

COERCED DEBT TOOLKIT

Addressing Identity
Theft for Survivors of
Financial Abuse



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GUIDE 1: **UNDERSTAND**

Learn about coerced debt and how it can affect you.

If you are in an abusive relationship and are worried about your safety, contact the National Domestic Violence Hotline by phone at 1-800-799-7233. Chat with them live through their website at <https://www.thehotline.org/>.

GUIDE 1: UNDERSTAND

WHAT IS COERCED DEBT?

Coerced debt is debt that an **abusive partner** has taken out in your name either:

- Without your knowledge, or
- Because your abusive partner used threats or force to make you to take out the debt.

Coerced debt exists where there is domestic abuse. **Domestic abuse** can be physical, emotional, or financial. Coerced debt is one type of **financial abuse**. Abusers use coerced debt to control their victims.

Coerced debt is very common, but it is not talked about a lot. If you have coerced debt, you are not alone. There are ways you can challenge coerced debts so that they don't hurt your credit.

Coerced debt can be:

1. A **fraudulent account**, such as a credit card or a loan, that is opened by an abuser or opened because of force or threats from an abuser. Some examples of this would be if an abuser took out a new loan by forging his partner's signature or if an abuser forced a partner to take out a loan under threat or fear of harm.
2. A **fraudulent charge** that was added to an existing credit account by an abuser or because of force or threats from an abuser. In this case, the account might have been legitimately opened by the victim of coerced debt. A specific charge or purchase may be considered coerced debt. An example of this would be if an abuser made purchases using a partner's credit card.

HOW DOMESTIC ABUSE, FINANCIAL ABUSE, AND COERCED DEBT ARE RELATED



Coerced debt is a form of **identity theft**. **As long as you didn't benefit from the debts by using the money or items purchased, you may be able to challenge the coerced debt.**



If my abuser forced me to take out a car loan and then I used the car, am I considered a victim of coerced debt?

If you benefitted from the debt by using the car willingly, it will be challenging for you to claim identity theft protections. Talk to an attorney if you have a similar situation (see the **List of Domestic Abuse and Legal Resources** for a list of free and low-cost attorneys).

While physical safety is essential, your economic safety is important, too. Economic factors are often a reason why it is difficult to leave an abusive relationship.

For more on the topic of coerced debt, read Texas Appleseed's report [Abuse by Credit: The Problem of Coerced Debt in Texas](#).

[<http://stories.texasappleseed.org/abuse-by-credit-the-problem-of-coerced-debt-in-texas->]



I am not in a relationship where there is domestic abuse. Could I still be a victim of coerced debt?

Yes. Coerced debt can exist outside of a domestic abuse relationship. For example, elderly people or people with disabilities who are victims of financial abuse may have coerced debts.

If you are in an intimate relationship with someone who financially abuses you, but there is no other physical or emotional abuse, you could still be considered a victim of coerced debt.

Just like with victims of domestic abuse, other victims of abuse have tools to challenge debts that were taken out through fraud, threat, or force. If you are in this situation, resources in the guides of this toolkit could help. You may also want to reach out to an attorney for legal help. Go to **List of Domestic Abuse and Legal Resources** for a list of free and low-cost legal help.

HOW DO I KNOW IF I COULD BE A VICTIM OF COERCED DEBT?

People with coerced debt generally experience or have survived domestic abuse and have also been financially abused. You might have coerced debt if you answer “yes” to any of the following questions:

1. Has an intimate partner ever pressured you to borrow money or buy something on credit when you didn't want to?

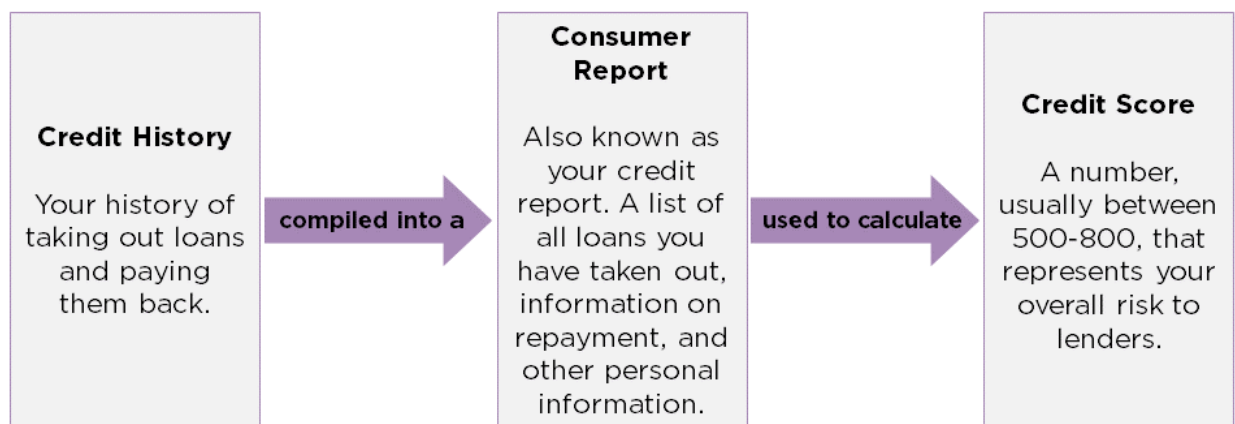
2. Did someone ever threaten to harm—or actually harm—you or your children if you didn't agree to take out a loan for something or buy something on credit when you didn't want to?
3. Have you ever found out about debt or bills that an intimate partner put in your name without you knowing?
4. Has an intimate partner ever kept financial information from you?
5. Have you ever stayed longer than you wanted in a relationship with someone who was controlling because of concerns about supporting yourself or your children?
6. Did an intimate partner ever convince you to put household bills in your name?

WHY IS IT IMPORTANT TO KNOW IF I AM A VICTIM OF COERCED DEBT?

Your **consumer report**—commonly known as a **credit report**—includes your history of taking out loans and paying them back on time. Your credit report can matter for getting jobs and housing. It also makes a big difference when you want to take out a loan. It determines how much the loan will cost you.

Coerced debt frequently hurts a victim's credit and can result in negative information on that person's credit report. This negative information can prevent that person from being financially stable.

HOW YOUR CREDIT HISTORY, CONSUMER REPORT, AND CREDIT SCORE ARE RELATED



I THINK I MIGHT HAVE COERCED DEBT. WHAT CAN I DO?

If you have coerced debt, there are steps you can take. You might be able to have the coerced debt blocked, or hidden, from your credit report. You might be able to remove your responsibility to pay the debts altogether. The other guides in this toolkit will walk you through the steps to:

- **Protect** yourself from coerced debt,
- **Discover** if you have coerced debt,
- **Dispute** coerced debt, and
- **Defend** yourself if you have been sued for a coerced debt.



If you have coerced debt, you should avoid the following:

- **DO NOT USE DEBT MANAGEMENT PROGRAMS.** Some businesses will advertise and say that they can help out people with debt. They say that they are “debt cancellation programs” or that they can clean or repair your credit. Do not use these services. These businesses will often charge you money to take steps that you can do for free.
- **AVOID TAKING OUT NEW LOANS THAT CONSOLIDATE OR REFINANCE COERCED DEBTS.** Once you take out a new loan, you will likely lose identity theft protections that may have applied to the original loan.
- **AVOID TAKING OUT HIGH INTEREST CREDIT.** Don’t take out other loans, like payday loans, in order to make a payment for a coerced debt.
- **DON’T FILE FOR BANKRUPTCY RIGHT AWAY.** Be sure you understand your rights and options as a victim of coerced debt. If you are thinking about filing for bankruptcy, make sure you talk with an attorney and fully explain that your debt is coerced and that you have special protections.



GUIDE 2: **PROTECT**

Learn how to protect yourself from future financial abuse.

If you are in an abusive relationship and are worried about your safety, contact the National Domestic Violence Hotline by phone at 1-800-799-7233. Chat with them live through their website at <https://www.thehotline.org/>.

GUIDE 2: PROTECT

I AM WORRIED AN ABUSIVE PARTNER MIGHT TAKE OUT DEBT IN MY NAME.

STEP 1: ENSURE YOUR IMMEDIATE SAFETY.

Call the [National Domestic Violence Hotline](https://www.thehotline.org/) at 1-800-799-7233 to get information on nearby shelters and safety planning resources. [<https://www.thehotline.org/>]

Abusers sometimes retaliate when a survivor of domestic abuse takes steps to be financially independent and secure.

STEP 2: CHANGE ALL YOUR ONLINE ACCOUNT INFORMATION.

If it is safe to do so, protect yourself from coerced debt by making sure that you are the only person who can access your accounts.

Contact your bank by phone or in person. Ask to:

- Have your bank place additional security questions or protections on your existing accounts, to make it harder for the accounts to be accessed;
- Remove your abuser as an **authorized user** from your accounts.

You also may want to consider closing existing bank accounts and opening new ones that your abuser cannot access. Make sure you change direct deposits and automatic withdrawals related to old accounts at the same time you open a new account.

If you have **joint accounts** with your abuser, you won't be able to easily remove your abuser's access to the account. You might be able to close a joint checking account without the approval of the other joint account holder. If you have a joint checking account with an abusive partner, you might want to consider removing your money from that account. **Only do this after first thinking through your safety plan.**



Take Note!

Removing money from a joint account could result in an overdraft on your account, if there are outstanding checks or other debits that are later presented for payment. This could result in a negative report to one of the specialized reporting agencies used by banks, such as ChexSystems. Talk to your bank and explain your situation to see if there are additional steps you can take avoid negative reports.

Change the login information and passwords on all the following types of accounts:

- Bank accounts
- Credit cards (including PINs)
- Cell phones
- Email accounts
- Online shopping (such as Amazon)
- Online media passwords (such as Netflix and Hulu)
- Social media accounts (such as Facebook and Twitter)
- Medical accounts and online portals
- Tax sites (such as TurboTax)

When you change your password, make sure that your new password cannot be guessed by someone who knows you. Make sure that your new password is connected to your new email address and phone number. The password should not relate to personal information about yourself. Do not re-use your old password and only change the number at the end. If possible, use a combination of randomly generated words and numbers.



Password Security

Your abuser might know—or be able to guess—your online passwords. Your abuser might also know other personal identifying information like your social security number, your mother’s maiden name, and the answers to your security questions. Choose new logins, passwords, and security questions that are not easy for your abuser to figure out.

If you have a safe place, keep passwords written down and in a secure location along with other important documents. You can use a lock box or you can keep it with a



Online Password Managers

There are many online password managers that you can use. The way they work is that the password manager software remembers strong, unique passwords for every website you visit. You just need to remember the one password that allows you to access the online password manager. Free versions of these services may be available. Some may charge a fee, with the cost ranging in price from \$14.99 to \$59.99.

Some of the password managers that are available include:

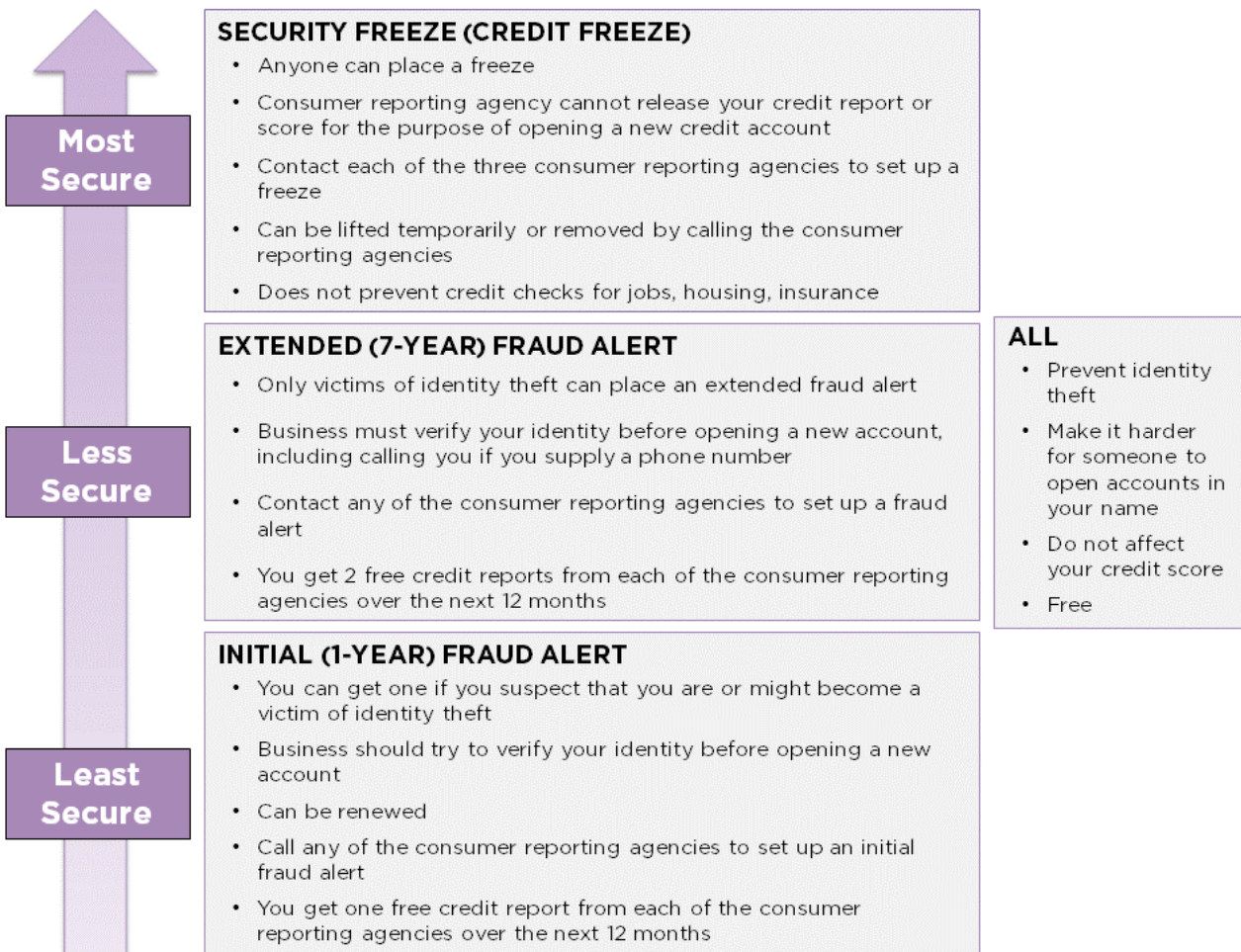
- LastPass,
- Keeper,
- Dashlane, and
- Sticky Password.

family member that you trust. Or, use a password management software program that requires only one master password to access. Keep that master password written down and in a secure location.

