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Kathleen Evans
Kathleen.evans0331@gmail.com

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**THE HALE ACT ONLY FUELS THE
WHEEL OF ABUSE IN THE DIGITAL AGE**

*Kathleen Evans**

* J.D., *summa cum laude*, 2022, Dwayne O. Andreas Barry School of Law. To Swami, Da, Courtney, and Dan, you are woven from the strongest, most loyal fibers there ever were. Words will never suffice. Thank you. To my pint-sized inspirations, Gabs and Izz, it didn't take but a moment for you to change me forever. You breathed new life into my soul and brought meaning to this world. Being your mother will be the greatest accomplishment that I will ever make. Never settle, my loves. You are worthy of all the love, support, and kindness that this world can give.

INTRODUCTION

On November 4, 1998, Vice President Gore announced a Social Security Administration policy change that permitted assigning new Social Security numbers (SSN) to extreme domestic violence victims—the HALE Act.¹ It was initiated as part of the reauthorization of the Violence Against Women Act of 1998, intending to make it easier for victims to elude their abuser and reduce the risk of further domestic violence—possibly death.²

The HALE Act is limited to extreme cases to protect a victim from an abuser’s stalking, invasion of privacy, and other safety concerns. Through the Social Security Administration’s process GN 02410.222, there are protocols to issue these victims a new Social Security number.³ From 1998 to 2010, approximately 5,000 victims were given a new Social Security number, an average of 450 per year.⁴

Unfortunately, as one of those 450 recipients, I can report the HALE Act inadvertently signs a victim up for a lifetime of battles in today’s digital age. In May 1998, when Congresswoman Murray presented the ability to change a Social Security number as one of the

¹ MADELEINE KORBEL ALBRIGHT, *AMERICA'S COMMITMENT: WOMEN 2000* 117-18 (United States, President's Interagency Council on Women eds., 2000) (providing background context for “HALE” (Harassment, Abuse, and Life Endangerment Act (Program)) and its procedural rules under RM 00205.045B).

² See S. 2558, 105th Cong. § 301 (1998) (Battered Women’s Economic Security Act introduced October 6, 1998 but not passed. Presented amendment to Section 205(c)(2)(B) of Social Security Act (42 U.S.C. 405(c)(2)(B)) stating: “(iv)(I) The Commissioner of Social Security shall review a request from an individual who is a victim of domestic violence to change the individual's social security account number assigned in accordance with this paragraph in order to protect the individual or any dependent children of the individual from a risk or threat of further domestic violence, including incidents of stalking. Any individual who submits a request for a change in their social security number on the basis of domestic violence shall include corroborating evidence such as physical evidence, police or other law enforcement records, court documents, medical, mental health or counseling records, government agency records, penal system records, or documentation from domestic violence program personnel, attorneys, members of the clergy, or other professionals who have provided assistance to the individual. Law enforcement or court advocacy organizations shall verify that an individual who submits a request in accordance with this subclause is a victim of domestic violence. (II) Not later than 180 days after the date that a request described in subclause (I) is verified as having been submitted by a victim of domestic violence, the Commissioner shall grant the request unless the Commissioner determines that changing the individual's social security account number is not necessary to protect the individual or any dependent children of the individual. The Commissioner shall bear the burden of proof for making such a determination. (III) The Commissioner may not deny a request to change a social security number in accordance with this clause without cause. The Commissioner shall provide an individual whose request is denied with an explanation for the denial”); see also ALBRIGHT, *supra* note 1.

³ SOC. SEC. ADMIN., PROGRAM OPERATIONS MANUAL SYSTEM, GN 02410.222 *Garnishment Cases Involving Harassment, Abuse, or Life Endangerment (HALE)* (2011), <https://secure.ssa.gov/apps10/poms.nsf/lnx/0202410222> [<https://perma.cc/T5CL-NQ2V>] (last visited Feb. 26, 2021); see also SOC. SEC. ADMIN., PUBLICATION NO. 05-10093, *New Numbers for Domestic Violence Victims* (2017), <https://www.ssa.gov/pubs/EN-05-10093.pdf> [<https://perma.cc/MRS8-C82V>] (last visited Apr. 30, 2022).

⁴ Jeffrey Toobin, *The Scholar*, THE NEW YORKER (Sept. 27, 2010), <https://www.newyorker.com/magazine/2010/10/04/the-scholar-jeffrey-toobin> [<https://perma.cc/LV2U-DCK6>] (last visited Apr. 30, 2022) (“Jessica MacBride, who leads the group that handles number-assignment policy at the Social Security Administration... rationale for the HALE program is that a parent or spouse would know the victim’s Social Security number and could use that information to track her movements. ‘You need a credible third-party report that you are endangered, like a police report, in order to get a new number,’ MacBride said. Since 1998, about five thousand people have taken advantage of the HALE program to obtain new numbers”).

ways to break down “the economic barriers for victims of domestic violence,”⁵ Google had not yet been founded.⁶ Credit Reporting Bureau Experian was in its infancy.⁷ Marc Zuckerberg did not create Facebook for another five and a half years.⁸ The resources available and the measures necessary to ensure a victim’s safety in 1998 were entirely different from today.

Undoubtedly, my personal experience is how I learned of the HALE Act, but this note is not about my personal experience. It is an unbiased exploration of domestic violence’s complexities and the HALE Act’s challenges that any participant in the digital age would experience. Part I provides a brief history of domestic violence and the HALE Act. Part II is an overview of the complexities of domestic violence, the wheel of abuse in the digital age, and the common help-seeking barriers that our society imposes on victims today.⁹ Part III delves into the lifelines of survival in the digital age and the impact of a survivor’s “credit invisible” identity on their survival ability. Part IV ultimately proposes changes that would make the HALE Act the lifesaving resource it was intended.

Civic leaders need to learn and talk about domestic violence; change must start at the top. And this change needs to lead to a nationwide conversation that combats the devastating effects of cultural stigmas on survivors. “Awareness fuels change,” and we need to make our society aware.¹⁰

⁵ 105 CONG. REC. S5329-30 (daily ed. May 21, 1998).

⁶ Andrew Griffin, *Google Birthday: The One Big Problem with the Company’s Celebratory Doodle*, THE INDEPENDENT (Sept. 26, 2019), <https://www.independent.co.uk/life-style/gadgets-and-tech/google-birthday-surprise-spinner-date-problem-start-company-a7968951.html> [<https://perma.cc/XU84-UQPR>] (last visited Apr. 30, 2022).

⁷ Nigel Watson, *A Brief History of Experian*, EXPERIAN (2013), https://www.experianplc.com/media/1323/8151-exp-experian-history-book_abridged_final.pdf [<https://perma.cc/ZS4S-EMBN>] (last visited Apr. 30, 2022).

⁸ Nicholas Carlson, *At last – the full story of how Facebook was founded*, BUSINESS INSIDER (Mar. 5, 2010, 4:10 AM), <https://www.businessinsider.com/how-facebook-was-founded-2010-3> [<https://perma.cc/H3B9-RRCZ>] (last visited Apr. 30, 2022).

⁹ Nicole M. Overstreet & Diane M. Quinn, *The Intimate Partner Violence Stigmatization Model and Barriers to Help-Seeking*, BASIC APPLIED & SOC. PSYCH. 7 (2013), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3601798/> [<https://perma.cc/C2CR-3XYN>] (last visited Apr. 30, 2022).

¹⁰ *Let’s end domestic violence and financial abuse*, THE ALLSTATE FOUND., <https://allstatefoundation.org/what-we-do/end-domestic-violence/> [<https://perma.cc/NSY8-7M4Y>] (last visited Feb. 26, 2021).

I. The HALE Act

Violence against women has been part of our society since its founding.¹¹ It was not until 1994 that the federal government attempted to institute a broad response through the Violence Against Women Act (“VAWA”).¹² Previously, very few comprehensive, coordinated efforts existed to combat violence against women.¹³

Vice President Gore introduced the HALE Act on November 4, 1998, declaring that all people deserve to live with respect and dignity—free from fear, so:¹⁴

Today, our message to the victims of these hateful crimes is this: we will offer you the protection you need to regain your safety and rebuild your life. . . . You have

¹¹ See The Pennsylvania Child Welfare Resource Center, *310: Domestic Violence Issues: An Introduction for Child Welfare Professionals Handout #3*, PA. CHILD WELFARE RES. CTR., 1 <http://www.pacwrc.pitt.edu/Curriculum/310DomesticViolenceIssuesAnIntroductionforChildWelfareProfessionals/Handouts/HO3DomesticViolenceTimeline.pdf> [<https://perma.cc/X5R4-RNZE>] (last visited Feb. 26, 2021) (note specifically Mississippi Supreme Court allows a husband to administer “moderate chastisement in case of emergency” in 1824); see also Peter Edelman, *The Role of Government in the Prevention of Violence*, 35 Hous. L. Rev. 7, 8 n.5 (1998) (VAWA was “the first significant legislative attempt by the federal government to deal with the problem of violence against women...since the founding of the United States”).

¹² Edelman, *supra* note 11 (for a more detailed history of VAWA, see ENCYCLOPEDIA OF DOMESTIC VIOLENCE 718 (Nicky Ali Jackson ed. 2007) (Violence Against Women Act, Title IV of P.L. 103-322 was signed into federal law by President Clinton on September 13, 1994, and Congress codified it in part at 42 U.S.C. sections 13701 – 14040. After a brief expiration in late 2012 due to debates regarding the extension of the Act’s protections to same-sex couples and undocumented immigrants. It has since been reauthorized through bipartisan Congressional support in 2000, 2005, and once again in 2013. It was the “first and most comprehensive federal legislation to address [violence against women] in the history of the United States”); see also ALBRIGHT, *supra* note 1, at 113, 118 (discussing the National Advisory Council on Violence Against Women as a guide to new law and public attention, as well as President Clinton’s February 1996 announcement of the opening of the 24-hour, toll-free National Domestic Violence Hotline to provide crisis assistance and local shelter referrals to victims of domestic violence throughout the country. VAWA also incorporated a full faith and credit provision requiring states to honor and enforce protection orders from other states as if they were their own. Previously a valid order of protection from a court in one state was not necessarily enforceable by another state. A battered woman residing in a state, other than the one in which she obtained an order of protection, would have to wait for an incident to occur in the new state before she could attempt to get a new order in that state).

¹³ ALBRIGHT, *supra* note 1, at 112; see also LISA N. SACCO & EMILY J. HANSON, *THE VIOLENCE AGAINST WOMEN ACT (VAWA): HIST. OVERVIEW, FUNDING, & REAUTHORIZATION (R45410) 1-2* (2019) (in the 1960s, violent crime more than doubled, resulting in grassroots organizations stressing the need for attitudinal change and the nation began viewing violence against women and families as a crime rather than a private family matter. Family Violence Prevention and Services Act (“FVPSA”) was enacted in 1984 to help states prevent family violence and authorized programs similar to those that would come a decade later under VAWA); see also ADRIENNE L. FERNANDES-ALCANTARA & KARA CLIFFORD BILLINGS, *FAM. VIOLENCE PREVENTION & SERV. ACT (FVPSA): BACKGROUND & FUNDING (R42838)* (2021).

¹⁴ See Press Release, Soc. Sec. Admin., *SSA Provides Assistance to Victims of Domestic Violence* (Nov. 1998) (https://www.ssa.gov/pressoffice/domestic_fact.html [<https://perma.cc/3LLV-Q3RE>] (last visited Apr. 30, 2022)) (SSA’s 1998 Press Office Fact Sheet featuring Vice President Gore’s announcement that “all people deserve to live with respect and dignity -- free from fear” and promoting SSA’s allegiance to the cause with SSA’s announcement that the “SSA joins with other Federal agencies to provide greater assistance to victims of domestic violence” and have created the HALE Act (program) that will issue a Social Security Number for victims of domestic violence).

suffered enough without having to fight for the protections you need to start a new life for yourself and your children.¹⁵

The Clinton Administration strongly supported the announcement, along with the Social Security Administration, numerous fellow agencies, and law enforcement officials nationwide.¹⁶ Dan Rosenblatt, the Executive Director of the International Association of Police Chiefs, also vocalized their strong support in allowing abuse victims new leeway in obtaining a new Social Security number.¹⁷ In the 2000 publication of “America’s Commitment – Women 2000,” key contributor First Lady Hillary Clinton stated, “a new number can help abused women establish new identities and thereby elude their abusers, reducing the risk of further violence.”¹⁸

Under the HALE Act, a victim can receive a new Social Security number by providing a written affirmation by a third-party such as a shelter, a doctor, or a law enforcement official that confirms domestic abuse.¹⁹ Social Security Administration (SSA) employees are expected to work closely with shelters, doctors, police, the courts, medical facilities, and psychologists to help victims obtain the necessary documentation to secure a new Social Security number.²⁰ However, nothing addresses how a new Social Security number would protect, assist, or aid victims to elude their abusers or how victims could establish a new life under their new identities.

