

Office of the Attorney General
Identity Theft Victim's Kit



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT


Office of the Attorney General Identity Theft Victim's Kit

This Identity Theft Victim's Kit is designed to help you begin the process of recovering, both financially and legally, from the identity crime that has been committed against you. The recovery process can be long and, at times, confusing. This Kit provides you with the guidance and direction you will need to regain control of your identity.

Your stolen identity may be used in several ways. A criminal might assume your identity in order to gain employment, open bank or credit accounts, or even to evade criminal prosecution. Regardless of how your stolen identity is misused, it is your responsibility to alert creditors and other relevant agencies about the crime.

This kit can help you clear your good name with creditors and law enforcement agencies. While you may find there are additional entities you need to contact, completing all of the relevant forms and contacting the appropriate agencies listed inside can prove invaluable in the restoration of your reputation and credit and may prevent further victimization.

State law prohibits our office from giving individual citizens legal advice or opinions or acting as their private attorney. We do, however, want to help you recover as quickly as possible from the crime committed against you and help you regain peace of mind.


Office of the Attorney General
Office of Special Investigations
Identity Theft Passport Program
P. O. Box 12548
Austin, TX 78711
Identity Theft Passport Hotline
(866) 720-8100
idpassport@oag.state.tx.us

The Path to Restoration

Task Checklist

This checklist will help you keep track of your progress as you begin to clear your name. The tasks are listed in the most logical order of completion. Mark off each task as you complete it, with your goal being to finish all of the tasks as quickly as possible. Remember to log the name, date and time of every conversation you have while trying to clear your name. With Identity Theft crimes, time is of the essence. The less time a criminal has with your identity, the less damage he or she can do to your reputation and credit. You will find information on how to complete each task on the pages that follow.

- Report identity theft crime to major consumer credit reporting agencies and establish a fraud alert on your file.
- Close all bank, credit, utility and service accounts that have been fraudulently opened or compromised.
- Report identity theft crime to your local law enforcement agency.
- Report identity theft crime to the Federal Trade Commission.
- Complete attached Federal Trade Commission (FTC) Identity Theft Affidavit.
- Prevent or curtail further identity theft abuses by contacting other relevant law enforcement and government agencies.
- Devise a method to monitor your Credit Report in order to thwart continued Identity Theft abuses.
- If deemed necessary, complete the attached Application Requesting Declaration that Applicant is a Victim of Identity Theft and submit to a District Court.

Report Identity Theft Crime to Consumer Credit Reporting Agencies and Establish a Fraud Alert on Your File

1. Report Identity Theft Crime to the three major credit reporting agencies:
 - a. Equifax
 - b. TransUnion
 - c. Experian
2. Request a Fraud Alert be put on your Credit Report

Call the fraud department of any one of the three consumer credit reporting agencies listed below and inform them that you are a victim of Identity Theft and would like to place a Fraud Alert on your credit file. By law, when you contact one of the three major credit reporting agencies and place a fraud alert on your account, that agency is required to alert the other two and have them place fraud alerts on their version of your credit report. The initial fraud alert is on your credit report for at least 90 days. You may request an extended alert which stays on your credit report for seven years. You can have the extended alert placed on your file if you have been a victim of identity theft and you provide the consumer reporting company with an identity theft report. All three credit bureaus will then send you a copy of your credit report, free of charge. This fraud alert will prevent an identity thief from opening any new accounts in your name. Check with the agency about how long the fraud alert will remain current and extend the alert as necessary.

Place a victim's statement in your file that requires all creditors to contact you directly before opening any new accounts or making changes to any existing accounts. This action will alert you to any new activity concerning your stolen identity and keep your credit from being further compromised.

Request a free copy of your credit report and check for any unauthorized credit activity. If you find inaccurate information in your credit report due to fraud, submit in writing, to each agency, your desire to contest the fraudulent information and request that it be permanently removed from your record.

Equifax

P.O. Box 7402741
Atlanta, GA 30374
www.equifax.com
Report Credit Fraud:
(800) 525-6285
Request Credit Report:
(800) 685-1111

TransUnion

P.O. Box 2000
Chester, PA 19022
www.transunion.com
Report Credit Fraud:
(800) 680-7289
Request Credit Report:
(800) 888-4213

Experian (TRW)

P.O. Box 2002
Allen, TX 75013
www.experian.com
Report Credit Fraud:
(888) 397-3742
Request Credit Report:
1 (866) 200-6020

Close All Bank, Credit, Utility and Service Accounts That Have Been Fraudulently Opened or Compromised

1. Make a list of all your bank, credit, utility and service accounts
2. Call each institution and close any account that may have been compromised by identity theft
3. Compare your list to your credit report
4. Report discrepancies to the appropriate institution

Make a list of all your bank accounts, credit cards, utilities and service providers. Using this list as a guide, contact each institution and explain that you are an identity theft victim. If you feel that an account may have been compromised, ask to close the account. Most institutions will close the compromised account and issue a new account number with no penalty to you.

Once you have cleared up any problems with known accounts, compare your list to your credit report. There should be no creditors listed on your credit report that you do not recognize. If there are any unfamiliar accounts on your credit report, notify the creditor immediately, close the account and explain that the account may have been opened fraudulently by an identity thief.

If you suspect an Identity thief has obtained access to your checks, immediately call your bank to close the account, and stop payment on all outstanding checks.

