Custody Webinar Series

The Impact of Economic Abuse in Custody Cases

July 30, 2026

AMERICAN BAR ASSOCIATION

Commission on Domestic & Sexual Violence

This project was supported by Grant No. 15JOVW-22-GK-04003-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice Office on Violence Against Women.

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Custody Webinar Series

Representing Deaf Survivors in Custody Cases

TBA

Faculty

ERIKA SUSSMAN

Founder and Executive Director

Center for Survivor Agency and Justice (CSAJ)

Washington, DC

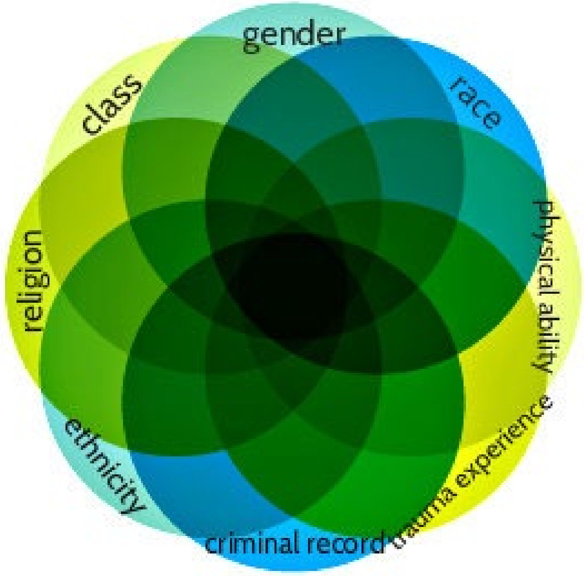
LISA VARA

Senior Project Director of the Matrimonial and Economic Justice Project

Sanctuary for Families

New York, NY

CSAJ's Vision and Mission



We envision a world where all people have equal access to physical safety, economic security, and human dignity.

Our mission is to promote advocacy approaches that *remove systemic barriers, enhance organizational responses, and improve advocacy practices* to meet the self-defined needs of domestic and sexual violence survivors.

SANCTUARY FOR FAMILIES' MISSION

Sanctuary for Families is dedicated to the safety, healing, and self-determination of victims of domestic violence and related forms of gender violence. Through comprehensive services for our clients and their children, and through outreach, education, and advocacy, we strive to create a world in which freedom from gender violence is a basic human right.

We believe that freedom from gender violence is a basic human right.

Sanctuary for Families

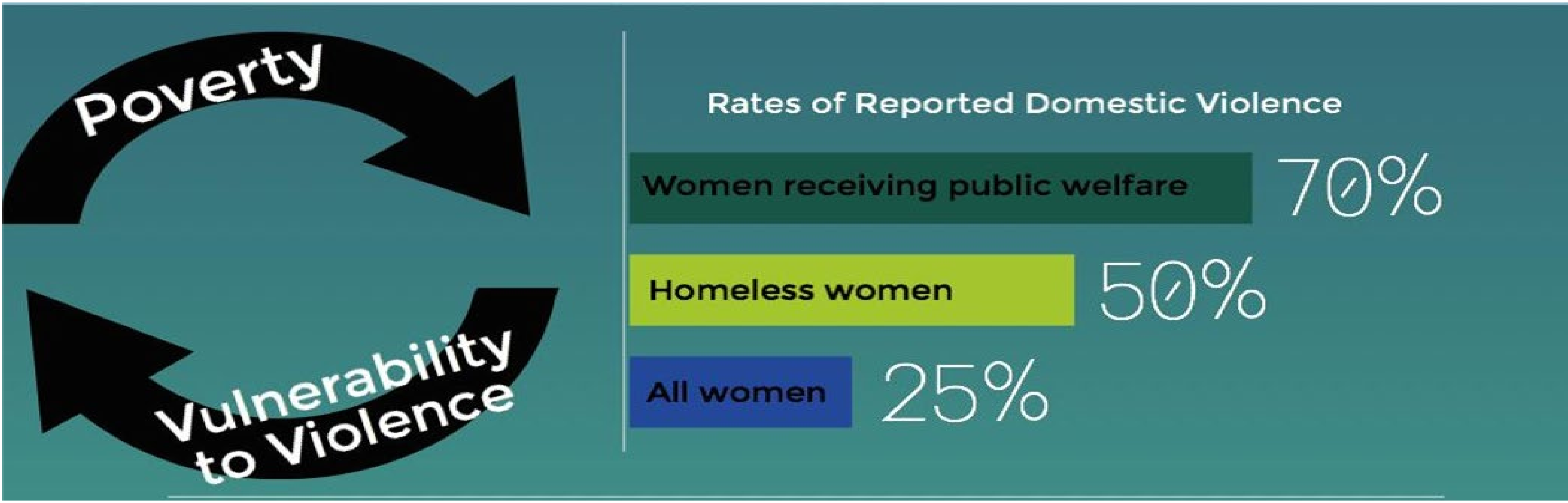
Learning Objectives

As a result of participating in this webinar, participants will be better able to:

- Explain the economic ripple effect of violence
- Describe the importance of providing survivor-centered economic advocacy
- Identify some ways economic abuse manifests and may impact custody determinations
- List some strategies for addressing economic abuse in custody cases

CSAJ’s Framework

“There is no safety without economic security.”