STEP 3: PUT A CREDIT FREEZE OR FRAUD ALERT IN PLACE.

A security freeze, commonly known as a **credit freeze**, and **fraud alert** are both ways to prevent identity theft. There is no charge for these protections. Putting a credit freeze or fraud alert in place with the three major credit reporting agencies—Equifax, Experian, and TransUnion—makes it harder for someone to open new accounts in your name.

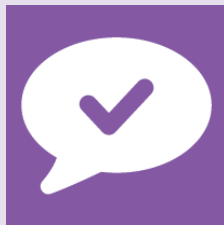
WAYS YOU CAN PROTECT YOUR CREDIT



For your safety, it is important to know that when you share your address with the consumer reporting agency to establish a security freeze or fraud alert, it will become part of your file and may appear on your credit report. Consider whether or not to disclose a safe address, because an abuser **may try to access your credit report and see what addresses are included.** You may want to consider using a P.O. Box address or the address of a trusted relative or friend. Keep in mind that since this address will become permanently part of your credit file, future creditors or potential creditors may attempt to contact you at whatever address you use.

Most Secure: Credit Freezes

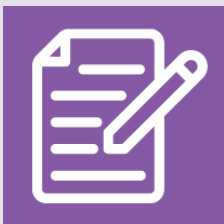
A credit freeze, or security freeze, completely locks down your credit. It restricts access to your credit reports. This means that no new credit accounts can be opened in your name while the freeze is in place, unless you give explicit permission. If your abuser keeps opening up new credit accounts in your name, a freeze is the best way to stop them.



Tip: A credit freeze does not prevent credit checks for the purposes of employment, housing, and insurance-related reasons.

There are three ways you can get a credit freeze. You can:

1. **Call** each of the three **nationwide consumer reporting agencies**. They will ask for some personal information like your name, address, social security number, and date of birth in order to put the freeze in place.
2. **Write** each of the three nationwide consumer reporting agencies a letter requesting the credit freeze. Send the letter certified mail, return receipt requested. Keep a copy of the letter for your records.
3. **Fill out** the online form that each nationwide consumer reporting agency has on its website. Save a copy of the form for your records.



Consumer Reporting Agency Contact Information

Experian

www.Experian.com/help

888-EXPERIAN (888-397-3742)

Experian Security Freeze
P.O. Box 9554
Allen, TX 75013

TransUnion

www.TransUnion.com/credit-help

888-909-8872

TransUnion
P.O. Box 160
Woodlyn, PA 19094

Equifax

www.Equifax.com/personal/credit-report-services

800-685-1111

Equifax Information Services LLC
P.O. Box 105788
Atlanta, GA 30348-5788

We recommend that you write or fill out the online form so that you have proof that you requested the freeze.

The box below has the contact information for the three nationwide consumer reporting agencies.

If you call, the agency must lift the freeze within one hour. You can also temporarily lift the freeze for a specific creditor if you are applying for credit. A credit freeze does not prevent credit checks for jobs, housing or insurance.

After you get the credit freeze, you will get a PIN or password from each agency. Write it down and keep it in a safe place. You must have it in order to lift your credit freeze in the future. If you lose your PIN, you can request a new one. You will need to contact each consumer reporting agency directly, and you will need to provide proof of your identity in order to get a new PIN.

A credit freeze is a stronger protection than fraud alerts. It prevents an abuser from opening new credit accounts in your name. You can still apply for credit by

temporarily lifting the freeze. **For these reasons, we strongly recommend that you put a credit freeze in place for yourself and your children, if you have any.**



How can I protect my children from financial abuse?

Abusers sometimes harm the credit of their partners' children. For example, a parent can take out credit cards using the social security number of a child. If you have children and are worried about their economic safety, here are some steps you can take:

1. Place a credit freeze for your children, and
2. Keep their social security numbers and other personal identifying information secure.

In order to place a credit freeze for a child, a parent needs to provide written proof (such as a birth certificate) that the parent has authority to act on behalf of the child. A parent is able to place a credit freeze for a child without the other parent's involvement. Go to the websites of the consumer reporting agencies to find the "Minor Freeze Request Form" that a parent needs to freeze a child's credit.

Less Secure: Extended Fraud Alerts

When you have an **extended fraud alert** on your report, a business must take reasonable steps to verify your identity before a new account is opened in your name. For example, if you have an extended fraud alert and someone tries to open a new credit card in your name, the credit card company would first have to try to contact you to confirm that you in fact do want to open a new line of credit. When you request the extended fraud alert, you need to make sure to give the consumer reporting agency the contact information that should be used.

An extended fraud alert lasts for seven years. You need to be a victim of identity theft in order to place an extended fraud alert.

There are three ways you can get an extended fraud alert. You can:

1. **Call** each of the three nationwide consumer reporting agencies.
2. **Write** each of them a letter requesting the extended fraud alert. Send the letter certified mail, return receipt requested. Keep a copy of the letter for your records.
3. **Fill out** the online form that each nationwide consumer reporting agency has on its website. Save a copy of the form for your records.

Once you tell one consumer reporting agency that you want the extended fraud alert, that agency must inform the other two agencies. However, we advise that you contact all three individually so that you make sure the alert is put in place. In addition to contacting each agency directly, we recommend that you write or fill out the form so that you have proof that you requested the extended fraud alert.

You will need to provide your identity theft report—either a police report or the Identity Theft Affidavit—to get the extended fraud alert. **Guide 4** has details on how to get that report.

You will get a letter from each consumer reporting agency confirming that the extended fraud alert has been put in place. Keep this letter for your records.

When you place an extended fraud alert, you will be able to request two free copies of your credit reports from each consumer reporting agency over the next 12 months. This is in addition to the one free copy that everyone gets once every 12 months.

One major downside of an extended fraud alert is that if a person knows your personal identifying information, that person might still be able to take out debt in your name. So even if you have the extended fraud alert in place, if your abuser knows personal identifying details about you, that person could still rack up debt in your name.

Least Secure: Initial Fraud Alerts

You can place an initial fraud alert if you suspect you are, or might become, a victim of identity theft. The initial fraud alert lasts for one year. You can renew the initial fraud alert at the end of the year. The fraud alert notifies potential creditors that you may be the victim of fraud and that they should take steps to verify your identity. However, a fraud alert is not foolproof. Creditors have been known to extend credit to thieves even when there is a fraud alert on the consumer's credit report.

There are three ways you can get an initial fraud alert. You can:

1. **Call** each of the three nationwide consumer reporting agencies.
2. **Write** each of them a letter requesting the initial fraud alert. Send the letter certified mail, return receipt requested. Keep a copy of the letter for your records.
3. **Fill out** the online form that each nationwide consumer reporting agency has on its website. Save a copy of the form for your records.

Once you tell one consumer reporting agency that you want the initial fraud alert, that agency must inform the other two agencies. However, we advise that you contact all three individually so that you make sure the alert is put in place. In addition to contacting each agency directly, we recommend that you write or fill out the form so that you have proof that you requested the initial fraud alert.

When you place an initial fraud alert, you get one free copy of your credit report from each consumer reporting agency. This is in addition to the one free copy that everyone gets once every 12 months.

STEP 4: COLLECT YOUR PERSONAL IDENTIFYING DOCUMENTS.

Having easy access to these documents will be important if you decide to leave your abuser. If it is safe to do so, collect the following documents together into one secure location:

- Social security card
- Birth certificate
- Auto titles
- Mortgage agreements
- Student loan promissory notes
- Graduation certificates
- Transcripts
- Health insurance cards and documents
- Signed leases
- Receipts for major purchases
- Court and legal documents
- Bank account information
- Passports
- Blank checks
- Other loan paperwork or information

If you have children, you will want to collect their personal identifying documents as well.

STEP 5: FILE FOR A PROTECTIVE ORDER WITH PROVISIONS TO ENSURE YOUR ECONOMIC SECURITY.

A **protective order** is a court order obtained by the victim of domestic abuse against the person who has committed domestic abuse. If someone violates the protective order, that person can face criminal charges.

While you can file a protective order by yourself, or **pro se**, we advise you get a lawyer to help. Our **List of Domestic Abuse and Legal Resources** has a list of free and low-cost legal services. Typically, your local prosecutor's office—most often the County Attorney's Office—can help you get a protective order for free.

You can ask for terms to be put in the protective order that help your economic security. If you have coerced debt, you should tell the attorney or prosecutor who is handling your protective order that you would like to include economic provisions in the protective order.

There are many different types of economic provisions that can be included in protective orders.

The kinds of relief that you can request in protective orders related to your economic stability include:

- Stopping the abuser from getting rid of property that you both own;
- Allowing you to use property that is joint or community property (for example, allowing you to use the car even if you both own it);
- Requiring payment for medical costs resulting from the abuse;
- Requiring the abuser to pay your mortgage or rent;
- Requiring that the abuser leave the residence;
- Allowing you to safely remove personal belonging from a shared residence;
- Requiring the abuser to continue paying expenses, such as health insurance payments;
- Requiring the abuser to pay temporary child support or spousal support;
- Requiring the abuser to return your identifying documents, such as birth certificates and social security cards;
- Requiring the abuser to not take out any new debt for accounts that are in your name, or opening any new accounts in your name.

Remember that a protective order can only be enforced against the abuser, not banks or creditors. A bank or creditor may still try to collect from you if the abuser does not comply with the order. If this is happening to you, consider speaking with an attorney. Also, see **Guide 4**, which offers information on how to dispute a debt that is not yours.



Filing a Protective Order

For general resources about protective orders, [Texas Law Help](https://texaslawhelp.org/form/protective-order-kit-forms-and-instructions) and the [National Network to End Domestic Violence](https://www.womenslaw.org/laws/tx/restraining-orders/family-violence-protective-orders/who-can-get-protective-order) have lots of useful information. [<https://texaslawhelp.org/form/protective-order-kit-forms-and-instructions>] and [<https://www.womenslaw.org/laws/tx/restraining-orders/family-violence-protective-orders/who-can-get-protective-order>]

For more information on protective orders that have terms to protect your economic safety, see the Center for Survivor Agency and Justice's article [The Civil Protection Order as a Tool for Economic Justice](https://csaj.org/library/view/the-civil-protection-order-as-a-tool-for-economic-justice). [<https://csaj.org/library/view/the-civil-protection-order-as-a-tool-for-economic-justice>]



GUIDE 3: **DISCOVER**

Discover if you have coerced debt.

If you are in an abusive relationship and are worried about your safety, contact the National Domestic Violence Hotline by phone at 1-800-799-7233. Chat with them live through their website at <https://www.thehotline.org/>.

GUIDE 3: DISCOVER

I SUSPECT THAT MY ABUSIVE PARTNER TOOK OUT DEBT OR OPENED ACCOUNTS IN MY NAME.

STEP 1: REQUEST YOUR CREDIT REPORTS.

You have a legal right to get your credit report for free once every 12 months from each of the three **nationwide consumer reporting agencies** (Equifax, TransUnion, and Experian). If you already requested your credit reports within the past 12 months, you will have to pay a fee (no more than \$12.50 per report) to get the reports again.

For your safety, it is important to know that when you share your address with the consumer reporting agency to get a credit report, it will become part of your file and may appear on your credit report. Consider whether or not to disclose a safe address, because an abuser **may try to access your credit report and see what addresses are included.** You may want to consider using a P.O. Box address or the address of a trusted relative or friend. Keep in mind that since this address will become permanently part of your credit file, future creditors or potential creditors may attempt to contact you at whatever address you use.

If you are worried that someone else is accessing your current address through your consumer report, please ask for help from the National Domestic Violence hotline or a local domestic violence advocate.



Tip: Getting Copies of Your Credit Reports if You Are a Victim of Identity Theft

If you are a victim of identity theft, you will be able to get additional free copies of your credit reports from the three nationwide credit reporting agencies.

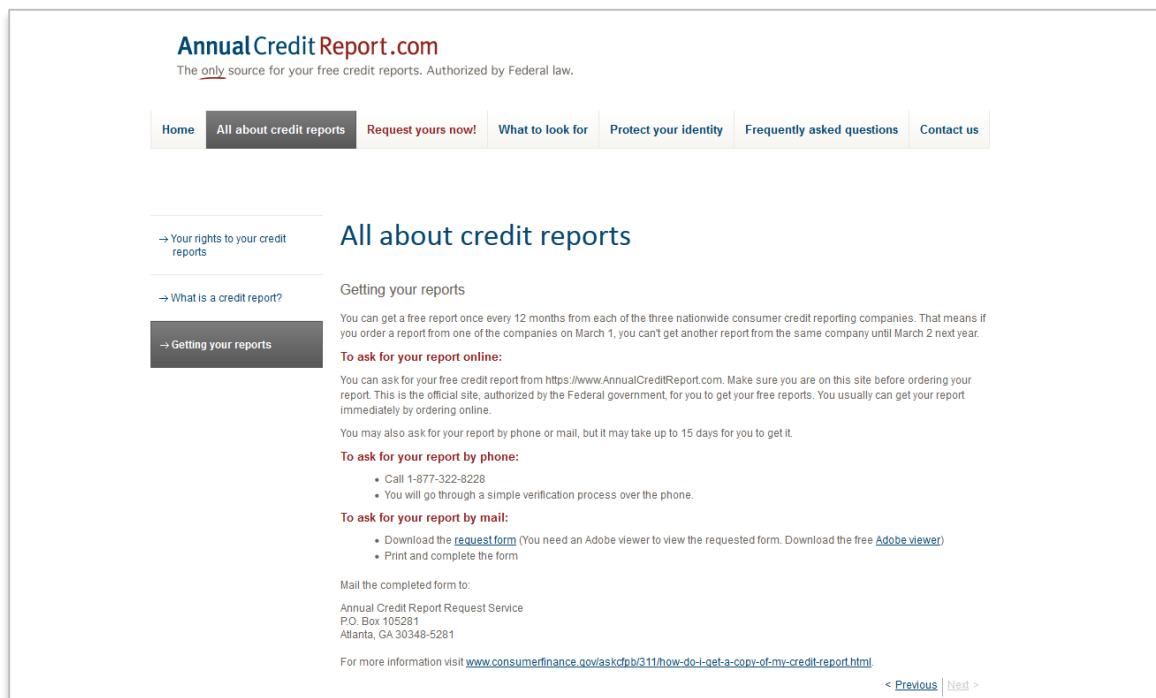
If you place an initial fraud alert, you get one additional free copy over the next 12 months. For an extended fraud alert, you get two free copies over the next 12 months. See **Guide 2** for details on placing a fraud alert.