To learn if any bad checks have been passed in your name, contact the Shared Check Authorization Network (SCAN). SCAN has the ability to quickly determine whether or not your checks have been fraudulently used in the United States.

contact

SCAN: 1-800-262-7771

If your checks have been misused, contact the check verification companies listed below and ask them to alert retailers to your situation. Each check verification company can ask retailers who use their databases to refuse any checks they receive in your name.

Check Rite
P.O. Box 66178
Chicago, IL 60666
(800) 766-2748

Certegy
11601 N. Roosevelt Blvd.
St. Petersburg, FL 33716
(800) 437-5120

Chexsystems
12005 Ford Rd
Dallas, TX 75234
(800) 428-9623

Telecheck
P.O. Box 4451
Houston, TX 77210
(800) 710-9898

Report Identity Theft Crime to Your Local Law Enforcement Agency

1. After reporting the theft to a consumer credit reporting agency and closing compromised accounts, report the crime to your local Law Enforcement Agency
2. Obtain a copy of the Police Report and Case Number

In 2005, the Texas Legislature passed the Identity Theft Enforcement and Protection Act, which requires Texas peace officers to take all reports of identity theft, create a written report and furnish that report to the victim upon request. Most creditors will require, at a minimum, a police report before they will begin any investigation into your credit problems.

Each law enforcement agency will require a different level of proof, or evidence, of the identity theft crime committed against you. The more evidence you can give your assigned investigator, the faster he or she can create a police report for you. Make sure you tell, or show, the investigator what initially made you think you were a victim of identity theft, as well as anything else you find suspicious. Since you must have a police report to begin reporting inaccuracies in your credit, credit history or even to prove someone else has committed a crime in your name, cooperate with the investigator as much as possible. The sooner you have a police report in your hands the better.

Report Identity Theft Crime to the Federal Trade Commission

The Federal Trade Commission (FTC) maintains a comprehensive database on identity theft crimes in America. This database is used to track statistics and trends in identity crime and has proven useful to law enforcement agencies seeking to locate and stop identity thieves.

Reporting your situation to the FTC is a very important step in the recovery of your identity. To file your identity theft complaint with the FTC, contact them directly by phone, mail or via the internet.

contact

Identity Theft Clearinghouse
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 25080
877-ID-THEFT (877-438-4338)
TDD: (202) 326-2502
www.consumer.gov/idtheft

Complete Attached Federal Trade Commission (FTC) Identity Theft Affidavit to Contest New Fraudulent Accounts

1. Fill out the Identity Theft Affidavit completely and accurately.
2. Submit a copy of the affidavit to all creditors who will accept it.

The Federal Trade Commission drafted the Identity Theft Affidavit to help victims of identity theft quickly and accurately dispute new unauthorized accounts. Use this affidavit if an identity thief has opened a new account in your name. If an identity thief has compromised an existing account, contact the company and ask how to challenge the unauthorized charges.

Instructions are included with the affidavit. Remember to use certified mail, return receipt requested, so you can prove your documents were received and always send copies to creditors and maintain originals for your records.

Prevent Or Curtail Further Identity Theft Abuses By Contacting The Following Agencies

- Local Texas Department Of Public Safety Driver License Office
- Social Security Administration (SSA)
- Internal Revenue Service (IRS)
- U.S. Postal Inspection Service
- U.S. Passport Agency

An identity thief may use your personal identifying information to fraudulently obtain a driver's license, file for bankruptcy, apply for social security benefits or even get a passport. To head off such possibilities, contact the following agencies and follow their procedures to limit the damage an identity thief can do.

Contact your local Department Of Public Safety Driver License Office:

The Department of Public Safety (DPS) can check their database to determine the last time a driver's license was issued in your name. If that issue date is more recent than the last time you personally received a driver's license, you should immediately report the fraud. Your local Driver License Office will determine the best course of action for your individual situation. Determine which DPS Driver License Office you should contact via the Internet or by contacting the Texas Department of Public Safety Driver License Division Customer Service Bureau.

contact

Texas Department of Public Safety
Driver License Division
(512) 424-2600 (English)
(512) 424-7181 (Spanish)
www.txdps.state.tx.us

Contact the Social Security Administration:

If you believe your Social Security number has been compromised, you should contact the Social Security Administration. Order a copy of your Personal Earnings and Benefits Estimate Statement (PEBES) and compare it to your work history. If you notice any employers or earnings you do not recognize, someone may be using your Social Security number for employment. Report any discrepancies to the Social Security Administration's Office of the Inspector General and to the Federal Trade Commission.

If necessary, the Social Security Administration may change your Social Security number. However, changing your number will be done only as a last resort when a very specific set of criteria have been met. Contact the Social Security Administration directly to determine the best course of action for you.
Office of the Inspector General

contact

Social Security Administration
Suite 300 Altmeyer Building
6401 Security Blvd.
Baltimore, MD 21235
www.ssa.gov
(800) 269-0271

Contact the Internal Revenue Service:

If you have reason to believe an identity thief has used your Social Security number to fraudulently file for a tax refund or has compromised your taxes in any way, contact your local Internal Revenue Service (IRS) Taxpayer Assistance Center immediately. IRS personnel will help you determine what damage has been done to your tax record and help you ascertain what your next step should be to correct the problem.

contact

Internal Revenue Service Contact Information:
(800) 829-1040
www.irs.gov

Contact the Postal Inspection Service:

If you have reason to believe an identity thief stole anything from your mailbox or that the U.S. Mail was involved in the crime in any way, report it to the nearest U.S. Postal Inspection Service. The U.S. Postal Inspection Service is the law enforcement branch of the U.S. Postal Service and handles all investigations into U.S. Mail theft and fraud.

