

# Financial Empowerment Curriculum

## Moving Ahead Through Financial Management



## Module One: Understanding Financial Abuse

Keeping Safe and Starting Over



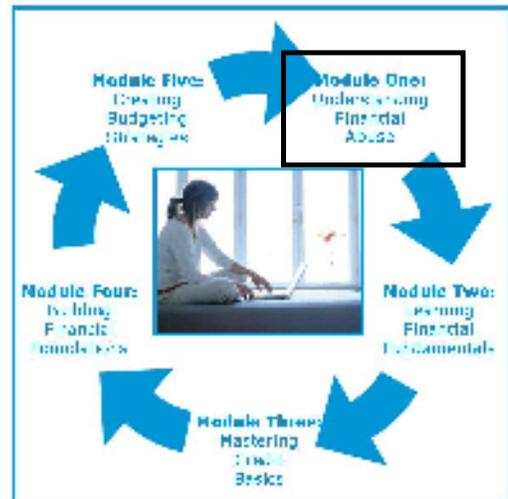
## MODULE ONE: Understanding Financial Abuse

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)**



# REAL PEOPLE *with Real Stories*

## 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 chose to share 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 advocate at the shelter, Fatima began to make 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. Now, in addition to the pressure of caring for herself and her children, Fatima must manage her overwhelming debt and rebuild her credit history.

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's 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

## 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 to money or other financial resources. It might include:

- Controlling 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.

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,
- Couples identify when they have different values about money and negotiate joint financial goals;
- Couples set plans to meet joint goals and stick to them;
- Couples 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)

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 or not you are in a financially abusive relationship, ask yourself these questions. Does your partner:

- Steal money from you or your family and 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.

# 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 abuser 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 critical 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 decrease the chances of your abuser harming you or your family.

### 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 a safety deposit box to store documents for safe keeping without telling your partner or storing copies at a friend or family member's house.

It's also important to have copies of other critical documents stored in a safe place, such as Social Security numbers (for yourself, children and your partner), your marriage certificate and birth certificates, bank statements and credit card statements.

Documentation regarding joint property can also be very helpful, particularly if you decide to leave the relationship. Photographs can often be more helpful 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.

## Safety Planning (cont'd)

### Step Three: Begin saving money immediately.

Another common control tactic used by abusers 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. However, remember that batterers frequently increase in 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. 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 abuser. 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.

# Safety Planning (cont'd)

## Orders of Protection

An order of protection is a court order signed by a judge that 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 abuser 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.

In addition 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 (and know that you can get an order of protection without citizenship). Even if you don’t qualify due to immigration status, your children may still qualify. 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 needs and your safety needs. Orders of protection can be an important tool for safety, but they do not ensure safety or access to economic resources but are not the right choice for everyone. Again, to decide if an order of protection is a good option for you, contact a domestic violence advocate in your community. Trained advocates can help sort through the pros and cons of obtaining an order (including whether or not it will trigger immigration and deportation actions). This can help you to make the decision that is right for you. Remember, protection orders are available regardless of immigration status. They can serve as evidence for abused women who are seeking legal immigration status. Attorney or specially trained domestic violence advocates are most successful in obtaining protection order. Also, abusive partners who violate protection orders may affect their own immigration status.

For more information about the order of protection laws in your state go to: [www.womenslaw.org](http://www.womenslaw.org) or Office of Justice ([www.ogp.gov](http://www.ogp.gov)).

Use the state chart on the following page as an initial resource to help determine the types of financial relief you are available for that are authorized by statute (provided by The Battered Women’s Justice Project, Civil Office).

# Safety Planning ( )

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

State	Child Support	Spousal Support	Housing (Vacate)	Housing (Financial)	Personal Property	Expenses	Other
Alabama	X	X	X	X	X		X
Alaska	X	X	X		X	X	X
Arizona			X				X
Arkansas	X	X	X				X
California	X		X		X	X	X
Colorado			X				X
Connecticut			X				X
Delaware	X	X	X	X	X	X	X
D.C.			X		X		X
Florida	X	X	X				X
Georgia	X	X	X	X	X		
Hawaii			X				X
Idaho			X				X
Illinois	X	X	X	X	X	X	X
Indiana	X	X	X	X	X	X	X
Iowa	X	X	X	X			X
Kansas	X	X	X	X	X		X
Kentucky	X	X	X				X
Maine	X	X	X	X	X	X	X
Maryland	X	X	X		X		X
Massachusetts	X	X	X			X	X
Michigan							
Minnesota	X	X	X		X	X	X
Mississippi	X	X	X	X		X	
Missouri	X	X	X	X	X	X	
Montana			X		X		X
Nebraska			X				X
Nevada			X	X			X
N. Hampshire	X	X	X	X	X	X	X
New Jersey	X	X	X	X	X	X	X
New Mexico	X	X	X	X		X	X
New York	X		X			X	X
N. Carolina	X	X	X	X	X		X
North Dakota	X	X	X		X		
Ohio	X	X	X	X	X		X
Oklahoma			X				X
Oregon			X				X
Pennsylvania	X	X	X	X	X	X	X
Rhode Island			X				X
S. Carolina	X	X	X		X		
South Dakota	X	X	X				X
Tennessee	X	X	X	X			
Texas	X	X	X		X		
Utah	X	X	X		X		X
Vermont	X	X	X				X
Virginia			X	X	X		X
Washington			X		X		X
W. Virginia	X	X	X		X	X	
Wisconsin			X				X
Wyoming	X	X	X	X		X	X