The three nationwide consumer reporting agencies are Experian, Equifax, and TransUnion. They are companies that collect information about your credit history that businesses, including lenders, employers, or landlords, can use. For example, lenders decide if they want to lend you money by looking at the information collected by consumer reporting agencies. Lenders also use this information to decide what interest rate to charge you.

You should ask for a copy of your credit report from EACH of the three nationwide consumer reporting agencies. It is important to review all three reports because Equifax might list information that Experian does not, or vice versa. Or, the information about a debt on TransUnion might be incorrect, while Experian's information may be correct. You want to know what information all three reports contain.

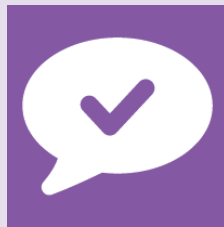
To access your credit reports online:

- Go to www.Annualcreditreport.com. Make sure you type in the correct web address. This is the only site that **federal law** says must give you your credit reports for free once a year. Other sites with similar names will make you pay for access to your reports. Other sites (like Credit Karma) will send you unnecessary credit card offers when you check your credit with them. Just use www.Annualcreditreport.com.
- This is what the website for www.Annualcreditreport.com looks like:



The screenshot shows the homepage of AnnualCreditReport.com. The header includes the site name and the tagline "The only source for your free credit reports. Authorized by Federal law." Below the header is a navigation menu with options: Home, All about credit reports (highlighted), Request yours now!, What to look for, Protect your identity, Frequently asked questions, and Contact us. The main content area is titled "All about credit reports" and is divided into sections: "Your rights to your credit reports", "What is a credit report?", and "Getting your reports" (highlighted). The "Getting your reports" section explains that users can get a free report every 12 months from each of the three nationwide consumer credit reporting companies. It provides instructions on how to get a report online, by phone, or by mail. The "To ask for your report online:" section states that users can get a free credit report from https://www.AnnualCreditReport.com. The "To ask for your report by phone:" section lists the phone number 1-877-322-8228 and notes that a simple verification process is required. The "To ask for your report by mail:" section instructs users to download the request form, print it, and mail it to the Annual Credit Report Request Service at P.O. Box 105281, Atlanta, GA 30348-5281. A footer link provides more information: www.consumerfinance.gov/askcfrpb/311/how-do-i-get-a-copy-of-my-credit-report.html. Navigation arrows for "Previous" and "Next" are visible at the bottom right.

- You will need to correctly answer some security questions. These questions might ask you to recall information such as the name of a lender, the date an account was opened, the monthly payment amount on an account, or a previous address used to receive mail. The security questions are different every time you request your credit reports. “None of the above” can be the right answer choice. There also might be a question that does not make sense because it references people or places you don’t know. “No” or “I don’t know” can be the right answer choice.
- Make sure you click the box that says that you want to request a report from Experian, Equifax, and TransUnion. You will get a separate report from each of these consumer reporting agencies.



TIP: You will have to request each report one by one. Do not exit out of AnnualCreditReport.com until you have successfully gotten all three reports. The website where you’ll request all three reports is shown below.

The screenshot shows the AnnualCreditReport.com website. At the top, there is a navigation bar with links for AnnualCreditReport.com, Frequently Asked Questions, Contact Us, About Us, and Fraud Alert. Below the navigation bar, the text reads: "Please select one or more of the following nationwide consumer credit reporting companies to request your free credit report." There are three checkboxes with corresponding logos: Equifax, TransUnion, and Experian. Below the checkboxes, there are two buttons: "NEXT" and "CANCEL". The "NEXT" button is highlighted. At the bottom of the page, there is a copyright notice: "© 2013 Central Source LLC" and links for Privacy Policy, Site Use, and Security Policy.

- Your credit report will open in your internet browser. You can print out the screen. With TransUnion and Equifax, you can also get a PDF copy that you can download and save to your computer. Try to have a copy saved to your personal computer or printed out for your records. If you are using a public computer, make sure your credit reports are not saved to the computer.



What if I'm not able to use the internet to request my credit reports? And what if I don't know the answers to the security questions?

You might not be able to answer the security questions. That's okay. If you can't answer the security questions online, or if you don't have access to the internet, you can download the [request form](#) (in Forms and Sample Letters) and mail it in.

Your credit report will then be mailed to you within two weeks. You may have to request several times if the identity documents you send to the consumer reporting agencies are not sufficient. You can also call 1-877-322-8228 to get your credit report.

STEP 2: REVIEW YOUR CREDIT REPORTS.

Once you have gotten your credit reports from Experian, Equifax, and TransUnion, you will need to check them for any information you do not recognize or may not be true. Each of the three nationwide consumer reporting agencies uses a slightly different format of presenting the information about your credit history.

The credit reports contain a lot of personal information. They include the names that you use, past addresses, social security numbers, phone numbers, and employment history. Credit reports also have information about the different credit accounts you have open and your payment history on those accounts. Make sure all the information is correct. If anything looks incorrect or suspicious, make note of it.

Did you find coerced debt—debts from your abuser incurred through force, threat or fraud, where you received no benefit? Your next step might be to dispute that debt.

Guide 4 will explain how to do that.



What if I get a bill for an account I don't recognize?

If you get a bill in your name and you do not recognize it, you will first want to find out if the account or debt is legitimate. You can do this by calling the number that is provided on the bill and requesting that they verify the details.

If the account is not bogus, but you confirmed that you did not open up the account, you will want to take steps to dispute it so that it does not negatively impact your credit report and so you are not responsible for paying it.

If the account is a credit account or an account that is already in collections, you'll want to check your credit reports (see **Step 1**, above) and then dispute (see **Guide 4**) with the consumer reporting agencies and the original creditor or **furnisher**.

If the bill is delinquent or in collections, it will show up on your credit report. If the bill is a utility, telephone, or cable bill, and the bill is current or in good standing, it is unlikely that it will show up on your credit report. In that case, you can dispute the debt, following the steps in **Guide 4**.

I WAS DENIED CREDIT, HOUSING, OR A JOB BASED ON MY CREDIT HISTORY.

Your credit report can result in your being denied a house, a job, or a loan. It can also mean that you must pay a high utility deposit when you sign up for utilities. And it can mean that if you are able to take out a loan, you will be charged more for the loan at a higher interest rate.

STEP 1: FIGURE OUT WHICH CONSUMER REPORTING AGENCIES TO CONTACT.

If you have been negatively impacted because of your credit, your first step is to determine which consumer reporting agency was used by the business or organization that performed a credit check. The consumer reporting agency might be a **specialty consumer reporting agency** rather than one of the three nationwide consumer reporting agencies. **The lender, landlord, or employer who ran the credit check must give you a notice telling you which company was used for the credit check. If they do not give you this information, ask for this notice, which they are legally required to provide. The notice can be oral or in writing.**



QUESTION: What's the difference between the nationwide consumer reporting agencies and a specialty consumer reporting agency?

There are three major nationwide consumer reporting agencies (Experian, Equifax, and TransUnion), that compile credit reports. These are called the “big three” or the nationwide consumer reporting agencies. However, there are many other specialty consumer reporting agencies that provide information on you for a specific purpose, such as employment, housing, insurance, or even for opening a bank account. These are called specialty consumer reporting agencies. If you have been denied based on a report from a specialty agency, you have a right to a free copy of your report as well as other information detailed in **Step 2**, below.

STEP 2: REQUEST YOUR CREDIT REPORT FROM THE CONSUMER REPORTING AGENCY THAT PREPARED IT.

Like your credit reports from the three nationwide consumer reporting agencies, your reports from specialty consumer reporting agencies also contain personal information, like names that you use for transactions, past addresses, social security

numbers, phone numbers, and employment history. They also have other information depending on the type of report. For example:

- [Employers may use reports](#) from criminal background check agencies to review job applicants or current employees;
- Landlords may use reports from a tenant screening agency to review applicants for rental housing; and
- Banks may use reports from specialty agencies such as ChexSystems or Early Warning Services to decide whether to open a bank account.

If your application for housing, employment, a bank account, insurance, or credit was denied because of information in a consumer report, the landlord, employer, bank, insurer, or creditor must tell you that you were denied because of information in your report, give you the name of the reporting agency used, and give you information about how to get a copy of that report. This is known as an **adverse action notice**. You can then request a free copy of that report from the consumer reporting agency if you request it within 60 days.

In addition to the free report you can get within 60 days, under the Fair Credit Reporting Act, you may be able to obtain one free copy of your report from a specialty consumer reporting agency every 12 months. To request your report from one of the specialty consumer reporting agencies, look at the Consumer Financial Protection Bureau's [List of Consumer Reporting Companies](https://www.consumerfinance.gov/consumer-tools/credit-reports-and-scores/consumer-reporting-companies/companies-list/) at <https://www.consumerfinance.gov/consumer-tools/credit-reports-and-scores/consumer-reporting-companies/companies-list/>.

This list includes the phone numbers and addresses for each specialty consumer reporting agency. You will need to contact the agency directly to request a copy of your credit report from them. They are required to provide access to a toll-free telephone number.

The easiest way to use this list is to type the name of the specialty consumer reporting agency into the box half-way down the page. After you click the “Apply Filter” button, scroll to the bottom of the page to see your search results. **Click on the name of the consumer reporting agency for more information.**

When you receive your report, make sure all the information is correct. If anything looks false or suspicious, make note of it. If you dispute information that is in the report, the specialty consumer reporting agency must then investigate the dispute and correct any inaccuracies it discovers.

What next step you take will depend on what type of information is listed on your specialty consumer report. See **Guide 4** for an overview of disputing different kinds of coerced debt.

A DEBT COLLECTOR CALLED OR CONTACTED ME ABOUT A DEBT THAT I DIDN'T TAKE OUT.

STEP 1: MAKE SURE THE DEBT IS REAL.

If you get a call from a **debt collector**, first make sure the debt is real. When you are contacted, find out the following:

- Who you are talking to, including the debt collector's name, address, and phone number;
- The amount of the debt, including any fees such as interest or collection fees;
- What the debt is for and when the debt was taken out;
- The name of the original creditor; and
- How you can dispute the debt or make sure it is yours.

You can insist that they contact you in writing if they call first.

By law, debt collectors must send you a written **validation notice** within five days from when they first contact you.

The validation notice will say:

- How much you owe,
- Who you owe it to,
- That you have the right to dispute the debt, and
- That you can request verification of the debt (more on this in **Step 2**, below).

If they won't tell you how much is owed, or if they say you have to go to court to learn more, or if they won't send you a validation notice, those are all red flags. **Do not give them any information over the phone, not even your address or email, because it could be a scam. If the debt is legitimate, the debt collectors should already have your address on file.**

If they do not give you a validation notice, ask for it! You have 30 days from the date of the validation notice to send a request for verification about the debt. This means you are wanting more information about the debt, like when the account was opened, what charges were made, how the interest was calculated, etc. If you send

the request after the 30-day period, the debt collector does not have to provide you this information, though they often will.

You should also dispute the debt if you are sure it is not yours. Even if it has been more than 30 days since you received the validation notice, you should still send a dispute letter if the debt is not yours. For more information about how to dispute a debt, see **Step 2** below and see **Guide 4**.

Debt collectors in Texas must register with the state. You can check to see if the debt collector who contacted you is legitimate and registered by searching the secretary of state's [website](https://direct.sos.state.tx.us/debtcollectors/dcsearch.asp).

[<https://direct.sos.state.tx.us/debtcollectors/dcsearch.asp>]

STEP 2: GET PROOF.

Even if the debt seems real, debt collectors must prove they have authority to collect the debt. This proof could be a statement showing the balance you owe or a copy of the **original credit agreement**. Even if you believe the debt could be yours, make sure they prove it. They might say they don't have to give you more information until you pay, but they do.

Be persistent! If they respond in writing and you don't think the debt is yours, you should mail them a letter (through certified mail with a return receipt) within 30 days of receiving their letter saying that you do not owe the money. This puts the debt in dispute.

STEP 3: KNOW YOUR RIGHTS.

It is important that you know your rights so debt collectors cannot take advantage of you.

Here are the specific things debt collectors cannot do to you:

- **Harassment.** Debt collectors may not harass, oppress, or abuse you or any third parties they contact. For example, they may not:
 - Use threats of violence or harm;
 - Publish a list of names of people who refuse to pay their debts (but they can give this information to the consumer reporting companies);
 - Use obscene or profane language; or
 - Repeatedly use the phone to annoy someone.

