioner's spouse or parent is a US citizen or lawful permanent resident

The self-petitioner must demonstrate that the abusive partner was a U.S. citizen or lawful permanent resident at the time the petition was filed.

### Requirement 3: Self-petitioners reside in the United States with the US citizen or lawful permanent resident

### Requirement 4: Self-petitioners must have resided in the United States with the US citizen or lawful permanent resident in the past.

### Requirement 5: Battery or extreme cruelty

The immigrant woman must prove that she was battered or subjected to extreme cruelty by her husband or that she is the parent of a child who has been battered or subjected to extreme cruelty by the child's other parent or stepparent. The statutory definition of these terms includes rape, molestation, forced prostitution and incest (if the victim is a minor). A selfpetitioner who has suffered no physical abuse may also be eligible for immigration benefits under the Violence Against Women Act as the definition applies to claims of mental cruelty as well as physical abuse.

#### Requirement 6: Good moral character

An applicant who is 14 years or older must provide evidence of her "good moral character" for the past three years.

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### Requirement 7: Extreme hardship

The applicant must show that if she is removed from the United States, it will cause extreme hardship to herself or her child. In self-petitioning cases under the Violence Against Women Act, the circumstances surrounding the domestic abuse and consequences of the abuse may cause or contribute to extreme hardship.

### Requirement 8: Applicant married in good faith

The applicant should present evidence that the current marriage was entered into in good faith. The following evidence may be useful:

- Marriage certificate
- Wedding pictures
- · Pictures of the couple together on vacation, with friends or family
- Birth certificates of children in common
- Letters or cards to the applicant from the spouse
- Letters or cards sent to applicant's family members by the spouse

For more information about how to file a self-petition or gather evidence, contact a local domestic violence advocate, immigration attorney or a national immigrant rights organization.

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For victims of domestic violence, disclosing the experience of abuse to others can be very helpful in seeking support and safety. However, it is important to carefully consider with whom you will share this very personal information and the potential consequences. It is important to trust your instincts. If you have any reservations about disclosing your experience, remember that an advocate at your local domestic violence program can provide confidential guidance and support on the consequences and long-term implications and consequences of disclosing abuse.

Sometimes it may not be best to disclose current or past abuse because it may result in the following: Potential for people to respond insensitively and blame you for your situation. Possible discrimination in employment, housing and access to services. ☐ Loss or reduction in public assistance. ☐ Referral to state child protection agencies. If you do make the decision to disclose abuse, before you share any information, especially with an employer, remember to: Find a domestic violence advocate and ask them for guidance regarding community organizations that are required by law to report your neglect or abuse (mandated reporters). Analyze any community organization's requirements or policies for disclosing domestic violence. ☐ Ask your advocate to process the short- and long-term implications of this disclosure; why the organization needs the information, where your records are kept, who has access to the information, how it will be used and what can happen if you do not disclose the information. Research your company's confidentiality program and employeeassistance program. Learn about your legal rights to take time off, such as extended-leave or vacation-time policies. Determine whether of not your employer has a partnership with a domestic violence program. ☐ Research your state's unemployment insurance policies. If you must leave your job due to domestic violence, you may qualify for benefits.

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## Privacy Challenges and Identity Change

In addition to the many issues related to being a domestic violence victim, safety is one that comes to the forefront for many. Some survivors even change their identities to protect themselves from their abusive partners.

Before changing your identity or your Social Security number (SSN), be aware of the consequences. You may lose your work and/or credit histories and your professional and educational credentials, which may make it hard to get a job, rent an apartment or buy a house. In many cases, changing your name is not a confidential process. In fact, many states require official notice of name changes, either in the local newspaper or in public courthouse documents. Also, your old identity may be linked with your new identity, such as credit checks or a birth certificate.

Consider the following before making the decision to change your identity:
 Contact a domestic violence program to find out about transitional housing programs.
 Check if your state has an address confidentiality program or consider getting a PO Box address.
 Block online and automated telephone access to your SSN by visiting www.socialsecurity.gov/blockaccess.
 Contact banks, utilities, department store credit cards, phone companies, etc., to place a new or extra password on your account.
 Reduce the number of accounts in your name, such as utilities. Find housing that includes utilities in the monthly rent or ask a roommate to put the utilities in her name.

If you choose to change your identity, be sure to do the following:

- Speak to a domestic violence advocate or an attorney who understands identity change in the context of domestic violence.
- Get legal assistance, especially if you have debt or loans, on-going legal issues or you have shared custody of children. It is rare that children's identity and SSN can be changed without both parents being notified.

Remember that changing your identity does not guarantee safety. Develop a safety plan after you change your identity, protect your contact information and limit the number of people who have access to your personal records. People are often tracked down through friends and family. Ask your family and friends to be protective of your information.

In addition to protecting your safety and new identity, you also have to be mindful of someone stealing your identity. Identity theft occurs when someone steals and uses your personal information, and it is not uncommon for abusive partners to commit identity theft on their victims.