Reciprocal Relationship of Abuse and Economic Hardship

Women living in poverty experience violence at twice the rate of those who do not.

Economic Abuse

99%

report economic abuse

"Economic abuse involves behaviors that control a person's ability to ***acquire, use, and maintain economic resources***, thus threatening their economic security and potential for self-sufficiency."

Adams et al., 2008.

Payday Loans

Zoe is unable to open a banking account because the nearest bank is miles away. Rent is due and she may have to get her check cashed at the local check-cashing store again.

Credit-Related Barriers to Housing

Shakira fled from her abusive husband with her three children, and despite a 10-month apartment search (as well as reliable income from a full-time job and a guaranteed housing voucher), she and her children remain homeless; landlords keep rejecting her applications due to a previous foreclosure and damaged credit.

Court-Related Barriers

Jenna went to the court to get a protection order. She had to wait all day before her case was called and now she has to go pick up her children from school. The clerk said she must "choose" between her safety and picking up her kids. She'll have to come back tomorrow but her boss is already upset that she's missed so many work days.

Tax Debt & Liability

Jamie's partner forced her into signing fraudulent tax returns. Now her wages are being garnished due to the tax debt.

Coerced Debt & Debt Collection

Mona owes over $10,000 to three different credit card companies for purchases that were made by her abusive partner without her knowledge. Now debt collection agencies are harassing her and threatening wage garnishment and property seizure.

Coerced Debt & Barriers to Employment

Layla's partner coerced her into writing fraudulent checks, resulting in criminal charges, which made it very difficult for her to get a job to support herself and her daughter.

What is Coerced Debt?

“Any non-consensual credit-related transaction that occurs within an abusive intimate relationship”

Types:

- Credit cards
- Auto loan
- Payday loan
- Phone Bill
- Student loans
- Mortgage
- Other

Coerced debt can occur through damaging credit transactions by either:

Debt through fraud

Debt through coercion or force

Impact of Coerced Debt

- Inability to pay bills or falling behind on payments
- Low Credit Score
- Feeling of shame, embarrassment, depression, regret, & blame
- Inability to obtain housing due to low credit score
- Increased calls & harassment from debt collectors
- Feelings of fear, anxiety, hurt, & distrust

The Economic Ripple Effect of Violence

During relationship
- job loss
- credit damage
- theft
- debt
- missed work days
- forgone professional advancement

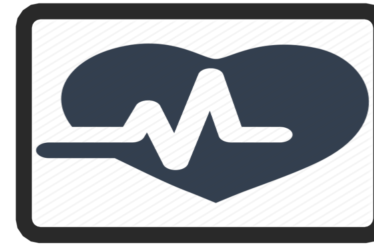
Safety / Leaving
- relocation costs
- incurred debt from partner
- legal fees

Short term
- forgone wages
- housing instability
- cost of childcare
- increased cost of independent living

Lifetime
- mental health effects
- obstructed/ slowed professional development
- increased vulnerability to future abuse

Shoener & Sussman. (2013). Economic Ripple Effect of IPV: Building Partnerships for Systemic Change

Long-term Economic Impacts



Consumer Burden

- 81% report “trouble with credit rating”
- 76% state financial hardship due to abusive partner
- Collateral consequences on employment/housing

Opportunity Costs

- Only 1 in 5 able to retain full-time employment
- Employment instability lasts up to 3 years
- Constrained career growth ($350 less starting salary, slower growth)
- Reduced educational attainment (1/2 year)
- Negative impact of work history

Health & Life Impacts

- Utilize healthcare up to 4x as much with higher costs
- Increased health costs last up to 15 years after abuse
- Impact on physical, mental, social, and spiritual wellness

Ethics of Survivor Centered Lawyering

Model Code of Professional Responsibility:

- Rule 1.1– Competent Representation
- Rule 1.2– Scope of Representation and Allocation of Authority Between Client and Lawyer
- Rule 1.4 – Communication

ABA Standards of Practice:

Representation of survivors should be “client centered” and “the role of advocacy is to understand the [survivor’s] perspective, provide relevant information and the opportunity for survivors to make decisions and plans, and then to work with them to implement those plans.”

VALUES & PRINCIPLES Behind Survivor Centered Economic Advocacy

- Survivor + Advocate Power is key
- Responds to trauma in partnership
- Understands survivor’s goals, values, risks, strengths
- Provides economic skills and strategies
- Focuses on reducing risk and building long term economic agency

GOALS of Survivor Centered Economic Advocacy

- Address wide range of safety needs of the survivor including *economic*, with the goal of SAFER
- Reduce the survivor’s economic risks based on their values, goals, priorities, strengths
- Increase survivor’s self determination

