

Debt and Domestic Violence

Your Rights and Responsibilities

What's in this Factsheet?

- We have joint bank accounts and credit cards - what can I do to protect my money?
- What can I do about other debts like my phone bill and electricity bill? I can't manage to pay these bills
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- We are paying off the mortgage on our home - what can I do to stay in the house?
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For legal advice about debts or referral to a financial counsellor, call the Legal Services Commission of SA on 1300 366 424 or your nearest community legal centre at www.saccls.org.au

We have joint bank accounts and credit cards- what can I do to protect my money?

Joint Bank Accounts

- Consider withdrawing the money you need (or are entitled to) from the joint bank account immediately
- You should tell the bank/credit provider that you have separated.
- If you do not have your own savings account, organise to open an account in your name at another financial institution.
- Make sure your Centrelink payments are going into your account – you can easily arrange this with Centrelink.

Credit Cards

- For credit cards cancel any additional or supplementary card (in writing) where you are the primary cardholder (the person who is responsible for the amount owing on the card).

For all other joint loans

- If you have a joint loan (for example car loan or personal loan) please seek legal advice to discuss your options.

What can I do about other debts like my phone bill and electricity bill? I can't manage to pay these bills

If you have left your home

- If the bills are in your name, disconnect that utility (phone, water, gas and electricity). The person living in the home can reconnect these services in their name.
- If the bills are in both names, contact the utility and explain that you have left the home and want to be taken off the bill. You will be responsible for paying any debts that have built up before you take your name off.

If you are still at home

- If bills such as electricity or home phone are not paid, the service may be cut off.
- If you cannot pay the bills in full – contact the provider as soon as possible. It is often possible to negotiate a plan to pay off the bills. But make sure your repayment plan is realistic – you do not want to set yourself up for failure.
- If these bills are in your ex's name, or in both names, but you are the only one remaining in the house, you can contact the service provider and get the services set up in your name only. Otherwise, if your ex stops paying the bills, the service will be cut off.

What can I do about my own credit card debt?

- The problem with credit cards is that the interest is very high. The interest owing will quickly increase the amount you own on that card.
- If you are struggling with your credit card payments it is important that you see a financial counsellor – they may be able to help you negotiate a repayment plan with the credit provider.

We are paying off the mortgage on our home – what can I do to stay in the house?

1. You need to be safe.

You can try to get an order in your Intervention Order that stops your ex-partner from living in or coming near the home.

2. Is the home in both names?

- Check with the lender if the property is in both names.
- If the property is in both of your names and you can keep making the payments you will need to see a lawyer urgently to start property settlement proceedings to protect your rights.
- If the property is in both of your names, but you can't keep up the mortgage repayments and you think your ex won't pay the whole amount – you need to tell your lender immediately about the separation and the domestic violence and urgently seek legal advice.

3. Is the property in the name of your ex-partner only?

If you are worried that your ex-partner may sell the house you must urgently seek legal advice.

Who can help me with this? – I am not good with paperwork

- With all of the financial situations listed in this factsheet you can get the best help from a financial counsellor.
- Some financial counsellors offer a free service.
- Financial counsellors are specially trained to help people experiencing financial hardship- they understand the paperwork and can talk to lenders, phone companies or electricity companies on your behalf.
- Many community organisations provide Financial Counselling such as Uniting Communities and Anglicare.
- You can also talk to your financial counsellor about special financial products for low-income earners and victims of domestic violence. For example, you may want to talk to your financial counsellor about No Interest Loan Scheme offered by some local welfare organisations.

Always remember there are charities and organisations in your area that offer emergency relief. For example, you can get vouchers to help with electricity bills, gas bills, phone bills and buying food. Talk to your support worker or your local council for the names of these organisations.