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## Privacy Challenges and Identity Change (cont'd)

There are two types of identity theft:

- □ "Account takeover" occurs when someone acquires your existing credit account information and purchases products and services using the actual credit card or the account number and expiration date.
- ☐ "Application fraud," also called "true-name fraud," occurs when someone uses your Social Security number and other identifying information to open *new* accounts in your name.

Some perpetrators of domestic violence steal their partner's identity to open new credit accounts, impersonate them, find out where they are living or ruin them financially.

Identity thieves can steal your name, personal information, date of birth, Social Security number, driver's license number, passport, credit card information, ATM number, telephone calling card or other account information.

You can become a victim of identity theft from an abusive partner, a family member, or even a stranger. Personal information needed to steal your identify can be found by:

- ☐ Digging through trash bins for credit card and loan applications and documents containing personal information including your date of birth or Social Security number.
- ☐ Stealing mail from your mailbox to obtain newly issued credit cards, bank and credit card statements, pre-approved credit offers, investment reports, insurance statements, benefits documents or tax information.
- ☐ Accessing your credit report fraudulently (e.g., pose as an employer, loan officer or landlord to obtain information).
- ☐ Using the Internet to track personal information or pay an information broker for a background check report that provides your date of birth, information about your family members, unlisted phone numbers and your last known address.

If you are a victim of identity theft from your partner, or anyone, take the following actions immediately: notify credit bureaus, contact your creditors, call the Social Security Administration, obtain a new driver's license number, document all conversations regarding the identity theft, and consider reporting the crime to the police. To an identity thief, information is more valuable than money. Limit the individuals or businesses you share your personal information with. For example, by sharing your phone number with retail stores offering discount cards, your unlisted number could be disclosed and sold to an information broker, collected and combined with other publicly available information about you and posted on the internet.

## Privacy Challenges and Identity Change (cont'd)

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Before you do business with a company, ask how it protects your information and look at their privacy policy. Understanding how your information is shared will help you better protect your privacy, keep your identity private, and protect yourself from identity theft.

### **Become Data Savvy**

Ask why individuals or businesses need your personal information. Question anyone who requests your Social Security number and do not give your phone number to retail clerks.

Know what information about you is publically available. For example, in some states, voter registrations are public record and available online. Google search yourself to see what information is on the Internet about you.

Limit the information you or your children share on the Internet. Oftentimes, innocuous pictures of information posted on social network pages or picture sharing websites can unintentionally provide personal information about you.

### **Learn How Your Financial Institution Manages Data**

Know what information your bank, credit union or credit card company shares about you or your transactions. Ask your financial institution about its data security program and how it protects your personal information. Ask for a copy of their privacy policy.

### **Read Privacy Notices**

Details about your personal information and who has access to that information is embedded in the small print. Understand companies' privacy policies and what they do with your information.

#### **Shred Everything**

All documents containing personal contact information or account numbers should be shredded. Do not place a credit-card statement, bank statement or tax information in a trash or recycling bin without shredding it.

#### **Understand Opt-Out Choices**

Financial institutions must offer you the right to choose not to participate in their data-sharing process with third parties. "Opting out" protects your privacy and controls the security of your information. Keep in mind that, often, you will have to ask to opt out of the institution sharing your information.

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### **Beware of Requests for Personal Information**

Never give personal information in an e-mail. Some identity thieves send e-mails that appear to be from a financial institution. This scam, called "phishing," appears legitimate. Check with the financial institution before you respond to this type of e-mail. Be careful about clicking any links in the email or replying to the email. You can go directly to the financial institution's website or give them a call.

### **Change Passwords and PINs**

Use a password that's a combination of letters and numbers such as (P3P3). Never use your birth date, Social Security number, phone number or any part of your name as the password for your online accounts, including banking, investing, e-mail or purchasing accounts. Change your passwords every two to three months. Do not use the same password for every online account; create several to use in rotation.

### **Practice Computer Safety**

Ensure that you have anti-virus and anti-spyware software running on your computer. Make sure that all definitions are up-to-date. Use a software or hardware firewall to protect your personal information when you use the computer. Keep your firewall settings at a high or moderate level. Never use the low settings. Do not open e-mail attachments from people you do not know. It could be a malicious virus, Spyware or worm that could steal your data or crash your computer. If you donate a computer to charity, first remove the hard drive. Many charities encourage this practice to protect any personal information that was stored on the machine.

### **Purchase Identity Theft Insurance**

This coverage can be obtained as an option to your homeowners or renters insurance policy. These policies cover many costs associated with restoring your credit such as mailing statements to credit agencies, obtaining credit reports, making long distance phone calls and re-applying for any loans you were denied because someone stole your identity.

This section only provided a brief overview of some of the implications of personal privacy, identity change and identity theft. For more information and guidance on how to handle these situations contact a domestic violence advocate in your community.