contact

United States Postal Inspection Service
Criminal Investigations Service Center
ATTN: Mail Fraud
222 S. Riverside Plaza Suite 1250
Chicago, IL 60606-6100
(800) 372-8347
www.usps.com

Contact Passport Services:

If you believe an identity thief has used your identity to obtain a U.S. Passport in your name, report it to the United States Department of State. The threat of terrorism in America makes this a critical step. Reporting the crime will cause the passport to be rendered useless to the thief, as it will be invalidated once it has been reported as stolen, missing or fraudulent.

contact

U.S. Department of State
Passport Services
Consular Lost/Stolen Passport Section
1111 19th Street, NW, Suite 500
Washington, DC 20036
(202) 955-0430
<http://travel.state.gov/passport>

Devise a Method to Monitor Your Credit Report to Thwart Continued Identity Theft Abuses

Three major consumer reporting agencies (Equifax, Experian and TransUnion) are required to provide you with one free credit report a year. You can use this free credit report as a tool to monitor your financial well-being. To request your free credit reports, visit, call or write the Annual Credit Report Request Service.

contact

Annual Credit Report Request Service
P.O. Box 105281
Atlanta, GA 30348-5281
1-877-322-8228
www.annualcreditreport.com

Keep track of when bills, financial statements and insurance papers normally arrive at your home. If any of these documents are late, contact the sender and investigate the reason. Remember to keep up with the fraud alert you put on your credit file with the consumer reporting agencies. If you feel the need, renew the fraud alert when it expires.

The list of things an identity thief can do with your stolen identity is ever-growing. You may find there are other agencies you need to contact in order clear your name. Remain vigilant about your identity and follow up with every agency you have contacted in this Kit.

ID Theft Victims Have a Right to Apply for a Court Order Declaring that they are a True Victim of ID Theft

If you have filed an identity theft criminal complaint with a law enforcement agency or have been injured (financially or otherwise) as a result of identity theft, you have the right to apply to District Court asking for an order declaring that you are a true victim of identity theft. The Court will hold a hearing where you will have an opportunity to present your evidence. If the Court is satisfied by the weight of the evidence, the Court shall enter an order declaring you that are a true victim of identity theft. You may use that order to dispute and correct business or governmental records that contain inaccurate or false information that resulted from the identity theft. You can also use the order in a civil law suit brought by you or against you, including to have judgments that have been obtained against you set aside.

The law which gives you the right to obtain this type of order is the Texas Identity Theft Enforcement and Protection Act which became effective on September 1, 2005.

To help you in considering whether you want to file an application, we have attached the following forms and instructions:

1. An Application form;
2. Instructions for completing the Application;
3. An Exhibit form;
4. Instructions for completing the Exhibit form;
5. A proposed Order which you will present to the Judge at your hearing and which the Judge may decide to modify to reflect your specific circumstances; and
6. The section of the Texas Identity Theft Enforcement and Protection Act which allows victims to file these types of applications.

While you may prepare and file this application on your own behalf, you are encouraged to consult with an attorney to help you with this process.¹ These forms and instructions are not a substitute for legal advice – particularly if you have already been sued as a result of the identity theft.

The Office of the Attorney General has provided these forms for your convenience, however, we are prohibited, by law, from assisting you with filling them out or filing them with District Court.

¹ If you do not have an attorney, call the State Bar of Texas at 1-800-252-9690 and they will refer you to an attorney in your area.

Federal Trade Commission

Identity Theft Affidavit

Instructions for Completing the ID Theft Affidavit

To make certain that you do not become responsible for any debts incurred by an identity thief, you must prove to each of the companies where accounts were opened or used in your name that you didn't create the debt.

A group of credit grantors, consumer advocates, and attorneys at the Federal Trade Commission (FTC) developed an ID Theft Affidavit to make it easier for fraud victims to report information. While many companies accept this affidavit, others require that you submit more or different forms. Before you send the affidavit, contact each company to find out if they accept it.

It will be necessary to provide the information in this affidavit anywhere a **new** account was opened in your name. The information will enable the companies to investigate the fraud and decide the outcome of your claim. If someone made unauthorized charges to an **existing** account, call the company for instructions.

This affidavit has two parts:

- **Part One** — the ID Theft Affidavit — is where you report general information about yourself and the theft.
- **Part Two** — the Fraudulent Account Statement — is where you describe the fraudulent account(s) opened in your name. Use a separate Fraudulent Account Statement for each company you need to write to.

When you send the affidavit to the companies, attach copies (NOT originals) of any supporting documents (for example, driver's license or police report). Before submitting your affidavit, review the disputed account(s) with family members or friends who may have information about the account(s) or access to them.

Complete this affidavit as soon as possible. Many creditors ask that you send it within two weeks. Delays on your part could slow the investigation.

Be as accurate and complete as possible. You may choose not to provide some of the information requested. However, incorrect or incomplete information will slow the process of investigating your claim and absolving the debt. Print clearly.

When you have finished completing the affidavit, mail a copy to each creditor, bank, or company that provided the thief with the unauthorized credit, goods, or services you describe. Attach a copy of the Fraudulent Account Statement with information only on accounts opened at the institution to which you are sending the packet, as well as any other supporting documentation you are able to provide.

Send the appropriate documents to each company by certified mail, return receipt requested, so you can prove that it was received. The companies will review your claim and send you a written response telling you the outcome of their investigation. Keep a copy of everything you submit.

