

Domestic Violence and Identity Theft

Identity theft is a form of stealing in which someone pretends to be someone else by assuming that person's identity, usually as a method to gain access to resources or obtain credit and other benefits in that person's name.

If you are a victim of domestic violence, this occurs when your partner uses your name or social security number, passport, immigration papers, or other identity documents without your permission. If you are a victim of domestic violence and identity theft, there are additional protections available to you if you file a Family Offense petition in Family court.

Trying to decide whether or not you have suffered economic abuse may seem overwhelming, but the information is very important in being able to escape any abusive situation.

Know your account and credit report information:

1. Get a recent credit report from www.annualcreditreport.com. Review it to find out what accounts are in your name and contact each and every account to ask for statements.
2. Make sure to get statements from all your open bank accounts and any shared accounts. Then go through those statements to be sure you recognize all the charges and/or deductions from the account(s).
3. Get copies of all tax returns filed for the last seven years. Review them to figure out if you filed these documents and if there was a refund. Try to find out to whom the refund was sent or in what account it was deposited. You can obtain transcripts of prior tax returns free of charge by filing IRS Form 4506-T
Web address for Form 4506-T: <http://www.irs.gov/pub/irs-pdf/f4506t.pdf>
4. Try to find out how much money was stolen or debt was issued in your name and bring those figures to family court.

Identity Theft and Domestic Violence

Identity Theft is very common and has been growing in recent years. It involves someone taking a person's identifying information and using it like it were theirs. This can involve things like getting a credit card number under someone else's name, taking over bank and/or credit accounts, or using someone's credit and identifying information. The result can cause a victim to lose money and be accused of crimes committed by someone else under the victim's name, social security number and/or credit card information.

Identity theft is a very common form of abuse in the context of domestic violence. It allows the abuser to control the victim's access to money. It can be used as a way to make the victim more dependent on the abuser if her credit is ruined, and can limit chances for future employment.

How do I know if I am victim of Identity Theft?

A person is guilty of identity theft in the third degree when he or she intentionally tricks someone by:

- 1) assuming the identity of another person by presenting himself or herself as that other person
- 2) acting as that other person and thereby obtains goods, money, property, or services or uses credit in the name of such other person
- 3) causing financial loss to such person or to another person or persons;

Someone can also be found to have committed higher levels of identity theft if they have stolen more than \$500 in goods or debt.

What kinds of information is Personal identifying information?

- A person's name
- address
- telephone number
- date of birth
- driver's license number
- social security number
- place of employment
- mother's maiden name
- financial services account number or code
- savings account number or code
- checking account number or code
- brokerage account number or code
- credit card number or code
- debit card number or code
- automated teller machine number or code (PIN)
- taxpayer identification number (EIN)
- computer system password
- signature or copy of a signature, electronic signature
- unique biometric data that is a fingerprint, voice print, retinal image or iris image of another person
- telephone calling card number
- mobile identification number or code
- electronic serial number or personal identification number
- any other name, number, code, or info that may be used alone or in conjunction with other such info to assume the identity of another person



Can I get my stolen documents back?

The new law also addresses a remedy that can be included in orders of protection. The order can state that the abuser **MUST** return specified “identification documents” to the protected party. These documents may include a passport, immigration papers, social security card, benefits or insurance card, etc. Make sure to ask for the return of these documents in the relief section of the petition.

What other supporting documents can help me?

Filing police reports in conjunction with identity theft is very important. You will need the report to help you to challenge any debts that your partner made when they stole your identity or to get back any money stolen. **YOU** must first decide if it is safe to file a police report to assist with any corrective action.

SAFETY IS THE MOST IMPORTANT THING.

**IF THERE IS DOMESTIC VIOLENCE PLEASE TALK TO AN ADVOCATE.
CALL YOUR LOCAL DOMESTIC VIOLENCE SHELTER TO DISCUSS SAFETY PLANNING.**



About this Guide

This guide was created by
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