Our society has substantially changed over the past 23 years. In today’s digital age, individuals are expected to have a prevalent online existence—verifying themselves. Credit history is a lifeline to success, opportunity, and upward mobility; it can even be a determining factor in employment opportunities and remains a critical factor in being approved for student loans—even federal student loans. However, a victim under the HALE Act begins with a credit score in the low 300s and is expected to build credit over years when they cannot even open up a credit card to start the process due to their score. Victims cannot turn on utilities, open cell phone plans, or obtain insurance under their new identity. They are expected to start fresh, relocate, find a new job and create a new life without commingling with people from their old identity when they cannot pass a credit check to rent an apartment.

Yet, nothing stops credit bureaus such as Experian, Equifax, or TransUnion from connecting the dots and publishing a victim’s old name or address alongside their current information. With a few clicks and maybe a couple of bucks, an abuser can immediately receive complete exposure to a victim’s new identity.

¹⁵ *New Social Security Policy Will Protect Domestic Violence Victims*, FEMINIST MAJORITY FOUNDATION (Nov. 6, 1998), <https://feminist.org/news/new-social-security-policy-will-protect-domestic-violence-victims/> [<https://perma.cc/N8Z6-DF95>] (last visited Apr. 30, 2022).

¹⁶ ALBRIGHT, *supra* note 1.

¹⁷ Robert Burns, *Gore Unveils Domestic Violence Plan*, ASSOC. PRESS (Nov. 4, 1998), <https://apnews.com/article/277b0c9ef8bf0dc1a36b8ca7b1dec5bf> [<https://perma.cc/FYW3-5FWN>] (last visited Apr. 30, 2022) (note Rosenblatt tactfully qualified the extent of the HALE Act’s impact with “this is not necessarily something that every victim of domestic violence is going to need... But there are those who do. In allowing an individual to do this expeditiously, you really can achieve good results”).

¹⁸ ALBRIGHT, *supra* note 1 (acting First Lady, Hilary Clinton created President’s Interagency Council on Women).

¹⁹ *Id.*

²⁰ *Id.*

II. DOMESTIC VIOLENCE + THE WHEEL OF ABUSE

Domestic violence is a pervasive public health problem affecting ten million people annually.²¹ It goes far beyond severe physical violence, which an estimated 21.4% of women and 14.9% of men experience in their lifetime.²² It encompasses physical, sexual, and psychological harm as well as willful intimidation and other abusive behavior by a current or former intimate partner or spouse.²³ Crimes may include sexual assault, simple or aggravated assault, stalking, harassment, and homicide.²⁴ Domestic violence is often accompanied by an array of other, more subtle, continuous abuse methods—a pattern of behaviors that a batterer uses to gain and maintain power and control.²⁵

A. Social Stigma + Impact On Help-Seeking Behavior

The depth, impact, and misunderstanding of domestic violence infiltrates every facet of society. Negative beliefs, judgmental attitudes, actions, and cultural bias drive stigmatizing behaviors against victims.²⁶ The lifetime economic cost of domestic violence to the U.S. population is \$3.6 trillion.²⁷ Yet, our society refuses to recognize abuse as a problem, and those who do, often consider it a secret that needs to be hidden—dealt with personally.²⁸

²¹ Overstreet & Quinn, *supra* note 9 (Domestic violence more recently called “Intimate Partner Violence” or IPV. IPV specifically refers to systematic violence used to gain or maintain power and control over an intimate partner); *see also* *Financial Help for Domestic Violence Survivors*, INCHARGE DEBT SOL., <https://www.incharge.org/debt-relief/financial-help-domestic-violence-survivors/> [<https://perma.cc/D8S4-2RHH>] (last visited Feb. 26, 2021).

²² *National Intimate Partner Sexual Violence Survey: 2015 Data Brief*, CENTERS FOR DISEASE CONTROL & PREVENTION (July 19, 2021), <https://www.cdc.gov/violenceprevention/datasources/nisvs/2015NISVSdatabrief.html> [<https://perma.cc/4232-3XS4>] (last visited Apr. 30, 2022) (the CDC estimates that 21.4% of women and 14.9% of men have experienced severe physical violence by an intimate partner in their lifetime).

²³ *Overview of Intimate Partner Violence*, NAT’L INST. OF JUST. (Oct. 23, 2007), <https://nij.ojp.gov/topics/articles/overview-intimate-partner-violence> [<https://perma.cc/7JQR-WA84>] (last visited Apr. 30, 2022); *see also* *Financial Help for Domestic Violence Survivors*, *supra* note 21.

²⁴ SACCO & HANSON, *supra* note 13, at 6; *see also* *Domestic Violence*, U.S. DEP’T JUST., <https://www.justice.gov/ovw/domestic-violence> [<https://perma.cc/4NNK-VZWV>] (last visited Apr. 30, 2022) (under VAWA, domestic violence generally includes “Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction”).

²⁵ *Power and Control Break Free from Abuse*, NAT’L DOMESTIC VIOLENCE HOTLINE, <https://www.thehotline.org/identify-abuse/power-and-control/> [<https://perma.cc/AS4W-HDFM>] (last visited Apr. 30, 2022).

²⁶ Overstreet & Quinn, *supra* note 9, at 2, 7.

²⁷ *Domestic and Sexual Violence Fact Sheet*, NAT’L NETWORK TO END DOMESTIC VIOLENCE 2 (Aug. 2020) <https://nnedv.org/wp-content/uploads/2020/07/Domestic-and-Sexual-Violence-Fact-Sheet-August-2020.pdf> [<https://perma.cc/8YBR-BWUH>] (reporting Peterson, C. ET AL. (2018) Lifetime Economic Burden of Intimate Partner Violence Among U.S. Adults. *American Journal of Preventative Medicine*, 55(4): 433-444).

²⁸ Overstreet & Quinn, *supra* note 9, at 8.

Cultural stigmas affect every stage of the help-seeking process.²⁹ The Intimate Partner Violence Stigmatization Model identifies three key stigmas that directly hinder a victim's help-seeking actions:

- Cultural Stigma - societal beliefs that de-legitimize people experiencing abuse
- Stigma Internalization - extent to which people come to believe that the negative stereotypes about those who experience IPV may be true of themselves
- Anticipated Stigma - concern about what will happen once others know about the partner abuse, e.g., rejection³⁰

These stigmas go so far as to prevent victims from being truthful and disclosing abuse to health care providers out of fear providers will devalue them.³¹ One particular victim notes, "I think that going to a hospital for domestic violence is like going to the sexually transmitted disease clinic... you feel like the doctors look at you like you're dirty or you weren't protecting yourself."³²

In a 2016 Oregon gubernatorial debate, Governor Kate Brown revealed she was a victim of domestic violence.³³ In response, her opponent, Dr. Bud Pierce, stated:

A woman that has great education and training and a great job is **not susceptible** to this kind of abuse by men, women or anyone... Powerful women have access to lawyers and courts and go at it. But the women who are most vulnerable are poor women who don't have a place to turn, because they don't have shelter or family around them.³⁴

Although Dr. Pierce later apologized, clarifying that, "any woman, regardless of economic status, can be subject to domestic violence and sexual abuse," he epitomizes the depth and impact of our society's misunderstandings and stigmas.³⁵ As an oncologist and hematologist, Dr. Pierce made a

²⁹ *Id.* at 4, 7 (affecting the help-seeking process of both the victim and their supporters).

³⁰ *Id.* at 1, 4, 7 (seven studies on cultural stigma and socio-cultural context influence help-seeking behavior).

³¹ *Id.* at 5-6.

³² *Id.*

³³ Amber Phillips, *More fallout for GOP gubernatorial candidate who said educated women aren't susceptible to abuse*, WASH. POST (Oct. 7, 2016), <https://www.washingtonpost.com/news/the-fix/wp/2016/10/01/gop-oregon-gubernatorial-candidate-educated-women-arent-susceptible-to-abuse/> [<https://perma.cc/H2HX-F34K>] (last visited Apr. 30, 2022).

³⁴ *Id.*

³⁵ *Id.*; see also Nigel Jaquiss, *The 2022 Governor's Race Is Officially Underway: Dr. Bud Pierce Declares His Candidacy*, WILLAMETTE WEEK (Nov. 30, 2020, 4:12 PM), <https://www.wweek.com/news/2020/11/30/the-2022-governors-race-is-officially-underway-dr-bud-pierce-declares-his-candidacy/> [<https://perma.cc/X4U6-2Q8H>] (last visited Apr. 30, 2022) (while Dr. Pierce lost to Governor Kate Brown by 7% in 2016, he has recently announced that he intends to run in the 2022 election, and one can only hope that he remains true to his closing remark from 2016, "[m]y eyes have been opened, and I join the battle against domestic violence"); see also Statesman Journal Editorial Board, *Abuse against women occurs throughout Oregon*, STATESMAN J. (Oct. 4, 2016), <https://www.statesmanjournal.com/story/opinion/editorials/2016/10/04/abuse-women-occurs-throughout-oregon/91582142/> [<https://perma.cc/E34F-9NC5>] (last visited Apr. 30, 2022) [hereinafter Statesman].

public statement refusing to recognize domestic violence, only to admit later that he lacked domestic and sexual violence knowledge.³⁶

Domestic violence is a societal epidemic that everyone must educate themselves on.³⁷ It is “the violence which, due to the fear of social stigma, could be hidden from the public eye for a long time but could have serious health consequences for the individual, family, and society.”³⁸ Everyone “should know, and remember, that domestic and sexual violence cross all economic, societal and geographic lines ... that the victim is never to blame. Nothing excuses abuse. Nothing rationalizes abuse. Nothing justifies abuse.”³⁹

B. Power, Control + The Wheel Of Abuse

Batterers often have a predictable, repetitious pattern of abuse that alternates between abusive and apologetic behavior filled with heartfelt promises of change.⁴⁰ The Duluth Model’s “The Power and Control Wheel,” as shown in the Appendix, is a helpful summary of the cycle of abuse, its complexities, and the overall pattern of behaviors often used by batterers to establish and

³⁶ Statesman, *supra* note 35 (131,000 calls to NCADV, the National Coalition against Domestic Violence, call center. Note that as a public figure and a medical professional with a Ph.D. and M.D. from UCLA, “a physician who began medical school almost 40 years ago, and has seen many patients including women of domestic violence,” Dr. Pierce was a prime example of the sociocultural denial and stigma against victims, and why they have built a barrier against help-seeking and as a factor in a victim’s help-seeking decisions. 131,000 calls to NCADV, the National Coalition against Domestic Violence, call center. Note that as a public figure and a medical professional with a Ph.D. and M.D. from UCLA, “a physician who began medical school almost 40 years ago, and has seen many patients including women of domestic violence,” Dr. Pierce was a prime example of the sociocultural denial and stigma against victims, and why they have built a barrier against help-seeking and as a factor in a victim’s help-seeking decisions. Emily Evans, executive director of the Women’s Foundation of Oregon, released the following statement Monday about comments made in Friday’s Oregon gubernatorial debate: Over 1 million women and girls in Oregon have endured sexual assault, and 700,000 are survivors of intimate partner violence. This is one of the ‘Eight That Can’t Wait’ sobering findings from the Women’s Foundation of Oregon’s new report, ‘Count Her In’ — the most comprehensive report on our state’s women and girls in 20 years. Violence against women cuts across income, race, geography, sexual orientation, and education level. It can happen to anybody. Women cannot prevent violence with another degree or a bigger paycheck. The ability — and responsibility — to prevent this violence lies solely with rapists, assailants, abusers, and the communities that tolerate them. The epidemic of violence against women in Oregon has overwhelmed our state’s current ability to respond. Last year, requests for shelter from over 10,000 survivors of domestic violence went unmet due to a lack of adequate funding. In 2014, Oregon crisis lines received nearly 11,000 calls from survivors of sexual violence, but most communities lack basic resources to help, including sufficient Sexual Assault Nurse Examiners or the timely processing of rape kits. We simply cannot help survivors heal or hope to stop this epidemic with these inadequate resources. But because Oregon has not yet accepted that violence against women amounts to an epidemic, we have not yet done what we need to do. Oregon’s women and girls deserve better”); *see also* Phillips, *supra* note 33.