If you are unable to complete the affidavit, a legal guardian or someone with power of attorney may complete it for you. Except as noted, the information you provide will be used only by the company to process your affidavit, investigate the events you report, and help stop further fraud. If this affidavit is requested in a lawsuit, the company might have to provide it to the requesting party. Completing this affidavit does not guarantee that the identity thief will be prosecuted or that the debt will be cleared.

**DO NOT SEND AFFIDAVIT TO THE FTC OR ANY OTHER
GOVERNMENT AGENCY**

If you haven't already done so, report the fraud to the following organizations:

1. Any one of the nationwide consumer reporting companies to place a fraud alert on your credit report. Fraud alerts can help prevent an identity thief from opening any more accounts in your name. The company you call is required to contact the other two, which will place an alert on their versions of your report, too.

- **Equifax:** 1-800-525-6285; www.equifax.com
- **Experian:** 1-888-EXPERIAN (397-3742); www.experian.com
- **TransUnion:** 1-800-680-7289; www.transunion.com

In addition to placing the fraud alert, the three consumer reporting companies will send you free copies of your credit reports, and, if you ask, they will display only the last four digits of your Social Security number on your credit reports.

2. The security or fraud department of each company where you know, or believe, accounts have been tampered with or opened fraudulently. Close the accounts. Follow up in writing, and include copies (NOT originals) of supporting documents. *It's important to notify credit card companies and banks in writing.* Send your letters by certified mail, return receipt requested, so you can document what the company received and when. Keep a file of your correspondence and enclosures.

When you open new accounts, use new Personal Identification Numbers (PINs) and

passwords. Avoid using easily available information like your mother's maiden name, your birth date, the last four digits of your Social Security number or your phone number, or a series of consecutive numbers.

3. Your local police or the police in the community where the identity theft took place to file a report. Get a copy of the police report or, at the very least, the number of the report. It can help you deal with creditors who need proof of the crime. If the police are reluctant to take your report, ask to file a "Miscellaneous Incidents" report, or try another jurisdiction, like your state police. You also can check with your state Attorney General's office to find out if state law requires the police to take reports for identity theft. Check the Blue Pages of your telephone directory for the phone number or check www.naag.org for a list of state Attorneys General.

4. The Federal Trade Commission. By sharing your identity theft complaint with the FTC, you will provide important information that can help law enforcement officials across the nation track down identity thieves and stop them. The FTC also can refer victims' complaints to other government agencies and companies for further action, as well as investigate companies for violations of laws that the FTC enforces.

You can file a complaint online at www.consumer.gov/idtheft. If you don't have Internet access, call the FTC's Identity Theft Hotline, toll-free: 1-877-IDTHEFT (438-4338); TTY: 1-866-653-4261; or write: Identity Theft Clearinghouse, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

**DO NOT SEND AFFIDAVIT TO THE FTC OR ANY OTHER
GOVERNMENT AGENCY**

ID Theft Affidavit

Victim Information

(1) My full legal name is _____
(First) (Middle) (Last) (Jr., Sr., III)

(2) (If different from above) When the events described in this affidavit took place, I was known as

(First) (Middle) (Last) (Jr., Sr., III)

(3) My date of birth is _____
(day/month/year)

(4) My Social Security number is _____

(5) My driver's license or identification card state and number are _____

(6) My current address is _____

City _____ State _____ Zip Code _____

(7) I have lived at this address since _____
(month/year)

(8) (If different from above) When the events described in this affidavit took place, my address was

City _____ State _____ Zip Code _____

(9) I lived at the address in Item 8 from _____ until _____
(month/year) (month/year)

(10) My daytime telephone number is (____) _____

My evening telephone number is (____) _____

**DO NOT SEND AFFIDAVIT TO THE FTC OR ANY OTHER
GOVERNMENT AGENCY**

How the Fraud Occurred

Check all that apply for items 11 - 17:

- (11) I did not authorize anyone to use my name or personal information to seek the money, credit, loans, goods or services described in this report.
- (12) I did not receive any benefit, money, goods or services as a result of the events described in this report.
- (13) My identification documents (for example, credit cards; birth certificate; driver’s license; Social Security card; etc.) were stolen lost on or about _____
(day/month/year)
- (14) To the best of my knowledge and belief, the following person(s) used my information (for example, my name, address, date of birth, existing account numbers, Social Security number, mother’s maiden name, etc.) or identification documents to get money, credit, loans, goods or services without my knowledge or authorization:

_____	_____
Name (if known)	Name (if known)
_____	_____
Address (if known)	Address (if known)
_____	_____
Phone number(s) (if known)	Phone number(s) (if known)
_____	_____
Additional information (if known)	Additional information (if known)

- (15) I do NOT know who used my information or identification documents to get money, credit, loans, goods or services without my knowledge or authorization.

- (16) Additional comments: (For example, description of the fraud, which documents or information were used or how the identity thief gained access to your information.)

(Attach additional pages as necessary.)

DO NOT SEND AFFIDAVIT TO THE FTC OR ANY OTHER GOVERNMENT AGENCY

Victim's Law Enforcement Actions

- (17) (check one) I am am not willing to assist in the prosecution of the person(s) who committed this fraud.
- (18) (check one) I am am not authorizing the release of this information to law enforcement for the purpose of assisting them in the investigation and prosecution of the person(s) who committed this fraud.
- (19) (check all that apply) I have have not reported the events described in this affidavit to the police or other law enforcement agency. The police did did not write a report. *In the event you have contacted the police or other law enforcement agency, please complete the following:*

(Agency #1)	(Officer/Agency personnel taking report)
(Date of report)	(Report number, if any)
(Phone number)	(email address, if any)
(Agency #2)	(Officer/Agency personnel taking report)
(Date of report)	(Report number, if any)
(Phone number)	(email address, if any)

Documentation Checklist

Please indicate the supporting documentation you are able to provide to the companies you plan to notify. Attach copies (NOT originals) to the affidavit before sending it to the companies.

