



CONSUMER RIGHTS FOR DOMESTIC VIOLENCE SURVIVORS IN MASSACHUSETTS

Many victims and survivors of domestic violence have financial difficulties. This is common and nothing to be ashamed of. Perhaps your abuser handled all the money in the household, and you are not sure how to get started in managing your own finances. Perhaps your abuser is intentionally creating money troubles for you, by forcing you to sign financial documents, running up debts in your name or refusing to pay child support or make rent or mortgage payments. You may also simply have difficulty paying for necessary living expenses with only your own income.

The information in this packet is intended to help you:

- Separate your finances from your abuser;
- Deal with any existing debts;
- Stay financially independent in the future and avoid traps and scams; and
- Get more help and information with these issues.

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STAYING SAFE

This packet was written by experts in consumers' financial rights, but *you* are the expert on your abuser's behavior. *You should always consider your personal situation and safety plan before taking any action. Some actions—such as cutting off access to a credit card or bank account—might anger your abuser and create a risk of retaliation.* Other actions might result in revealing your location to your abuser. If you do decide to take a step that could reduce your safety, consider obtaining a protective order or asking the police to keep a closer eye on your home or work for a while.

In addition to following your safety plan, there are some specific things you can do to improve your safety while taking control of your finances.

Keeping Your Address and Identity Secret:

Court records are usually public. If you are involved in any court proceedings, even if your abuser is not involved (for example, if you are being sued by a debt collector), ask the court right away to keep your address confidential.

Your credit report may include your current and former addresses. Although no one is supposed to be able to see your credit report without a good reason, it is pretty easy for an abuser to get access. You can take several steps to prevent this:

- Never use your residential address on credit or loan applications, to receive bills or statements or in communications with credit bureaus. Use a post office box or other secure address instead. This may help keep your home address out of your credit report, although there is no guarantee that it will work. You will need to monitor your credit report regularly to make sure the information does not show up. (See "More Resources," below, for instructions on getting free copies of your credit report.)
- Consider placing a "freeze" on your credit report, so that it cannot be released without your explicit permission. You will need to write to all three of the credit bureaus (Equifax, Experian and TransUnion). A freeze is free if you are a victim of identity theft, but otherwise you have to pay each bureau \$5 and an additional \$5 each time you authorize someone, such as a lender, employer or landlord, to view your report. The credit bureaus will send a

Personal Identification Number (PIN) to you in the mail. You *must* have the PIN in order to lift or remove the freeze or communicate with the bureaus about your report, so do not place a freeze request if you do not have a secure way to receive mail. If you decide to freeze your reports, more information and instructions are available from the Massachusetts Attorney General's office. (See "[More Resources](#)," below, for contact information.)

- If you have established a new identity by changing your name or social security number, be careful not to include any of your prior credit history on applications for new credit. The Credit Bureaus are likely to cross-reference your prior history, name and social security number to your new report if they have any way of linking you to the old accounts. If a lender requires complete information about your outstanding debts, and you still have some under your old name, you may simply have to wait until you have resolved them before applying for the new loan, in order to avoid disclosing information that could threaten your safety (see "[Dealing with Debts](#)," below).

Under the Violence Against Women Act of 2005, you can have an alternative address (not your residential address) printed on your *driver's license* and entered into the state's driver license database.

SEPARATING YOUR FINANCES

Just as you would not want to leave your abuser with a set of keys to your home, you will want to make sure he (or she) does not have access to your finances and cannot run up debts under your name.

If you have any *joint accounts* with the abuser, you should close them, unless doing so would compromise your safety by provoking retaliation. This includes bank accounts, credit cards, Home Equity Lines of Credit and any other lines of credit that are in both your names. Send a letter to the company saying you wish to close the account and include any ATM or Credit Cards, cut in half. You may still be legally responsible for the outstanding balance, but if the accounts are closed, you won't be responsible for any future debts run up by your abuser.

Similarly, if the abuser is an “*authorized user*” of any of your accounts, you should have their name removed by contacting the company in writing. You may also want to remove yourself as an “*authorized user*” of any of your abuser's accounts and send any cards back to the company (not to the abuser). If you remove yourself, you will no longer be able to use those accounts to pay for necessities, but you may avoid future conflicts with the abuser.

You should be alert to the possibility of *identity theft* by your abuser. Your abuser may know your date of birth, social security number, mother's maiden name, current account numbers, passwords or personal identification numbers (PINs), and other sensitive information. In order to avoid your abuser getting access to your financial accounts or opening new accounts in your name, you can take the following steps:

- If you have moved, make sure none of your bills, statements or other financial documents are being sent to the abuser's address;
- Change all your passwords and pins to new ones that the abuser could not know or guess;

- Consider closing old accounts and opening new ones with new account numbers; and
- Monitor your credit report for any new accounts and contact law enforcement and notify the Credit Bureaus *in writing* if you see any accounts that you did not open (see “[More Resources](#)”).

