ASSISTING TRAFFICKING SURVIVORS WITH DEBT, FRAUD, AND IDENTITY THEFT: TIPS FOR ATTORNEYS AND ADVOCATES

The Intersection of Human Trafficking and Consumer Law Issues:

Survivors of human trafficking commonly face a wide variety of consumer law issues that can impact their ability to move forward with their lives in safety. These issues can include: outstanding bills from credit card companies, medical debt, bail bonds, or outstanding student loans; debt that is in their name due to fraud or coercion by a trafficker or other abuser; identity theft; and lack of access to credit. Survivors may have accrued debts prior to, during, or after their victimization. Some debts – particularly from bail bonds where a survivor signed or co-signed for the bail loan – can carry the risk of further arrests and incarceration in Maryland as creditors can force a debtor to come to come to court via issuance of a body attachment once they have a judgement in their favor. These consumer issues can create significant barriers to survivors seeking employment and housing, and prevent them from accessing credit and loans in the future.

Survivor-Centered Advocacy for Consumer Law Matters:

Survivors of human trafficking may be struggling to exit a cycle of violence, poverty, and debt, and advocates and attorneys should be aware of ways they can assist survivors in taking steps towards financial stability. Survivor centered advocacy on consumer law issues* includes:

- Encouraging a full and open assessment of their financial situation.
- Discussing current, past, and future plans and budgeting.
- Providing information about accessing and reading their credit reports and civil cases.
- Assessing whether they may be a victim of identity theft.
- Offer support as they assess their financial options and evaluate the possible impact on their safety.
- Connecting them with referrals for legal help and resources to help build positive credit.

There are a number of strategies available to address debt, including negotiating directly with creditors and filing for bankruptcy, and we advise consulting with an attorney regarding these options. An attorney can also assist survivors with reporting fraud and identity theft, contesting errors on credit reports, and creating a plan to address debt.

If a survivor has public student loan debt – which cannot be addressed through bankruptcy – they can explore options for default, deferment or forbearance, consolidation and rehabilitation, or repayment plans by visiting https://studentaid.gov/.

Screening for Debt, Fraud, Identity Theft, and other Consumer Law Issues:

Conversations about financial stability and identity theft can be challenging, but we encourage you to include these discussions in your work with survivors. Some general red flags for consumer issues are provided below, but we would also encourage you to visit the Center for Survivor Advocacy and Justice at https://csaj.org/. Their Consumer Rights Screening Tool for Domestic Violence Advocates and Lawyers provides a comprehensive guide for discussions on consumer issues, and their website provide access to webinars and additional resources.

Red Flags for Consumer Debt:

- Civil cases from debt collectors, hospitals, landlords, etc. on Maryland Judiciary Case Search.
- Signing or co-signing a bail bond after they or another person were arrested.
- Receiving calls from creditors.
- Unpaid student loans.
- History of medical treatment and/or unpaid medical bills.
- Prior evictions, broken leases, and/or defaults on mortgages and other loans.

Red Flags for Identity Theft and Coerced Debt:

- Identity documents like driver's license, passport, or identification card stolen or used by trafficker.
- Trafficker or other abuser fraudulently forced them to open, or used their name for, a credit card or bank account, or for a lease, deed, car title, or other property.
- Discrepancies, incorrect dates, or wrong identity information (such as past addresses and phone numbers) on credit reports.
- Does not recognize bills or creditors asking for repayment.
- Cannot get BGE or other utilities in their name.

Accessing and Reviewing Credit Reports:

Under federal law, the public is entitled to access their credit reports from the three major credit bureaus — TransUnion, Equifax, and Experian – once every year for free. The official government website providing access is www.annualcreditreport.com. These credit reports will show information about the survivor's credit history, including accounts in collection, but will not show their actual credit score. We recommend accessing the three credit reports on a computer, and printing or saving a copy for the survivor's records prior to leaving the webpage showing the report.

PLEASE NOTE: *Due to the ongoing Covid-19 health crisis, the three credit bureaus are currently offering consumers access to one free credit report per week through April 2021.*

Under Maryland law, state residents can access their credit reports for free one additional time annually. For further information on this process, please see the Maryland Department of Labor's website at https://www.dllr.state.md.us/finance/consumers/creditrepc.shtml.

Credit reports can be confusing and challenging to review. Records may not reflect the original creditor if the account has been sold to a debt buyer. A record of outstanding debts will stay on a credit report for seven years after information is reported to the credit bureau, and a record of bankruptcy will stay for ten years. Additional information about reading and understanding credit reports and scores can be found at https://www.consumerfinance.gov/consumer-tools/credit-reports-and-scores/consumer-reporting-companies/.

We strongly urge survivors to seek advice from an attorney prior to negotiating with creditors or agreeing to payment plans for debt. MVLS staff and volunteer attorneys are available to help assess your financial situation, present legal options, and provide representation when negotiating with creditors or applying for bankruptcy.

Addressing Identity Theft:

If a survivor suspects they may have been the victim of identity theft, or has concerns that their identity information may be used unlawfully in the future, there are steps that can be taken to address the situations and reduce future risk.

- Placing a fraud alert or freeze on the survivor's accounts with the three credit bureaus:
  - A **fraud alert** mandates that the credit bureaus contact you to verify your identity before giving new credit under your name. This protection is free and lasts up to a year.
  - A **credit freeze** limits access to your account so no one can open any new accounts until the freeze is lifted, and the credit bureaus will give you a PIN or password to use to place or lift the freeze.
- Contact the credit bureaus directly to put these protections in place:
  - Equifax - Equifax.com/personal/credit-report-services
  - Experian - Experian.com/help
  - TransUnion - TransUnion.com/credit-help

Free assistance with reporting identity theft and creating a recovery plan can be accessed at: www.identitytheft.gov.

The Federal Trade Commission also provides guidance for consumers on reporting identity theft at: https://www.ftc.gov/faq/consumer-protection/report-identity-theft.

In Maryland, the Office of the Attorney General had additional information available at: https://www.marylandattorneygeneral.gov/Pages/CPD/default.aspx

Consumers must file a police report to access certain identity theft and fraud protections even if they are unsure of who had stolen and/or used their identity. The HTPP is available to talk through this process and help explain the benefits and risks of filing a report.

This tip sheet was created as part of the Human Trafficking Prevention Project (HTPP), a collaboration between the University of Baltimore School of Law and Maryland Volunteer Lawyers Service (MVLS).

Recommendations on this tip sheet are adapted from the HTPP webinar "Debt, Fraud, and Identity Theft – Advocating for Human Trafficking Survivors with Consumer Law Issues," featuring guest presenter Amy Hennen, Esq., Director of Advocacy and Financial Stabilization at MVLS. The webinar is available at: https://mvlslaw.org/recorded-trainings/.

****Survivor centered advocacy tips are drawn from the Center for Survivor Agency and Justice webinar "Consumer and Economic Civil Legal Advocacy for Trafficking Survivors […]," 2020 Freedom Network Conference.***

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