- (20) A copy of a valid government-issued photo-identification card (for example, your driver's license, state-issued ID card or your passport). If you are under 16 and don't have a photo-ID, you may submit a copy of your birth certificate or a copy of your official school records showing your enrollment and place of residence.
- (21) Proof of residency during the time the disputed bill occurred, the loan was made or the other event took place (for example, a rental/lease agreement in your name, a copy of a utility bill or a copy of an insurance bill).

DO NOT SEND AFFIDAVIT TO THE FTC OR ANY OTHER GOVERNMENT AGENCY

- (22) A copy of the report you filed with the police or sheriff's department. If you are unable to obtain a report or report number from the police, please indicate that in Item 19. Some companies only need the report number, not a copy of the report. You may want to check with each company.

Signature

I certify that, to the best of my knowledge and belief, all the information on and attached to this affidavit is true, correct, and complete and made in good faith. I also understand that this affidavit or the information it contains may be made available to federal, state, and/or local law enforcement agencies for such action within their jurisdiction as they deem appropriate. I understand that knowingly making any false or fraudulent statement or representation to the government may constitute a violation of 18 U.S.C. §1001 or other federal, state, or local criminal statutes, and may result in imposition of a fine or imprisonment or both.

(signature)

(date signed)

(Notary)

[Check with each company. Creditors sometimes require notarization. If they do not, please have one witness (non-relative) sign below that you completed and signed this affidavit.]

Witness:

(signature)

(printed name)

(date)

(telephone number)

**DO NOT SEND AFFIDAVIT TO THE FTC OR ANY OTHER
GOVERNMENT AGENCY**

Fraudulent Account Statement

Completing this Statement

- Make as many copies of this page as you need. **Complete a separate page for each company you're notifying and only send it to that company.** Include a copy of your signed affidavit.
- List only the account(s) you're disputing with the company receiving this form. **See the example below.**
- If a collection agency sent you a statement, letter or notice about the fraudulent account, attach a copy of that document (**NOT** the original).

I declare (check all that apply):

- As a result of the event(s) described in the ID Theft Affidavit, the following account(s) was/were opened at your company in my name without my knowledge, permission or authorization using my personal information or identifying documents:

Creditor Name/Address <i>(the company that opened the account or provided the goods or services)</i>	Account Number	Type of unauthorized credit/goods/services provided by creditor <i>(if known)</i>	Date issued or opened <i>(if known)</i>	Amount/Value provided <i>(the amount charged or the cost of the goods/services)</i>
Example Example National Bank 22 Main Street Columbus, Ohio 22722	01234567-89	auto loan	01/05/2002	\$25,500.00

- During the time of the accounts described above, I had the following account open with your company:

Billing name _____

Billing address _____

Account number _____

DO NOT SEND AFFIDAVIT TO THE FTC OR ANY OTHER
GOVERNMENT AGENCY

**Application for
Court Order**

Instructions for Preparing and Filing the Application

Before you begin to fill out the application, take time to review and copy it. Also, it will be much easier for you to fill out the application if you will first gather relevant documents such as copies of identity theft complaints that you have filed and information reflecting account numbers, transactions and events in which you were a victim of identity theft.

For your convenience, each of the following instructions corresponds to a specific section or paragraph of the application:

INSTRUCTION FOR TOP OF APPLICATION: At the top of the application, under the “IN THE MATTER OF” heading, fill in your full name since you are the identity theft victim who is filing this application. Also, fill in the name of the county where you live since that is where you will be filing this application. To file your application you will go to the office of the district clerk at your county courthouse. There the clerk will give you a “Cause number” and “Judicial district” numbers to fill in the remaining blanks.

INSTRUCTION FOR PARAGRAPH 1: Enter your full name.

INSTRUCTION FOR PARAGRAPH 2: In this paragraph you are telling the Court which *portions* of your personal information (for example, social security number or drivers license) were used without your approval. Check each and every box that applies to your circumstances.

INSTRUCTION FOR PARAGRAPH 3: In this paragraph you are providing information to the Court regarding whether you filed an identity theft complaint with a law enforcement agency and telling the Court where and when you filed such a complaint or complaints. Remember that the Judge will later have a hearing to consider your application and at that time you will need to present a copy of each such complaint to the Judge.

INSTRUCTION FOR PARAGRAPH 4: In this paragraph you are providing information to the Court regarding the status of any identity theft criminal complaints which you have filed. If you do not know what has happened as a result of your filing a complaint, you may need to contact the law enforcement agency where you filed to find out what has happened as a result of your complaint, including whether or not they have been able to identify the person or persons who used your information. Based on what they tell you, you will check **ONLY** the boxes that fit your circumstances. Also, fill in the date that law enforcement provided you with the information that you include in this paragraph.

INSTRUCTION FOR PARAGRAPH 5: At the beginning of this paragraph, enter the date that you fill out the application. In this paragraph, you are telling the court about each *type* of unauthorized transaction in which your name or other information was used without your authorization (for example, an unauthorized transaction establishing a utility account using your name). Only check those boxes which generally reflect transactions or events in which your information was used without your permission. If your

information was used in a way that is not already described, there are blank spaces provided at the end of paragraph five where you can explain what else happened to you.