You should also take your name off of any accounts for *utilities* (gas, electricity, etc.) at prior addresses. Even if you have debts from the prior address, you should be able to get utility service at a new address and arrange a payment plan with the utility. If you are having trouble getting the utility to agree, contact the Department of Public Utilities Consumer Division. There are also programs that can help you with deal with unpaid utility bills as well as legal protections against utility shutoff for families experiencing financial hardship (see “[More Resources](#)”).



DEALING WITH DEBTS

You may have less income and higher expenses after leaving an abuser. While it is better to stay current on all your bills, you may find that you can't pay everything. You may be tempted to take out more loans in order to catch up. This is almost always a bad idea.

The best strategy is to decide which debts to pay first, which debts you can refuse to pay, and which debts can be put off until later. You will need to prioritize your debts based on how important they are to your safety and wellbeing and what the consequences are if you don't pay. Here are a few rules of thumb:

1. Family and safety necessities come first. This probably includes food, medication, rent or mortgage payments for the place you are living, and car payments (and car insurance) if the car is a necessity for your safety or employment. You should also pay the minimum necessary to keep essential utilities. Payment assistance may be available for utilities and you may have protections from shutoff (see "[More Resources](#)").
2. Failing to pay child support can result in very serious consequences. If you owe more child support than you can afford to pay or than you think is fair, don't just ignore the payments. Seek assistance from a family law attorney to have the obligation lowered.
3. There are special collection remedies for income taxes which make them the next priority. File your federal tax return, even if you cannot pay the amount due. The penalties for late payment are lower than for failing to file at all.
4. Never let pushy phone calls and letters, threats to sue you or threats to ruin your credit panic you or push you into paying a less important debt before more important ones. The creditors who yell loudest often do so because they have no better way to get their money than to intimidate you.
5. Don't pay debts if you have a legal defense against them. If your abuser forged your signature or coerced you to sign papers, you may have a viable defense. Other examples would be debts for goods that were defective or a creditor claiming more money than it is entitled to. Seek legal advice if there are reasons you think you should not have to pay.
6. In general, you should pay "secured" debts before "unsecured" debts. Secured debts are backed by specific property or assets, called collateral. If you don't pay, the creditor can take the collateral and sell it. Mortgages and car loans are the most common examples and are secured by your home or your car. If you are currently living in the home or depending on the car for transportation, paying these debts is a high priority. However, if your abuser has possession of the house or car, these debts should be lower priority, even if they are in your name.
Credit cards and medical bills are examples of unsecured debt and are low priority. For unsecured debts, the debt collector must get a court judgment before it can take any of your money or property, and even then you have protections.
7. If a creditor sues you to collect a debt, don't ignore it. Failing to respond to court deadlines may cause you to lose valid defenses. However, even if the creditor obtains a judgment against you, some or all of your wages and property may be protected. If so, you should still pay higher priority debts first. Another reason not to ignore a lawsuit is that court documents may include your address. If this will threaten your safety, go to the court immediately and request that your identifying information be sealed. Bring a copy of your protective order, if you have one.

MAINTAINING FINANCIAL INDEPENDENCE

In order to stay safe and financially independent, you will need to create a workable budget and stick to it. You may be able to recover funds from your abuser or access various financial assistance programs that can help, especially at the beginning. You must also learn to recognize and avoid high-cost loans and scams that can derail your budget.

Sources of Financial Assistance:

You may know that you can get a protective order against your abuser. You may not know that Massachusetts law allows judges to *order your abuser to pay monetary costs of abuse* as part of the protective order. This could include lost wages, medical costs, replacement of destroyed property, moving expenses and any other costs directly caused by the abuse. If you did not request such reimbursement when you originally got a protective order, you may still be able to seek compensation for the abuse by bringing a separate “tort” lawsuit against your abuser. You may also be able to seek ongoing spousal or child support payments from your abuser. However,

you should consider the safety risks of seeking money from your abuser.

You may be eligible for *compensation as a victim of crime*. If you meet certain conditions, the Commonwealth of Massachusetts will assist you with medical and dental bills, counseling costs, lost wages and similar expenses. Contact the Massachusetts Attorney General’s Office for more information (see “[More Resources](#)”).

You may also be eligible for *other forms of assistance*, including utility payment and weatherization assistance, the Earned Income Tax Credit (EITC), and various public benefits such as Food Stamps or Temporary Assistance for Needy Families.

Scams and Bad Deals to Avoid:

Don’t use private child support collection agencies. At best, they charge very high fees (up to 50% of the money collected) and at worst they are actual scams—collecting up-front fees and then disappearing with the money. Instead of using a private company, contact the Child Support Enforcement Office in Massachusetts (see “[More Resources](#)”).