- **False statements.** Debt collectors may not lie when they are trying to collect a debt. For example, they may not:
 - Falsely claim that they are attorneys or government representatives;
 - Falsely claim that you have committed a crime;
 - Falsely represent that they operate or work for a consumer reporting agency;
 - Misrepresent the amount you owe;
 - Indicate that papers they send you are legal forms if they aren't; or
 - Indicate that papers they send to you aren't legal forms if they are.



What if a debt collector insults me or tells me I can be arrested?

Federal and state laws prohibit collectors from harassing people. That means they can't lie, curse, insult you, or use offensive language. Keep records of harassing calls you receive, and make sure to keep any letters or emails you may receive. You even may want to record harassing calls from the debt collectors.

- **Threats.** Debt collectors also are prohibited from saying that:
 - You will be arrested if you don't pay your debt;
 - They'll seize, garnish, attach, or sell your property or wages unless the law allows them to and they plan to do so; or
 - Legal action will be taken against you, if doing so would be illegal or if they don't intend to take the action.
- Debt collectors may not:
 - Give false credit information about you to anyone, including a consumer reporting agency;
 - Send you anything that looks like an official document from a court or government agency if it isn't; or
 - Use a false company name.
- **Unfair practices.** Debt collectors may not engage in unfair practices when they try to collect a debt. For example, they may not:
 - Try to collect any interest, fee, or other charge on top of the amount you owe unless the contract that created your debt – or your state law – allows the charge;
 - Deposit a post-dated check early;

- Take or threaten to take your property unless it can be done legally; or
- Contact you by postcard.

This information above is from resources provided by the [Federal Trade Commission](https://www.ftc.gov/news-events/media-resources/consumer-finance/debt-collection).
[<https://www.ftc.gov/news-events/media-resources/consumer-finance/debt-collection>]



Should I pay off some of my coerced debt?

No. Do not pay the debt before disputing the debt. Doing so may waive your ability to dispute the debt later on. In Texas debt collectors usually have only four years from the date the account became delinquent to file a lawsuit to collect on the debt. If you make even a partial payment on the debt, the four-year period could start over again.

Do not take out a new loan in order to pay a debt that you did not take out or that you took out because of coercion.

Your next step: If the debt is not yours or if it is debt you were forced to take on by an abuser, take action to dispute the debt. Go to **Guide 4** for information on how to do this.



GUIDE 4: **DISPUTE**

Learn how to dispute different kinds of coerced debt and block it from appearing on a credit report.

If you are in an abusive relationship and are worried about your safety, contact the National Domestic Violence Hotline by phone at 1-800-799-7233. Chat with them live through their website at <https://www.thehotline.org/>.

GUIDE 4: DISPUTE

MY ABUSIVE PARTNER TOOK OUT DEBT IN MY NAME WITHOUT MY KNOWLEDGE OR FORCED ME TO TAKE OUT DEBTS IN MY NAME.

INTRODUCTION: KNOW YOUR RIGHTS.

If you have coerced debt, then you are a **victim of identity theft**. You have the same protections and remedies as victims of identity theft whose identities have been used by strangers.



Texas passed a new law in 2019 expanding the definition of identity theft

The new definition clearly covers coerced debt where the victim consented to the debt because of threats, force or fraud. **This new law goes into effect on September 1, 2019 and applies to coerced debt transactions that take place after that date.**

It is important to note that coerced debts where the victim **did not consent** to the debts are already covered under previous law, and so it does not matter when that debt was taken out. **It is considered fraud and qualifies as identity theft.**

Texas law also has long included a criminal violation for credit card abuse, where the credit card of a victim is used with coerced consent—consent induced by force, threat, or fraud. If you are a victim of coerced debts related to credit card charges, you may be able to get protections as a victim of credit card abuse.

See Tex. Penal Code §32.31 (b)(1)(A) and §32.51(b)(1).

As a victim of identity theft, one of your most important rights is that you can have fraudulent debts blocked from your credit reports. This means that people or businesses who check your credit reports won't see the fraudulent debt. You may also be able to successfully dispute your responsibility to pay the debt.

Texas' [identity theft protections](#) include protections for victims of coerced debt—where an abuser takes out debt in the name of a victim **or** where a victim of abuse is forced or threatened by an abuser to take out debt. The law is designed to protect victims of domestic abuse from this type of financial abuse.

The **Fair Credit Reporting Act** is one of the laws that deals with the rights of identity theft victims. If you are the victim of identity theft, you have a right to:

- A. Block fraudulent information from your credit reports and be notified if a block is declined or later removed;
- B. Stop creditors and debt collectors from reporting fraudulent accounts to credit bureaus;
- C. Dispute fraudulent or inaccurate items on your credit reports; and
- D. Get a response to your claim of identity theft;
- E. Place a 7-year **extended fraud alert** on your credit reports by providing an identity theft report (see **Guide 2**); and
- F. Get two free copies of your credit reports from each of the consumer reporting agencies when you have an extended fraud alert in place (in addition to the free annual copy available to everyone).



Tip: Other Rights

In addition to this list of the rights that the victims of identity theft have, everyone is able to place a credit freeze if they ask for it. Go to **Guide 2** for more about credit freezes.

If you suspect that you are or might become a victim of identity theft, you can have a one-year **initial fraud alert** placed on your credit reports (see **Guide 2**).

None of these things happen automatically. And while you can do many of these things yourself, it is helpful to have an attorney work with you.

Our **List of Domestic Abuse and Legal Resources** has a list of free and low-cost legal services.

STEPS FOR DISPUTING COERCED DEBT

1. **Find out details** about the debt in your name.

2. **File a report** of identity theft (a police report, an Identity Theft Affidavit, or both).

3. **Dispute the debt with the consumer reporting agencies.** (The goal is to block the debt from showing up on your credit report.)

4. **Dispute the debt with the furnisher.** (The goal is to remove your responsibility to pay.)

STEP 1: FIND OUT THE DETAILS ABOUT THE DEBT THAT WAS TAKEN OUT IN YOUR NAME.

You must be able to identify specific debts or charges, including the type and amount of debt, in order to access protections. To identify debts and charges, you should request your credit reports from www.AnnualCreditReport.com. Haven't checked your credit reports yet? See **Guide 3** for information on how to do that.

STEP 2: FILE AN IDENTITY THEFT REPORT.

You need to report your identity theft to a law enforcement agency. You have options about where to file the report. Your report can be:

- An **Identity Theft Affidavit** filed with the Federal Trade Commission or
- A **police report** filed at your local police station.

As an alternative to a police report, if the identity theft involves the U.S. mail, you can file an identity theft report with the U.S. Postal Service.

If you **did not know** about your coerced debt when it was taken out, it is generally a good idea to:

1. File an Identity Theft Affidavit with the Federal Trade Commission AND
2. File a police report.

There is a new law in Texas to help victims of coerced debt in cases where the victim consented to a debt due to threats, force, or fraud. If your coerced debt was taken out **because your partner threatened you or forced you to take it out AND the coerced debt was taken out after September 1, 2019, you can file an identity theft police report in Texas**. In these specific cases, it is often best only to file a police report, as the Identity Theft Affidavit may not be helpful.

You should only file a police report for coerced debts **that you did not benefit from**.



What if I benefitted from the debt that was taken out in my name by an abuser without my consent?

People generally can't claim certain identity theft protections if they took possession of goods, services or money resulting from the identity theft. They do not have the right to "block" the debt from the credit reports in cases where there is coerced debt, but the victim now has something of value from the theft.

For example, if your abuser took out an auto loan in your name without your consent, but you now you jointly own or regularly drive the car, you might not be able to block that debt from your credit report.

If this is your situation, contact an attorney before taking any action regarding the debt. See our **List of Domestic Abuse and Legal Resources** for a list of free and low-cost attorneys.

HOW DO I FILE AN IDENTITY THEFT AFFIDAVIT?

Filling out an Identity Theft Affidavit lets you dispute a debt. Disputing a debt means that you are telling the consumer reporting agencies that the debt does not belong on your credit report.

There are three ways you can fill out the Identity Theft Affidavit:

1. **Online.** You can access the Identity Theft Affidavit through the Federal Trade Commission's website, www.IdentityTheft.gov. This website has an online form that you fill out.
2. **By Telephone.** You can also call and report the identity theft to the Federal Trade Commission at 1-877-438-4338.
3. **By Mail.** You can fill out the paper version of the Identity Theft Affidavit (included in **Forms and Sample Letters**)

The affidavit will ask you to list the different debts that were fraudulently taken out in your name.



Tip: If you are reporting more than five fraudulent accounts, it may be easier to complete the affidavit by mail.

HOW DO I FILE AN IDENTITY THEFT POLICE REPORT?

It is generally a good idea for all victims of coerced debt to file a police report. Like the Identity Theft Affidavit, filling out a police report also lets you dispute a debt. You should bring along information to identify the specific coerced debts as part of the police report.

If you filled out an Identity Theft Affidavit, it is helpful to bring it with you when you file the police report. If you filled out the Affidavit online, a copy will be emailed to you that you can print out and take with you.

The police officer who is making a report can use your Identity Theft Affidavit as the basis of their report. The police officer taking your report can also sign your Identity Theft Affidavit.

When you go to the police station, it is a good idea to bring a copy of:

- [Article 2.29](https://statutes.capitol.texas.gov/Docs/CR/htm/CR.2.htm) of the Texas Code of Criminal Procedure, which says that a victim of identity theft has the right to file a police report for identity theft [<https://statutes.capitol.texas.gov/Docs/CR/htm/CR.2.htm>] and
- [Section 32.51](https://legiscan.com/TX/text/HB2697/id/2010292/Texas-2019-HB2697-Comm_Sub.html) of the Texas Penal Code, which defines the crime of identity theft. [https://legiscan.com/TX/text/HB2697/id/2010292/Texas-2019-HB2697-Comm_Sub.html]

This information is included on the first page of **Resources for Filing a Police Report for Identity Theft**. You can bring that page to police departments as a resource when you are filing your report. Some police departments may not be familiar with changes in Texas law defining identity theft in the state. Bringing in this form might be helpful for informing police departments about your rights as a victim of identity theft resulting from financial abuse.

Sometimes, if you do not live in a city with its own police department, the law enforcement agency that will have jurisdiction over your case will be your county sheriff's office. It's not always obvious which agency is the right one to file the report with. You should first call your city's police department, if you have one. Call their non-emergency dispatch phone number. **Resources for Filing a Police Report for Identity Theft** has a list of contact information for city police departments and county sheriff's offices for the 10 largest cities and counties in Texas.

When you call:

1. Explain that you are a victim of identity theft and would like to file a police report.
2. Ask which law enforcement agency has jurisdiction over your case.
 - If you are not speaking to that agency, ask for that phone number.
3. Ask how you should go about filing the police report. Generally, it will be either entirely over phone or in person with a deputy who comes to your house. In some cases, you might be able to file the police report online.

For the purposes of disputing coerced debt, it does not matter if the identity theft report is from a city police department or a county sheriff's office. Both should serve as acceptable identity theft reports.

When you speak to the police, clearly explain your situation. It is important to be truthful, as filing a false police report is a crime. You should request that an official, written incident report be made that includes a list of all fraudulent accounts. You are entitled to an official copy of the report if you ask for one. It may take 7-10 days for you to get a copy of the report after you file it.



What if I do not want to file a police report?

If you do not want to file a police report, you can fill out the FTC's Identity Theft Affidavit or, if the identity theft involves the U.S. mail, an identity theft report with the U.S. Postal Service. These reports might be enough to have your debts blocked by the consumer reporting agencies.

The FTC has said that its Identity Theft Affidavit is an acceptable alternative to a police report: <https://www.consumer.ftc.gov/blog/2017/04/most-id-theft-victims-dont-need-police-report>.

You can use the U.S. Postal service identity theft report if the identity theft involved the U.S. mail. In the case of coerced debt, some examples where the mail could be involved include your abuser:

- hiding mail from you related to coerced debts; or
- taking mail addressed to you in order to hide debts or bills taken out in your name.

The only way to file an identity theft report with the U.S. Postal Service is using their online [form](https://ehome.uspis.gov/mailtheft/idtheft.aspx). [<https://ehome.uspis.gov/mailtheft/idtheft.aspx>]

Once you've entered your information online, you'll get a confirmation number. Call the U.S. Postal Service's Consumer Affairs at 210-368-8498. They will access your identity theft report and send you a copy. You can then use your copy of the identity theft report to dispute the debt. See **Steps 3 & 4 in Guide 4**, below for the next steps to dispute a debt.

STEP 3: DISPUTE THE DEBT AND OTHER INFORMATION THAT YOU THINK IS INCORRECT WITH THE CONSUMER REPORTING AGENCY THAT IS REPORTING IT.

Once you have the police report, send a copy of it (with the Identity Theft Affidavit, if you filled one out) to the consumer reporting agencies via certified mail, return receipt requested. Send the report(s) along with your dispute letter.

Your dispute letter needs to say:

- You are a victim of identity theft;
- Which accounts are fraudulent (describe the account in enough detail so that the agency can easily recognize it, for example listing the account number, the balance reported, and date that it was opened);
- Any other information that is inaccurate (like phone numbers, addresses, etc.);
- That you want the account/information blocked from your credit report; and
- That you are also disputing that you owe the debt because it was the result of identity theft.

You can also enclose a copy of the report with all of the inaccurate information circled or highlighted and mention in the dispute letter that all of this information should be blocked or removed.



Tip: Filing a Civil Court Claim of Identity Theft

Texas law allows for a court process to dispute debt that resulted from identity theft like coerced debt. This process, outlined under Chapter 521 of the Texas Business and Commerce Code, generally requires an attorney.

This court process will remove your responsibility for paying a coerced debt, particularly if a creditor is unwilling to work with you or if you have court judgments against you for coerced debts. Ask a lawyer if this is right for your situation.

The Sample Form Letter for Disputing a Fraudulent Debt with a Consumer Reporting Agency gives you a sample letter that you can use to dispute errors on your report with the consumer reporting agency.