How to DO Survivor Centered Economic Advocacy

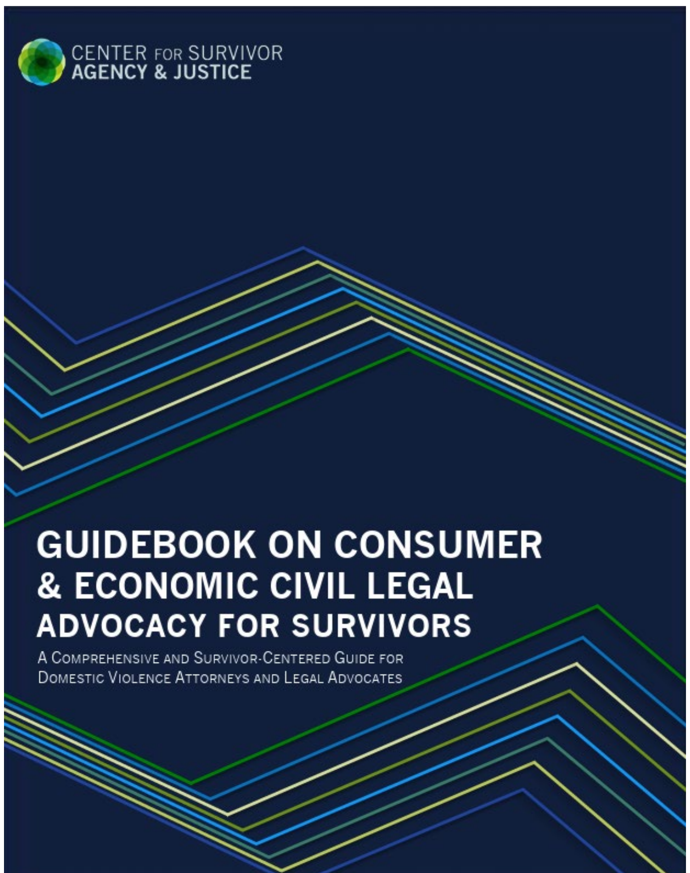
- Full and open assessment of financial situation
- Review and develop past, current, and future economic plans
- Attend to economic situation in the face of safety.
- Strategic partnership on current, past, and future economic situation
- Requires flexibility and willingness to suspend judgment

Violence Against Women Act

Recognizes economic abuse as a form of domestic violence that is deserving of remedies.

"The term 'economic abuse', in the context of domestic violence, dating violence, and abuse in later life, means behavior that is *coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources."*

Guidebook on Consumer & Economic Civil Legal Advocacy for Survivors



This Guidebook was authored and developed in coalition with advocates and attorneys across the country who hold unique expertise at the intersection of consumer law or economic advocacy and domestic violence.

Assessment & Screening Questions: **General Economic Abuse**

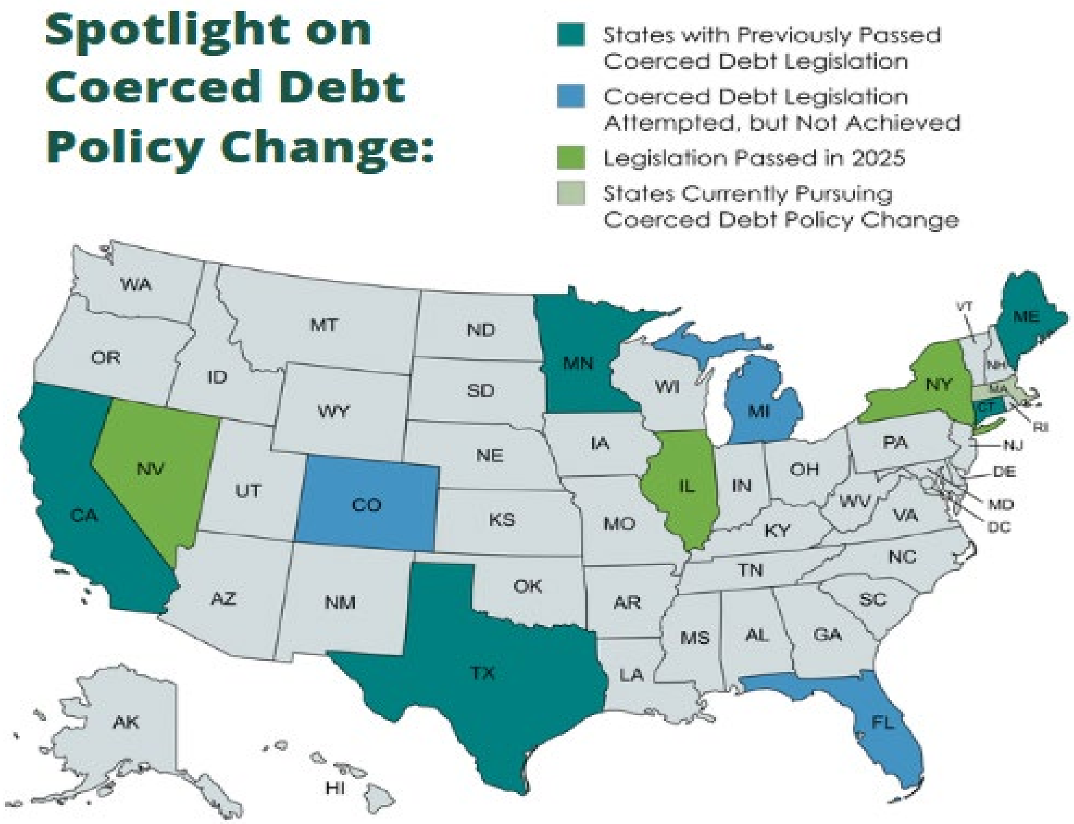
- What are your biggest financial worries?
- Tell me more about your financial situation.
- Have experiences with your partner led to money problems? If so, tell me about that.
- How has your partner impacted your financial situation? Credit situation? Housing situation?
- How is your situation with money impacting your safety?
- What do you hope to get out of our time together?
- Questions from the Scale of Economic Abuse could help screen for financial abuse.