³⁷ Statesman, *supra* note 35.

³⁸ Zlatka Rakovec-Felser, *Domestic Violence and Abuse in Intimate Relationship from Public Health Perspective*, HEALTH PSYCH. RES. (2014), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4768593/> [<https://perma.cc/7MRE-KZKK>].

³⁹ Statesman, *supra* note 35.

⁴⁰ Rakovec-Felser, *supra* note 38 (this cycle, also known as “Battered Women Syndrome,” is rarely constant but rather alternates between stages of tension, acting out, honeymoon, and calm).

maintain control.⁴¹ It depicts the subtle, continuous behaviors through its inner wheel and the abusive physical and sexual violence in its outer wheel.⁴² While the more subtle acts of the inner wheel are less easily identified, they are the foundation of the pattern of intimidation and control.⁴³

Nancy Salamone—an author, speaker, and advocate against domestic violence—is a prime example of a victim who experienced abusive tactics in the Power and Control Wheel.⁴⁴ Her 2010 article admits that she lived two lives for twenty years; one as “a successful Wall Street executive and the other, a behind closed doors abused wife.”⁴⁵ Beyond physical, emotional, and psychological abuse, Salamone emphasizes the subtle, continuous behaviors that are less accepted by society.⁴⁶

C. Financial Dependency

A significant part of domestic abuse is financial or economic control.⁴⁷ Sixty percent of women do not report abuse.⁴⁸ While this has to do with fear of physical harm, the victim often does not control her finances and has no means of supporting themselves.⁴⁹ Financial struggles do not create or cause domestic violence, yet 99% of female victims face some form of financial abuse.⁵⁰

Financial abuse stems from an abuser’s coercive control through systematic patterns of power intended to control.⁵¹ It crosses all socioeconomic lines; its destructive effects are far-reaching; and its consequences are devastating.⁵² On average, an abused woman leaves her abuser

⁴¹ *About Us*, DOMESTIC ABUSE INTERVENTION PROGRAMS, <https://www.theduluthmodel.org/about-us/> [https://perma.cc/WYA7-LSN9] (last visited Apr. 30, 2022) (The Duluth Model was created by activists in the battered women’s movement organized in the early 1980s. They created the Domestic Abuse Intervention Programs (“DAIP”) and developed the “Duluth Model” to support their mission is to end violence against women and to give a voice to battered women by translating their experience in innovative ways. It reflects abusive tactics used to keep a victim in a relationship, regardless of gender or sexuality); see also *Power and Control Break Free from Abuse*, *supra* note 25.

⁴² *Power and Control Break Free from Abuse*, *supra* note 25.

⁴³ *Id.* (Duluth Model shows the regular use of the inner wheel’s subtle, continuous behaviors reinforcing the outer wheel’s violence).

⁴⁴ Mary Ellen Egan, *Former Wall Street Executive On Surviving Domestic Violence*, FORBES (Sep. 2, 2010, 9:16 AM), <https://www.forbes.com/sites/maryellenegan/2010/09/02/former-wall-street-executive-on-surviving-domestic-violence-2/?sh=49882e276c72> [https://perma.cc/65W3-3W2Q] (last visited Apr. 30, 2022).

⁴⁵ *Nancy Salamone CEO*, TBOM, <https://bio.prlog.org/thebusinessofme/50001953-nancy-salamone.html> [https://perma.cc/VEA4-ASNR] (last visited Feb. 26, 2021).

⁴⁶ Egan, *supra* note 44 (Salamone’s abuser successfully isolates her from family, intimidation, coercion, and threats when making harassing and threatening calls to friends, coworkers, and family. Egan underscores the impact that minimizing, denying, and blaming had on Salamone’s inability to leave and the self-blaming imposed upon her due to cultural stigmas favoring a “code of silence” because “you make your bed, you lie in it.” Egan highlights the debilitating impact that economic abuse and male privilege has on a victim’s financial dependence).

⁴⁷ *Financial Help for Domestic Violence Survivors*, *supra* note 21.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ Adrienne E. Adams, *Measuring the Effects of Domestic Violence on Women’s Financial Well-Being*, CENT. FOR FIN. SEC., UNIV. OF WI-MADISON (2011)

<https://centerforfinancialsecurity.files.wordpress.com/2015/04/adams2011.pdf> [https://perma.cc/2K2H-FYVV]; see also *Financial Help for Domestic Violence Survivors*, *supra* note 21.

⁵¹ *Financial Help for Domestic Violence Survivors*, *supra* note 21.

⁵² *Id.*

seven times.⁵³ Due to deep economic dependence, even those who summon the courage to leave will return for financial reasons.⁵⁴ An abuser often has all of the economic and social standings and complete control over the finances.⁵⁵ According to the National Coalition Against Domestic Violence (“NCADV”), a significant proportion of victims report that a key contributing factor in their return was their inability to deal with their finances.⁵⁶

Financial abuse creates substantial barriers preventing a victim from leaving. If a victim leaves, their financial struggles only continue, as they cannot build a financial foundation because of the abusive relationship they are fleeing.⁵⁷ Following her divorce, Nancy Salamone details that her “new overarching fear was money,” and how she quickly learned that financial self-sufficiency skills were just as important “as knowing how to use a knife and a fork.”⁵⁸

This fear is not unique. “In most cases women arrive at shelters with few more resources other than the clothes they are wearing. Some are burdened with debt—in many cases their partner’s.”⁵⁹

D. Confidentiality, Stalking + Identity Theft

Misuse of technology escalates domestic violence.⁶⁰ Stalking and cyberstalking are most often committed by someone with whom a victim is familiar; more often than not, it is committed by a current or former intimate partner and worsens when a victim ends a relationship.⁶¹ Stalkers may use technology to find and track a victim’s location or monitor them on and offline.⁶²

Cyberstalking is the explicit misuse of technology to stalk or harass someone.⁶³ Technology has provided stalkers with more tools and greater ease to stalk, harass, and threaten

⁵³ Sarah LeTrent, *When a friend won’t walk away from abuse*, CNN (Jan. 10, 2013, 1:53 PM), <https://www.cnn.com/2013/01/10/living/friend-domestic-abuse> [<https://perma.cc/L7QS-6GC6>] (last visited Apr. 30, 2022).

⁵⁴ Nancy Salamone, *Domestic Violence and Financial Dependency*, FORBES (Sep. 2, 2010, 12:00 PM), <https://www.forbes.com/2010/09/02/women-money-domestic-violence-forbes-woman-net-worth-personal-finance.html?sh=6b03bec61047> [<https://perma.cc/7LZF-UKG8>] (last visited Apr. 30, 2022) (Eighty-five percent of women return to an abusive relationship).

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Financial Help for Domestic Violence Survivors*, *supra* note 21.

⁵⁸ Egan, *supra* note 44; *see also* Nancy Salamone CEO, *supra* note 45 (Salamone started “The Business of Me” focusing on the financial self-sufficiency of women mired in their violent relationships. “When you take on the responsibility of managing your own money, you can make your own choices and create the kind of life you want”); *see also* Salamone, *supra* note 54.

⁵⁹ Salamone, *supra* note 54.

⁶⁰ *See* Press Release, U.S. Dept. of Def., DOD Takes New Measures to Address the Digitalization of Domestic Violence (Nov. 5, 2020) (<https://www.defense.gov/Newsroom/Releases/Release/Article/2406978/dod-takes-new-measures-to-address-the-digitalization-of-domestic-violence/>) [<https://perma.cc/PH4W-8TX4>] (last visited Apr. 30, 2022)).

⁶¹ *Stalking/Cyberstalking*, WOMENSLAW.ORG (Feb. 12, 2020), <https://www.womenslaw.org/about-abuse/forms-abuse/stalkingcyberstalking> [<https://perma.cc/3KS7-J2MV>] (last visited Apr. 30, 2022).

⁶² *Id.* (stalking can take many forms; email, social media, messaging, or other methods. Not all states have criminal laws against cyberstalking, instead the repeated behavior falls under a state’s stalking or harassment laws).

⁶³ *Id.*

victims.⁶⁴ Advancements in the internet and social media provide a means for stalkers to track, obtain, or expose victims' personal information.⁶⁵

Domestic violence victims are also particularly vulnerable to identity theft.⁶⁶ Survivors of domestic violence often need to take extra precautions to protect themselves from abusers who use their personal information to control them.⁶⁷ Abusers have easy access to confidential information.⁶⁸ They use such information not only to stalk and harass survivors, but to open credit cards, purchase vehicles, and build up substantial debt under a survivor's identity.⁶⁹

The Fair Credit Reporting Act provides rights specific to victims and potential victims of identity theft.⁷⁰ Potential victims have the right to ask credit reporting companies to place "fraud alerts" on their files, alerting potential creditors that they may be victims of identity theft.⁷¹ An initial alert remains for at least one year, and can be extended to seven.⁷² With the initial reporting, a potential victim of identity theft is entitled to a free copy of the information in their file.⁷³ A potential victim also has various rights to obtain documents relating to the fraud and from the debt collector.⁷⁴

But more importantly, a potential victim has substantial rights that allow them to protect their credit score, credit history, and identity.⁷⁵ A potential victim has the right to request that a credit agency block information from their credit file.⁷⁶ Once their information is secured, a person or business cannot sell, transfer, or place the debt into collections.⁷⁷ Potential victims may also contact a company and prevent them from reporting information to credit agencies if they believe that the information results from identity theft.⁷⁸ They also have the right to place a "security freeze" on their credit report, preventing credit agencies from releasing any information without the potential victim's express authorization.⁷⁹ Sadly, none of these rights are available to survivors under the HALE Act.

An individual that suspects they are a potential victim of identity theft has dozens of immediate and powerful options to protect their credit history, credit report, and identity. Yet

⁶⁴ OFF. ON VIOLENCE AGAINST WOMEN, U.S. DEPT. OF JUST. FY 2021 CONG. JUSTIFICATION 3 (2021), <https://www.justice.gov/doj/page/file/1246436/download> [<https://perma.cc/C4NU-82CY>] (last visited Apr. 30, 2022).

⁶⁵ *Id.*

⁶⁶ *Identity Theft and Domestic Violence*, OFF. FOR THE PREVENTION OF DOMESTIC VIOLENCE, N.Y. STATE, <https://dos.ny.gov/identity-theft-and-domestic-violence> [<https://perma.cc/9CQU-KW7L>] (last visited Feb. 26, 2021).

⁶⁷ *Id.*

⁶⁸ *Id.* (information that may come from a survivor's current or previous home, such as bills or government, legal, and tax-related mailings).

⁶⁹ *Id.*

⁷⁰ *Remedying the Effects of Identity Theft*, CONSUMER FINANCIAL PROTECTION BUREAU, https://files.consumerfinance.gov/f/documents/bcftp_consumer-identity-theft-rights-summary_2018-09.pdf [<https://perma.cc/C6NM-ALA4>] (last visited Apr. 30, 2022).

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.* (known as their "file disclosure").

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

survivors of domestic violence under the HALE Act have none. Victims of *potential* identity theft have numerous avenues to prevent or hide damaging information and straightforward ways to alert any creditor why their score may be lower or why negative information appears on their report. Still, victims of *actual* domestic violence have none.

There is no way to communicate why their history is limited or why their credit score is invisible on a survivor's credit file. A survivor cannot disclose their status under the HALE Act or prevent a potential abuser from finding their credit history. A survivor does not have a way to proactively prevent an abuser, a business, or a past creditor from attaching to their new identity.

But even more critical, a survivor does not have a way to prevent personal information relating to their old identity (SSN, names, addresses, debt, creditors, etc.) from appearing front-and-center on their new identity. Through creditors, collections, and third-party information, as simple as social media, student loans, or utility bills, a survivor's new identity under the HALE Act is wholly exposed and connected to their old identity. And when a victim attempts to dispute this information, their dispute is denied, as their prior name, address, employment, etc., is now connected to their new identity and the credit bureaus; this information is correct and indisputable.

III. LIFELINES OF SURVIVAL IN THE DIGITAL AGE

Many women are battered because they simply cannot afford not to be.⁸⁰ Victims often stay in abusive relationships because they do not have the means to support themselves and their children financially.⁸¹ In the past, survivors would leave with nothing but their children and the clothes on their backs; in today's credit-dependent society, survivors also leave with crushing debt.⁸²

While Vice President Gore boasted that the HALE Act “will offer you the protection you need to regain your safety and rebuild your life,” the announcement failed to mention that it would wipe away a victim's credit history.⁸³ Economic independence and decent credit are critical to safety and rebuilding one's life, both made impossible for a victim under the HALE Act.⁸⁴

We are a credit-dependent society in today's digital age because credit reports and credit scores play a crucial role.⁸⁵ They are essential to obtain credit cards, car loans, mortgages, jobs (particularly ones needing security clearance or handling sensitive information), and insurance.⁸⁶

⁸⁰ *Financial Help for Domestic Violence Survivors*, *supra* note 21.