When you have made a dispute, the consumer reporting agency must investigate. They generally have 30 days to investigate and then inform you of the results. They must then block the disputed information from showing up on your reports. The exceptions to this are if the consumer reporting agency finds that:

1. The block was requested in error (you made a mistake);
2. The block was requested based on a material misrepresentation of fact (you lied); or
3. The consumer obtained possession of goods, services, or money as a result of the blocked transaction (you benefitted from the identity theft).

If the information is blocked, it won't show up on your credit report and companies can't try and collect the debt from you.

At the same time that you send your dispute letter to the consumer reporting agencies, also send a copy of the same letter directly to the furnisher, which is the company that is sending information about the debt to the consumer reporting agency. Step 4 talks about what a furnisher is and gives more detail about disputing debts with a furnisher. **Always make sure you dispute the debt with the consumer reporting agency, because it preserves certain legal rights under the Fair Credit Reporting Act.**



Tips if a credit reporting agency refuses to block a disputed debt.

If your request to block a disputed debt is accepted by one of the consumer reporting agencies and rejected by another, it may be worthwhile to resubmit the block request to the agency that denied it, along with the documentation from the consumer reporting agency that accepted the block. **It is also important to dispute the debt both with the consumer reporting agency and directly with the furnisher.** It may be helpful to seek legal assistance if the consumer reporting agencies refuses to block a coerced debt.

STEP 4: DISPUTE THE DEBT WITH THE FURNISHER.

The business that gives information about an unpaid debt to a consumer reporting agency is called a **furnisher** because it furnishes the information.



What is a furnisher?

In simple terms, a furnisher is a company that is providing information about an account to a consumer reporting agency. **The company that is the furnisher is included with the account information in your credit report.** The furnisher is often the lender or creditor. However, there are times that other companies are furnishing information about an account.

For example, if you have unpaid medical debt listed on your credit report or a debt owed to a landlord, it is likely that a debt collector will be the furnisher. In these cases, if you are going to dispute the debt, you will need to send your dispute letter to the debt collector, though it may be a good idea to provide a copy of the dispute to the hospital or landlord.

In other cases, a bank or other lender may sell an overdue account to a **debt buyer**. The debt buyer then becomes the owner of the debt. It is possible that both a debt buyer and the original lender report the account and they are both furnishers. In this case you would want to dispute with both the original lender and the debt buyer.

If you are successful in getting the consumer reporting agencies to block the coerced debt from showing up on your report, you should still dispute the debt with the furnisher. Disputing debts with the consumer reporting agencies and the furnisher reduces the chance that furnishers will later re-send false information about a coerced debt to a consumer reporting agency.

Though you can write dispute letters and send them on your own, it can be very helpful to have an attorney to assist you. To find a free or low-cost attorney, see our **List of Domestic Abuse and Legal Resources**.

How you go about disputing the debt will depend on what kind of debt is in your name. There are many different types of debt that can be coerced. Some include:

- Credit cards;
- Medical debt;
- Auto loans/leases;
- Utilities;
- Housing (rental debt);
- Housing (mortgage/home equity loans);
- Payday loans;
- Tax debt;
- Bank account/debit accounts; and
- Student loans.

This is not a complete list. Other types of coerced debt exist.

Auto loan debt, home mortgage loans, student loans, and tax debt are all types of debt that probably require an attorney to negotiate and dispute with the furnisher. These debts will likely require a court order to completely remove your responsibility for paying the debts.

This guide will highlight the process for disputing some common debts that you can try to dispute on your own: credit card debt, utility debt, and telephone or cell phone debt. Much of this information was taken from the Federal Trade Commission's guide [Identity Theft: A Recovery Plan](https://www.consumer.ftc.gov/articles/pdf-0009_identitytheft_a_recovery_plan.pdf). [https://www.consumer.ftc.gov/articles/pdf-0009_identitytheft_a_recovery_plan.pdf]. Their guide also has additional information on how to dispute different types of debts with specific furnishers.

Credit card debt

Credit card debt is the most clear-cut type of debt for a victim of identity theft to successfully dispute. It is also one of the most common types of coerced debt. There are procedures already in place to address unauthorized use. This procedure is only to be used when the credit card account is still owned by the credit card company and has not been sold to a debt buyer.

After the debt is disputed, the credit card company must investigate the claim and must issue a conclusion of the investigation. If a victim disputes the debt under "unauthorized use," the maximum liability to the victim is \$50. **However, if the person benefited from the use of what was charged to the credit card, that person will not qualify for the Act's protections.**

To dispute credit card debt, you can call or write to the credit card company. If you decide to call, you should:

- Call the fraud department of the credit card company.
- Explain that someone stole your identity.
- Ask the business to close the new account or remove the fraudulent charges.
- Ask the business to send you a letter confirming that the fraudulent charges and/or account are not yours; you are not liable for it; and it was removed from your credit report.
- Keep this letter and use it if the fraudulent account/charges appear on your credit report later on.

If you call, it is very important to write down the name of the person you spoke with and the date and time of the conversation.

If you decide to write to the credit card company, you can use the **Sample Form Letter for Disputing a Fraudulent Debt with a Furnisher** to dispute the account/charges. Send by certified mail, return receipt requested, and keep a copy for your records. Usually the credit card company will follow up with their own fraud affidavit for you to fill out. It is important to know that they cannot deny your dispute **only** because you do not have a police report.

You may need to contact an attorney to help you if you are unsuccessful in your dispute.

Utility debt

If someone used your information to get cable, electric, water, or other similar services, contact the service provider. Tell them that someone stole your identity and ask them to close the account. For additional help, contact the [Public Utility Commission of Texas](https://www.puc.texas.gov/) and explain the situation. [<https://www.puc.texas.gov/>] Their numbers are 888-782-8477 or 512-936-7120.

Write down the name of the person you spoke with and the date and time of the conversation. You can also send a letter to dispute the fraudulent account/charges. **Sample Form Letter for Disputing a Fraudulent Debt with a Furnisher** gives you a sample letter that you can use to dispute the account/charges.

Telephone debt

You can contact the [National Consumer Telecom and Utilities Exchange](https://www.nctue.com/Consumers) and request your NCTUR Data Report, at 1-866-349-5185. [<https://www.nctue.com/Consumers>] Review the report for accounts you don't recognize. The Data Report is a record of telecommunication, pay TV, and utility accounts reported by its exchange members, including information about your account history, unpaid accounts, and customer service applications.

Tell your service provider that you are the victim of identity theft. If the service provider doesn't resolve the issue, file a complaint with the Federal Communications Commission at www.consumercomplaints.fcc.gov or by calling 1-888-225-5322.

Write down the name of the person you spoke with and the date and time of the conversation. You can also send a letter to dispute the fraudulent account/charges. **Sample Form Letter for Disputing a Fraudulent Debt with a Furnisher** gives you a sample letter that you can use to dispute the account/charges.



What other steps can I take to dispute my responsibility to pay the debt?

For certain types of debt, such as federal student loans, writing a dispute letter to the lender will not be enough to have your responsibility for paying the debt completely removed. You might need to file an identity theft claim in court under **Chapter 521 of the Texas Business and Commerce Code** to get a court order saying that you are not responsible for paying the debts. This filing will often require the help of an attorney. See **List of Domestic Abuse and Legal Resources** to find an attorney.



Domestic Abuse and Rental Debt

Survivors of domestic violence have certain rights related to rental housing.

- **Tenants** have the right to enlist police or emergency assistance. Landlords are prevented by the [Texas Property Code 92.015](#) from prohibiting, limiting or penalizing a tenant for exercising this right. Your landlord can't evict you or refuse to renew your lease because you have called the police because of domestic abuse.
- **Victims of domestic abuse** also may lawfully terminate their leases pursuant to the [Texas Property Code 92.016](#). [<https://capitol.texas.gov/tlodocs/86R/billtext/pdf/SB00234F.pdf#navpanes=0>] This means that you can end your lease if you are a victim of domestic abuse and need to quickly leave your residence in order to be safe. However, you need to make sure that you provide the required notice and required documents; you can't just leave and not pay. The list of documents that you can use to get this protection was recently expanded. See the text of the law for the full list.
- **The federal Violence Against Women Act (VAWA)** includes many protections for victims that reside in or are utilizing assistance from a "covered housing program." This means that if you receive Section 8 Housing or a Federal Housing Voucher, you have rights as a victim of domestic abuse.

It is important that tenants learn and exercise these rights to avoid penalties and damaged credit. Contact the [Texas Council on Family Violence](#) with questions and for more information at 512-794-1133 or policy@tcfv.org. [<https://tcfv.org/>].

If you have rental debt that is related to financial abuse from an intimate partner, seek legal help. See **List of Domestic Abuse and Legal Resources** to find an attorney.



GUIDE 5: **DEFEND**

What to do if you are sued for a debt that isn't yours.

If you are in an abusive relationship and are worried about your safety, contact the National Domestic Violence Hotline by phone at 1-800-799-7233. Chat with them live through their website at <https://www.thehotline.org/>.

GUIDE 5: DEFEND

I WAS SUED FOR A DEBT THAT I NEVER TOOK OUT OR THAT MY ABUSIVE PARTNER FORCED ME TO TAKE OUT.

RESPOND TO THE LAWSUIT.

You just found out you were sued for a debt. What do you do?

Do not panic, and do not ignore it! Read the documents and identify who is suing you and how much they say you owe. If you think it might be a scam, you can call the court where the case is filed to make sure a case has actually been filed. If the suit is real, then be sure to "answer" by filing a written **Answer** with the court before the filing deadline. If the suit is real and you have already missed the filing deadline, file an Answer anyway.



Tip: We strongly recommend that you get a lawyer to advise you about responding to a lawsuit. See **List of Domestic Abuse and Legal Resources**.

If you think that the debt was taken out in your name because of the actions of an abusive partner, your Answer will include a specific denial that states that the debt is not yours and that you are a victim of identity theft. If possible, attach a police report about the identity theft.

The sample **Form to Respond to a Debt Collection Lawsuit** can be used to help you answer the lawsuit. Your Answer can be handwritten or typed. You can also fill out this form [online](http://mydebtcollectionrights.org/guide/related-resources/form-respond-debt-claim-lawsuit-2). [<http://mydebtcollectionrights.org/guide/related-resources/form-respond-debt-claim-lawsuit-2>] There will be instructions on the notice of the suit form about exactly where to send your Answer.

The second page of the **Form to Respond to a Debt Collection Lawsuit** is a list of the reasons that a person who has been sued may not be responsible for a debt. Read through the reasons in the form and check the box next to the ones that apply to your situation.

A reason that might apply to your situation is “A denial of an account which is the foundation of the **plaintiff’s** action,” meaning that the account is not your account or that you did not authorize the charges to the account.

In Texas, you have 14-20 days to Answer, depending on the court.

In justice court, you must respond by the end of the 14th day after you were served with the citation and petition. If the 14th day is a Saturday, Sunday, or court-observed holiday, the Answer is due on the next day that is not a Saturday, Sunday, or court-observed holiday; and if the 14th day falls on a day during which the court is closed before 5:00 p.m., the Answer is due on the court’s next business day.

For debt collection claims filed in county or district court, you must file an Answer by 10 a.m. on the Monday following 20 days from the date you received the petition. If you are not sure what the filing deadline is for your case, call the court. They can help you.

WHY IS IT IMPORTANT TO RESPOND TO A DEBT COLLECTION LAWSUIT?

Don’t ignore the lawsuit. If you do that, the person suing you will almost always win automatically. Use the sample **Form to Respond to a Debt Collection Lawsuit** to help with your Answer.

Responding is important because if you do not respond at all, you can lose the opportunity to defend the lawsuit. The court can automatically rule in favor of the creditor or debt collector. That ruling is called a **default judgment**.

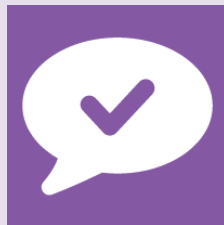
When you respond or “Answer” the lawsuit, the debt collector will have to prove to the court that the debt is valid and that you owe the debt.

WHAT HAPPENS AFTER I FILE MY ANSWER?

Know that you will likely need to go to court to defend yourself in the lawsuit. You will have to speak before the judge, or testify. Depending on the court where the suit was filed, you might get documents that request certain information from you. This is called discovery. If this happens, seek the advice of an attorney.

The court might even require that you fill out another identity theft report. After you complete these steps, the court might agree with your argument that you are the victim of identity theft, and might dismiss your case. A dismissal can happen in two ways. If it's **dismissed with prejudice**, the creditor can't sue you again for the same debt. If it is **dismissed without prejudice**, the creditor can sue you again for the same debt.

If the suit is dismissed without prejudice, you might need to file an identity theft claim in court under Chapter 521 of the Texas Business and Commerce Code in order to remove your responsibility to pay the debt. Chapter 521 of the Texas Business and Commerce Code is a state law that authorizes a person to seek an order declaring that person to be an identity theft victim. This court order can then be used when disputing the fraudulent debt.



Tip: Seek legal help for filing an identity theft claim under Chapter 521 of the Texas Business and Commerce Code. See [List of Domestic Abuse and Legal Resources](#).

WHAT HAPPENS IF I GET A DEFAULT JUDGMENT ISSUED AGAINST ME?

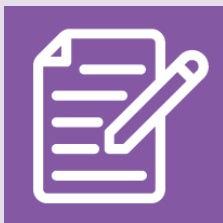
A **default judgment** is an automatic judgment resulting from a **defendant's** failure to file an Answer or appear in court. If you received a default judgment for a debt that was put in your name through the actions of an abusive partner, you need to contact a lawyer right away. Depending on the court, there are strict deadlines—sometimes as short as 14 days—to try to undo the default judgment. See the **List of Domestic**

Abuse and Legal Resources for a list of free and low-cost attorneys.

Also note that you may be **judgment proof**, which means that certain assets of yours are exempt from being taken as part of a judgment against you. Examples of the assets that can't be taken because of a judgment are your homestead (a home you own and live in), a vehicle, household items and tools of your trade. In addition, the following types of income cannot be taken as part of a judgment against you:

- Social Security or Social Security Disability Income,
- Veteran's benefits,
- Public assistance (welfare) benefits,
- Retirement benefits,
- Worker's Compensation and vocational rehabilitation benefits,
- Unemployment benefits, and
- Court ordered child support and spousal support.