Don’t fall for “quickie” divorce scams. They typically promise you can obtain a divorce by flying to another country for a few days, but these divorces are almost never legally valid and child custody, child support, alimony and other orders will not be honored in the United States.

Be very careful when shopping for a car. Women are often seen as easy targets for car scams. Start by doing research on what type of car will meet your needs and what it should cost. You can check Consumer Reports and the Kelley bluebook.

Second, research individual cars by checking vehicle history in the National Motor Vehicle Title Information System (at <http://www.vehiclehistory.gov>) and Carfax and having the car inspected by a reliable mechanic and bodyshop. Third, shop around for loans—go to your bank or credit union and compare their loan terms to those offered by the car dealer. Finally, read and understand everything before you sign it, and don’t sign up for any services or features you don’t need.

Avoid high-cost and risky loans. These include payday or check loans, car title loans, pawnbrokers and rent-to-own shops. The annual percentage rate on these types of loans can work out to 200% to 1,000%. Loans from a bank or credit union and even credit cards are usually much less expensive. Car title loans in particular can be very dangerous for abuse survivors, since they could result in you losing your transportation.

MORE RESOURCES

Attorney General of Massachusetts (for information on *identity theft*, *freezing your credit report* and applying for *Victim of Crime Compensation funds*)

One Ashburton Place
Boston, MA 02108 -1518
Phone: (617) 727-2200
TTY: (617) 727-4765
www.ago.state.ma.us

Legal Assistance:

To find free legal assistance in Massachusetts (“Legal Services”), go to <http://www.masslegalhelp.org> or call the Legal Advocacy and Resource Center (LARC) at (800) 342-LAWS. There may be restrictions on eligibility based on income or other factors.

To find a private attorney in Massachusetts who specializes in consumer issues, contact the National Association of Consumer Advocates at www.naca.net or by calling (202) 452-1989.

To find a private attorney specializing other areas, such as family law, contact the Massachusetts Bar Association Lawyer Referral Service at www.massbar.org/lawhelp or (866) MASS-LRS.

Utilities:

Massachusetts Department of Public Utilities Consumer Division (for information on rights to *establish utility service*, *set up payment plans* and *prevent shutoffs*)

One South Station
Boston, MA 02110
Telephone: (617) 305-3500
Fax: (617) 345-9101
<http://www.mass.gov/?pageID=eoeesubtopic&L=5&L0=Home&L1=Energy%2C+Utilities+%26+Clean+Technologies&L2=Electric+Power&L3=Customer+Rights+and+Information&L4=Consumer+Assistance&sid=Eoeea>

You may be able to lower your bills by participating in LIHEAP (the federal Low Income Home Energy Assistance Program). The Massachusetts LIHEAP Program is administered by the Department of Housing and Community Development. For information on where to apply, call (800)-632-8175 or download information from the Department’s website at www.state.ma.us/dhcd.

Credit Reports:

You can get two free copies of your credit report each year from each of the three Credit Bureaus (one copy is mandated by federal law and the other by Massachusetts law). You may be entitled to additional free copies if you are a victim of identity theft or if you are turned down for employment or a loan because of your credit. You can access your free report under federal law at www.annualcreditreport.com. Do not use any other source for your free federal report. Other websites that claim to provide free credit reports are not really free, but introductory teasers that convert to an expensive subscription service.

If you find mistakes on your report, send a letter explaining the mistake and enclosing copies of anything that helps to prove your explanation. The addresses for the three Credit Bureaus are:

Equifax Credit Information Services, Inc.
P.O. Box 740241, Atlanta, GA 30374-0241, 800-685-1111

Experian National Consumer Assistance
PO Box 2002, Allen, TX 75013-2104, 888-EXPERIAN

Trans Union Consumer Solutions
P.O. Box 2000, Chester, PA 19022, 800-888-4213

These addresses may change, and you may need to use different addresses to report Identity Theft or other issues, so consider calling first to confirm.

Taxes: www.bostontaxhelp.org provides a list of free tax preparation sites and other information for low-income taxpayers.

Other Benefits: <http://www.massresources.org/> provides information on a wide range of assistance programs for people in need living in Massachusetts, including information on what benefits are available, how to apply, eligibility requirements, benefit amounts, and answers to commonly asked questions.

Additional Information:

For more information about consumer rights in general and specific information for domestic violence survivors and advocates, the National Consumer Law Center publishes *Surviving Debt: A Guide for Consumers* and *Guide to the Rights of Domestic Violence Survivors*. To order copies of these books, contact NCLC publications at (617) 542-9595 or go the website a To order a copy, contact NCLC publications at (617) 542-9595 or go the website at <http://shop.consumerlaw.org>.