INSTRUCTIONS FOR PARAGRAPHS 6, 7, 8 AND 9: Read these paragraphs carefully. They explain that this application does not include specific information (such as your account numbers) in order to protect the confidentiality of that information but that you understand that when the Court holds a hearing on your application, you will be prepared to present evidence of each of the unauthorized transactions which you listed in this application.

Because the law requires the Court to enter specific findings, for each account or transaction that you checked off in paragraph five, you will need to have the following information and related documents to present when you appear before the Court: (1) the name of the institution, merchant or business where information was used without your authorization; (2) any relevant account numbers; (3) the dollar amount of the accounts or transactions affected; (4) the date or dates that your information was used without your authorization; and (5) information you may have (if any) identifying the person or persons who used your personal identifying information.

INSTRUCTIONS FOR THE SIGNATURE BLOCK AT THE END: You must sign this application and include your printed name, complete mailing address and telephone number. Be sure to provide a correct address and telephone listing because this is how the Court's staff will contact you. Failure to accept delivery or pick up mail addressed to you is generally treated by the courts as if you in fact received that mail.

FILING YOUR APPLICATION: Once you have completed your application, review it to be sure it is accurate, sign the original and attach to it a copy (provided here) of relevant portions of the Act. Make a copy for your file. Then take your original and copy to the office of the district clerk at your county courthouse. Explain to the staff in that office that you are there to file this application. Because your application is being filed pursuant to a law which went into effect less than a year ago (on September 1, 2005), the District Clerk's office may not be familiar with this type of proceeding. You may need to show them the copy of the law which is attached to your application noting that Section 48.202(a) provides that these types of applications are to be filed in district court.

When you file your application, the clerk will keep the original and you should ask the clerk to stamp your copy as "filed." Keep that copy for your records. At the time that you file your application, you must also be prepared to pay a filing fee to the office of the district clerk.

CAUSE NO. _____

IN THE MATTER OF

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IN THE DISTRICT COURT OF

_____ COUNTY, TEXAS

_____ JUDICIAL DISTRICT

APPLICATION REQUESTING DECLARATION THAT APPLICANT IS A VICTIM OF IDENTITY THEFT

1. I, _____, the applicant, am asking the Court to enter an order under the Texas Identity Theft Enforcement and Protection Act, Section 48.202, Chapter 48, TEX. BUS & COMM. CODE (Vernon 2005) declaring that I am a victim of identity theft. The circumstances I have described below in paragraphs 2 through 5 support this Application.

2. Another person or persons used the following personal identifying information without my authority:

- my name;
- my social security number;
- my date of birth;
- my mother's maiden name;
- my government issued identification number;
- my fingerprints;
- my voice print;
- my retina or iris image;
- my unique electronic identification number, address or routing code;

- my financial institution account number or numbers;
- my telecommunications identifying information or access device.

The unauthorized use of this personal identifying information caused injury and harm to my name, reputation, rights, interests and/or property associated with my name and personal identifying information.

3. I have filed an identity theft complaint with the following law enforcement agency or agencies on the dates shown:

Law Enforcement Agency	Date
(a) _____	_____
(b) _____	_____

4. On _____, 200__, I received information from the offices of law enforcement agencies where I filed my identity theft complaint(s) and they have informed me of the following:

- They have **NOT** been able to identify any of the person or persons who used my personal identifying information. **[OR]**
- The person or persons who used my personal identifying information were identified and charged with the felony offense of “Identity Theft” pursuant to Section 32.51 of the Texas Penal Code and those charges
 - are still pending; OR
 - have resulted in a conviction; OR
 - were dismissed.

5. As of _____, 200__, I have received information regarding the following unauthorized transactions in which my name or other personal identifying information was used

without my authorization:

- Unauthorized transaction using a check to take money from my bank account(s);
- Unauthorized transaction using a debit card to take money from my bank account(s);
- Unauthorized transaction charging my credit card account(s);
- Unauthorized transaction obtaining a credit card account using my name;
- Unauthorized transaction opening a bank account using my name;
- Unauthorized transaction establishing a utility account using my name;
- Unauthorized transactions to obtain goods using my name;
- Unauthorized transactions to obtain a service using my name;
- Unauthorized transactions to obtain insurance using my name;
- Unauthorized transactions to obtain a loan or an extension of credit using my name;
- Unauthorized transactions or events obtaining or using a driver's license, passport or other identification documents using my name;
- Unauthorized transactions or events related to obtaining or using a Social Security Card using my name;
- Other unauthorized transactions: _____

_____.

6. My personal identifying information and information regarding specific accounts and transactions is not detailed in this application in order to protect the confidentiality of that information.

7. I have not been informed about any other unauthorized transactions. In the event that I receive information regarding other unauthorized transactions before the date that this Court has a hearing to consider my application, I am asking the Court to allow me to present evidence of those additional unauthorized transactions at the hearing.

8. I have been informed that the Court will give notice to me about the date and time for a hearing on my application. At that hearing, I understand that I will be required to present evidence of each of the unauthorized transactions which I have listed above.

9. I am requesting that this Court set this matter for hearing and that after giving notice of the date and time for that hearing, that the Court enter an order declaring that I am a victim of identity theft because I have been injured by violations of Section 48.101, TEX. BUS & COMM. CODE (Vernon 2005) and/or Section 32.51 TEX. PENAL CODE. For the Court's convenience, I have attached relevant portions of the Texas Identity Theft Enforcement and Protection Act to my application.