In most cases, your wages are exempt from debt collectors in Texas, though they could be garnished once they are deposited in a bank account.



Texas Appleseed's toolkit [My Debt Collection Rights](#) has more information on what it means to be judgment proof and other debt collection rights you have in Texas. Access it at <http://mydebtcollectionrights.org/>. [TexasLawHelp.org](#) also has helpful information and resources.

GLOSSARY

- **Abusive partner:** Someone who uses a pattern of behaviors to maintain power and control over another partner in an intimate relationship. Can be any gender.
- **Adverse action:** When a business decides to take a negative action based on information found in a person's consumer report. An example is when a landlord decides not to rent to a person, to increase their security deposit, or to increase the cost of rent because of information in that person's report.
- **Adverse action notice:** Notice given to a person either verbally or in writing of the decision to take a negative action against someone based on information found in a person's consumer report.
- **Affidavit:** A written statement of facts voluntarily sworn to and signed before an authority with the power to witness an oath, usually a notary public. An identity theft affidavit is a statement specifically about the alleged identity theft.
- **Answer:** In law, a written statement by a defendant that responds to a lawsuit. An answer generally responds to each allegation in the petition by denying or admitting it, or admitting in part and denying in part. In a state lawsuit, there is no requirement to respond to each allegation.
- **Authorized user:** A person who has permission to use another person's credit card, but usually isn't legally responsible for paying the bill.
- **Chapter 521:** The Identity Theft Enforcement and Protection Act. It is the section of the Texas Business and Commerce Code that deals with identity theft.
- **Coerced debt:** Debt that an abusive partner has taken out in an intimate partner's name either without that person's knowledge, or because the abusive partner used threats or force to make the other person take out the debt.
- **Coercive control:** Tactics used to instill fear and compliance in a partner in a relationship where there is domestic abuse.

- **Consumer Financial Protection Bureau:** Federal United States agency that enforces federal consumer financial law and protections consumers in the financial marketplace.
- **Consumer report:** Any written, oral, or other communication of any information by a consumer reporting agency that has to do with a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used as a factor in establishing the consumer's eligibility for credit, insurance, employment, or any other authorized purpose. See definition for credit report.
- **Consumer reporting agency:** A person or organization that assembles or evaluates consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties in exchange for money.
- **Credit freeze:** A credit freeze, also known as a security freeze, can help protect you from fraud and identity theft. It is free and anyone can request one. Once a freeze is placed on your credit report, no one can get access to your credit file unless you permanently or temporarily lift the freeze using the personal identification number (PIN) given to you.
- **Credit history:** A person's history of taking out loans and paying them back on time.
- **Credit report:** A consumer report from one of the nationwide consumer reporting agencies (Equifax, Experian or TransUnion).
- **Creditor:** The person or business that originally made the loan for the money or item. For example, the car dealer is frequently the creditor when a person takes out an auto loan.
- **Debt buyer:** Person or business that buys the debt that was held by the original creditor after the debt goes into default. Debt buyers are generally not subject to the Fair Debt Collection Practices Act, but can be considered a debt collector if their principal purpose of business is collecting debts.
- **Debt collector:** A person whose principal purpose is to collect debts; a person who regularly collects debts owed to another; or a person who collects their own debts, using a name other than their own as if they were a debt collector.

- **Deceptive Trade Practices Act:** A law that protects consumers against false, misleading, and deceptive business practices, unconscionable actions, and breaches of warranty.
- **Default judgment:** A default judgment is a binding judgment in favor of a plaintiff when the defendant has not responded to the lawsuit or has failed to appear at a trial or a hearing before a court of law.
- **Defendant:** In a lawsuit, the defendant is the person the lawsuit is brought against. If you are sued for not paying a debt, you are the defendant.
- **Dismissed with prejudice:** A way of resolving a lawsuit that results in the dismissal of the plaintiff's claims and prevents the plaintiff from ever bringing a lawsuit against the same defendant for the same claims. In other words, if you are sued on a debt and that suit is dismissed with prejudice, you cannot ever be sued on the same debt.
- **Dismissed without prejudice:** A way of resolving a lawsuit that results in the dismissal of the plaintiff's claims, but without preventing the plaintiff from bringing a lawsuit against the same defendant for the same claims. In other words, if you are sued on a debt and that suit is dismissed without prejudice, you can be sued on the debt again.
- **Dispute:** To make a claim that certain information is incorrect. You could be disputing information such as your addresses, phone numbers, or you could be disputing a debt or an account. The basis of the dispute could be that you are not responsible for a debt because you never authorized the account to be opened, or you never made the charges that are being collected, or because the debt was already paid, etc.
- **Dispute letter:** A letter where a person is making the claim that certain information is incorrect and needs to be corrected.
- **Domestic abuse:** Domestic abuse is a pattern of behaviors used by one partner to maintain power and control over another partner in an intimate relationship. The abuse can be physical, emotional, or financial. It is also called intimate partner violence, domestic violence, or private abuse.
- **Extended fraud alert:** A fraud alert that lasts for 7 years. You must be a victim of identity theft to receive the extended fraud alert. Allows you to have two additional free copies of your credit report in the 12 months following the placement of the fraud alert.

- **Fair Credit Billing Act:** A federal law enacted to protect credit card holders from unfair billing practices, such as unauthorized charges, charges for unaccepted or undelivered goods and services and other disputed charges.
- **Fair Debt Collection Practices Act:** A federal law ensuring consumers are treated fairly by debt collectors.
- **Federal law:** Laws that are enacted by the United States Congress that apply to everyone in the nation.
- **Federal student loans:** Loans that are administered by the federal government or that were guaranteed by the federal government even if they were made by a private lender.
- **Federal Trade Commission:** Federal agency whose primary mission is protecting consumers by preventing anticompetitive, deceptive and unfair business practices.
- **Financial abuse:** When an abuser uses money as part of the pattern of coercive control in a domestic abuse relationship. Examples can be controlling access to money, incurring debt in a partner's name, or hiding financial documents.
- **Foreclosure:** The action of taking possession of a mortgaged property when the homeowner fails to keep up their mortgage payments.
- **Fraud alert:** A notice to a consumer reporting agency that a consumer's identity may have been stolen and that a request for new credit in that consumer's name may not be legitimate.
- **Fraudulent account:** A new, fraudulent credit account that is opened as part of identity theft. In the context of coerced debt, it can be when an abuser takes out a new loan or line of credit in the name of a partner.
- **Fraudulent charge:** When a new, fraudulent charge or purchase is made to a preexisting line of credit or credit account without the cardholder's knowledge and/or permission. In the context of coerced debt, it can be when an abuser buys goods or services using a credit card in the name of a partner when the abuser is not an authorized user.

- **Furnisher:** An entity that supplies information to consumer reporting agencies. The Fair Credit Reporting Act says that furnishers must have information that is accurate and up-to-date, and that they need to investigate disputes submitted to them by the consumer or referred to them by a consumer reporting agency.
- **Identity theft:** Identity theft is the crime of obtaining the personal or financial information of another person for the purpose of assuming that person's name or identity to make transactions or purchases. In Texas, it is defined in the Texas Penal Code Section 32.51.
- **Identity theft affidavit:** A sworn statement that gives the details of your identity theft to the Federal Trade Commission. An identity theft affidavit is one type of identity theft report.
- **Identity theft report:** A statement about your identity theft. It is necessary for claiming protections as an identity theft victim. It can be a police report, an identity theft affidavit, or an identity theft report made with the post office.
- **Initial fraud alert:** A fraud alert that lasts for one year. Anyone who thinks they are or might become a victim of identity theft can get an initial fraud alert. It allows you to get one additional free copy of your credit report in the 12 months following the placement of the fraud alert.
- **Joint account:** A bank account held by more than one person, with each individual having the right to deposit and withdraw funds.
- **Judgment proof:** When your property and income can't be seized by creditors, because it is "exempt" by law from the creditor's claims. If your income and property are exempt and their value falls under a certain limit, then you have nothing the creditors can take from you. Property that is exempt includes your homestead, a vehicle, household items, and tools of your trade. Income that is exempt includes Social Security or Social Security Disability Income; Veteran's benefits; Public assistance (welfare) benefits; Retirement benefits; Worker's Compensation and vocational rehabilitation benefits; Unemployment benefits; and Court-ordered child support and spousal support.
- **Liable:** Legally responsible for something. If you are liable for a debt, you are responsible for paying it back.
- **Mortgage:** A mortgage is a debt instrument, secured by the collateral of specified real estate property, that the borrower is obliged to pay back with a

predetermined set of payments. It is basically a loan for a home. If you don't pay back the loan, you can lose your house.

- **Nationwide consumer reporting agency:** Also termed the “big three,” the nationwide consumer reporting agencies refer to the three biggest consumer reporting agencies in the United States, Experian, TransUnion, and Equifax.
- **Original credit agreement:** A legally binding contract made between a person who borrows money and the lender. It is agreed upon by both parties and outlines the terms of repayment, the fees, other costs and all the rules and requirements pertaining to the loan.
- **Plaintiff:** The person or business who files a lawsuit alleging some specific wrong. In a debt collection case, the plaintiff is the debt collector or creditor who is trying to collect unpaid debts.
- **Plea:** A specific defense that a person can make in a lawsuit.
- **Police report:** A document detailing a crime or a problematic incidence. Many times, it is the victim of the crime who reports what happened to the police, but sometimes it is a witness. Police officers generate a police report to start an investigation.
- **Private student loan:** A student loan that is not backed (guaranteed) by the federal government.
- **Pro se:** A plaintiff or defendant in a lawsuit who does not have legal representation. If the suit is in county or district court, a corporation cannot appear pro se.
- **Protective order:** A court order instructing a person to stop abusing or harassing the petitioner or a fixed period.
- **Specialty consumer reporting agency:** A consumer reporting agency that is not one of the three nationwide consumer reporting agencies. Examples of specialty consumer reporting agencies include agencies that compile and maintain files on consumers relating to medical records or payments; residential or tenant history; check writing history; employment history; or insurance claims.
- **Validation notice:** A written notice to the person who owes money that says the amount of the debt, the name of the creditor to whom the debt is owed, a

statement that the consumer has 30 days to dispute, a statement that if the consumer disputes then the debt collector must obtain verification of the debt, and a statement that the consumer can request the name and contact information of the original creditor.

- **Victim of identity theft:** Someone whose identifying information has been used by an unauthorized person, frequently for the financial gain of another.
- **Violence Against Women Act (VAWA):** A federal law intended to combat violence against women.

LIST OF DOMESTIC ABUSE AND LEGAL RESOURCES

Domestic Abuse Resources

The National Domestic Violence Hotline

1-800-799-7233

Chat with them live through their website at <https://www.thehotline.org/>.

Texas Council on Family Violence

<https://tcfv.org/>

Free and Low-Cost Legal Assistance in Texas

NORTH & NORTHWEST TEXAS

CitySquare Legal Action Works (LAW)

<https://www.citysquare.org/law/>

Legal Action Works by CitySquare, a nonprofit organization, provides legal services to low-income families. They are located in the Dallas area and fees are calculated on a sliding scale.

Dallas Volunteer Attorney Program

<https://dallasvolunteerattorneyprogram.org/>

The Dallas Volunteer Attorney Program offers free legal assistance to residents of the Dallas area who meet their qualifications. They also host several legal advice clinics throughout the Dallas area on certain days of the month.

Legal Aid of Northwest Texas

<https://internet.lanwt.org/en-us>

LANWT provides free civil legal services to low-income citizens in North Texas and the Panhandle area, including Abilene, Amarillo, Brownwood, Dallas, Denton, Fort Worth, Lubbock, McKinney, Midland, Odessa, Plainview, San Angelo, Waxahachie, Weatherford, and Wichita Falls.

EAST & SOUTHEAST TEXAS

Houston Volunteer Lawyers Program

<https://www.makejusticehappen.org/>

HVLP provides *pro bono* legal services to low-income residents of Harris County.

Jefferson County Bar Association – Pro Bono Program

<https://www.icba.org/page/A6>

The Jefferson County Bar Association's Pro Bono Program can connect low-income residents of Hardin, Jefferson, Liberty, and Orange Counties with attorneys who are willing to take on their case for free. The program assists with civil cases such as family law (divorce, custody, adoption, name change, guardianship), welfare and income assistance, veterans' benefits, employment, health care, consumer issues, housing issues (eviction, landlord/tenant issues), neighborhood issues, public education, license issues, expungement of criminal records, estate planning, and other miscellaneous civil legal cases.

Lone Star Legal Aid

<https://lonestarlegal.blog/>

Lone Star Legal Aid provides civil legal services to low-income clients in the Houston and east Texas area. They serve 72 counties in east, southeast, and northeast Texas as well as 4 counties in southwest Arkansas. See their website for a description of the types of cases they handle.

WEST, SOUTHWEST, & CENTRAL TEXAS

El Paso County Public Defender – How Do I Find an Attorney?

<https://www.epcounty.com/pdefender/>

The El Paso County Public Defender's Office provides information on their website about how to apply for a court-appointed attorney for criminal, immigration, family law, eviction, and general civil cases. The services listed are only applicable for residents of El Paso County.

Texas RioGrande Legal Aid

<http://www.trla.org/>

TRLA provides free civil legal services to the indigent residents of central, south, and west Texas as well as migrant and seasonal farm workers throughout Texas, Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee. View their website for a list of Texas counties in TRLA's service area.

Volunteer Legal Services of Central Texas

<https://www.vlsoct.org/>

This nonprofit serves low-income residents in central Texas and helps to provide access to the civil legal system.

FOR ALL TEXAS RESIDENTS

Texas Advocacy Project

<https://www.texasadvocacyproject.org/>

Texas Advocacy Project provides advice over the phone, support with do-it-yourself legal filing processes and complete client representation.