Assessment & Screening Questions: **Coerced Debt**

- Did you ever feel pressure from your partner to make specific financial decisions?
- What do you think would have happened if you had refused?
- What did your partner say or do to convince you?
- If you were in front of another person (like a car salesperson) do you think he or she could have suspected what was going on?
- If the transaction involved opening an account (new credit card, loan, other type of account), do you have any of the contracts?
- Did you get any use or benefit from the transaction (use of a car or credit card, for example)?

CSAJ's Coerced Debt Dashboard

https://csaj.org/coerced-debt-dashboard/



Forms of Economic Abuse in Custody Cases

- Abuser may seek custody solely to avoid paying child support
- Abuser may have significantly more financial resources than survivor to finance litigation
- Abuser may seek to “purchase” children’s affection/loyalty by buying them expensive toys/perks that the survivor could never provide and undermine her parenting
- Abuser may encourage children to shame survivor for finances

Forms of Economic Abuse in Custody Cases (Continued)

- Abuser may refuse to share basic resources for the children
- Abuser may criticize expenses survivor undertakes for the children
- Abuser may refuse to contribute to additional expenses
- Abuser may cut off survivor's access to bank accounts or other resources
- Abuser may communicate to children that he blames survivor for the situation (e.g., I may go to jail because your mother keeps asking for money)
- Abuser may insist on being entitled to claim the child tax deduction on taxes

Interplay of Litigation Abuse and Economic Abuse

- Filing excessive motions to increase costs
  - Know your jurisdiction's fee-shifting rules
  - Survivors may have to miss work for court, can jeopardize employment
  - Survivors may have to incur additional legal fees, eventually exhausting their funds
- Refusing to pay support or fees
- Using financial pressure to force settlement

Real Life Example (1)

- Abuser lives in a 4 BR apartment in expensive part of town and has a house in an expensive beach community. Abuser is constantly behind and late on maintenance payments, so survivor cannot pay her rent on modest 2 BR apartment and faces repeated eviction filings. He claims to be struggling financially whenever contempt motions are brought.
- Same abuser takes child on overseas vacations, flying first class, staying in luxury hotels, chartering a yacht in the Caribbean for a week. Client struggles to afford a stay at a Holiday Inn in Florida which turned out to be infested with rats.

Real Life Example (2)

- Abuser files countless motions during litigation, designating them "emergencies," when no actual emergency exists. Because they are "emergencies," they are scheduled with very little notice.
- Survivor is forced to take time off work with virtually no notice. She has worked in small medical practices in a supportive role to the doctors. Though sympathetic to her, her sudden absences cause a lot of disruption to the medical practices, and she loses almost all of her jobs.
- She eventually exhausts all of her savings on attorneys' fees.
- Abuser does not comply with child support order.

Real Life Example (3)

- Abuser had children on his Public Benefits case so he can get a larger EBT benefit, despite mom having the kids more than 50% of the time.
- The custody order provides for the children to be with the mother 3 nights of the week and 4 nights with the father, but in practice she had the kids 90% of the time.
- He would give the EBT card to the kids for her to use when he wanted to and withhold the card when she wouldn't "behave." Her own benefits were insufficient to cover costs.

"Best Interests" Standards

Common factors include:

- Safety
  - History of child abuse/neglect
  - History of domestic violence
  - Criminal history/exposure
- Needs of the child
  - Medical
  - Educational
- Parents' ability to care for the child
  - History of caregiving
  - Work schedule and availability
  - Mental and physical health of the parents
  - Suitable living conditions
- Stability and continuity
  - Maintaining other family relationships
  - Home
  - School
  - Extracurriculars
- Cultural and/or religious considerations
- Wishes of the child

Best interest standards vary by state--check your jurisdiction.

New York "Best Interests" Factors

- *Eschbach v. Eschbach*, 56 N.Y.2d 167, 171 (1982)
  - In determining the best interests of the children, the court must evaluate the totality of the circumstances.
- *Friederwitzer v. Friederwitzer*, 55 N.Y.2d 89, 95 (1982)
  - The only absolute in the law governing custody of children is that there are no absolutes.
  - No one factor, including the existence of the earlier decree or agreement, is determinative of whether there should be a change in custody.
  - The standard to be applied remains the best interests of the child when all of the applicable factors are considered, not whether there exists one or more circumstances that can be denominated extraordinary.

New York "Best Interests" Factors (Continued)

- Domestic Violence is the only factor explicitly mentioned in D.R.L. § 240(1)(a) that the Court is *required* to consider when making custody or visitation determinations.
- Kyra's Law: passed by legislature, but not yet signed by governor, which would require the court to consider a child's health and safety when making a decision regarding child custody and visitation; directs the court to review certain information as it relates to allegations of child abuse, domestic violence, and child safety (including coercive control).

