



SUPPORTING SURVIVOR FINANCIAL INCLUSION AND SUCCESS: TIPS FOR ATTORNEYS & ADVOCATES



Why Focus on the Financial Needs of Trafficking Survivors?

Trafficking survivors often experience fraud and financial exploitation related to their trafficking experience and may struggle with the resulting debt. Traffickers may take survivors' identity documents and use their information to fraudulently open accounts or take out credit in their name. Survivors may be forced to break existing leases or make purchases at the behest of their trafficker. Many survivors also grapple with medical expenses, school loans, and other types of debt accrued either prior to or following their victimization.

Survivors also often face challenges accessing financial institutions and obtaining credit as a result of financial exploitation or the instability that so commonly precedes or follows their trafficking. Many banks have extensive requirements to open new accounts or apply for credit cards, and survivors may not be able to meet minimum requirements such as showing a stable, long-term address or recent work history, and/or may be in the process of getting new identity documents. Financial institutions may require a police report to open a fraud investigation, which may be challenging or unsafe for survivors to obtain. All these factors can make addressing financial issues an overwhelming and retraumatizing experience for many survivors, and may keep them tethered to earning opportunities that lay outside of the mainstream economy.

Helping Survivors Pursue Financial Success:

Gather Financial Information:

- Assist survivors in accessing their credit reports from the three major credit bureaus — TransUnion, Equifax, and Experian – through www.annualcreditreport.com, the federally-sponsored credit reporting website. While these are generally accessible once every year for free, during the Covid-19 pandemic, the three bureaus are offering weekly access to these reports at no cost. These credit reports provide information about the survivor's credit history, including accounts in collection, but will not show their actual credit score.
- Encourage survivors to review credit reports with an attorney or advocate experienced in debt management and counseling.
- Discuss the need for survivors to potentially sign a release of information, obtain a victim verification letter or attestation, and/or assign Power of Attorney to give an attorney or advocate the ability to speak for and/or act on behalf of the survivor.

Connect with Resources:

- Reach out to the Survivor Inclusion Initiative (www.fastinitiative.org/implementation/survivor-inclusion/), which enables trafficking survivors to access financial institutions and services like bank accounts and credit cards without the usual barriers (minimum balances, identification document requirements, etc.) through a survivor-focused, supported enrollment process. Survivors can be referred to participating banks through a Survivor Service Organization that is part of this global program.
- Refer survivors to Maryland organizations providing financial counseling and debt assistance, including the Human Trafficking Prevention Project at Maryland Volunteer Lawyers Service (www.mvlslaw.org/ht), the CASH Campaign of Maryland (<https://cashmd.org/>), and Maryland Legal Aid Bureau (www.mdlab.org).

Tips For Attorneys and Advocates Working With Survivors on Credit and Debt Issues:

- Protect Client Confidentiality - Try to minimize the number of eyes on the survivor's private data when communicating with third parties. Encrypt emails when sending personal information about the survivor, and, if faxing, call before sending the fax and ask that it be picked up immediately and the information contained within it not shared.
- Conduct Risk Assessments with Survivor When Addressing Debt - Consider safety risks in disputing debts or taking other action depending on status of relationship with exploiter. Discuss what information may get shared publicly and/or potentially get back to their exploiter.
- Track and Verify Resolution of Credit Issues – Keep a spreadsheet tracking the survivor's debts and collections accounts and update as issues get resolved. Request verification emails from credit report agencies showing that items have been officially removed. Pull and review credit reports 30 days after last item has been resolved to ensure they are no longer appearing on the survivor's credit reports.
- Counsel the Survivor on Options for Building Good Credit – Think expansively about options for showing a survivor's positive credit history, including letters from nontraditional creditors (landlords, utilities, daycares). Encourage the survivor to apply for a secured credit card as a means of building positive credit history.
- Seek Expert Legal Advice with Debt Collection Lawsuits – Connect the survivor with legal representation to understand whether settlement, pay off, a payment plan or other negotiated result affects their legal standing with creditors, servicers, debt collectors or debt buyers. Caution the survivor that payment on an old debt may re-start the statute of limitations clock on a creditor's ability to sue to collect full payment due.

For more information about working with human trafficking survivors on credit, debt, and other consumer-related issues, including prior webinars and tip sheets, please visit the Human Trafficking Prevention Project Resources page at <https://mvslaw.org/http-resources-2/>.

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:

“Supporting Survivors’ Financial Inclusion and Success: How to Address Banking, Credit, and Consumer Challenges,” featuring guest presenters Sarah Dohoney Byrne (Moore & Van Allen, PLLC) and Laura Sammon (Wells Fargo) discussing the Charlotte Triage Pro Bono Partnership .

This webinar is available for viewing at: www.mvslaw.org/ht

For more information about the HTPP, please visit the website above or contact:

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