⁸¹ *Id.*

⁸² Melissa Jeltsen, *Financial Abuse Takes Heavy Toll On Domestic Violence Survivors*, HUFFPOST (July 24, 2014 7:00AM), https://www.huffpost.com/entry/domestic-violence_n_5611887 [<https://perma.cc/N7HX-5TMK>] (last visited Apr. 30, 2022).

⁸³ *New Social Security Policy Will Protect Domestic Violence Victims*, *supra* note 15.

⁸⁴ *Id.*

⁸⁵ Michelle Scarborough, *Who are the Credit Invisible?*, CONSUMER FINANCIAL PROTECTION BUREAU (Dec. 12, 2016), <https://www.consumerfinance.gov/about-us/blog/who-are-credit-invisible/> [<https://perma.cc/5KSV-2HPD>] (last visited Apr. 30, 2022).

⁸⁶ Michelle L. Black, *Is Reporting Rent to the Credit Bureaus Worth It?*, SELF (May 21, 2019), <https://www.self.inc/blog/rent-reporting-credit-bureaus> [<https://perma.cc/C4A5-5UD3>] (last visited Apr. 30, 2022).

They even play a significant role in less obvious things such as renting a car, leasing an apartment, or even being approved for a cell phone contract.⁸⁷

Financial control does not end when a survivor leaves an abusive relationship.⁸⁸ Many abusers deliberately destroy their partner's credit, and that takes time, effort, and money to fix.⁸⁹

If you know your partner's name, Social Security [number] and your partner's mother's maiden name, you can pretty much do whatever you want. Open up credit cards, open up businesses, run up debt in your partner's name ... the sad part is, legally, if you're married, there's nothing you can do about it. You're just as responsible for that debt.⁹⁰

An abuser can attack a survivor's credit long after they leave, and that debt or lousy credit impacts a survivor's financial stability for years to come.⁹¹

Domestic violence advocates have long emphasized the importance of financial independence in leaving an abusive relationship.⁹² However, a limited credit history impairs one's ability to withstand economic shocks and achieve financial stability.⁹³ When a person with a limited credit history encounters an emergency that requires them to borrow money, the traditional credit products are not available to them.⁹⁴ They are left with no alternatives to bridge the financial gap.⁹⁵

According to the Center for Financial Services Innovation, having access to high-quality credit is a "critical safety net for consumers, helping them manage income volatility and debt levels while creating a foundation for financial health."⁹⁶ "Industries across the spectrum have an opportunity and responsibility to develop sustainable solutions for credit and debt management," but there are currently no solutions for survivors under the HALE Act.⁹⁷

⁸⁷ Janet Berry-Johnson, *How to Build (or Rebuild) Credit*, SELF (Sept. 25, 2018), <https://www.self.inc/blog/how-to-build-credit> [<https://perma.cc/9UTF-EPKC>] (last visited Apr. 30, 2022); *see also* Scarborough, *supra* note 85; *see also* *Financial Help for Domestic Violence Survivors*, *supra* note 21 (a victim needs "a good credit report, including a good credit score, to start a new life. Decent credit is essential to rent an apartment, get a credit card, get a car if you don't have one, and get better rates on insurance).

⁸⁸ *Financial Help for Domestic Violence Survivors*, *supra* note 21.

⁸⁹ Jeltsen, *supra* note 82.

⁹⁰ *Id.*

⁹¹ *Financial Help for Domestic Violence Survivors*, *supra* note 21.

⁹² Jeltsen, *supra* note 82.

⁹³ *Who are the credit invisibles?*, CONSUMER FINANCIAL PROTECTIVE BUREAU (Dec. 2016), https://files.consumerfinance.gov/f/documents/201612_cfpb_credit_invisible_policy_report.pdf [<https://perma.cc/7NRN-62FM>] (last visited Apr. 30, 2022).

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Credit*, FIN. HEALTH NETWORK, <https://finhealthnetwork.org/research/credit/> [<https://perma.cc/LB5X-865U>] (last visited Apr. 30, 2022) (Center for Financial Services Innovation is now known as the Financial Health Network and is the leading authority on consumer financial health).

⁹⁷ *Id.*

A. *Fine Wine, Whiskey + Cheese*

Credit scores play a significant role in daily life.⁹⁸ Access to credit is the essential stepping stone for a victim to gain independence.⁹⁹ Most lenders will not risk extending credit to someone with no history of repaying credit.¹⁰⁰ Consumers who are credit invisible or unscorable do not have access to credit and face various issues, from obtaining utilities to leasing an apartment.¹⁰¹

Under the HALE Act, a survivor starts with an “invisible” or an “unscorable” credit score.¹⁰² An invisible credit history means that none of the three major credit bureaus have a credit history on the individual.¹⁰³ When credit is invisible, the result is virtually the same as having a low score—the person is denied.¹⁰⁴ Once some history is available, the survivor has an unscorable credit history, meaning they may have a credit file.¹⁰⁵ Still, the credit bureaus do not have enough information to calculate a score.¹⁰⁶

There are dozens of credit scoring models and each uses slightly different criteria.¹⁰⁷ “Good” credit varies by model.¹⁰⁸ FICO and VantageScore range from 300 to 850, with FICO considering a credit score of 670 or better a “good” score.¹⁰⁹ As of July 2020, 67% of Americans were in FICO’s “good,” “very good,” or “exceptional” ranges.¹¹⁰

A survivor starts at a credit score of roughly 300 because they “simply don’t have a robust enough credit history to earn the highest score.”¹¹¹ While there is no exact “starting” credit score,¹¹²

⁹⁸ Jessica Dickler, *Here’s how long it takes to improve your credit score*, CNBC (Sept. 14, 2019, 9:45 AM), <https://www.cnbc.com/2019/09/14/heres-how-long-it-takes-to-improve-your-credit-score.html> [<https://perma.cc/8D7U-DZZM>] (last visited Apr. 30, 2022) (credit scores determine interest rates for credit cards, car loans, and mortgages—or whether someone will get approved at all).

⁹⁹ *Financial Help for Domestic Violence Survivors*, *supra* note 21.

¹⁰⁰ Lance Cothorn, *Credit Karma Guide to Building Credit*, CREDIT KARMA (Oct. 30, 2020), <https://www.creditkarma.com/advice/i/credit-karma-guide-building-credit> [<https://perma.cc/U5KS-JGWY>] (last visited Apr. 30, 2022) (rebuilding a damaged score is sometimes more challenging than starting with a blank slate, but credit history is required to build credit, which a blank slate does not allow for).

¹⁰¹ *Who are the credit invisibles?*, *supra* note 93.

¹⁰² *What Is My Starting Credit Score?*, DISCOVER (Sept. 20, 2021), <https://www.discover.com/credit-cards/resources/starting-credit-score/> [<https://perma.cc/SW6V-PNBK>] (last visited Apr. 30, 2022).

¹⁰³ *Id.* (three major credit bureaus - TransUnion, Experian, and Equifax); *see* Scarborough, *supra* note 95; *see also* *Who are the credit invisibles?*, *supra* note 93 (CFPB estimate 26 million Americans are “credit invisible” in 2015).

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Who are the credit invisibles?*, *supra* note 93 (19 million consumers were “unscorable” due to insufficient credit history, or stale files as of 2015. Combined, invisible and unscorable consumers, make up 20% of adult population).

¹⁰⁷ Karen Axelton, *Can I get a Car Loan With a 600 Credit Score?*, EXPERIAN (July 10, 2020), <https://www.experian.com/blogs/ask-experian/can-i-get-a-car-loan-with-a-600-credit-score/> [<https://perma.cc/ZCB6-QCBB>] (last visited Apr. 30, 2022).

¹⁰⁸ *Id.* (600 with either model is below what lenders tend to view as “good” credit - “fair” per FICO, “poor” per VantageScore); *see also* *What Is My Starting Credit Score?*, *supra* note 102 (under 580 is considered “poor” credit).

¹⁰⁹ *Id.*; *see also* *What Is My Starting Credit Score?*, *supra* note 102 (there is no real zero, most range 300-850).

¹¹⁰ Axelton, *supra* note 107 (July 2020 FICO Score Range: Very Poor = 300-579 (16%), Fair = 580-669 (17%), Good = 670-739 (21%), Very Good = 740-799 (25%), Exceptional = 800-850 (21%).)

¹¹¹ Karen Axelton, *Does Your Credit Score Start at Zero?*, EXPERIAN (Feb. 3, 2020), <https://www.experian.com/blogs/ask-experian/what-does-your-credit-score-start-at/> [<https://perma.cc/26WM-Q224>] (last visited Apr. 30, 2022).

¹¹² *What Is My Starting Credit Score?*, *supra* note 102.

to grow a FICO score, one needs credit to get credit.¹¹³ Most lenders rely on the FICO credit score, which will not exist unless six months of activity have occurred.¹¹⁴ Still, it will be flagged as a “thin credit file,” meaning it is too limited for lenders to make a confident decision.¹¹⁵

FICO’s suggestions to build credit are: (1) apply for a secured credit card “where you provide cash collateral for the line of credit,” (2) “see if you can get a friend or family with good credit” to be a co-signer, and (3) “adopt a mindset where you see the length of your credit history as part of your greater long-term credit strategy.”¹¹⁶ However, none of these suggestions are feasible for a survivor who likely has no disposable cash for a deposit, cannot risk exposure by using a friend or family as a co-signer, and does not have the luxury of waiting it out. They are struggling every moment to start a financial foundation.¹¹⁷ Financial abuse, whether ruining a survivor’s credit, getting them fired, or hiding money from them, “is just as effective in controlling an abused victim as a lock and key.”¹¹⁸

Nevertheless, suppose one was to adopt FICO’s mindset. How does an individual who does not have disposable cash open a secured credit card? How does a person who cannot use a friend or family, due to their new identity, obtain a co-signer necessary to be approved to rent a home or apartment? How does someone without a credit history pass a background check required by a potential new employer? The answer is quite simple. They do not. They will not. They cannot.

The only thing a survivor can do is find a way to drum up enough cash to open a secured credit card or a “credit builder” loan.¹¹⁹ The creditor holds the deposit for a secured credit card and extends a credit line matching the deposit amount.¹²⁰ But a creditor is *not* required to report secured credit cards to the credit bureaus.¹²¹ Instead, many creditors use a graduation component, making the borrower wait an extended period.¹²² After proving consistent monthly payments, they graduate the borrower to a traditional credit card and report the borrower’s payments to credit bureaus.¹²³ This is not an immediate or short-term solution. Even when a creditor finally decides to start reporting payments to the credit bureaus, a survivor must wait at least an additional twelve

¹¹³ *What is the Length of Your Credit History?*, MYFICO, <https://www.myfico.com/credit-education/credit-scores/length-of-credit-history> [<https://perma.cc/W965-9H58>] (last visited Apr. 30, 2022) (difficult to open lines of credit to build a FICO score).

¹¹⁴ Ben Luthi, *How Long Does It Take to Build Credit?*, SELF (June 28, 2019), <https://www.self.inc/blog/how-long-build-credit> [<https://perma.cc/52GC-5BDK>] (last visited Apr. 30, 2022) (VantageScore does not have a “six-month rule” one can receive a score before 6 months of activity).

¹¹⁵ *Id.*

¹¹⁶ *What is the Length of Your Credit History?*, *supra* note 113.

¹¹⁷ *Id.*; *see also* *Financial Help for Domestic Violence Survivors*, *supra* note 21.

¹¹⁸ Jeltsen, *supra* note 82.

¹¹⁹ Berry-Johnson, *supra* note 87; *see also* Scarborough, *supra* note 85.

¹²⁰ Berry-Johnson, *supra* note 87; *see also* *Building credit from scratch*, CFPB (Dec. 2016), https://files.consumerfinance.gov/f/documents/201612_cfpb_credit_invisible_checklist.PDF [<https://perma.cc/Q2PS-7MLF>].

