



## Family Phone Plans and Domestic Violence

Survivors Need Better Protections from Stalking via Shared Plans -- Especially During COVID

### FAMILY CELLPHONE PLANS AND ABUSE

Intimate partner violence (IPV), also known as domestic violence, harms millions of Americans every year. The Centers for Disease Control has estimated that more than a third of US women and more than a quarter of US men have experienced IPV in the form of physical or sexual abuse or stalking by an intimate partner.<sup>1</sup>

To coerce and control their victims, abusers will often use harassment, threats, and surveillance. Today, technology makes it easier than ever for abusers to monitor their victims and track them down when they flee.<sup>2</sup>

In the US, family cell phone plans can give abusers real-time information about where a survivor is and who they are calling -- endangering them and any children in their care.

*Survivors and their children should have a legal right to exit family phone plans quickly, remotely, with strong privacy protections, and with no financial obligations.*

### FAMILY PHONE PLANS -- THE HIDDEN THREAT

Many IPV survivors are part of a family cell phone service plan with their abusive partners. These family plans can enable an abuser to track the victim's phone in real time, view their call history, and in some cases misuse parental-control software to monitor them. For someone who wants to flee or has recently fled an abuser, such tracking can be extremely dangerous.

However, leaving a family phone plan is often costly and far from simple. Some cellular service providers charge substantial fees -- as much as \$350 per line -- to exit a phone plan, and they may require the customer to pay the full remaining cost of a smartphone, other phone, or tablet they have bought on an installment plan.<sup>3</sup>

If an IPV survivor is living in poverty, or if their abuser has prevented them from having access to money, these barriers can keep them -- and their children -- stuck in a phone plan that has become a stalking tool.

### SURVIVORS NEED SAFE PHONES -- ESPECIALLY DURING COVID

To escape their abusers and live safely afterward, IPV survivors need phones that are secure and do not exacerbate the poverty or financial difficulties many are facing. If their phones are part of family plans that can reveal their activities to the abuser, survivors may not be able to call law enforcement, lawyers, doctors, or counselors without a risk of the abuser finding out and becoming more violent.<sup>4</sup> They also may not be able to contact the friends or relatives who can help them escape, stay hidden, and build new lives. And the financial burden of leaving a family phone plan is more than many can afford.

During the COVID-19 pandemic, survivors must rely on their phones more than ever to find emergency help and long-term resources for recovery. If the abuser finds out where the survivor is, lockdowns and unemployment also make finding a new place to live even more difficult than usual. Survivors urgently need safe phones -- and a simple, free way to exit phone plans -- to avoid harmful monitoring that could keep them trapped with the abuser. Especially when survivors may not be able to visit stores, banks, or other places to establish their identity in person, they may also need to keep their phone numbers as a way to verify who they are.

## STATE LAWS ARE NOT ENOUGH

The US needs federal legislation to end a patchwork of inconsistent and often burdensome state laws -- and protect IPV survivors no matter where they and their children are.

Many existing state laws require a survivor to get a court order before they can get out of a family phone plan -- a legal and practical hurdle that may be especially difficult during the pandemic. Even with such an order, many laws allow the carrier to simply transfer the survivor to a new plan that may come with its own costs, or be subject to credit checks that could pose problems for survivors whose abusers have controlled and damaged their finances.<sup>5</sup> And survivors in many places do not yet have an automatic right to keep their phone numbers.

## AN EFFECTIVE SOLUTION

A new federal law is needed to protect IPV survivors and their children effectively from the threats of family phone plans. The law should:

- Let survivors and children in their care leave family phone plans completely and without charge -- and without having to take on any financial obligations with the same carrier.
- Enable survivors to keep their current phone numbers. This can be crucial to maintaining the relationships that help them flee and stay safe.
- Let survivors attest to the abuse, without burdensome or intrusive requirements to send medical or other evidence to the phone company.
- Require strong privacy and security protections for the survivor's new contact information and any information the carrier holds about the abuse.
- Require carriers to offer a remote process for leaving the plan -- especially during COVID. Carriers should also be required to train their employees and contractors about this process.
- Mandate that carriers make information about these rights available in their stores and on their websites.

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<sup>1</sup> Centers for Disease Control and Prevention, *The National Intimate Partner and Sexual Violence Survey: 2010 Summary Report* (2011), available at [https://www.cdc.gov/violenceprevention/pdf/nisvs\\_executive\\_summary-a.pdf](https://www.cdc.gov/violenceprevention/pdf/nisvs_executive_summary-a.pdf).

<sup>2</sup> Chatterjee et al., "The spyware used in intimate partner violence," *2018 IEEE Symposium on Security and Privacy*, pp. 441-458 (2018).

<sup>3</sup> Verizon, "My Verizon Wireless Customer Agreement," <https://www.verizon.com/legal/notices/customer-agreement/> (accessed June 20, 2020); US Cellular, "Customer Service Agreement," <https://www.uscellular.com/legal/customer-service-agreement>; AT&T "Offer Details", <https://www.att.com/plans/next/>; AT&T, "Understand Early Termination Fees", <https://www.att.com/support/article/wireless/KM1253555/>.

<sup>4</sup> Belknap et al., "The roles of phones and computers in threatening and abusing women victims of male intimate partner abuse," *19 Duke J. Gender L. & Pol'y* 373 (2011).

<sup>5</sup> See, e.g., California AB-1407 (2015) [https://leginfo.ca.gov/faces/billCompareClient.xhtml?bill\\_id=201520160AB1407&showamends=false](https://leginfo.ca.gov/faces/billCompareClient.xhtml?bill_id=201520160AB1407&showamends=false); Illinois Public Act 100-0388 (2016) <http://www.ilga.gov/legislation/publicacts/100/PDF/100-0388.pdf>; Tennessee Public Chapter 729 (2018) <https://publications.tnsosfiles.com/acts/110/pub/pc0729.pdf>.