Financial Abuse and Best Interests

- Abusers may withhold financial support and then allege that the survivor is neglecting the children if the survivor cannot afford expenses for the children
- Abusers may allege that a survivor is not a fit and proper parent if the survivor doesn't have stable housing or is in shelter
- Abuser may allege that a survivor is unable to properly care for the children because she is working
- Because of the economic abuse, a survivor may have a record of eviction filings, poor credit, gaps in employment, reliance on subsidies

Combatting "Less Stable Parent" Arguments

- Abuser may try to frame these issues as chronic instability or poor judgment
- Reframe:
  - Timeline showing financial decline correlated with abuse or challenges of extricating themselves from the abusive partner
- Key arguments:
  - Survivor's current economic instability is evidence of abuse, not parental unfitness
  - Survivor's financial struggles may be grounds for an upwards departure from child support guidelines or alimony, **not** a change of custody

“Best Interests” Arguments

- Remind the court that it is always in a child’s best interests to be in a non-abusive household with a non-abusive parent
  - Don’t get so caught up in arguments about economic instability that you forget to address all the best interest factors and emphasize safety from abuse
  - Read the room – some judges may not be directly receptive to these arguments, if needed see if there are other ways you can support your client outside of the courtroom

Custody Arrangements as a Weapon of Financial Abuse

- Abuser may fail to pick up children at agreed upon times
  - Survivor may have to leave work early or miss work to pick up or drop off the children, pay daycare late fees, or lose childcare if this occurs frequently
- If the survivor does not have access to reliable transportation, it may be very expensive for the survivor to bring the children to exchanges
- Abuser may cancel visits for a long period of time, and suddenly give virtually no notice that he intends to exercise a particular visit, survivor may have to miss a planned shift or transport the child to accommodate

Combatting Custody Arrangements as a Weapon of Financial Abuse

- Get clear, specific court orders
  - Who is responsible for pick-ups and drop-offs;
  - From where;
  - What time?
  - Can you include a provision to put the burden on the other side to confirm visits ahead of time?
- Document everything. Have your client keep a journal of dates and times of missed or delayed visits
- Consider filing for contempt or a modification and explain how it impacts the child's best interest

Support Nonpayment as Ongoing Coercive Control

- Nonpayment of child/spousal support is often strategic
  - Missed rent → housing instability →children may state a preference to live in the father's comparatively nice home rather than in uncertain living situation
  - Inability to pay for childcare or transportation → loss of employment/educational opportunities, or inability to transport the children as needed
  - Survivor no longer has "discretionary" income for activities for the children → abuser becomes the "fun" parent who can spend money on activities or gifts

Linking Economic Abuse to Parenting Judgment

- Economic abuse reflects a willingness to deprive child of resources to control the other parent
- Show pattern of late or missed payments undermining child's stability
- This conduct is directly relevant to best interests' analysis
- Frame as not just ex-partner-directed abuse, but child-impacting poor decision-making

Using Discovery (If Permitted)

- Request financial documents
  - Pay stubs
  - W-2s
  - 1099s
  - K-1s
  - Federal and state tax returns
  - Employment contracts or offer letters
  - Bonus, commission, or incentive compensation records
  - Proof of unemployment benefits, disability income, or workers' comp
  - Social Security benefits statements
  - Business records
  - Personal bank account statements
  - Savings accounts
  - Credit union accounts
  - Venmo, PayPal, Cash App, or similar transaction histories
  - Investment account statements (brokerage, mutual funds, etc.)

Using Discovery (2)

- Request financial documents
  - Real estate ownership documents (deeds, mortgage statements, appraisals)
  - Retirement accounts (401(k), IRA, pensions)
  - Stock options or equity compensation
  - Vehicles, boats, or other high-value property
  - Trust interests or inheritances
  - Credit card statements
  - Loan documents (student loans, personal loans, auto loans)
  - Mortgage statements
  - Lines of credit
  - Rent or mortgage payments
  - Utilities
  - Insurance
  - Childcare costs
  - School tuition or extracurricular expenses
  - Travel, entertainment, and luxury spending patterns

Using Discovery (3)

- Don't forget the importance of **expenditures**—can you prove the abuser is spending more money than the abuser claims to have?
  - This can be a good way to catch an abuser in a lie on cross examination
  - You can use that in closing: If the abuser lied about their finances, what else are they lying about?
  - Is the abuser claiming poverty yet living a lavish lifestyle?

Voluntary Impoverishment

- Occurs when a party deliberately reduces their income or assets to avoid financial obligations like child support or alimony
- In these situations, courts typically look beyond actual earnings and may base support obligations on the person's earning capacity and intent
- A survivor may not have an accurate enough understanding of the family's finances to determine this without additional information

Voluntary Impoverishment Examples

- Intentionally taking a lower-paying job
- Reducing work hours
- Failing to seek employment
- Diverting income or assets
- Pursuing education or career changes
- Engaging in misconduct leading to job loss
- Choosing to work "under the table"
- Placing assets under businesses or LLCs formed in jurisdictions where the owner can remain anonymous
- Presenting a situation as a "job loss" when in fact it was a pursuit of a new opportunity