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.* (with a credit builder loan a financial institution will deposit typically \$300 - \$1000 into a locked savings account and the borrower pays a monthly payment over 6-24 months. The institution would in turn report these payments to the credit bureaus).

months for it to have any impact—all while paying off the card each month.¹²⁴ At the same time, the “security” deposit remains with the creditors.¹²⁵

However, even if the creditor chooses not to report the payments during the “graduation” period, if the borrower misses a payment, then the creditor will report these missed payments, and the borrower’s credit report will be negatively affected by the missed payment(s) for up to seven years.¹²⁶ And once again, the struggle to build sufficient credit to survive in the digital age just became infinitely more complex.

“Like fine wine, whiskey and cheese, most credit histories only get better with age.”¹²⁷ However, a survivor is not looking for “fine wine, whiskey and cheese.”¹²⁸ They are desperately looking for a way to survive, a XXX to eat, a place to sleep, and a way to get to work. Under the HALE Act, a survivor needs immediate access to credit to stay afloat, find a job, pay for a place to live, get a car, or access transportation.¹²⁹ Their FICO credit score and credit history are the main obstacles standing in their way.¹³⁰

B. Be Battered Or Be Homeless

A victim has a choice—be battered or be homeless.¹³¹ They finally left, and now they are homeless.¹³² When leaving, many survivors do not even have the financial ability to rent a hotel room.¹³³ Under the HALE Act, their need for assistance is even more remarkable because they cannot stay with friends and families, as other survivors may, and they most likely need to relocate, often out of state, very quickly.

Shelters are intended for emergencies as a temporary solution for those who qualify.¹³⁴ Many require that a victim prove that they are already homeless or at risk of becoming homeless in the immediate future due to domestic violence.¹³⁵ Longer-term programs, such as transitional programs like “New Hope for Women,” require a victim to be beyond the initial crisis case and for them to prove they are already eligible for low-income housing assistance.¹³⁶

To secure short-term or long-term housing, a survivor must find a way to rent, lease, or buy. For a survivor under the HALE Act, this is virtually impossible.

¹²⁴ See Berry-Johnson, *supra* note 87.

¹²⁵ *Id.*

¹²⁶ *How Long Does Information Stay on My Equifax Credit Report?*, EQUIFAX, <https://www.equifax.com/personal/education/credit/report/how-long-does-information-stay-on-credit-report/> [<https://perma.cc/TH2Q-WWCX>] (last visited Apr. 30, 2022).

¹²⁷ *What is the Length of Your Credit History?*, *supra* note 113.

¹²⁸ *Id.*

¹²⁹ *Financial Help for Domestic Violence Survivors*, *supra* note 21.

¹³⁰ *What is the Length of Your Credit History?*, *supra* note 113.

¹³¹ *Financial Help for Domestic Violence Survivors*, *supra* note 21.

¹³² *Financial Help for Domestic Violence Survivors*, *supra* note 21.

¹³³ *Id.*

¹³⁴ Jeltsen, *supra* note 82.

¹³⁵ Sara East, *Finding Courage and Hope: Financial Support for Women Experiencing Domestic Violence*, MONEYGEEK (Mar. 15, 2022), <https://www.moneygeek.com/financial-planning/resources/financial-help-women-abusive-relationships/> [<https://perma.cc/JB5Y-QXXX>] (last visited Apr. 30, 2022).

¹³⁶ *Id.* (note that even “longer-term” programs are only for two years).

Even a high-interest rate government-backed loan requires a minimum credit score of 500, which will take years for a survivor to reach.¹³⁷ And when a survivor does reach 500, they must provide a 10% deposit, or wait until they reach 580 to pay a 3.5% deposit.¹³⁸ These loans are also capped based on the region, further restricting the areas and homes available for a survivor to purchase.¹³⁹ As of January 2021, Orange County, Florida, is currently capped at \$356,362.¹⁴⁰

Unfortunately, renting or leasing are not simpler alternatives. In 2017, the average credit score required to rent an apartment was 650, and continued to increase.¹⁴¹ Before agreeing to rent, landlords and property managers often need in-depth information regarding a prospective tenant's finances, including, but not limited to, pay stubs, tax forms, and credit scores.¹⁴²

Landlords who order a tenant credit check through Experian receive an applicant's name, other names they might use, current and previous address, current and former employers, credit rating, credit score, list of credit accounts with payment history, potentially damaging public records such as evictions, bankruptcy, foreclosure or tax liens, as well as any credit inquiries from the past twenty-four months.¹⁴³ "Only 48% of applicants with a credit score below 500 are approved, but 98% of applicants with scores above 750 are successful."¹⁴⁴

¹³⁷ *What credit score do you need to buy a house?*, PR NEWSWIRE (July 8, 2020, 12:34 PM), <https://www.prnewswire.com/news-releases/what-credit-score-do-you-need-to-buy-a-house-301089555.html> [<https://perma.cc/P598-PCKL>] (last visited Apr. 30, 2022) (having a higher credit score has a major impact on the amount of money paid throughout a loan. Borrowers with scores in the higher range can save thousands of dollars in interest payments over the life of a mortgage. A LendingTree study showed that borrowers with a "fair" score (580-669) pay significantly more in interest than those in the "very good" range (740-799). For an average loan amount of \$253,435, the average mortgage borrower with a "very good" credit score paid about \$219,660 in interest over time, while the "fair" score borrowers paid \$261,076. Increasing a score by 71 points would save over \$41,000 in interest payments).

¹³⁸ Alexandria White, *What credit score is required to buy a house?*, CNBC (Dec. 22, 2020), <https://www.cnbc.com/select/credit-score-needed-to-buy-house/> [<https://perma.cc/4Q6L-V8HH>] (last visited Apr. 30, 2022) (according to FICO, as of July 2020 the minimum credit score requirements, or unofficial "preference," to be approved for a home mortgage loan are - Conventional = 620 + varying down payment, Jumbo = 620 + varying down payment, FHA = 500 + 10% down payment or 580 + 3.5% down payment, VA = no score + down payment reported, USDA = 640 + no down payment reported).

¹³⁹ *FHA Mortgage Limits*, U.S. DEP'T OF HOUS. & URB. DEV., <https://entp.hud.gov/idapp/html/hicostlook.cfm> [<https://perma.cc/VKS9-B222>] (Nov. 2020) (last visited Apr. 30, 2022).

¹⁴⁰ *Id.*

¹⁴¹ Janet Berry-Johnson, *How to Land Your Lease: Renting an Apartment with a 500 Credit Score*, SELF (Apr. 28, 2020), <https://www.self.inc/blog/renting-apartment-with-500-credit-score> [<https://perma.cc/4RQA-HYC9>] (last visited Apr. 30, 2022); see also Nadia Balint, *Rental Industry Raising Credit Score Standards*, MULTI-HOUSING NEWS (Jan. 30, 2018), <https://www.multihousingnews.com/post/rental-industry-raising-credit-score-standards/> [<https://perma.cc/GQ83-XV8J>] (last visited Apr. 30, 2022) (RentGrow, an online tenant screening system provided comprehensive reports for all rental applications between Jan. 2014 – June 2017. 2017 RentCafe survey reports the average approved score was 650 (12-point increase since 2014), the average rejected score was 538).

¹⁴² *The credit score you need to rent an apartment, and what to do if you don't have it*, BUNGALOW (Feb. 1, 2022), <https://bungalow.com/articles/the-credit-score-you-need-to-rent-an-apartment-and-what-to-do-if-you-dont> [<https://perma.cc/TN6X-43EN>] (last visited Apr. 30, 2022).

¹⁴³ Berry-Johnson, *supra* note 141.

¹⁴⁴ Florentina Sarac, *Credit Scores to Rent an Apartment Are on the Rise – SF, Boston and NY Top the List*, RENTCAFE (Feb. 2, 2021), <https://www.rentcafe.com/blog/rental-market/credit-score-to-rent-an-apartment/> [<https://perma.cc/BT9R-UPAZ>] (last visited Apr. 30, 2022); see also Nadia Balint, *Rental Application Approvals Are Up – Active Millennial Hubs Seattle, Portland Have the Highest Approval Rates*, RENTCAFE (Sept. 11, 2017), <https://www.rentcafe.com/blog/renting/rental-application-approvals-highest-approval-rates-millennial-hubs-seattle->

The average credit score needed for approval also varies dramatically by location, generation, and building type.¹⁴⁵ Las Vegas, NV is one of the few cities where an average renter can be approved with a score as low as 590, followed by Memphis, TN at 592, Milwaukee, WI at 609, and Meza, AZ at 609.¹⁴⁶ There is a direct correlation between cities with a lower credit score required for approval and those with a larger percentage of the adult population with invisible or unscorable credit files.¹⁴⁷ Las Vegas has the lowest required credit score for renter approval and the largest share of adults with invisible or unscorable credit reports of any metropolitan area.¹⁴⁸

Due to their credit score, lack of credit history, and inability to pass a tenant screening, a survivor under the HALE Act cannot be approved to own, rent, or lease a home. They cannot “commingle” their new and old identity, so they cannot rely on assistance from friends and families. And due to the short-term, imminent nature and requirements of being pre-approved for low-income housing and beyond the initial crisis stage, they cannot rely on shelters. The only alternative is to live day-to-day or find temporary, short-term rentals, which are incredibly limited and often depend on credit history, albeit without as stringent requirements as longer-term solutions.¹⁴⁹

C. *You Need Electricity Too?*

If a survivor is fortunate enough to secure housing, this does not mean they will obtain a car, afford transportation, access utilities, or secure a job. Finding housing certainly does not mean that a survivor can afford food, toiletries, household supplies, furnishings, or clothing. A car loan requires a credit score of at least 665, and utilities require a credit score of 580 to be approved.¹⁵⁰

portland/ [https://perma.cc/H38D-AD7C] (last visited Apr. 30, 2022) (Rentcafe reports a “very strong 0.96 correlation coefficient (where a 1.0 coefficient represents the strongest correlation) between credit scores and approval rates).

¹⁴⁵ *Id.* (average credit score by building type (“low-end” vs. “high-end”) varies from 624-683, with rejected range from 526-553. Cities with highest credit scores: Boston (737), San Francisco (724), Seattle (711), Minneapolis (711), Oakland (707), Philadelphia (702), and Los Angeles (691)); *see also* Balint, *supra* note 140 (Generation X has hardest time with approval due to feeling the brunt of the housing crisis during their prime years. Gen X approval rate approximately 77.5%. Gen Z approximately 91.8%).

¹⁴⁶ Balint, *supra* note 144.

¹⁴⁷ *Who are the credit invisibles?*, *supra* note 93.

¹⁴⁸ *Id.* (according to CFPB in 2015, percent of the adult population with invisible or unscorable credit - Las Vegas (21.4%), Mesa (19.1%), Boston (16.7%), San Francisco (17.9%), Seattle (16.9%), Minneapolis (16.8%), Philadelphia (18.4%), Los Angeles (17.4%).)

¹⁴⁹ *The credit score you need to rent an apartment, and what to do if you don’t have it*, *supra* note 142 (suggests (1) Proof of Rental Payment, (2) Letter of Recommendation from previous landlord, (3) Lease Guarantor, (4) Proof of Savings, (5) Offer to Pay More Up Front, (6) Explain Situation, (7) Try a Platform like Bungalow.com to rent a private room in a shared home).

¹⁵⁰ Bev O’Shea & Amanda Barroso, *What Credit Score Do You Need to Buy a Car?*, NERDWALLET (Oct. 6, 2021), <https://www.nerdwallet.com/article/finance/credit-score-needed-to-buy-car> [https://perma.cc/6Q8P-AS6D] (last visited Apr. 30, 2022) (December 2020 - target score of 660+ should allow for a car loan with an interest rate around or below 6%. Average score needed for a used car is 657, while the average score needed for a new car was 721. Only 4.5% of used car loans are for parties with scores below 500, which include an impossible interest rate of 20.45% APR, compared to an average APR of 4.29% for those with at least a “very good” score of 780).; *Improve Your Credit Score By Using Your Utility Bill*, ELECTRICITYPLANS (July 23, 2019), <https://electricityplans.com/improve-your-credit-score/> [https://perma.cc/QR4G-JQ57] (last visited Apr. 30, 2022).

