



**SURVIVING
ECONOMIC
A B U S E**

For legal professionals

Supporting clients experiencing economic abuse

Building safety

One in five UK adults has experienced economic abuse by a current or former partner. Over a third didn't tell anyone at the time. The mission of Surviving Economic Abuse is to raise awareness of economic abuse and transform responses to it.

If you work as a legal professional in the family justice system, this information is for you. It may help you to understand what economic abuse is, know how to recognise it in the context of domestic abuse, and know what you can do to support victim-survivors.

Understanding economic abuse

Domestic abuse takes many forms. Some abusers repeatedly dictate their partner's choices and control their everyday actions, becoming violent or threatening to become violent if their demands are refused.

Abusers may control (through restriction, exploitation and sabotage) their partner's access to money and finances, as well as those things that money can buy (such as food, clothing, transportation and a place to live). This is **economic abuse**, and it is designed to limit someone's freedom.

This type of abuse can create economic instability and/or make one partner dependent on the other, which can prevent victims from leaving and rebuilding their lives.

If you would like to learn more about the relationship between domestic abuse and economic power and control, see the [Economic Abuse Wheel](#).

“Money doesn't make you happy but without money, there's nowhere to go. That's why, for me, economic abuse is the greatest form of control.”

The role of legal professionals

This guide is for all legal professionals working in the family justice system who work with clients affected by family or relationship breakdown and who might be affected by economic abuse.

Whether you are a family law solicitor, legal executive or barrister, understanding the nature of economic abuse and the impact it has on your client will help you to better identify the legal and financial remedies available to them. Importantly, it will also enable you to ensure that their legal and other support needs are met at every stage of the family justice system.

It might feel daunting to talk to your client about economic abuse, but remember that you aren't there to solve everything. By simply talking to them about the issue and how you and the law can help them, you are playing a crucial role to help them achieve economic safety.

You can also help by identifying the ongoing risks to your client, preventing further abuse and supporting them towards a safer, more independent and secure economic future.

Look out for warning signs

Identifying whether your client is experiencing or is at risk of experiencing economic abuse is vital to help you to explore the best legal options for them. Be aware that the abuser may have used or continue to be using a number of ways to control your client's finances, income and/or economic position. Also be aware that the abuser may continue to try to exert this control during and after any legal proceedings. This guide aims to help you understand more about economic abuse so that you can support your client to recover from it.

There are a number of warning signs which may help you identify whether your client is experiencing or is at risk of experiencing economic abuse.

Look out for clients who tell you that their partner or former partner:

- has or had control of all household finances
- told them myths about being a "common law wife" or about their right to occupy their home or claim a share of the equity
- told them they had no rights in relation to their matrimonial home
- refused to put title deeds or tenancy in joint names
- did not tell them when taking out loans or other debt
- refused to pay bills leading to debt
- prevented them from working, or forced them to work and/or took or controlled access to their wages
- restricted their access to other income including welfare benefits
- extended borrowing or took out secured loans on jointly owned property (by fraud, force or coercion)

- refuses to comply with previous court orders in relation to their family finances and property
- refuses to pay child maintenance or cooperate with the Child Maintenance Service

“He controlled what I wore, what I ate and drank, who I saw, who I spoke to, our bank accounts, my credit card, how much sleep I had. He tracked and traced my every move. I was so brainwashed at the end of the relationship; I didn’t know who I was anymore.”

Other warning signs of economic abuse may arise during legal proceedings.

“My ex knew that if he strung out legal proceedings, I’d be penniless.”

“He avoids full disclosure and that costs me thousands of pounds raising court orders, which he still ignores.”

“I spent more than £100,000. He would send 45 messages to my lawyer and I had to pay for each of these to be read. Everything is done to derail and sabotage.”

“He was able to miss six hearings and I still had to pay each time.”

