

# Screening for Consumer Issues: A Tool for Domestic Violence Advocates and Attorneys

December 14, 2010

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Sponsored by the  
Consumer Rights for Domestic Violence Survivors Initiative (CRDVSI) which is a  
partnership between the National Consumer Law Center, Center for Survivor Agency  
and Justice, National Network to End Domestic Violence, and the National  
Association of Consumer Advocates

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# Consumer Rights for Domestic Violence Survivors Initiative



Presented by **The Consumer Rights for Domestic Violence Survivors Initiative**, a partnership of the Center for Survivor Agency and Justice, the National Consumer Law Center, the National Network to End Domestic Violence, and the National Association of Consumer Lawyers



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# The Facilitator Erika Sussman

- Executive Director of the Center for Survivor Agency and Justice (CSAJ), an organization dedicated to enhancing legal advocacy for survivors of domestic violence.
- For four years, she served as an adjunct professor at Cornell Law School, where she taught a seminar on Law and Violence Against Women.
- She has published several articles and served as faculty for various academic and practitioner workshops related to violence against women.



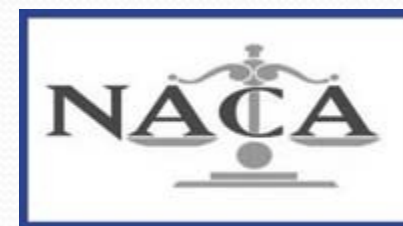
# The Presenter Leah Plunkett

- Joined NCLC as a staff attorney in September 2009.
- Her work focuses on predatory lending (at the state level), auto policy, protection of exempt funds, and the consumer needs of domestic violence survivors.
- Before coming to NCLC, Leah clerked in the United States District Court for the District of Maryland.



## The Consumer Rights for Domestic Violence Survivors Initiative

- Funded by the Office on Victims of Crime, CRDVSI is a partnership between:
  - The Center for Survivor Agency and Justice (CSAJ)
  - The National Network to End Domestic Violence (NNEDV)
  - The National Consumer Law Center (NCLC)
  - The National Association of Consumer Advocates (NACA)
- The goal of the Initiative is to enhance consumer rights and economic justice for domestic violence survivors. CRDVSI does so by building the capacity of and developing collaborative partnerships between domestic violence and consumer law attorneys and advocates.



THE CENTER FOR SURVIVOR AGENCY AND JUSTICE

## About CRDVSI

- How we help:
  - Listserve
  - Websites
  - Technical assistance
  - Advocacy tools
  - Screening tools
  - National conferences
  - Webinars
- Contact information:
  - Leah A. Plunkett: [lplunkett@nclc.org](mailto:lplunkett@nclc.org), (617) 542-8010
  - Erika A. Sussman: [Erika.csaj@gmail.com](mailto:Erika.csaj@gmail.com), (301) 273-3708



## Poll: What is your role?

- A. Advocate
- B. Attorney
- C. Case manager
- D. Other (and tell us about it in the chat box)



# Principles of CRDVSI's Approach

- There is no safety without economic justice.
- Economic advocacy is ineffective without attention to safety.
- Advocates and attorneys need to broaden their lenses.
  - Consumer advocates and attorneys must wear their “domestic violence glasses.”
    - Understand the context of domestic violence
    - Craft strategies that address physical risks
  - Domestic violence advocates and attorneys must wear their “economic justice glasses.”
    - Identify economic issues
    - Be knowledgeable about consumer remedies



## Poll: Economic Advocacy Is Part of My Current Work

- A. Yes (feel free to tell us about it in the chat box)
- B. No

# Goal of Today's Webinar

- Focus upon “economic justice glasses” for domestic violence advocates and attorneys by examining the draft
  - CONSUMER RIGHTS SCREENING TOOL FOR DOMESTIC VIOLENCE ADVOCATES AND LAWYERS, developed by CSAJ & NCLC
  - Presentation of draft tool with examples
  - Opportunities for participant feedback both during and after webinar



## Aim of Screening Tool: Issue Spotting

- Provide a general overview of common consumer law issues faced by survivors.
- Offer concrete guidance on how to identify consumer issues in the course of client work.
- NOT meant to assist with assessment of legal claims.
- NOT meant to assist with legal strategizing.
- Foster consultation, referrals, and partnerships between the domestic violence and consumer advocates.