Combatting Voluntary Impoverishment Arguments

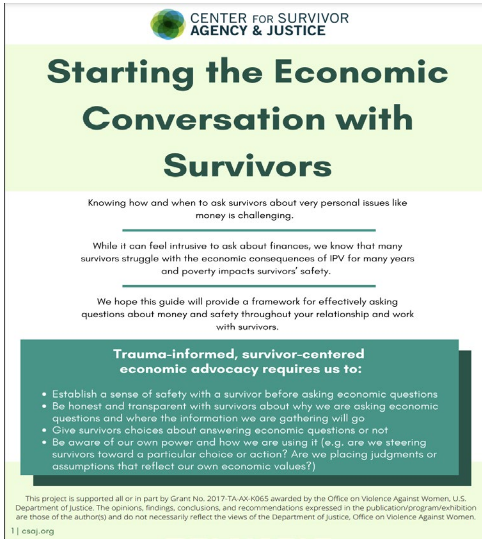
- Abusers may allege survivors are voluntarily impoverished
- Prepare evidence of how the abuse/client's experiences impacted the survivor's education and/or employment
- Work with the survivor early on in the case to put together a timeline and to identify evidence in support
  - Talk to the survivor about whether they have been able to begin making steps toward secure employment
  - If not, what are the barriers toward securing employment? Is there any way you or your organization can help?

Learning Objectives, Revisited

As a result of participating in this webinar, participants are better able to:

- Explain the economic ripple effect of violence
- Describe the importance of providing survivor-centered economic advocacy
- Identify some ways economic abuse may impact custody determinations
- List some strategies for addressing economic abuse in custody cases

Resources



CENTER FOR SURVIVOR AGENCY & JUSTICE

Starting the Economic Conversation with Survivors

Knowing how and when to ask survivors about very personal issues like money is challenging.

While it can feel intrusive to ask about finances, we know that many survivors struggle with the economic consequences of IPV for many years and poverty impacts survivors' safety.

We hope this guide will provide a framework for effectively asking questions about money and safety throughout your relationship and work with survivors.

Trauma-informed, survivor-centered economic advocacy requires us to:

- Establish a sense of safety with a survivor before asking economic questions
- Be honest and transparent with survivors about why we are asking economic questions and where the information we are gathering will go
- Give survivors choices about answering economic questions or not
- Be aware of our own power and how we are using it (e.g. are we steering survivors toward a particular choice or action? Are we placing judgments or assumptions that reflect our own economic values?)

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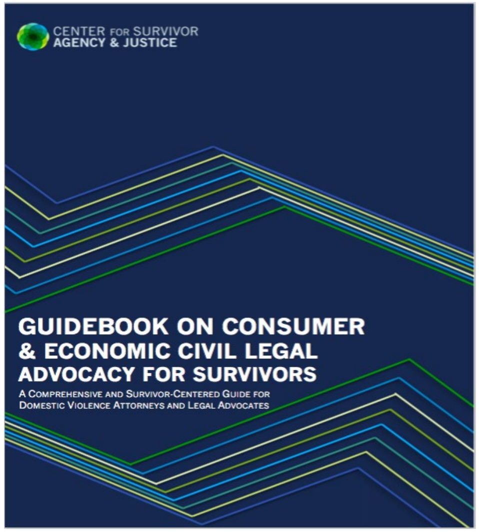
1 | csaj.org

[Starting the Economic Conversation: an Advocacy Guide]

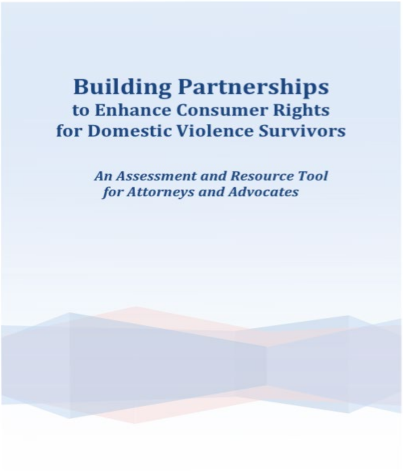


Guidebook Chapters:

[2) Credit]

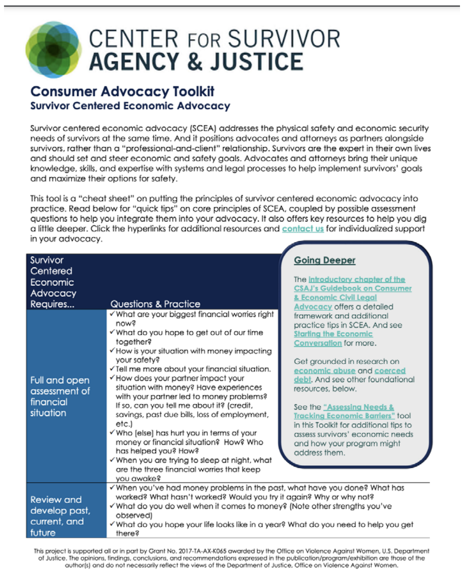
[3) Predatory Lending]

[4) Debt]



[CSAJ's Assessment Tool for Attorneys & Advocates]

Resources (2)



CENTER FOR SURVIVOR AGENCY & JUSTICE

Consumer Advocacy Toolkit
Survivor Centered Economic Advocacy

Survivor centered economic advocacy (SCEA) addresses the physical safety and economic security needs of survivors at the same time. And it positions advocates and attorneys as partners alongside survivors, rather than a "professional-and-client" relationship. Survivors are the expert in their own lives and should set and steer economic and safety goals. Advocates and attorneys bring their unique knowledge, skills, and expertise with systems and legal processes to help implement survivors' goals and maximize their options for safety.