Utility companies look at an individual's credit history to be approved for utility services, including their record of utility payments at previous residences.¹⁵¹ Good credit history will make it easier to get utilities, while a poor credit history will make it more difficult.¹⁵² "Applying for utility services is applying for credit ... like other creditors, utility companies ask for information like your Social Security number so they can check your credit history—particularly your utility payment history."¹⁵³

Utility companies have the right to deny or refuse to connect utility services.¹⁵⁴ A utility company can also require a deposit or a letter of guarantee for new customers or customers with poor or minimal utility payment history.¹⁵⁵ For deposits, unfortunately, there is no framework for the amount.¹⁵⁶ It depends on a company's requirements and can range from less than a hundred dollars to several hundred dollars depending on credit history.¹⁵⁷

Since utility payment history becomes part of one's overall credit history, it can affect whether one can get other credit types.¹⁵⁸ Positive behavior, such as timely monthly payments, does not appear on a credit report.¹⁵⁹ Still, negative behavior, such as late payments or unpaid bills, does appear and impacts one's credit score and history.¹⁶⁰

Furthermore, the Equal Credit Opportunity Act does offer some protections for those denied utility services, but only for those that can prove either: (1) they did not live with a spouse when an account was overdue, (2) they never saw the bill(s), or (3) they paid the bill(s) once it was discovered overdue.¹⁶¹

None of these exceptions assist those with a new identity under the HALE Act.¹⁶² A survivor cannot commingle their new and old identity to prove that they did not live with their spouse. Even if they could, they most likely could not verify they left at a specific moment, or they had no control over the account at the time it became overdue. They would not have the ability to prove they never saw bills because economic abuse, financial dependency, and isolation are three of the key, continuous behaviors of abusers within the Power and Control wheel.¹⁶³ And a survivor

¹⁵¹ *Getting Utility Services: Why Your Credit Matters*, FED. TRADE COMM'N (May 2021), <https://consumer.ftc.gov/articles/getting-utility-services-why-your-credit-matters> [<https://perma.cc/YGD4-YR94>] (last visited Apr. 30, 2022).

¹⁵² *Id.*

¹⁵³ *Id.* (according to the Federal Trade Commission).

¹⁵⁴ *Id.* (denial or refusal governed by state laws but denial requires notification of decision within 30 days).

¹⁵⁵ *Id.* (letter of guarantee is a letter from someone who will guarantee to pay bill).

¹⁵⁶ Muriel Vega, *Utility Deposits: What to Expect When Moving In*, RENT.COM (Dec. 20, 2017), <https://www.rent.com/blog/utility-deposits/> [<https://perma.cc/Y8RD-WN8Y>] (last visited Apr. 30, 2022).

¹⁵⁷ *Id.*

¹⁵⁸ *Getting Utility Services: Why Your Credit Score Matters*, *supra* note 151.

¹⁵⁹ Berry-Johnson, *supra* note 87.

¹⁶⁰ *Id.*; see also Stefan Lembo Stolba, *What is Experian Boost?*, EXPERIAN (Jul. 27, 2020), <https://www.experian.com/blogs/ask-experian/what-is-experian-boost/> [<https://perma.cc/PQ4N-DT32>] (last visited Apr. 30, 2022) (positive payments do not typically appear, however some companies will publish upon request. Experian recently launched "Experian Boost" where Experian reviews monthly bank statements and posts timely payments on credit reports to manually "boost" scores).

¹⁶¹ *Getting Utility Services: Why Your Credit Score Matters*, *supra* note 151.

¹⁶² *Id.* (only options are to pay spouse's debts, pay deposit, or provide "letter of guarantee").

¹⁶³ *Power and Control Break Free from Abuse*, *supra* note 25.

could not resolve the issue by paying the bills, as this would commingle their old and new identity and immediately expose them to their abuser.

D. The Best Thing Is The Last Thing

It “is common for a lot of women in violent relationships ... [to not] have access to their money or aren’t allowed to work and earn their own money, so it makes it very hard to leave the relationship.”¹⁶⁴ Education and employment are critical for a survivor to move forward, build a foundation, and gain economic independence.

Unfortunately, a grim barrier for survivors is the fear of job loss or rejection if their history of abuse is disclosed due to anticipated stigma.¹⁶⁵ But this is not the most severe issue for survivors under the HALE Act; instead, it is the fact that a prospective employer has the right to check a candidate’s credit and not offer a job based on what they found.¹⁶⁶

Thirty-nine states and the District of Columbia have no restrictions on denying job applicants based on a candidate’s credit report.¹⁶⁷ Only eleven states have limitations on candidates’ denial based on their credit report.¹⁶⁸ According to the National Association of Professional Background Screeners, in 2019, 72% of employers conducted background checks and 29% performed a credit check.¹⁶⁹

The HALE Act does not restrict a potential employer from denying a survivor a job based solely on their credit. With 72% of employers checking an applicant’s background and 29% running credit, it is almost guaranteed that a survivor will be denied a job based on these reports alone.

Furthermore, “the best thing that a battered woman can do for herself is to further her education.”¹⁷⁰ This would allow her to “become independent so that she can support herself and her children . . . but the first thing that she must do, is to get out of the abusive relationship that she is in.”¹⁷¹

While organizations such as Scholarship for Women feature various scholarships and grants for domestic violence survivors, these offerings do not cover the cost of living or most of a woman’s education.¹⁷² Most scholarships are a one-time offering of \$1,000 - \$2,000 per

¹⁶⁴ Egan, *supra* note 44.

¹⁶⁵ See Overstreet & Quinn, *supra* note 9; see also *Domestic and Sexual Violence Fact Sheet*, *supra* note 27 (83% of victims report that their abusive partner has disrupted their ability to work).

¹⁶⁶ Zina Kumok, *Can you be denied a job due to bad credit?*, SELF (Mar. 5, 2018), <https://www.self.inc/blog/can-denied-job-bad-credit> [<https://perma.cc/9UXC-MT8X>] (last visited Apr. 30, 2022).

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*; see also Lauren Bringle, *7 Tips for Breaking the Cycle of Poverty*, SELF (Mar. 20, 2019), <https://www.self.inc/blog/7-tips-for-breaking-the-cycle-of-poverty> [<https://perma.cc/33N8-8KZ7>] (last visited Apr. 30, 2022) (companies who run background checks include credit information on 16% of candidates and 31% of them included some credit or financial information).

¹⁷⁰ *Scholarships for Abused Women*, SCHOLARSHIP FOR WOMAN, <https://www.scholarshipsforwomen.net/abused/> [<https://perma.cc/6J9V-JC2U>] (last visited Apr. 30, 2022).

¹⁷¹ *Id.*

¹⁷² *Id.*

recipient.¹⁷³ Therefore, a survivor must rely on loans for assistance, most of which she will not be approved for due to her new identity and credit history under the HALE Act.¹⁷⁴

In short, the HALE Act makes it more challenging for a survivor to move forward than it would be if they did not participate in it at all. It does not insulate survivors from negative factors on their credit history. Issuing a survivor a new Social Security number results in the likely loss of their work history, educational accomplishments, and credit history.¹⁷⁵ A survivor is expected to change their name and SSN, relocate, and start fresh—never commingling their old and new self. But in today’s credit-dependent society, a survivor can not rent or buy a car, rent, lease, or buy a home, open up a credit card, or pass a background check. Most survivors are without a dime to their name, and their “fresh start” under the HALE Act puts them in an even worse position than they were before.

While they have a new SSN, name, and address, survivors cannot use their past to obtain housing or employment. If a collection agency connects a survivor’s new information, which is very simple in today’s day and age, the negative factors, even those done by their batterer, will appear under the survivor’s new identity. The only protection under the ECOC requires a survivor to prove that they did not live in the residence when the bills were due. With a new identity, this is nearly impossible.

Short of disappearing and cutting off all contact with the outside world, moving to a remote location with no physical address, and surviving on cash, a survivor has no feasible options in the digital age.

IV. PROPOSAL FOR REFORM

*“People love to say, ‘Give a man a fish, and he’ll eat for a day.
Teach a man to fish, and he’ll eat for a lifetime.’ What they don’t say is,
‘And it would be nice if you gave them a fishing rod.’”¹⁷⁶*

Unfortunately, the HALE Act does just that. It is intended to give a survivor the opportunity at a new life, but a new Social Security number does the exact opposite in today’s credit-dependent society. Instead, it leaves a victim isolated, invisible, abandoned, and without the fishing rods of the digital age—credit score and credit history.

A. Change Starts At The Top

¹⁷³ *Id.*

¹⁷⁴ *Fast Facts: Women & Student Debt*, AAUW, <https://www.aauw.org/resources/article/fast-facts-student-debt/> [<https://perma.cc/EWE3-77ZC>] (last visited Apr. 30, 2022) (student loans are also disproportionately burdensome for women. Women with a bachelor’s degree who work full time make 26% less than men. This hampers the ability to pay off debt and results in an average of two years longer to pay off loans); *see also Deeper in Debt: Women & Student Loans*, AAUW, <https://www.aauw.org/resources/research/deeper-in-debt/> [<https://perma.cc/W245-FX7T>] (last visited Apr. 30, 2022) (women are responsible for approximately two-thirds of the nation’s \$1.54 trillion in student loan debt).

¹⁷⁵ *See* Jessica Mindlin & Liani Jean Heh Reeves, *Confidentiality and Sexual Violence Survivors: A Toolkit for State Coalitions*, NAT’L CRIME VICTIM L. INST. 55 (2005), <https://law.lclark.edu/live/files/6471-confidentiality-and-sexual-violence-survivors-a> [<https://perma.cc/MTQ5-2NHU>] (last visited Apr. 30, 2022).

¹⁷⁶ Bringle, *supra* note 169 (quoting comedian Trevor Noah stated in his book *Born a Crime*).

A key issue is a belief that abuse is acceptable—civic leaders need to learn and talk about domestic violence.¹⁷⁷ Survivors of “extreme domestic violence cases” were promised that the HALE Act would “offer you the protection you need to regain your safety and rebuild your life . . . ,” but 18 years later, Dr. Pierce admitted that the civic leaders of our country are not educated even to address domestic violence.¹⁷⁸ Twenty-two years after Vice President Gore’s promise, these protections do not exist.

While amazing organizations exist on local, state, and federal levels, those organizations are temporary options for shelter, support, counseling, employment, and financial assistance. They are not permanent solutions that lead toward financial independence. Assistance for survivors to navigate and survive the unique circumstances of the HALE Act simply do not exist.

There are no centralized resources. There are no organizations that specialize in the HALE Act. A survivor with a new identity has nowhere to go for assistance in relocation, job acquisition, continued education, or resources to understand how to move forward with a new identity. Survivors face significant challenges to regain self-confidence and independence, yet under the HALE Act, they are even more isolated, lost, and scared than before they left.

According to NNEDV, we must invest in strategies that advance nationwide access to safety, justice, and economic stability, while reducing ineffective systems’ reliance.¹⁷⁹ We must reauthorize the VAWA.¹⁸⁰ President Biden was one of its original authors back in 1994, yet it expired in 2018 and was not reauthorized.¹⁸¹

¹⁷⁷ Statesman, *supra* note 36; *see also* Phillips, *supra* note 33 (September 2016 statistics show 50% of women in Oregon have been sexually abused); *see also* 2018 National Poll on Domestic Violence and Financial Abuse, THE ALLSTATE FOUND. 35 (Mar. 2018), <https://allstatefoundation.org/wp-content/uploads/2020/04/2018-research-deck-v1.pdf> [<https://perma.cc/PGB7-3ZQT>] (last visited Apr. 30, 2022) (64% of Americans and 76% of victims feel social service agencies have major role in ending domestic violence).

¹⁷⁸ *New Social Security Policy Will Protect Domestic Violence Victims*, *supra* note 15; *see also* Statesman, *supra* note 36.

¹⁷⁹ *The Next Steps to Ending Domestic Violence: 100 Day and Ongoing Recommendations for the Biden-Harris Transition Team*, NAT’L NETWORK TO END DOMESTIC VIOLENCE (Nov. 2020), <https://nnedv.org/wp-content/uploads/2020/11/NNEDV-Recommendations-for-Biden-Harris-Transition-11-29-20-FINAL.pdf> [<https://perma.cc/ASP7-63EW>].