Respectfully submitted,

(signature of applicant)

(printed name of applicant)

(street or p. o. box mailing address)

(city, state and zip code)

(telephone number)

Instructions for Preparing Exhibits

The Identity Theft Enforcement and Protection Act requires the judge who holds the hearing to consider your application to make very specific findings regarding each financial account or transaction which your application states was affected by identity theft.

You can use the Exhibit form to help you prepare for the hearing and to assist the judge in understanding your facts and entering these specific findings. Thus, you should make several copies of the blank exhibit form and fill one out for every instance of identity theft you will present to the court. To assist you in preparation, attach to each exhibit, copies of any documents which you will ask the judge to review.

The judge will then be able to review each exhibit together with any documents and testimony you present regarding such exhibit and then will decide as to each exhibit whether you have been a victim of identity theft.

If the judge agrees with you that a particular exhibit and the evidence you present demonstrate that you are a true victim of identity theft with respect to the particular matter represented in the Exhibit, the judge will attach that exhibit to any final order entered by the Court.

The judge may decide to attach one, none or all of the exhibits you prepare to the final order. The judge may also elect to modify these exhibits as well as the proposed order that is part of this package to fit your specific circumstances.

As required by state law, the Order and all of the Exhibits attached by the judge will be sealed and not open to the public.

CAUSE NO. _____

IN THE MATTER OF

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IN THE DISTRICT COURT OF

_____ COUNTY, TEXAS

_____ JUDICIAL DISTRICT

EXHIBIT ___ of ___

INCORPORATED TO ORDER DECLARING APPLICANT IS VICTIM OF IDENTITY THEFT

On _____, the Court entered an Order Declaring that _____ is a victim of Identity Theft. With respect to each financial account or transaction reviewed by the Court and found to be affected by the identity theft, the Court has attached Exhibits 1 through _____ each of which includes specific findings regarding such account or transaction. Having a separate exhibit with specific findings regarding each affected account or transaction will enable the victim to utilize the Court's order to correct inaccurate or false information by furnishing a copy of the Order and a copy of a specific exhibit that relates to a specific offense to a private business or governmental entity without disclosing other confidential information related to a different transaction or account.

1. In addition to the findings in the Order Declaring a Victim of Identity Theft, the Court, with respect to account number _____ finds the following:

(A) the account was established with the following financial institution or merchant:

_____.

(B) the dates of the alleged offense and the dollar amounts of the account or transaction were:

Dates:

Dollar Amounts:

2. With respect to this account number and the offenses described above, the Court finds that as of the date of entry of this Order, there is no information identifying the violator or persons responsible for this identity theft. **[OR]**

With respect to this account number and the offenses described above, the Court finds that the following information is known identifying the violator or persons responsible for this identity theft:

3. With respect to this account number and the offenses described above, the Court finds that the following personal identifying information of the victim was utilized to commit the identity theft:

___ state drivers license # _____;

___ social security number _____;

___ birth certificate reflecting date and place of birth of victim;

___ passport number _____;

- ___ other government issued identification: _____;
- ___ mother's maiden name _____;
- ___ victim's finger prints;
- ___ victim's voice prints;
- ___ victim's retina or iris image;
- ___ victims other unique biometric data: _____;
- ___ unique electronic identification number, address or routing code: _____.

4. With respect to this account number or transaction and the offenses described above, the Court finds that the following generally described documents were utilized to commit the identity theft:

5. With respect to the identity theft described in this Exhibit ____, the Court also finds the following information which further describes the transaction affected by the offense:

6. As provided by Section 48.202(d), TEX. BUS. & COMM. CODE (Vernon 2005), this Court's order and Exhibits may be used for the purpose of submitting it to a governmental entity or private business in order to:

(A) prove that a financial transaction or account of the victim was directly affected by a violation of Chapter 48, TEX. BUS. & COMM CODE (Vernon 2005) or the commission of an offense under Section 32.51, TEX. PENAL CODE; or

(B) correct any record of the entity or business that contains inaccurate or false information as a result of the violation or offense.

It may also be used in a civil proceeding brought by or against the applicant arising or resulting from a violation of Chapter 48, TEX. BUS. & COMM. CODE (Vernon 2005), including a proceeding to set aside a judgment obtained against the victim.

7. This Exhibit is attached and incorporated for all purposes to Order Declaring Applicant is a Victim of Identity Theft which was entered this ___ day of _____, 200__.

DISTRICT JUDGE PRESIDING

CAUSE NO. _____

IN THE MATTER OF

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IN THE DISTRICT COURT OF

_____ COUNTY, TEXAS

_____ JUDICIAL DISTRICT

PROPOSED
ORDER DECLARING A VICTIM OF IDENTITY THEFT

On _____ (date), this Court held a hearing to consider the Application Requesting Declaration That Applicant Is a Victim of Identity Theft filed by _____ (hereafter "Applicant"). Notice of this hearing was provided to the Applicant who appeared and represented himself [or] was represented by his attorney of record.

FINDINGS OF THE COURT

After giving due notice of this hearing and considering the application filed in this matter together with all the evidence submitted at such hearing, the Court finds: (1) that all persons entitled to notice of this hearing were properly cited; (2) that it has jurisdiction of this matter; (3) that all legal requirements for issuing this Order Declaring that Applicant is a Victim of Identity Theft have been met; (4) that a preponderance of the evidence demonstrates that applicant has been injured by a violation of Section 48.101, Tex. Bus & Comm. Code (Vernon 2005) or is a victim of identify theft resulting from an offense under Section 32.51 of the Texas Penal Code; and (5) this Court maintains jurisdiction of this matter and at any time may vacate this order if the court finds that the application filed or any information submitted to the court by the applicant contains a fraudulent misrepresentation or a material misrepresentation of fact.