During proceedings, an abuser may:

- fail to provide full and accurate disclosure of their assets
- deliberately prolong the process of disclosing assets
- hide money or property in other jurisdictions
- fail to comply with financial orders requiring enforcement proceedings
- fail to comply with child maintenance agreements or the Child Maintenance Service requirements
- make repeated and unnecessary applications which have the effect of prolonging proceedings and negatively affecting your client financially and/or emotionally
- appear to comply in proceedings but present your client as a liar or claim she is exaggerating her situation
- cast your client as a 'gold-digger' or perpetuate stereotypes about how men and women behave following relationship breakdown

How to respond

If your client is experiencing economic abuse, there is a lot that you can do to support them both in terms of their legal options and also signposting them to organisations that can respond to other practical, emotional and economic needs.

Listen and respond with empathy

It may be very daunting for someone who has experienced economic abuse to talk about what has happened to them, and you may be the first person that your client shares their story with. Allow them time to tell you about their experience. Offer a supportive response that is sensitive to the issues they may still be experiencing and encourages them to share as much information as possible with you and seek support.

It is vital for survivors of abuse to be believed. Do not minimise their experience even if you think what they are telling you is trivial or irrelevant to their legal options.

Consider where your client is in their understanding of the abuse they have experienced or continue to experience. Be gentle in labelling their experience as abuse when they may not yet have fully understood their experience as such.

Understand that your client may be confused and uncertain and may find making decisions difficult. It is important to allow them time and autonomy in making decisions about their legal options.

Your client may be concerned that the abuser will find out they have sought legal advice. Reassure your client that you have a duty of confidentiality to them throughout your involvement in their case.

Navigating these conversations can be challenging. SEA has created [a conversation kit for professionals](#), which you may wish to refer to.

Consider other specialist support services

Your client's legal advice and representation needs are likely to be only one part of their recovery from economic abuse. Think about your client's safety, both physical and emotional, and their other practical and economic needs. These may be more urgent than their legal needs.

Specialist services, such as domestic abuse organisations, can support their practical and emotional needs and may also be able to work in partnership with you to help you better support your client. For example, an Independent Domestic Violence Advocate may be able to come to appointments or to court with your client to support them emotionally and help them understand what is happening. Remember, however, that other professionals have different rules relating to confidentiality. Whilst this should not be a barrier to working together, it is important for your client to understand.

Consider whether they have any particular needs on account of their sex, age, race, religion, sexual orientation or any disability. Refer them to other appropriate specialist services.

Specialist services could include:

- [Galop](#), an LGBT domestic abuse helpline
- [Southall Black Sisters](#), supporting BME women
- [Sharan Project](#), help and support for South Asian women
- [Karma Nirvana](#), for victims of honour-based abuse and forced marriage
- [Men's Advice Line](#), for male victims

Talk to your client about whether they need help with debt or understanding their eligibility for welfare benefits and help applying. Signpost them to debt or money advice services as appropriate. Our resource

['Organisations that can help'](#) has details of useful organisations that you may wish to share with your client.

Consider how your client's financial institutions (bank, building society or mortgage company) may be able to support them to gain control of their finances. Suggest that they make contact with them and assure them that they should have processes in place to support them as a survivor of economic abuse. We have information on [how banks can help](#), which your client may find useful.

Supporting your client to regain control of their finances

Economic recovery is a vital part of your client's practical and emotional recovery from domestic abuse and key to their securing a safe and secure future.

This resource is not intended to be an exhaustive guide to the legal remedies available to survivors of economic abuse. Rather, it is a guide to help you think about your client's legal options in the context of the economic abuse they have experienced. It will also help you to think about your client's wider practical, emotional and economic needs.

