

**Her Justice Submission: BLAC People’s Budget 2025**

**Fairness for Domestic Violence Survivors with Coerced Debt**

We urge the Caucus to support proposed legislation S.2278/A.1309 (2023-24 session), that would provide relief from coerced debt to survivors of domestic violence, elder abuse, human trafficking, and abuse by caretakers. Her Justice provides free legal assistance to women living in poverty in New York City, with more than 70% of our clients identifying as survivors of domestic violence. Each year, thousands of survivors throughout the state rely on the New York family and civil courts for legal relief that ensures their safety and stability, with many addressing issues related to economic abuse. Survivors routinely engage in consumer debt cases to resolve the issue of coerced debt, which results when an abusive partner takes out credit in the survivor’s name without their knowledge or consent or pressures a survivor into incurring debt. Debt and damaged credit trap survivors in poverty – with a low credit score, survivors cannot rent an apartment, get a job or buy a house or car – and make it even more difficult for them to leave the abusive relationship.

S.2278/A.1309 fills gaps in existing consumer debt law that disadvantage survivors of domestic violence. While survivors may seek civil orders of protection based on family offenses under the law, including identity theft, such orders place restrictions on the behavior of the individual who caused the harm, but do not relieve survivors from liability to the creditor. Similarly, while the Domestic Relations Law empowers courts in matrimonial matters to consider domestic violence in making determinations about equitable distribution of assets and debts, divorce judgments cannot relieve survivors from liability to creditors. The proposed legislation would amend the General Business Law to prohibit creditors from collecting a consumer debt incurred because of economic abuse and fraud, and to establish a right of action by the survivor/putative debtor for relief against creditors. The bill gained significant support in the Legislature in the 2023-24 session but was blocked from moving forward at the eleventh hour. We urge support for this critical measure in the 2025-26 session.

**More Choice for Parents in Child Support Courts**

We urge New York to innovate the way it handles child support, a critical source of support for families, representing more than half of income for some families living in poverty. Currently, families obtain child support through the New York Family Court, where this case type represents one third of cases overall. But this high-volume court is over-burdened and under-resourced. The majority of people served by New York's high-volume courts are Black and Hispanic litigants, according to a 2020 report on equal justice commissioned by the New York State Court Administration, and they are disproportionately impacted by "dehumanizing"



conditions in the courts. Cases often last months if not years in Family Court due to delays; time spent in court often means waiting all day for a hearing that may only last a couple of minutes before the jurist must move on to the next. We urge New York to broaden the “menu of options” for families to obtain this critical support through a fair process. S.5269 (Persaud)/A.3753 (Reyes) (2022-23 session) would pilot an expedited settlement conference process for families who can agree on support rather than requiring them to engage in traditional litigation in the backlogged courts. It would free up time and resources in the Family Courts so that jurists can focus on disputed and more complex cases and create an innovative approach to civil justice system reform for increased fairness and accessibility for all New Yorkers. This proposal has been introduced in the last two sessions and we expect it will be reintroduced in the 2025-26 session. Change is urgently needed, and we appreciate the Caucus’s support.