PURPOSE OF ORDER

The Court hereby enters this Order declaring Applicant has been injured by a violation or violations of Section 48.101, Tex. Bus & Comm. Code (Vernon 2005) or is a victim of identity theft from an offense or offenses under Section 32.51 of the Texas Penal Code. As provided by Section 48.202, Tex. Bus & Comm. Code (Vernon 2005) this order may be utilized by Applicant for any of the following purposes: (1) submitting a copy to a governmental entity or private business in order to correct any record of the entity or business that contains inaccurate or false information as a result of the violation or offense; (2) to prove that a financial transaction or account of the applicant was directly affected by a violation of Chapter 48, Tex. Bus & Comm. Code (Vernon 2005); (3) to prove that a financial transaction or account of the applicant was directly affected by an offense committed under Section 32.51 of the Texas Penal Code; and (4) for use in a civil proceeding brought by or against the applicant arising or resulting from a violation of Chapter 48, Tex. Bus & Comm. Code (Vernon 2005), including a proceeding to set aside a judgment obtained against the applicant.

EXHIBITS

With respect to each financial account or transaction reviewed by the Court and found to be affected by the identity theft, the Court has made specific findings which are recited in Exhibits 1 through _____. The Court hereby orders that each of those exhibits shall be attached to this order and incorporated for all purposes. Each such exhibit references a separate violation or offense and as to each such violation or offense sets forth the following information as required by Section 48.202(c), Tex. Bus. & Comm. Code (Vernon 2005): (1) any known information identifying the violator or person charged with the offense; (2) the specific personal identifying information and any related document used to commit the alleged offense; and (3) information identifying any financial account

or transaction affected by the alleged violation or offense including the name of the financial institution, any relevant account numbers, the dollar amount of the account or transaction affected by the alleged violation or offense and the date of the alleged violation.

ORDER TO BE SEALED

As required by Section 48.202(d), Tex. Bus. & Comm Code (Vernon 2005), this Order, including Exhibits 1 through ____ is sealed because of the confidential nature of the information which it includes and may be unsealed only as provided by Section 48.202(d)(1) through (4) and Section 48.202(d)(f) Tex. Bus. & Comm Code (Vernon 2005). This Order incorporates each of the attached Exhibit(s) 1 through __ in order to facilitate and enable the victim to furnish a copy of the Order and a copy of an incorporated Exhibit that identifies a separate violation or offense without disclosing confidential information that identifies another violation or offense and another governmental entity or private business in another incorporated Exhibit.

All other relief not hereby granted is denied.

Signed on _____, 200__.

DISTRICT JUDGE PRESIDING

Texas Identity Theft Enforcement & Protection Act
Texas Business & Commerce Code § 48.202
Effective: September 01, 2005

Chapter 48. Unauthorized Use of Identifying Information (Refs & Annos)

§ 48.202. Court Order to Declare Individual a Victim of Identity Theft

(a) A person who is injured by a violation of Section 48.101 or who has filed a criminal complaint alleging commission of an offense under Section 32.51, Penal Code, may file an application with a district court for the issuance of a court order declaring that the person is a victim of identity theft. A person may file an application under this section regardless of whether the person is able to identify each person who allegedly transferred or used the person's identifying information in an unlawful manner.

(b) A person is presumed to be a victim of identity theft under this section if the person charged with an offense under Section 32.51, Penal Code, is convicted of the offense.

(c) After notice and hearing, if the court is satisfied by a preponderance of the evidence that the applicant has been injured by a violation of Section 48.101 or is the victim of an offense under Section 32.51, Penal Code, the court shall enter an order containing:

(1) a declaration that the person filing the application is a victim of identity theft resulting from a violation of Section 48.101 or an offense under Section 32.51, Penal Code, as appropriate;

(2) any known information identifying the violator or person charged with the offense;

(3) the specific personal identifying information and any related document used to commit the alleged violation or offense; and

(4) information identifying any financial account or transaction affected by the alleged violation or offense, including:

(A) the name of the financial institution in which the account is established or of the merchant involved in the transaction, as appropriate;

(B) any relevant account numbers;

(C) the dollar amount of the account or transaction affected by the alleged violation or offense; and

(D) the date of the alleged violation or offense.

(d) An order rendered under this section must be sealed because of the confidential nature of the information required to be included in the order. The order may be opened and the order or a copy of the order may be released only:

(1) to the proper officials in a civil proceeding brought by or against the victim arising or resulting from a violation of this chapter, including a proceeding to set aside a judgment obtained against the victim;

(2) to the victim for the purpose of submitting the copy of the order to a governmental entity or private business to:

(A) prove that a financial transaction or account of the victim was directly affected by a violation of this chapter or the commission of an offense under Section 32.51, Penal Code; or

(B) correct any record of the entity or business that contains inaccurate or false information as a result of the violation or offense;

(3) on order of the judge; or

(4) as otherwise required or provided by law.

(e) A court at any time may vacate an order issued under this section if the court finds that the application or any information submitted to the court by the applicant contains a fraudulent misrepresentation or a material misrepresentation of fact.

(f) A copy of an order provided to a person under Subsection (d)(1) must remain sealed throughout and after the civil proceeding. Information contained in a copy of an order provided to a governmental entity or business under Subsection (d)(2) is confidential and may not be released to another person except as otherwise required or provided by law.