Consider your client's legal options

Consider the legal options available to secure your client's immediate safety. This could include:

- contacting the police
- an emergency application for non-molestation and/or occupation orders including orders that the perpetrator pays any rent, mortgage or bills
- an emergency application in relation to any children under the Children Act

Consider the legal options available to secure your client's immediate economic

position. This could include:

- an application to register a notice of home rights with the Land Registry
- advice on severing a joint tenancy in relation to jointly owned property (ensure that you also advise on whether they will need to make a will in this case)
- an emergency application to freeze assets in divorce or dissolution proceedings
- an application for interim relief in divorce or dissolution proceedings
- an emergency application to prevent a notice to quit in respect to a joint tenancy
- an emergency application to ensure an abuser continues to cover outgoings on a rented or owned property
- an application for a Mesher Order (an order for deferred sale) if your client has children and wishes to remain in the family home, knowing this may keep them financially linked to the abuser

Although it is not legal advice, you may also wish to suggest that your client seeks help from a banking adviser on whether to freeze joint bank accounts or credit cards the abuser has access to.

“It took three years of legal fees, all my savings, no legal aid, no help, no support and me pursuing him to eventually get some closure.”

Consider the legal options available to secure your client's long-term economic position. This could include:

- an application to the Child Maintenance Service
- an application for financial support for the benefit of a child under the Children Act
- an application for financial relief in divorce or dissolution proceedings
- an application under the Trusts of Land and Appointment of Trustees Act (TOLATA)

It is important, however, to consider these options carefully in light of the abuser's behaviour.

Consider how an abuser may continue to behave during and after any proceedings.

- Will they provide full and frank disclosure of their assets?
- Is their compliance with an order for ongoing maintenance, for example, likely to be an issue?
- Is the abuser's behaviour sufficiently extreme to be taken into account under section 25 of the Matrimonial Causes Act (MCA)?
- Would a clean break order with capitalised maintenance, order for a lump sum and/or the transfer of property be more appropriate in securing your client's economic independence and freedom from abuse?
- Are there longer-term financial implications of any orders made for your client? For example, what will the consequences of a deferred charge be on your client's future?
- Is the abuser using a voluntary disclosure process or the court process to harass your client or ascertain unnecessary information? Are they failing to comply with directions or forcing the costs up?

- Would it be appropriate to consider requesting an order under section [91\(14\) of the Children Act](#), or a [civil restraint order](#)?

Talk to your client carefully about the legal options available to them and discuss them in terms of how they believe the abuser is likely to respond and the impact they may have on their economic situation and their safety from abuse. **Discuss together which options are safe for them and will not lead to further harm from the abuser.**

As always, consider also any cultural or religious issues that may arise for your client. They may have particular views on separation and divorce or family finances. It may be important to them to consider religious proceedings alongside legal proceedings.

Remember that your client may feel confused and uncertain and find making important decisions difficult. Be patient and empower them to make decisions in their own time.

Consider your client's funding options for legal advice and representation

Consider whether your client is eligible for legal aid. Economic abuse falls firmly within the definition of domestic abuse for the purposes of the [domestic violence gateway](#) for family law legal aid.

Gathering evidence for legal aid

Be careful to explore the full range of evidence that your client could produce for the purpose of applying for legal aid. If they have not reported the abuse to a statutory, health or voluntary sector organisation, signpost them to someone who can provide the necessary evidence.

Evidence can come from many sources, including:

- the courts
- the police or social services

- a multi-agency risk assessment conference (MARAC)
- a healthcare professional, such as a GP, nurse, midwife, or psychologist
- the manager of a refuge
- any domestic abuse support service
- an employer or educational facility

Your client may not already have the required form of evidence of domestic abuse in order to make an application for legal aid and may need your support in obtaining this. Be careful to ensure that the evidence meets the requirements laid out in the legal aid regulations.

Ensure that your client is aware that some agencies may charge or have historically charged a fee for providing this evidence, for example GPs or other health professionals.