This tool is a "cheat sheet" on putting the principles of survivor centered economic advocacy into practice. Read below for "quick tips" on core principles of SCEA, coupled by possible assessment questions to help you integrate them into your advocacy. It also offers key resources to help you dig a little deeper. Click the hyperlinks for additional resources and contact us for individualized support in your advocacy.

Survivor Centered Economic Advocacy Requires...	Questions & Practice
Full and open assessment of financial situation	✓What are your biggest financial worries right now? ✓What do you hope to get out of our time together? ✓How is your situation with money impacting your safety? ✓Tell me more about your financial situation. ✓How does your partner impact your situation with money? Have experiences with your partner led to money problems? If so, can you tell me about it? (credit, savings, past due bills, loss of employment, etc.) ✓Who (else) has hurt you in terms of your money or financial situation? How? Who has helped you? How? ✓When you are trying to sleep at night, what are the three financial worries that keep you awake?
Review and develop past, current, and future	✓When you've had money problems in the past, what have you done? What has worked? What hasn't worked? Would you try it again? Why or why not? ✓What do you do well when it comes to money? (Note other strengths you've observed) ✓What do you hope your life looks like in a year? What do you need to help you get there?

Going Deeper

The introductory chapter of the CSAJ's Guidebook on Consumer & Economic Civil Legal Advocacy offers a detailed framework and additional practice tips in SCEA. And see Starting the Economic Conversation for more.

Get grounded in research on economic abuse and coerced debt. And see other foundational resources, below.

See the "Assessing Needs & Tracking Economic Barriers" tool in this Toolkit for additional tips to assess survivors' economic needs and how your program might address them.

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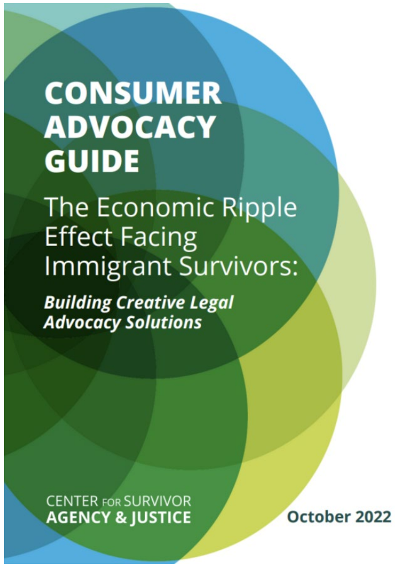
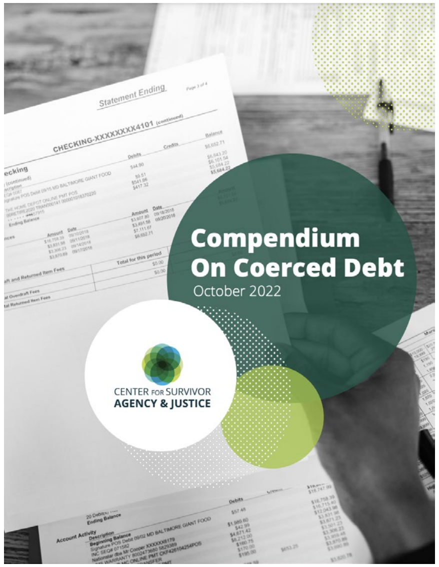
[Consumer Advocacy Toolkit]



[The Economic Ripple Effect Facing Immigrant Survivors: Building Creative Legal Advocacy Solutions]



[Compendium on Coerced Debt Advocacy]

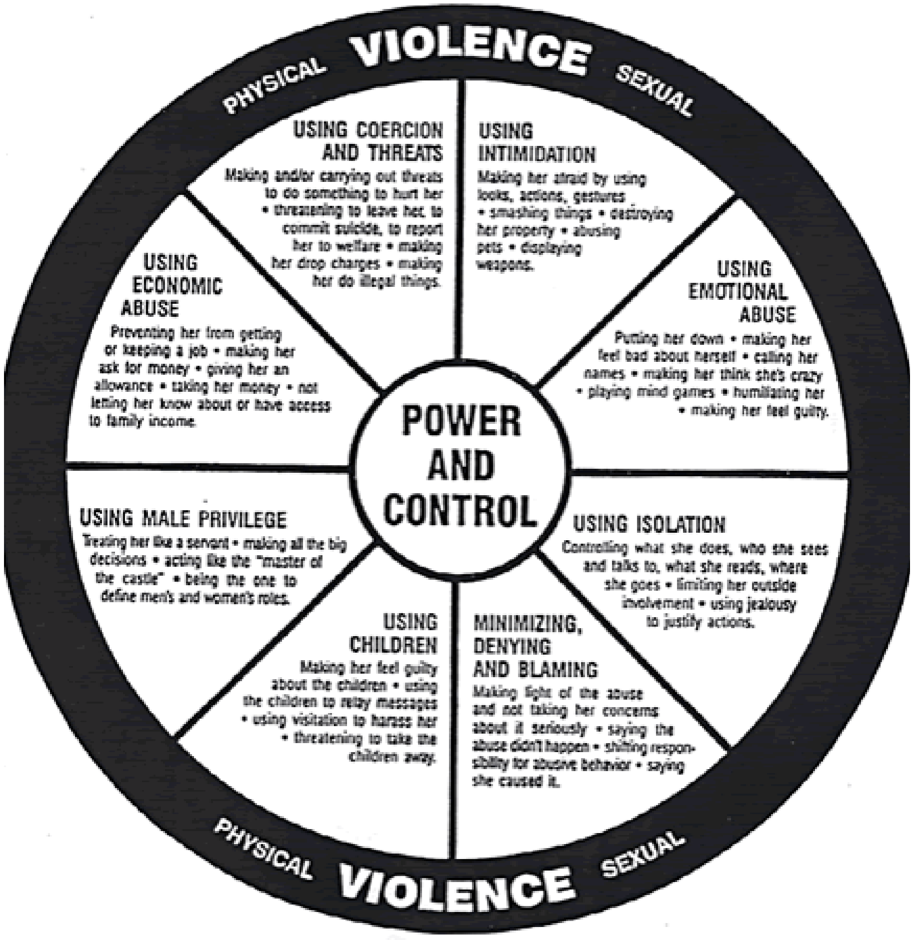
RESOURCES (3)