## Domestic Violence Impoverishes Survivors

- The Link: Domestic violence leads to poverty, and poverty leads to increased vulnerability to violence.
  - Welfare recipients experience high rates of domestic violence.
  - Domestic violence is leading cause of homelessness
- Adams et al Study:
  - “Economic abuse involves behaviors that control a woman’s ability to *acquire, use, and maintain* economic resources, thus threatening her economic security and potential for self-sufficiency.”
  - 99% of women were subjected to economic abuse at some point during their relationship.
  - Economic Control
  - Economic Exploitation
    - Adams, Sullivan, Bybee, Greeson, Development of the Scale of Economic Abuse, 14(5) Violence Against Women Journal 563 (2008).



# Chat

- What are the most common types of economic abuse you see in your work with survivors?

## Economic Abuse Impoverishes Survivors

- Batterers Prevent Survivors from Acquiring Resources
  - Prevent/sabotage survivor's employment
  - Prevent/sabotage survivors from furthering education
- Batterers Prevent Survivors from Using Resources
  - E.g.- access to food, allowances, hide jointly earned money
- Batterers Intentionally Exploit Survivors' Resources
  - Stealing Money
  - Destroying Property, Cutting-off Utilities
  - Generating Debt in Survivor's Name
  - Impact: Decreased options → Increased Risk



## Future Safety Requires Economic Resources

- Three ingredients of long-term safety:
  - Transportation, childcare, independent source of income
- Costs of Safety
  - Restoration
  - Relocation
  - Independent Living
  - Safety Planning Strategies
- Questions?



# Overcoming Economic Abuse

- Economic Security involves:
  - Maximizing income
  - Minimizing expenses
  - Protecting assets
    - Consumer law focuses on the latter two categories.

## Common Consumer Rights Issues for Survivors

- Managing household income & expenses
- Credit reporting
- Debt collection
- Foreclosure & eviction
- Utility access
- High cost credit
- Student loan debt
- Auto access & ownership

## Managing Household Income & Expenses

- Survivor who has left abuser may face:
  - Less household income
  - Higher household expenses
- Budgets: both a process and a finished product
  - Taking stock and making plan
  - Assist with family law cases
  - Prioritizing debts



# Credit Reporting

- Look at own credit report
  - Understand credit history
  - Opportunity to correct false information or develop strategy to improve credit
- Who else may look at credit report includes:
  - Creditors
  - Employers
  - Landlords
  - Insurance companies
- One free report from the big three each year:  
[www.annualcreditreport.com](http://www.annualcreditreport.com)

## Debt Collection

- Harassment for unpaid debts
- Best course of action: prevention
  - Payment plan
  - AVOID unscrupulous debt settlement companies
- Written request to collector to cease contact
  - Restrictions imposed by federal Fair Debt Collection Practices Act
- Exempt funds

## Foreclosure & Eviction

- Scarce financial resources increases danger of falling behind on rent or mortgage.
  - Abuser may also refuse to pay rent or mortgage.
- Wrongful eviction due to abuser's destruction of property or disruption to other tenants.
- Legal avenues to remain in the home may include:
  - Violence Against Women Act
  - Fair Housing Act
  - Chapter 13 Bankruptcy



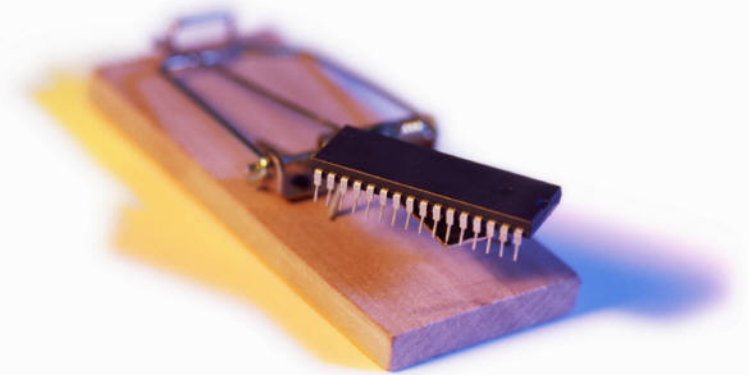
## Utility Access

- Importance for safety planning
- Establishing new service for new household
  - Removal from any accounts for prior household
  - Utility company seeks to hold survivor accountable for unpaid bill from prior household in abuser's name
    - Contact State Public Utilities Commission
- Problems due to non-payment
  - State protections against termination