If your client is unable to obtain evidence of this kind, consider any evidence your client has which relates specifically to economic abuse. This could include:

- copies of bank statements
- correspondence with a bank or other financial institution
- credit card or loan statements
- relevant emails or messages from the abuser
- evidence of the waiver of the service fee for the Child Maintenance Service
- an application for Universal Credit Split Payment

Remember there is no specific requirement for evidence of economic abuse and, therefore, the more evidence your client can produce, the better. If they have no specific evidence, they can write their own statement detailing the abuse, including:

- when it started
- the nature and duration of the abuse
- why there is no evidence
- the impact the abuse has had on them

The legal aid means test

If your client is applying for legal aid for an order for protection from domestic violence, the Legal Aid Agency [will waive the upper eligibility limit](#). Your client may, however, have to pay a contribution to their legal aid costs.

If your client is not eligible for legal aid, consider alternative options, such as legal service orders or litigation loans.

Consider the appropriateness of Alternative Dispute Resolution (ADR)

Whether it be mediation, family arbitration and/or collaborative law, alternative dispute resolution is often used, and indeed encouraged, to resolve financial disputes after relationship breakdown.

It is widely accepted that mediation is not safe or appropriate for survivors of domestic abuse, including economic abuse. This is due to the inherent power imbalance a victim-survivor experiences.

“I was lucky that my lawyer had experienced this type of character before and she knew how to work with him. She was as much emotional protection as legal advice, limiting my access to him or his attacks, and softening the blow at times.”

Talk carefully to your client about whether these processes feel safe and appropriate to them in their circumstances. Do they feel fully able to engage in the process and would it afford them a level playing field to negotiate a financial or other settlement?

Attending a Mediation Information and Assessment Meeting (MIAM) is now the gateway to most applications to the family court. Think about whether your client is exempt from attending a MIAM because of the abuse they have experienced. Do they have any of the required forms of evidence of domestic abuse to claim exemption?

Give clear legal advice

Remember that the law and legal processes can be frightening and intimidating to lay clients. Engaging in legal proceedings can be particularly daunting and confusing for those who have experienced economic abuse.

Be clear (in meetings and in writing) in your explanations of your client’s legal position in relation to their family finances and dispel any myths they have heard and believed about their rights. **For example, the abuser may have told your client that as a “common law wife” she had legal rights in respect of occupying or claiming a financial share of the home they shared. Or, your client’s husband may have told her that because their matrimonial home was in his name she had no rights in respect of it.**

Be careful to balance your use of legal language with plain English and always offer to explain further if necessary.

Again, remember that your client may find making decisions difficult but the importance of giving them autonomy in deciding how to proceed.

Consider practical safety issues

Where parties continue to cohabit or an abuser may have access to your client's correspondence consider whether there are any practical safety issues for them.

Ensure where possible that all your communications and correspondence remain confidential. Consider using an alternative, safe address for correspondence and a code word for phone calls when the abuser might be present. Ensure that use of email correspondence is safe and private even after separation.

Other things you can do

To improve your response to survivors, consider attending a specialist training course on economic abuse. This training can help you to understand and respond in an improved and appropriate way to your clients and can also count towards your continuing professional development (CPD). Please get in touch with Surviving Economic Abuse if you would like to find out more or book a training course.

Consider becoming an accredited specialist with a professional body, for example the Law Society's Family Law Panel or Resolution's accreditation scheme which includes domestic abuse, complex financial remedies, cohabitation/TOLATA, financial remedies for children and preserving or locating family assets.

Further support

You may find further advice or guidance on supporting clients affected by economic abuse from your own professional bodies such as the [Law Society](#), [Family Law Bar Association](#) or the [Chartered Institute of Legal Executives](#).

[Resolution](#), the family lawyers' association,

for example, has a domestic abuse toolkit which could support your work.

We have more information that you may find helpful for understanding economic abuse. Visit www.survivingeconomicabuse.org/resources for information including:

- What is economic abuse?
- Spotting the signs of economic abuse

Signposting your clients

If one of your clients is experiencing economic abuse, they are not alone.

We have information at www.survivingeconomicabuse.org/resources that can support them to take steps towards safety and begin to regain control of their finances, including:

- Steps you can take towards economic safety
- Organisations that can help
- Grants and financial help