Texas Bar Association — Referral Directory and Other Resources for Low-Income Texans [PDF]

<https://www.texasbar.com/Content/NavigationMenu/LawyersGivingBack/LegalAccessDivision/ReferralDirectory.pdf>

This directory is published by the Texas Bar, the state's principal bar association. It contains contact information for many legal aid organizations that are available across Texas. In addition, the Texas Bar has written and collected informational legal resources for the public.

TexasLawHelp.org Legal Aid Directory

<https://texaslawhelp.org/legal-help/legal-help-finder>

This is a listing of all the legal services providers in Texas. Service providers are listed by name as well as by service area. It also provides information about Legal Aid and has an online form for finding legal assistance.

Texas Legal Services Center

<https://www.tlsc.org/>

The Texas Legal Services Center is a nonprofit law firm that provides free representation and assistance to Texans who qualify for their services based on income or other criteria. They also sponsor several projects that assist low-income and disadvantaged Texans who need legal help: a legal hotline for Texans who are 60 years of age or older or who receive Medicare, a CPS family helpline for questions related to Child Protective Services, and a legal hotline for veterans. In addition to these services, the TLSC also trains and assists poverty law advocates and helps maintain [TexasLawHelp.org](https://texaslawhelp.org).

University of Texas School of Law Domestic Violence Clinic

(512) 232-1358

The clinic is free and represents victims of domestic violence with a variety of civil legal problems including custody, divorce, visitation, housing, consumer, public assistance, and procurement of protective orders.

This list is taken in part from Texas State Law Library's [list of legal assistance organizations](https://www.sll.texas.gov/self-help/where-to-go-for-help/legal-assistance-organizations/). [https://www.sll.texas.gov/self-help/where-to-go-for-help/legal-assistance-organizations/]

FORMS AND SAMPLE LETTERS

(Copies of each on the following pages)

- a. AnnualCreditReport.com Request Form **pg.65**
<https://www.annualcreditreport.com/manualRequestForm.action>
- b. Federal Trade Commission's Identity Theft Affidavit **pg.66**
<https://identitytheft.gov/>
- c. Sample Form Letter for Disputing a Fraudulent Debt with a Consumer Reporting Agency **pg.72**
<https://www.identitytheft.gov/Sample-Letters/identity-theft-credit-bureau>
- d. Sample Form Letter for Disputing a Fraudulent Debt with a Furnisher (for a new account) **pg.74**
<https://www.identitytheft.gov/Sample-Letters/identity-theft-dispute-new-account>
- e. Form to Respond to a Debt Collection Lawsuit **pg.76**
https://www.texasappleseed.org/sites/default/files/DefendantsAnswer_Final_O.pdf
- f. Resources for Filing a Police Report for Identity Theft **pg.81**
http://financialabusehelp.org/sites/default/files/resources_for_filing_a_police_report.pdf

The Federal Trade Commission has more sample letters on its website that you can use, at <https://www.identitytheft.gov/Sample-Letters>.

Annual Credit Report Request Form

You have the right to get a free copy of your credit file disclosure, commonly called a credit report, once every 12 months, from each of the nationwide consumer credit reporting companies, Equifax, Experian and TransUnion.

For instant access to your free credit report, visit www.annualcreditreport.com.

For more information on obtaining your free credit report, visit www.annualcreditreport.com or call 877-322-8228.

Use this form if you prefer to write to request your credit report from any, or all, of the nationwide consumer credit reporting companies. The following information is required to process your request. **Omission of any information may delay your request.**

Once complete, fold (do not staple or tape), place into a #10 envelope, affix required postage and mail to:
Annual Credit Report Request Service P.O. Box 105281 Atlanta, GA 30348-5281.

Please use a Black or Blue Pen and write your responses in PRINTED CAPITAL LETTERS without touching the sides of the boxes like the examples listed below:

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

0 1 2 3 4 5 6 7 8 9

Social Security Number:

Date of Birth:

Month

Day

Year

Fold Here

Fold Here

First Name

M.I.

Last Name

JR, SR, III, etc.

Current Mailing Address:

House Number

Street Name

Apartment Number / Private Mailbox

For Puerto Rico Only: Print Urbanization Name

City

State

ZipCode

Previous Mailing Address (complete only if at current mailing address for less than two years):

House Number

Street Name

Fold Here

Fold Here

Apartment Number / Private Mailbox

For Puerto Rico Only: Print Urbanization Name

City

State

ZipCode

Shade Circle Like This →

Not Like This →

I want a credit report from (shade each that you would like to receive):

- Equifax
- Experian
- TransUnion

Shade here if, for security reasons, you want your credit report to include no more than the last four digits of your Social Security Number.



If additional information is needed to process your request, the consumer credit reporting company will contact you by mail.

Your request will be processed within 15 days of receipt and then mailed to you.





Identity Theft Victim's Complaint and Affidavit

A voluntary form for filing a report with law enforcement, and disputes with credit reporting agencies and creditors about identity theft-related problems. Visit ftc.gov/idtheft to use a secure online version that you can print for your records.

Before completing this form:

1. Place a fraud alert on your credit reports, and review the reports for signs of fraud.
2. Close the accounts that you know, or believe, have been tampered with or opened fraudulently.

About You (the victim)

Now

- (1) My full legal name: _____
First Middle Last Suffix
- (2) My date of birth: _____
mm/dd/yyyy
- (3) My Social Security number: _____ - _____ - _____
- (4) My driver's license: _____
State Number
- (5) My current street address:

Number & Street Name Apartment, Suite, etc.

City State Zip Code Country
- (6) I have lived at this address since _____
mm/yyyy
- (7) My daytime phone: (____) _____
 My evening phone: (____) _____
 My email: _____

Leave (3) blank until you provide this form to someone with a legitimate business need, like when you are filing your report at the police station or sending the form to a credit reporting agency to correct your credit report.

At the Time of the Fraud

- (8) My full legal name was: _____
First Middle Last Suffix
- (9) My address was: _____
Number & Street Name Apartment, Suite, etc.

City State Zip Code Country
- (10) My daytime phone: (____) _____ My evening phone: (____) _____
 My email: _____

Skip (8) - (10) if your information has not changed since the fraud.

About You (the victim) (Continued)

Declarations

- (11) I did OR did not authorize anyone to use my name or personal information to obtain money, credit, loans, goods, or services — or for any other purpose — as described in this report.
- (12) I did OR did not receive any money, goods, services, or other benefit as a result of the events described in this report.
- (13) I am OR am not willing to work with law enforcement if charges are brought against the person(s) who committed the fraud.

About the Fraud

(14) I believe the following person used my information or identification documents to open new accounts, use my existing accounts, or commit other fraud.

Name: _____
 First Middle Last Suffix

Address: _____
 Number & Street Name Apartment, Suite, etc.

_____ City State Zip Code Country

Phone Numbers: (____) _____ (____) _____

Additional information about this person: _____

(14):
Enter what you know about anyone you believe was involved (even if you don't have complete information).

(15) Additional information about the crime (for example, how the identity thief gained access to your information or which documents or information were used):

(14) and (15):
Attach additional sheets as needed.

Documentation

(16) I can verify my identity with these documents:

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

(16): Reminder:
Attach copies of your identity documents when sending this form to creditors and credit reporting agencies.

About the Information or Accounts

(17) The following personal information (like my name, address, Social Security number, or date of birth) in my credit report is inaccurate as a result of this identity theft:

(A) _____

(B) _____

(C) _____

(18) Credit inquiries from these companies appear on my credit report as a result of this identity theft:

Company Name: _____

Company Name: _____

Company Name: _____

(19) Below are details about the different frauds committed using my personal information.

Name of Institution	Contact Person	Phone	Extension
Account Number	Routing Number	Affected Check Number(s)	
Account Type: <input type="checkbox"/> Credit <input type="checkbox"/> Bank <input type="checkbox"/> Phone/Utilities <input type="checkbox"/> Loan <input type="checkbox"/> Government Benefits <input type="checkbox"/> Internet or Email <input type="checkbox"/> Other			
Select ONE: <input type="checkbox"/> This account was opened fraudulently. <input type="checkbox"/> This was an existing account that someone tampered with.			
Date Opened or Misused (mm/yyyy)	Date Discovered (mm/yyyy)	Total Amount Obtained (\$)	

Name of Institution	Contact Person	Phone	Extension
Account Number	Routing Number	Affected Check Number(s)	
Account Type: <input type="checkbox"/> Credit <input type="checkbox"/> Bank <input type="checkbox"/> Phone/Utilities <input type="checkbox"/> Loan <input type="checkbox"/> Government Benefits <input type="checkbox"/> Internet or Email <input type="checkbox"/> Other			
Select ONE: <input type="checkbox"/> This account was opened fraudulently. <input type="checkbox"/> This was an existing account that someone tampered with.			
Date Opened or Misused (mm/yyyy)	Date Discovered (mm/yyyy)	Total Amount Obtained (\$)	

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Select ONE: <input type="checkbox"/> This account was opened fraudulently. <input type="checkbox"/> This was an existing account that someone tampered with.			
Date Opened or Misused (mm/yyyy)	Date Discovered (mm/yyyy)	Total Amount Obtained (\$)	

(19):
 If there were more than three frauds, copy this page blank, and attach as many additional copies as necessary.

Enter any applicable information that you have, even if it is incomplete or an estimate.

If the thief committed two types of fraud at one company, list the company twice, giving the information about the two frauds separately.

Contact Person:
 Someone you dealt with, whom an investigator can call about this fraud.

Account Number:
 The number of the credit or debit card, bank account, loan, or other account that was misused.

Dates: Indicate when the thief began to misuse your information and when you discovered the problem.

Amount Obtained:
 For instance, the total amount purchased with the card or withdrawn from the account.

Your Law Enforcement Report

(20) One way to get a credit reporting agency to quickly block identity theft-related information from appearing on your credit report is to submit a detailed law enforcement report ("Identity Theft Report"). You can obtain an Identity Theft Report by taking this form to your local law enforcement office, along with your supporting documentation. Ask an officer to witness your signature and complete the rest of the information in this section. It's important to get your report number, whether or not you are able to file in person or get a copy of the official law enforcement report. Attach a copy of any confirmation letter or official law enforcement report you receive when sending this form to credit reporting agencies.

Select ONE:

- I have not filed a law enforcement report.
- I was unable to file any law enforcement report.
- I filed an automated report with the law enforcement agency listed below.
- I filed my report in person with the law enforcement officer and agency listed below.

(20):
Check "I have not..." if you have not yet filed a report with law enforcement or you have chosen not to. Check "I was unable..." if you tried to file a report but law enforcement refused to take it.

Automated report:
A law enforcement report filed through an automated system, for example, by telephone, mail, or the Internet, instead of a face-to-face interview with a law enforcement officer.

Law Enforcement Department State

Report Number Filing Date (mm/dd/yyyy)

Officer's Name (please print) Officer's Signature

Badge Number (____) Phone Number

Did the victim receive a copy of the report from the law enforcement officer? Yes OR No

Victim's FTC complaint number (if available): _____

Signature

As applicable, sign and date *IN THE PRESENCE OF* a law enforcement officer, a notary, or a witness.

(21) I certify that, to the best of my knowledge and belief, all of the information on and attached to this complaint is true, correct, and complete and made in good faith. I understand that this complaint 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 violate federal, state, or local criminal statutes, and may result in a fine, imprisonment, or both.

Signature

Date Signed (mm/dd/yyyy)

Your Affidavit

(22) If you do not choose to file a report with law enforcement, you may use this form as an Identity Theft Affidavit to prove to each of the companies where the thief misused your information that you are not responsible for the fraud. While many companies accept this affidavit, others require that you submit different forms. Check with each company to see if it accepts this form. You should also check to see if it requires notarization. If so, sign in the presence of a notary. If it does not, please have one witness (non-relative) sign that you completed and signed this Affidavit.

Notary

Witness:

Signature

Printed Name

Date

Telephone Number

Sample Form Letter for Disputing a Fraudulent Debt with a Consumer Reporting Agency

This sample letter will help remove inaccurate information on your credit report. It is from the Federal Trade Commission and is available online at <https://www.identitytheft.gov/Sample-Letters/identity-theft-credit-bureau>.

The text in **[brackets]** indicates where you must customize the letter.

[Date]

[Your Name]

[Your Address]

[Your City, State, Zip Code]

(Write to each relevant credit reporting agency, one at a time:)

Equifax
P.O. Box 105069
Atlanta, GA 30348-5069

-or-

Experian
P.O. Box 9554
Allen, TX 75013

-or-

TransUnion
Fraud Victim Assistance Department
P.O. Box 2000
Chester, PA 19016

[RE: Your Account Number (if known)]

Dear Sir or Madam:

I am a victim of identity theft. The information listed below, which appears on my credit report, does not relate to any transaction(s) that I have made. It is the result of identity theft.

[Identify item(s) resulting from the identity theft that should be blocked, by name of the source, such as the credit card issuer or bank, and type of item, such as credit account, checking account, etc.]

Please block this information from my credit report, pursuant to section 605B of the Fair Credit Reporting Act, and send the required notifications to all furnishers of this information. I am also disputing this information as inaccurate because it is the result of identity theft.

Enclosed are the following:

- A copy of my credit report I received from your company. The fraudulent items are circled.
- A copy of my Identity Theft Report and proof of my identity.
- A copy of section 605B of the Fair Credit Reporting Act, which requires you to block the fraudulent information on my credit report resulting from identity theft within four business days and to promptly notify the furnisher(s) of that information.

I appreciate your prompt attention to this matter, and await your reply.

Sincerely,

[Your Name]

Enclosures: **[List what you are enclosing]**

- Identity Theft Report
- Proof of identity: **[a copy of my driver's license/other government-issued identification card/other]**
- Copy of Credit Report

Sample Form Letter for Disputing a Fraudulent Debt with a Furnisher (for a new account)

This sample letter will help you dispute and close a fraudulent account that was opened in your name. It is from the Federal Trade Commission and is available online at <https://www.identitytheft.gov/Sample-Letters/identity-theft-dispute-new-account>.

