

Debt and Domestic Violence

Your Rights and Responsibilities

What's in this Factsheet?

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For referral to a financial counsellor, call the Financial First Aid Hotline on 1800 007 007

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

Joint Bank Accounts

- If you are considering withdrawing money from a joint bank account following separation you should keep a detailed record of any monies spent in case you need to account for it at a later time.
- You can tell the bank/credit provider that you have separated and they are able to change the authority on joint accounts so that both parties are required to sign for withdrawals of money.
- 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 own 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. You will be responsible for paying any debts in your 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 owe 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.

- If there has been domestic violence, you can apply for a Domestic Violence Protection Order and seek a condition called an "ouster" condition that stops your ex-partner from living in or coming near the home. You should seek legal advice about this.

2) Is the home in both names?

- Check with the lender if the property and home loan is in both names.
- If the home loan 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. You may be able to seek an order for your sole use and occupancy of the home, until an agreement can be reached or you get a Court Order.
- 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 can tell your lender immediately about the separation and the domestic violence and urgently seek legal advice as the bank is able to pursue you and/or your ex, if the loan repayments are not made

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 about lodging a caveat or obtaining a court injunction to prevent this.

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 financial counsellors or from the Financial First Aid Hotline.
- Financial counsellors offer a free service. They are trained to help people experiencing financial hardship – they understand the paperwork and can talk to lenders, phone companies or electricity companies on your behalf. 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.
- Charities and local organisations may offer emergency relief. For example, vouchers to help with electricity bills, gas bills, phone bills. Talk to your support worker or your local council for the names of these organisations.

You can get a referral to a financial counsellor by calling the Financial First Aid hotline on 1800 007 007. This is a free and confidential service.

- You should also consider obtaining legal advice from your local community legal centre www.qails.org.au or call (07) 3392 0092 or your local Legal Aid office www.legalaid.qld.gov.au or call 1300 65 11 88.



Please note: This factsheet contains general information only. It does not constitute legal advice. If you need legal advice, please contact a solicitor. **Acknowledgement:** This resource was adapted by the Women's Legal Service in QLD. Originally developed by the National Association of Community Legal Centres, Community Legal Centres NSW and a number of community legal centres with the assistance of an Australian Human Rights Framework – Education Grant from the Australian Government. The flower artwork has been kindly provided by Sista Girl Yarnz Group in Campbelltown, New South Wales; a group of Aboriginal women who seek to support and empower women affected by domestic or family violence. **Last updated:** June 2014.



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