## Safety Planning (cont'd)

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

### Home and Shelter Concerns

- ❑ Consider limiting your housing search to private property owners rather than larger property-management firms, if you're concerned that your abuser may use a credit report to locate you while you're in hiding. Private property owners often use proof of credit history provided at the time of application rather than checking with a credit bureau. 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 an abuser from discovering your new address.
- ❑ Protect your contact information from being shared by finding a roommate who will agree to have the utilities listed in her name.

### Technology Concerns

- ❑ Find out how much of your personal information is available on the Internet. Use free and fee-based websites such as [www.google.com](http://www.google.com), [www.switchboard.com](http://www.switchboard.com), [www.veromi.com](http://www.veromi.com) to search for your phone number and address.
- ❑ 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 [www.google.com](http://www.google.com) 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 [www.nnedv.org](http://www.nnedv.org) or [www.clicktoempower.com](http://www.clicktoempower.com) or call the National Domestic Violence hotline at 1-800-799-7233 for contact information.

### Workplace Safety

- ❑ Consider providing a photograph of your abuser 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.

## Safety Planning (cont'd)

- Screen your telephone calls.
- 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 [www.nnedv.org](http://www.nnedv.org).

## Separation, Divorce and Child Support

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. Try and gather 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 begin to prepare for a meeting with an attorney, take an inventory of your possessions including your home, car, and furniture. 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 and are addressed later 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.

Lastly, an integral part of any divorce settlement is a property division agreement. Some of the common assets that must be divided in a divorce include: your home, savings, retirement plans, household items, etc.

The pro se divorce process is not a safe choice for victims of domestic violence. Pro se is a legal term that means that one appears in court on her own and is responsible for her own legal representation without the benefit of an attorney. Since domestic violence is rooted in fear, power and control, it is unsafe for a survivor of domestic violence to represent herself in a divorce when her financial future, emotional well-being and the custody of any children are at stake.

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

Pro se divorces are best suited when domestic violence is not a factor and for 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 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 an attorney who is familiar with divorce and domestic violence.

- **State Bar Associations**

Your local bar association can 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 up-front 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 states 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.

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

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, marital problems, bankruptcy, etc.

Many legal aid offices and other legal services have 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, etc. Ideally, you want to secure an attorney that has experience and knowledge in pursuing similar-like court cases.

Once you have secured legal counsel, you can discuss child support if you have children. 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.

For unmarried partners, paternity is not automatic. Paternity is a legal determination of a child's biological father. 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 legal father such as inheritance, veteran's benefits, Social Security benefits or life insurance. But it also establishes a legal role for the father which may result in increased safety risks. Consult an attorney or ask a domestic violence advocate about the paternity laws in your state.

For some domestic violence survivors, child support provides emotional and financial support for her children. For others, it results in custody and visitation struggles, unpaid child support orders and physical and emotional violence from the abuser against the survivor and her children.

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

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:

- At 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, 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.

## 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.

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

## 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) make 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.

## What will happen if I have “good cause” for not pursuing child support?

- When a caseworker or family court is notified that someone wants to request good cause, they will 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 response to the “good cause” claim.

## 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 asks the court to give you child support until the hearing on your original complaint.
- 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 required in a child support enforcement case for accuracy. Consider consulting a lawyer if the financial statement appears inaccurate or fraudulent.

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

## Do I still have rights in the US 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. In some countries, this privilege is reserved for men. 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 self-petitions 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, 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 self-petition 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.

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

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 fees.

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 is the Violence Against Women Act Self-Petition requirements?

#### **Requirement 1: Spouse or child of abuser 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 abuser 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 self-petitioner 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.

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

## 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.

## 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](http://www.acf.dhhs.gov/programs/cse)

## Disclosing Abuse

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 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 involvement in the situation.
- 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:

- Analyze any community organization's requirements or policies for disclosing domestic violence.
- Find a domestic violence advocate and ask them to give you a list of community organizations that are required by law to report your neglect or abuse (mandated reporters).
- Ask your advocate to determine the short- and long-term implications of this disclosure. They will help you find out why the organization needs the information, where your records are documented, who has access to the information, how it will be used and what happens if you do not disclose the information.
- Research your company's confidentiality program and employee-assistance program.
- Learn about your legal rights to take time off, such as extended-leave or vacation-time policies.
- Determine whether or 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.

## 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 abusers.

Before changing your identity or your Social Security number (SSN), be aware of the consequences. You may lose your job and 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 have to 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 community programs.
- Check if your state has an address confidentiality program. Consider getting a PO Box address.
- Block online and automated telephone access to your SSN by visiting [www.socialsecurity.gov/blockaccess](http://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 abusers to commit identity theft on their victims.

## 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 abusers 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 abuser, 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 abuser, 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)

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.

# Privacy Challenges and Identity Change (cont'd)

## 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.