¹⁸⁰ *Id.*

¹⁸¹ *Id.* (NNEDV recommendations for 2021, include, but not limited to, Congress must provide steady funding and update statutory language to increase deposits to the Victims of Crime Act (“VOCA”), whose funding has shrunk substantially over the past few years, resulting in a loss of services to millions of victims. If VOCA is not sustained, then victim service providers nationwide will lose critical funding and be forced to close. Congress must also reject the use of VOCA funding to pay other Department of Justice programs. VOCA funding is already substantially depleted, and in the absence of Congressional action, VOCA funding will be fully depleted within 5 years. If Congress were to update the statutory language and provide steady funding, \$2.65 billion specifically in FY 21 to address the urgent needs of victims of crime, then continued cuts to local programs will be avoided. Biden has a legacy of over 25 years in moving our country forward on issues of domestic violence, yet the VAWA has not been reauthorized); *see Violence Against Women Reauthorization Act (VAWA)*, NAT’L NETWORK TO END DOMESTIC VIOLENCE (Nov. 2020), <https://nnedv.org/wp-content/uploads/2020/11/VAWA-Reauthorization-2020.pdf> [<https://perma.cc/V7TC-4AX3>] (NNEDV supports the bipartisan VAWA reauthorization bill, which includes key improvements, such as expanded economic security, increased avenues for justice, and improved housing options for victims); *see also Victims of Crime Act*, NAT’L NETWORK TO END DOMESTIC VIOLENCE, <https://nnedv.org/content/victims-of-crime-act/> [<https://perma.cc/3SSL-K7J4>] (last visited Apr. 30, 2022).

We must reduce the overwhelming bureaucracy that buries nonprofit organizations, such as Nancy Salamone’s “The Business of Me,” in paperwork and requires them to endlessly seek donations to remain financially stable rather than assisting victims in rebuilding their lives.¹⁸² With no alternative, these nonprofits are forced to pivot their course to stay afloat by offering their services in ways that will pay their bills, such as by being a resource for larger companies to provide to their employees.¹⁸³

A survivor cannot be expected to have the resources and ability to seek out all possible scenarios available to them. They need an advocate trained in domestic violence victim assistance to help them along the way.¹⁸⁴ While effort must be made for all survivors, there must be even more effort for extreme domestic violence survivors under the HALE Act. This effort must start at the top.

B. Awareness Fuels Change

Even in 2021, 34% of Americans believe domestic violence is taboo.¹⁸⁵ Stigmatization takes a toll on a victim’s “mental health, well-being, physical health, and social outcomes.”¹⁸⁶ Although the VAWA and HALE Act were intended to break down cultural stigmas against victims, very little has been done.¹⁸⁷ Barriers to appropriate resources have been considered, such as “economic abuse, inadequate structural responses, and inaccessibility.”¹⁸⁸ Still, very little has been done to address cultural stigmatization and its impact on victims.¹⁸⁹

Social support networks are essential in improving victims’ mental health and safety; however, cultural barriers hinder help-seeking behaviors.¹⁹⁰ Research has shifted and needs to be supported to understand how these barriers impact victims in a sociocultural context.¹⁹¹

¹⁸² Salamone, *supra* note 54; *see also* *Create and manage a profitable business to address a social problem*, EMPOWERWOMEN, <https://www.empowerwomen.org/en/ilearn/my-company/create-and-manage-a-profitable-business-to-address-a-social-problem> [https://perma.cc/YZG5-RQTE] (last visited Apr. 30, 2022) (providing women with critical assistance to “get out and stay out of an abusive relationship” by teaching “survivors real-world, practical and easy-to-use personal financial management skills that they can use in their daily lives”).

¹⁸³ *Create and manage a profitable business to address a social problem*, *supra* note 182 (“The Business of Me,” for example, is now a “webinar-based programmes for victims and survivors in these companies to help them create self-sufficient lives free from physical, emotional, and economic abuse, while empowering them to become more productive in their personal and professional lives”).

¹⁸⁴ AAUW, www.aauw.org [https://perma.cc/C2BW-YVD7] (last visited Apr. 30, 2022) (Organizations like AAUW are leaders in focusing on the importance of economic security, education, and advocacy for women and girls since 1881).

¹⁸⁵ *2018 National Poll on Domestic Violence and Financial Abuse*, *supra* note 177, at 26.

¹⁸⁶ Overstreet & Quinn, *supra* note 9, at 11.

¹⁸⁷ *Id.* at 7.

¹⁸⁸ *Id.* at 1.

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

An emphasis needs to be made to promote a “community culture that rejects the use of violence, harm, or controlling behaviors in spouse and intimate partner relationships, and promotes the dignity and equal worth of spouses and intimate partners.”¹⁹²

We must start a nationwide conversation—*awareness fuels change*.¹⁹³

C. *You Have Suffered Enough*

A federal mandate must be put in place so that a protective order is automatically put in place for the victim if a criminal domestic violence case is pending. And a victim should not be required to renew the protective order for the duration of the proceedings. Continuing an order exposes a victim to the abuser, forces the victim to confront her abuser amid ongoing criminal proceedings, and risks disclosing the victim’s new information.

A permanent abuse protective order must automatically be put in place for survivors who receive a new Social Security number under the HALE Act. If a case is so extreme that the victim was issued a new SSN and must now start their life over, federal law must mandate that states issue a permanent abuse protection order for the victim. The order must be redacted appropriately, and states must be accountable for protecting and handling the victim’s new identity with the utmost confidence.

Currently, protective orders vary by state and require the victim to navigate the intimidating world of local courthouses.¹⁹⁴ Protective orders are typically for one to five years and for up to a lifetime in extreme circumstances.¹⁹⁵ While the Constitution’s Full Faith & Credit Clause requires states to enforce orders from other states, the actual process and requirements for obtaining an order vary from state to state.¹⁹⁶

Currently, a victim must renew a protective order, most often on an annual basis.¹⁹⁷ Even after being issued a new name and SSN, they must return to their abuser every year, confront them, and be cross-examined on all facets of their “new” life.

A federal mandate must also ensure that as soon as a survivor is approved under the HALE Act, their current and future addresses are automatically put under a nationwide Address Confidentiality Program. These must be automatic, and states must be held accountable to ensure security. Address Confidentiality Programs were created to protect victims from “offenders who

¹⁹² DoD POLICY ON INTEGRATED PRIMARY PREVENTION OF SELF-DIRECTED HARM AND PROHIBITED ABUSE OR HARM, DEP’T OF DEF. 22 (Sept. 11, 2020), <https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/640009p.pdf?ver=2020-09-11-104936-223> [<https://perma.cc/RUH7-KB95>] (last visited Apr. 30, 2022) (learnings from the Department of Defense’s September 2020 policy to prevent abusive or harmful acts).

¹⁹³ *Let’s end domestic violence and financial abuse*, *supra* note 10.

¹⁹⁴ *Domestic Violence: Orders of Protection and Restraining Orders*, FINDLAW (Apr. 2, 2019), <https://family.findlaw.com/domestic-violence/domestic-violence-orders-of-protection-and-restraining-orders.html> [<https://perma.cc/83LE-9JXN>] (last visited Apr. 30, 2022) (Protective Orders, Restraining Orders or Injunctions for Relief exist in all 50 states and the District of Columbia).

¹⁹⁵ *Id.*

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*

use public records, such as voter registration or drivers' license registries, to locate them."¹⁹⁸ The programs vary significantly by state, but often give a legal substitute address instead of a physical address.¹⁹⁹

Immediate support must be given to address both stalking and cyberstalking, as these are critical to improving a victim's safety and security in the digital age.²⁰⁰ Restrictions must start with the most vital issues—the credit bureaus and their public exposure of survivors' confidential information. Federal mandates must be put into place that forbids credit bureaus from exposing victims' personal information under the HALE Act. Just as systems are put into place to flag and protect victims of identity theft, procedures and responsibilities must be put into place that holds credit bureaus accountable for protecting and separating the past and new identity of victims under the HALE Act. Credit bureaus' current process and system of reporting defeat the purpose of the HALE Act and Address Confidentiality Programs; they are a crucial reason why a survivor's confidential information is exposed in the digital age.

Vice President Gore promised, "we will offer you the protection you need to regain your safety and rebuild your life. . . . You have suffered enough without having to fight for the protections you need to start a new life for yourself and your children"—it is never too late to uphold that promise.²⁰¹

D. *An Opportunity To Survive*

Once a survivor is approved under the HALE Act, an automated nationwide support system and resources should be readily available for survivors. A properly trained HALE Act advocate, ideally local, should be assigned to the survivor. The advocate's responsibility should be to assist survivors and their dependents through the upcoming transition. The Office on Violence Against Women emphasizes long-term outcomes, such as "stable housing, career growth, and educational attainment by supplying tools and resources to maximize the impact on victims, [help them escape], rebuild their lives, and fare better in the long run."²⁰²

One of the critical factors increasing the risk of abuse is a victim's "excessive dependence upon the abuser."²⁰³ It is necessary to have a socioeconomic effort focused on preparing women to work, have an easily accessible place of refuge, and treat victims with the utmost respect.²⁰⁴ Organizations such as The Allstate Foundation—committed to ending domestic violence through financial empowerment—must be supported nationally.²⁰⁵ Congress must take a holistic approach

¹⁹⁸ See *Address Confidentiality*, VICTIM CONNECT RESOURCE CENTER, <https://victimconnect.org/resources/address-confidentiality/> [<https://perma.cc/6C97-7Y4D>] (last visited Apr. 30, 2022).

¹⁹⁹ *Id.*

²⁰⁰ OFF. ON VIOLENCE AGAINST WOMEN, *supra* note 64.

²⁰¹ *New Social Security Policy Will Protect Domestic Violence Victims*, *supra* note 15.

²⁰² OFF. ON VIOLENCE AGAINST WOMEN, *supra* note 64.

²⁰³ Statesman, *supra* note 36 (as Dr. Pierce acknowledged following the 2016 gubernatorial debate).

²⁰⁴ *Id.*

²⁰⁵ *Let's end domestic violence and financial abuse*, *supra* note 10 (provide victims with education, support, and resources needed to achieve their potential and equip young people with the information and confidence they need to help prevent unhealthy relationships before they start).

with sounder legislation, state and federal funding, amended repayment plans, and expanded educational opportunities for victims.²⁰⁶

There must also be a centralized resource for survivors to refer to when they need to disclose their status under the HALE Act to pass a background check or verify their identity. Survivors need a simple form or phone number to provide to potential employers, landlords, or creditors to explain why they cannot pass a traditional background check, why they claim to have an education that cannot be verified, or why their credit score is invisible or devastatingly low.

“I no longer know the Nancy who left, but I will always be grateful to that person inside me who finally summoned the courage to leave so that I could move on and thrive.”²⁰⁷ After twenty years of denial and shame, Ms. Salamone quickly learned how difficult the struggle was to become financially self-sufficient and how critical economic empowerment is to a survivor’s ability to move on.²⁰⁸ We must learn from survivors who move on and thrive. Resources must be increased and accessible to allow every victim a chance to survive.

E. Survival In A Credit-Dependent Society

There must be a change in the credit reporting system for survivors. A system that flags a survivor’s old and new Social Security number is necessary, along with a government mandate which requires them to stay independent. A survivor must have the ability to hide their confidential information and only have it released to those they approve.

As shown, credit scores and history play a critical role in an individual’s ability to achieve economic security and build wealth.²⁰⁹ Credit invisibility can exclude a victim from accessing financial opportunities and full participation in mainstream financial services.²¹⁰ Consumers face difficulty in other aspects of life, depending on how credit history is used in:

[Employment decisions], renting an apartment, obtaining a cell phone, and accessing utilities without a deposit.²¹¹ Many people and businesses use reports and scores to make decisions about consumers.²¹² Banks and credit card companies use

²⁰⁶ *Deeper in Debt: Women & Student Loans*, *supra* note 174 (according to AAUW, the only way to fix the growing economic burden on women is through a holistic approach with stronger Congressional legislation, State and Federal funding, amended repayment opportunities, as well as expanded opportunities to address the academic and overall financial needs of students on both an Institutional and Individual level); *see also Policy Recommendations: Reducing Student Debt*, AAUW, <https://www.aauw.org/resources/policy/student-debt/> [<https://perma.cc/LU49-Y9KN>] (last visited Apr. 30, 2022) (AAUW supports the following measures: Protect and expand Pell Grants for low-income students to reduce the amount of student loan debt they have to take on to complete a degree; Increase funding for public colleges and universities and support efforts to move toward tuition- and debt-free options for students; Make it easier for students to enroll in income-driven repayment options. In addition, student loan borrowers should have protections from abusive and fraudulent practices by schools, lenders and loan servicers; Address both the academic and overall financial needs of students, such as access to childcare and other non-tuition expenses; For employers, provide employee matches and other forms of support for student loan debt repayment).

²⁰⁷ NANCY SALAMONE, *VICTORY OVER VIOLENCE: NANCY'S STORY AND THE BUSINESS OF ME* 6 (2010).

²⁰⁸ *Id.*

²⁰⁹ Bringle, *supra* note 169.

²¹⁰ *Who are the credit invisibles?*, *supra* note 93.