## High Cost Credit

- Predatory small dollar loans and trap
  - Fee-based overdraft
  - Account advance products
  - Payday loans
  - Auto-title loans
  - Tax refund anticipation loans
- Look for fair and reasonably priced alternatives
  - Local credit unions





## Student Loan Debt

- Importance of continuing education
- Difficulty of getting new loans if delinquent or in default on previous loan
- Federal government tools for collecting defaulted student loans include:
  - Garnishing wages
  - Intercepting tax refund
  - Offset of benefits
- Addressing loan problems
  - Discharge
  - Forbearance



## Auto Access & Ownership

- Need safe, reliable vehicle at fair financial terms
- Abuses in used-car sales and financing include:
  - Undisclosed salvage vehicles
  - Odometer fraud
  - High-cost credit
- Shopping strategies:
  - Third-party inspection
  - Trusted lenders
- Questions?





## Understanding the Survivor's Story

- Encourage the survivor to tell her story, from her perspective, by using open-ended questions.
- Acknowledge the stress surrounding financial issues:
  - Guilt, shame
  - Trauma
- Explain why you are asking about finances
- Requests for information must take place in the context of safety.

## General Screening Questions



- Not a script
- Adapt to case and client
- Designed to obtain overview of survivor's economic circumstances
  - Extent and context of economic coercion
  - Survivor's knowledge of and control over her finances
  - Existence of bank or other financial accounts

## Issue Specific Questions

- Offered as starting points
- NOT for in-depth assessment or case-strategizing
- After identifying consumer problem, additional steps likely necessary:
  - Further research
  - Consultation with or referral to advocate or attorney with specialization in the appropriate area
- Questions?

## Scenario 1

- Sue recently left her abusive husband. She is now at risk of losing her job because he took the car, and she has no way of getting to work. She bought a used car but has been unable to get it insured.
  - Poll: You might ask Sue questions about:
    - A. Auto access & ownership
    - B. Credit reporting
    - C. Managing household income & expenses
    - D. All of the above

## Scenario 1, continued

- Credit reporting:
  - Sue was denied access to a financial product: auto insurance.
  - What kinds of questions might you ask?
- Auto access & ownership:
  - Sue's husband took the car.
  - What kinds of questions might you ask?
- Managing household income & expenses:
  - Sue has had trouble getting to work without a car.
  - What kinds of questions might you ask?

## Scenario 2

- Sonia got a restraining order against her abusive boyfriend. He has moved out of the apartment they have been sharing. Sonia's landlord has told her that now she needs to move out. For the last few days, her heat hasn't been working.
  - Poll: You might ask Sonia questions about:
    - A. Eviction
    - B. Utility access
    - C. Managing household income & expenses
    - D. All of the above



## Scenario 2, continued

- Eviction
  - Sonia's landlord is asking her to leave and might begin proceedings to evict her.
  - What kinds of questions might you ask?
- Utility Access
  - Sonia has lost access to heat.
  - What kinds of questions might you ask?
- Managing Household Income & Expenses
  - Sonia might not be able to pay her rent, utilities, or other bills.
  - What kinds of questions might you ask?
- Questions?

## Feedback on the Screening Tool

- Polls:
  - The consumer law topics covered will be helpful to my work:
    - A. Agree; B. Disagree; C. No opinion
  - I will be able to incorporate the suggested questions into my interviewing:
    - A. Agree; B. Disagree; C. No opinion
  - The tool goes into the right amount of depth on all/most topics and the accompanying questions:
    - A. Agree; B. Disagree; C. No opinion
  - If you said tool doesn't go into the right amount of depth, do you want to see:
    - A. More depth; B. Less depth

## More Detailed Suggestions?

- Please contact:
  - Leah A. Plunkett, National Consumer Law Center, [lplunkett@nclc.org](mailto:lplunkett@nclc.org), (617) 542-8010
  - Erika A. Sussman, Center for Survivor Agency and Justice, [Erika.csaj@gmail.com](mailto:Erika.csaj@gmail.com), (301) 273-3708
- Thank you for your participation and reflections!