- **Susan L. Pollet, *Economic Abuse: The Unseen Side of Domestic Violence*, NYSBA J. (Feb. 2011), *available at* https://www.nycourts.gov/publications/economic-abuse-unseen-side-domestic-violence.**

Sanctuary for Families

RESOURCES (4)

DYNAMICS OF DOMESTIC VIOLENCE



Domestic Abuse Intervention Project, Duluth, 1981

Sanctuary for Families

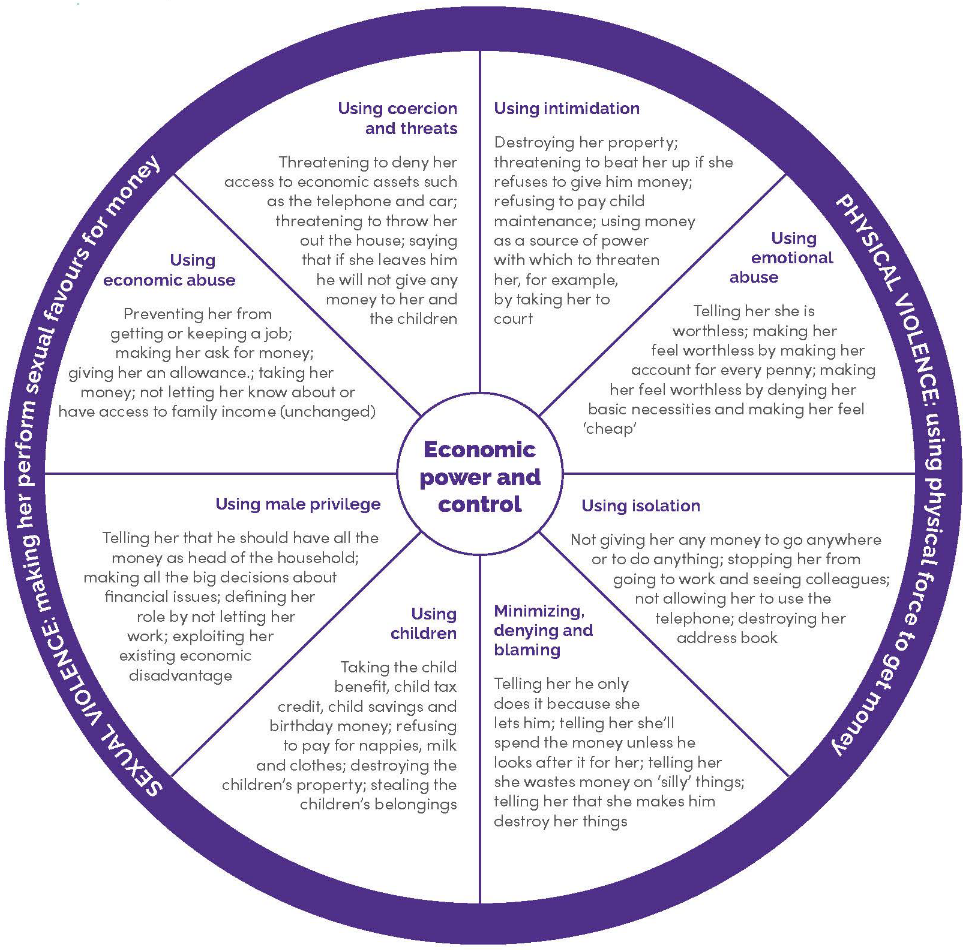
THE ECONOMIC ABUSE POWER AND CONTROL WHEEL

RESOURCES (5)

(SHARP, 2008)

Adapted with permission from: DOMESTIC ABUSE INTERVENTION PROGRAMS, 202 East Superior Street, Duluth, Minnesota 55802, 218-722-2781 www.theduluthmodel.org

Sharp, N. (2008) 'What's yours is mine' The different forms of economic abuse and its impact on women and children experiencing domestic violence, Refuge.



Sanctuary for Families

CENTER FOR SURVIVOR
AGENCY & JUSTICE

Consumer Rights for Domestic Violence Survivors Initiative

- Strategic support to advocates, attorneys, and organizations
- Training and tools to advance economic and consumer advocacy
- Enhancing organizational capacity and building partnerships

Website: www.csaj.org
Email us: info@csaj.org