²¹¹ *Id.*

²¹² *Id.*

credit reports to decide whether to give a person a loan, the amount and what price to charge.²¹³ A landlord may use credit reports to evaluate apartment applications.²¹⁴

These burdens cannot be put on a survivor under the HALE Act.

The average credit score nationwide is 704.²¹⁵ As of July 2020, only 33% of the country fell below 670 and only 16% below 580.²¹⁶ In fact, as of January 2020, 100% of consumers in the U.S. had a credit score higher than 300.²¹⁷ Only 0.01% of the “scorable” population had a credit score in the 300s, approximately 29,400 people.²¹⁸ How can a survivor be expected to start with a credit score of the 300s and survive? As a survivor—I can assure you—they cannot.

“Limited credit history can impair consumers’ abilities to withstand financial shocks and achieve financial stability.”²¹⁹ However, limited history is not the only thing that cripples a survivor’s ability to move forward in the digital age. Good credit plays a vital role in a person’s financial life, and a victim cannot build credit without any credit.²²⁰ With a credit score below 539, the likelihood of being approved for a credit card is 3.7%, a car loan 6.8%, a mortgage 0.7%, and a student loan is 24.7%.²²¹ It is simply not possible to survive in the 300s.

A victim’s profile must be flagged with their status under the HALE Act and refer an inquirer to accompanying resources explaining and supporting the reason behind a thin, nonexistent, or hidden profile.

A baseline credit score must be mandated for survivors. Credit bureaus must be held accountable to assist victims. Upon receiving a new SSN, a victim must be flagged with the credit bureaus and must receive a baseline credit equivalent to the nationwide average required to survive at that time.

In January 2021, an individual needed an average minimum credit score of 580 to get utilities,²²² 654 to rent an apartment²²³, and 657 to buy a used car.²²⁴ These numbers are grave and quite literally mean life or death for a survivor.²²⁵ Given the current average minimum scores necessary for approval, a victim must be given a baseline credit score of 660 to obtain utilities,

²¹³ *Id.*

²¹⁴ *Id.*

²¹⁵ *300 Credit Score: Is it Good or Bad?*, EXPERIAN, <https://www.experian.com/blogs/ask-experian/credit-education/score-basics/300-credit-score/> [<https://perma.cc/74MM-33L4>] (last visited Apr. 30, 2022).

²¹⁶ Axelson, *supra* note 107; *see also* Axelson, *supra* note 110.

²¹⁷ *300 Credit Score: Is it Good or Bad?*, *supra* note 215.

²¹⁸ Christine DiGangi, *Here’s How Many People Actually Have the Worst Credit Score*, CREDIT.COM (Apr. 18, 2017), <https://www.credit.com/blog/heres-how-many-people-actually-have-the-worst-credit-score-170083/> [<https://perma.cc/2YLC-CMZK>] (last visited Apr. 30, 2022).

²¹⁹ *Who are the credit invisibles?*, *supra* note 93.

²²⁰ Bringle, *supra* note 86.

²²¹ John Kiernan, *300 Credit Score*, WALLETHUB, <https://wallethub.com/credit-score-range/300-credit-score/> [<https://perma.cc/TVM8-58RW>] (last visited Apr. 30, 2022).

²²² *Improve Your Credit Score By Using Your Utility Bill*, *supra* note 150.

²²³ Sarac, *supra* note 144.

²²⁴ O’Shea, *supra* note 150.

²²⁵ John Kiernan, *660 Credit Score*, WALLETHUB, <https://wallethub.com/credit-score-range/660-credit-score/> [<https://perma.cc/8YY7-5CBZ>] (last visited Apr. 30, 2022).

housing, and transportation. This number must be adjusted according to the national average at the time of issuance.

To put into context, at 660, a survivor has a “fair” credit score and remains in the nation’s bottom 33%.²²⁶ They are not receiving an unfair advantage or a free ride. They still cannot obtain airline or hotel credit cards, auto loans with 0% intro rates, or the lowest mortgage or insurance rates, but these are not necessities for survival in the digital age.²²⁷ But they may qualify for a small personal loan, and they *should* be able to obtain essential utilities, housing, and transportation.²²⁸

Once survivors receive their baseline credit score, it is up to them to build credit. If a survivor fails to pay on time, seeks excessive credit, and fails to pay down their credit, their score will be negatively impacted and decrease accordingly.²²⁹ However, suppose a survivor only utilizes the minimum necessary credit necessary for their essential needs, pays bills timely, and establishes a solid track record of responsible paying.²³⁰ In that case, their score will increase from 660 over time.²³¹

Baseline credit is not a “get out of jail free card.” It is not a tool to erase someone’s debt. This baseline credit score is limited *only* to those adequately vetted and approved under the Social Security Administration’s existing policies and procedures—an average of 450 victims a year. This system will not be abused as the SSA’s process of vetting and approving victims under the HALE Act will remain the same. The SSA can adjust it as needed. Proof of extreme abuse will still be required.²³² The policies and procedures to ensure that only the most severe victims are issued a new identity remains, but those most severe victims will no longer be abandoned, isolated, and quite literally made invisible in our credit-dependent society.

V. Conclusion

Without change, the HALE Act only acts as a tool to further harm, expose, and isolate a survivor in today’s digital age. It abandons them at their most significant time of need and fails to provide essential support or devices necessary to move forward in life. It takes someone from one “cycle of abuse” and puts them in another, further isolating them and making it impossible to survive.

There are no national organizations or resources that specialize in HALE Act survivors. There are no methods of confidentiality or national protective orders. There is no way for them to prevent their old and new identities from being intertwined by third parties; there is no means to separate them when this occurs. There is no way to prevent a survivor’s confidential information from being published online or prevent an abuser from tracking, stalking, or cyberstalking their victim.

²²⁶ Axelson, *supra* note 107.

²²⁷ Kiernan, *supra* note 225.

²²⁸ *Id.*

²²⁹ *How Long Does Information Stay on My Equifax Credit Report?*, *supra* note 126.

²³⁰ *What is the Length of Your Credit History?*, *supra* note 113.

²³¹ *Id.*

²³² ALBRIGHT, *supra* note 1.

“If victims feel supported, they may grow stronger and more confident.”²³³ Yet the HALE Act strips victims of that critical element by removing them from their support system—their family, friends, and home—while simultaneously depriving them of essential resources necessary in the digital age, expecting them to somehow fend for themselves.

How can we instill such protections, safety measures, and resources for potential victims of identity theft when *real* domestic violence victims, who lost every ounce of their actual identity under the HALE Act, have absolutely nothing to protect them?

It is unconscionable to think a victim would be able to survive in our credit-dependent society with a credit score in the 300s. There are endless resources to protect identity theft victims, but there are zero resources to protect criminal domestic violence victims—even the most extreme victims.

How can our society refuse to accept that domestic violence exists when an estimated ten million Americans are victims each year? How can we stigmatize and isolate victims as if they deserved it? As if it were justified? Each year, 450 survivors are issued a new identity under the HALE Act. They are left with nothing and expected to start over in a credit-dependent society where they are invisible.

The HALE Act does not provide a survivor a new life where they can “live with respect and dignity—free from fear.”²³⁴ It does not “offer the protection you need to regain your safety and rebuild your life.”²³⁵ They are stripped of everything they were, everything they had, and are provided with no resources.

The HALE Act abandons survivors and gives them a credit score that makes them worthless in a society dependent on credit scores. We rely on technology to such an extent that a living, breathing human being cannot find housing, access essentials, or find employment because of an arbitrary number that a machine concocts to determine that individual’s score—someone’s literal worth in the digital age.

Our credit-dependent society makes victims choose to be battered or homeless; but what is the difference in the digital age? The HALE Act affords victims no protection from a world that determines their identity through social media, artificial intelligence, and credit bureaus. An abuser no longer needs to travel hundreds, if not thousands of miles to stalk a victim; they can simply go online, and soon enough, a remote machine at a credit bureau will do all of the work for them. Right in the palm of their hand, an abuser can access their victim’s new identity, location, and information, nestled right there with their old identity—and there is absolutely nothing that a victim can do to protect themselves.

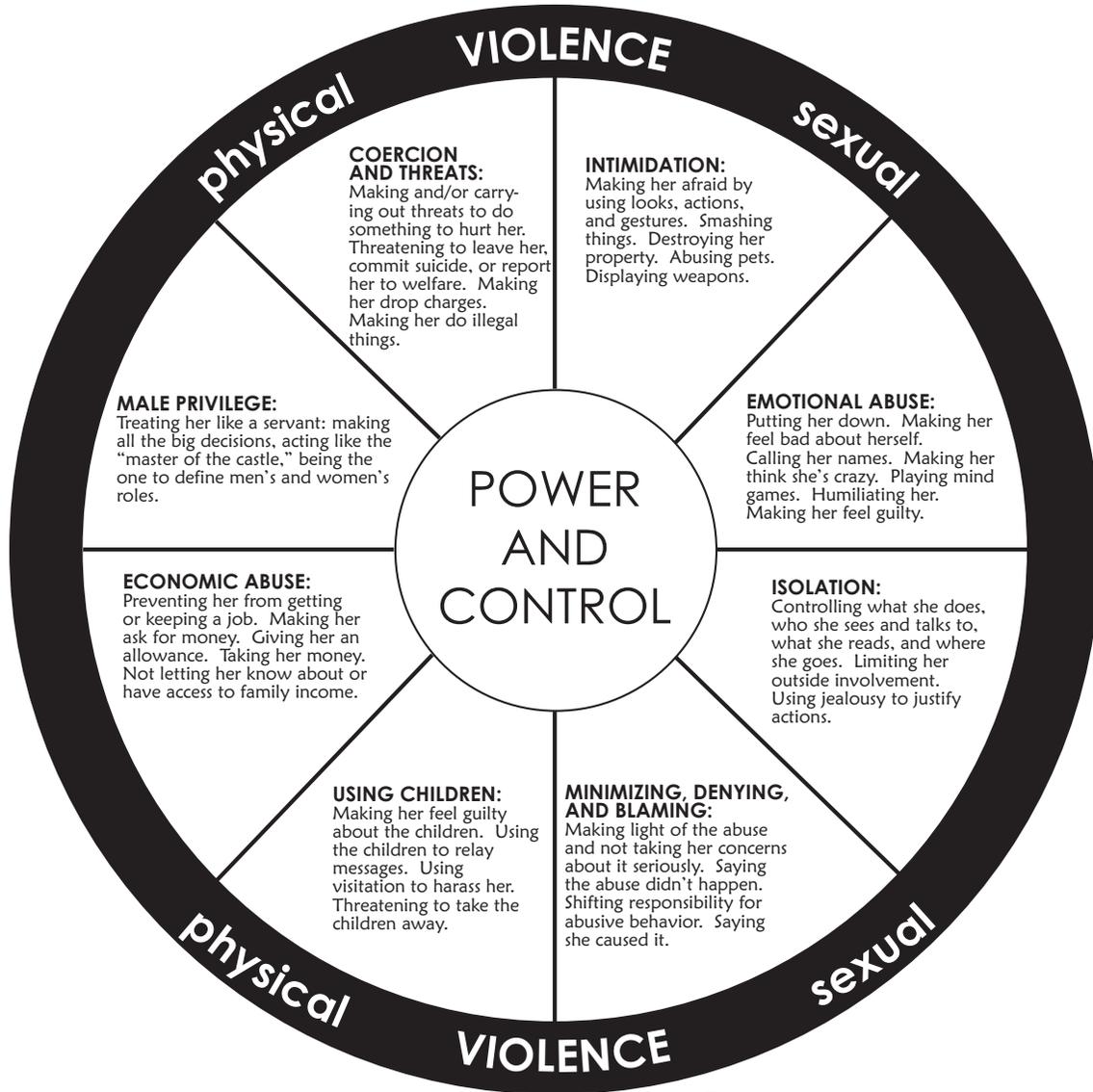
²³³ LeTrent, *supra* note 53.

²³⁴ Press Release, SOC. SEC. ADMIN., *supra* note 14.

²³⁵ *New Social Security Policy Will Protect Domestic Violence Victims*, *supra* note 15.

APPENDIX

Power and Control Wheel²³⁶



Developed by:
Domestic Abuse Intervention Project
202 East Superior Street
Duluth, MN 55802
218.722.4134



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²³⁶ *Wheel Gallery – Power and Control*, DOMESTIC ABUSE INTERVENTION PROGRAMS, <https://www.theduluthmodel.org/wp-content/uploads/2017/03/PowerandControl.pdf> [<https://perma.cc/XFW2-99EQ>] (last visited Feb. 26, 2021).