The text in **[brackets]** indicates where you must customize the letter.

[Date]

[Your Name]

[Your Address]

[Your City, State, Zip Code]

[Name of Company]

[Fraud Department (companies may specify an address to receive fraud dispute letters), or Billing Inquiries Department]

[Address]

[City, State, Zip Code]

[RE: Your Account Number (if known)]

Dear Sir or Madam:

I am a victim of identity theft. I recently learned that my personal information was used to open an account at your company. I did not open or authorize this account, and I therefore request that it be closed immediately. I also request that **[Company Name]** absolve me of all charges on the account, and that you take all appropriate steps to remove information about this account from my credit files.

Enclosed is a copy of my Identity Theft Report supporting my position, and a copy of my credit report showing the fraudulent items related to your company that are the result of identity theft. **[Consumers should redact information that is unrelated to the dispute with this company.]** Also enclosed is a copy of the FTC Notice to Furnishers of Information, which details your responsibilities as an information furnisher to credit reporting agencies (CRAs). As a furnisher, upon receipt of a consumer's written request that encloses an Identity Theft Report, you are required to cease furnishing the information resulting from identity theft to any CRA.

The Notice also specifies your responsibilities when you receive notice from a CRA, under section 605B of the Fair Credit Reporting Act, that information you provided to the CRA may be the result of identity theft. Those responsibilities include ceasing to provide the inaccurate information to any CRAs and ensuring that you do not attempt to sell or transfer the fraudulent debts to another party for collection.

Please investigate this matter, close the account and absolve me of all charges, take the steps required under the Fair Credit Reporting Act, and send me a letter explaining your findings and actions.

Sincerely,
[Your Name]

Enclosures: **[List what you are enclosing]**

- Identity Theft Report
- Copy of Credit Report

Cause Number _____
(Complete the heading so it looks exactly like the Petition)

Plaintiff (Print Full Name)

In the (check one): District Court
 County Court at Law
 Justice Court (JP)

vs

Defendant (Print Full Name) _____ County, Texas

Warning: If you have access to a lawyer, you should consider talking to your lawyer before filling out this form. You may accidentally give up important legal rights if you file this form with the Court without first consulting with a lawyer. For help finding a lawyer, call your local law referral service. You may also be able to talk to a lawyer for free at a legal advice clinic. For help finding a free legal advice clinic go to www.TexasLawHelp.org.

Instructions: If you decide to use this *Defendant's Answer* form:

- It does not cost anything to fill out or file this form.
- You must fill out this form completely and sign it before filing it.
- Turn in your completed answer form at the Courthouse where the *Petition* was filed and send a copy of the completed form to the Plaintiff or the Plaintiff's attorney.
- Keep a copy of all documents for your records.
- Attach: Any documents that you refer to in this form.
 Any additional pages as needed to complete paragraphs that don't provide enough space. Write the paragraph number on each additional page.
- If you have been served, you have a limited time to file an answer. In county/district court, the answer is due at 10 a.m. on the Monday following 20 days from when you were served. In JP/Justice Court, the answer is due by the end of the 14th day after you were served. If the 14th day is a Saturday, Sunday, or legal holiday, your answer is due by the end of the first day following the 14th day that is not a Saturday, Sunday, or legal holiday. **If you do not file an answer by the deadline, the Plaintiff can ask the court to enter a default judgment against you.**

Defendant's Answer

1. DEFENDANT'S INFORMATION

Name (Print Full Name)

Street Address

City State Zip

Phone Email

I am the Defendant
 Attorney for the Defendant and my Texas Bar number is _____

2. ANSWER

General Denial: I deny all of the Plaintiff's allegations in this complaint or petition. I request notice of all hearings in this case.

Note: Entering a general denial does not prevent you from raising other defenses at trial. Texas Rules of Civil Procedure Rule 502.2(b)).

3. SPECIFIC PLEAS MADE UNDER PENALTY OF PERJURY

This section may not apply to everyone. Read the full list to determine if it applies to you. If you check any plea below, be sure to also complete Section 6. Read Texas Rules of Civil Procedure Rule 93 for a complete list of specific pleas that must be verified or made under the penalty of perjury.

The plaintiff does not have the legal capacity to sue or the defendant does not have the legal capacity to be sued.

- *The plaintiff does not legally own the debt.*

The plaintiff is not entitled to recover in the capacity in which he sues, or the defendant is not liable in the capacity in which he is sued.

- *The account is not my account.*
- *I am not the person who incurred the debt.*
- *I did not authorize the charges on the account.*
- *No contract was ever signed between me and the plaintiff.*

There is another suit pending in this State between the same parties involving the same claim.

- *I have already been sued by the same party for the same debt.*

There is a defect of parties, plaintiff or defendant.

- *I am not the person who incurred the debt.*
- *I am not the person who placed charges on the account.*

Denial of the execution by himself or by his authority of any instrument in writing, upon which any pleading is founded, in whole or in part and charged to have been executed by him or by his authority, and not alleged to be lost or destroyed.

- *The debt is based on a contract that I did not sign or otherwise agree to.*
- *The account is not my account.*

A written instrument upon which a pleading is founded is without consideration, or that the consideration of the same has failed in whole or in part.

- *I did not receive anything in exchange for signing the contract on which the debt is based.*

A denial of an account which is the foundation of the plaintiff's action

- *The account is not my account.*
- *I did not authorize any charges to the account.*

A contract sued upon is usurious. Unless such plea is filed, no evidence of usurious interest as a defense shall be received.

- *The contract that the debt is based on includes illegal or extremely high interest rates.*

Upon information and belief, I am unable to determine whether the transfer of debt was correctly executed and is genuine.

- *Plaintiff has not proven that it can legally collect this debt.*
- *Plaintiff has not proven that it owns this debt.*
- *Plaintiff cannot use only parts of a document to prove it owns the debt, but must introduce the entire document.*

4. AFFIRMATIVE DEFENSES

This section may not apply to everyone. Read the full list to determine if it applies to you. If you check any plea below, be sure to also complete Section 6. Read Texas Rules of Civil Procedure Rule 94 for a list of affirmative defenses. Ask a lawyer which affirmative defenses apply to your case.

Note: An affirmative defense is an independent reason that the Plaintiff should not win the lawsuit. If an affirmative defense is successful you could win the lawsuit, even if what the Plaintiff says is true. If you file an answer and do not claim an affirmative defense, you may not be able to claim the defense later. A few specific examples of when the particular defense may arise can be found in italics below the defense category. Further explanation of each affirmative defense can be found at <https://texaslawhelp.org/resource/affirmative-defenses-guide-information-and-examples>.

payment

- *The debt has been paid in full or excused.
(Fill out payment information below)*

I already paid the debt sued for.

I paid \$ _____
to _____
on _____
by _____
(date)
(check, cash, etc.)

statute of limitations

- *The debt is more than 4 years old (i.e. the debt is more than 4 years past due).*

The complaint fails to state a claim on which relief can be granted.

- *The complaint does not state why they are entitled to collect any money from me.*

accord and satisfaction

- *I paid an amount of money less than the amount the plaintiff is asking for and that amount was accepted as satisfying the debt.*

arbitration and award

- *This dispute has previously been decided in arbitration.*

contributory negligence

- *After taking my property, the creditor or its representatives did not sell the property in a commercially reasonable manner.*
- *After taking my property, the creditor or its representatives did not give me proper notice (i.e. did not tell me) of the date, time, and place of sale.*
- *The creditor failed to mitigate damages (i.e. the creditor failed to take actions to protect itself and/or minimize the amount of the alleged debt).*

discharge in bankruptcy

- *This debt has been discharged in bankruptcy.*
- *Check this box if you filed bankruptcy after you got this debt and the debt was included in your bankruptcy case.*

duress

- *The creditor physically forced me to agree to the contract.*
- *The creditor threatened me in order to get me to agree to the contract.*

estoppel

- *I relied on a statement that the debt was paid and that no further payments were required.*
- *I was a cosigner but was not informed of my rights as a cosigner.*

failure of consideration

- *I never received the goods and/or services that I was promised in exchange for the debt.*
- *The products and/or services I was promised in exchange for the debt were defective or unacceptable.*
- *The debt is based on a contract for which I did not receive anything in exchange.*
- *The debt is based on a contract that I did not sign or otherwise agree to.*

fraud

- *The creditor lied to me or tricked me to get me to agree to the contract that the debt is based on.*

illegality

- *The debt is based on a contract that is illegal.*

laches

- *The creditor unreasonably delayed in bringing the claims against me and the delay made it more difficult for me to assert my rights or defenses.*

(List of Affirmative Defenses continued on page 4)

(Affirmative Defenses cont'd from page 3)

release

- *I previously paid the debt in full.*
- *I paid an amount of money less than the amount the plaintiff is asking for and that amount was accepted as satisfying the debt.*
- *I legally cancelled the contract and do not owe anything.*
- *The creditor cancelled the contract and is not entitled to payment.*

res judicata

- *Another court has already decided the issues in this complaint.*

waiver

- *The creditor gave up his rights, either orally or in writing, to bring charges against me.*

I reserve the right to file an Amended Defendant’s Answer with the Court to plead additional verified pleas, affirmative defenses and claims, cross-claims or third-party claims, as applicable, after further investigation and discovery.

5. REQUEST FOR JUDGMENT

You can also add anything in the blanks below.

- I ask the court to dismiss the Complaint with prejudice.**
- I ask the court to award me attorney fees and court costs.**
- I ask the Plaintiff take nothing from this lawsuit.**
- I also ask for such relief as the court finds equitable and just.**

Respectfully submitted,

_____ Sign here ⇌ _____
Date

Typed or Printed Name _____

- I understand that I must let the Court, the Plaintiff’s lawyer (or the Plaintiff if the Plaintiff does not have a lawyer), and any other party or lawyer in this case know in writing if my mailing address or email address (listed on page 1) changes during this case.

6. UNSWORN DECLARATION MADE UNDER PENALTY OF PERJURY

Only fill out this portion if you selected a plea or defense in either part 3 "Specific Pleas Made Under Penalty of Perjury" or part 4 "Affirmative Defenses" of this form.

I make this unsworn declaration under the penalty of perjury in place of verification as allowed by Texas Civil Practices and Remedies Code Section 132.001.

My name is: _____
First Middle Last

My date of birth is: _____ / _____ / _____
Month Day Year

My address is:

Street

City State Zip Country

I declare under penalty of perjury that the statements in the Defendant's Answer are true and correct.

Formally executed under **penalty of perjury** in _____ County, State of _____

on the _____ day of _____, _____ .
Month Year

⇒ _____
Defendant's Signature

7. CERTIFICATE OF SERVICE

I certify that I sent a copy of this document to the Plaintiff's lawyer or the Plaintiff (if the Plaintiff does not have a lawyer) on the same day this document was filed with (turned in to) the Court as follows: *(Check one.)*

- through the electronic file manager if the document is being electronically filed
- by certified mail, return receipt requested
- by fax, to fax #: _____
- by personal delivery
- by email to this email address: _____

⇒ _____
Defendant's Signature

Date

Resources for Filing a Police Report for Identity Theft

Relevant Texas Laws

The state law in Texas defining identity theft has changed, effective September 1, 2019. This change is intended to support victims of financial abuse when debts have been incurred in their name by an abuser and they have received no benefit for those debts.

[Section 32.51\(b\)\(1\)](https://legiscan.com/TX/text/HB2697/id/2010292/Texas-2019-HB2697-Comm_Sub.html) of the Texas Penal Code states the updated definition of identity theft: [\[https://legiscan.com/TX/text/HB2697/id/2010292/Texas-2019-HB2697-Comm_Sub.html\]](https://legiscan.com/TX/text/HB2697/id/2010292/Texas-2019-HB2697-Comm_Sub.html)

A person commits an offense if the person, with the intent to harm or defraud another, obtains, possesses, transfers, or uses an item of: identifying information of another person ***without the other person's consent or effective consent.***

"Effective consent" is defined in [Section 1.07\(a\)\(19\)\(A\)](#) of the Texas Penal Code:

"Effective consent" includes consent by a person legally authorized to act for the owner. ***Consent is not effective if induced by force, threat, or fraud.***

[Article 2.29](#) of the Texas Code of Criminal Procedure states that a police report must be made when someone alleges that identity theft has occurred. It also states that the victim will get a copy of the report if the victim asks for it.

REPORT REQUIRED IN CONNECTION WITH FRAUDULENT USE OR POSSESSION OF IDENTIFYING INFORMATION.

(a) A peace officer to whom an alleged violation of [Section 32.51](#), Penal Code, is reported shall make a written report to the law enforcement agency that employs the peace officer that includes the following information:

- (1) the name of the victim;
- (2) the name of the suspect, if known;
- (3) the type of identifying information obtained, possessed, transferred, or used in violation of [Section 32.51](#), Penal Code; and
- (4) the results of any investigation.

(b) On the victim's request, the law enforcement agency shall provide the report created under Subsection (a) to the victim. In providing the report, the law enforcement agency shall redact any otherwise confidential information that is included in the report, other than the information described by Subsection (a).

Law Enforcement Contact Information

Sherriff's Offices of the 10 Largest Counties in Texas

County	Address, Phone Number, and Web Address of County Sheriff's Office	Notes on Filing an Identity Theft Police Report
Harris	1200 Baker Street Houston, TX 77002 (713) 221-6000 https://www.harriscountysoc.org/	This is the appropriate law enforcement agency if you live in Harris County. You can file the police report either over the phone or in person, depending on your situation and which you prefer.
Dallas	Call for location. (214) 749-8641 https://www.dallascounty.org/department/sheriff/sheriff_index.php	You can call and they will send out a deputy so that you can make your report in person. You can get a copy of your identity theft report after making it.
Tarrant	200 Taylor Street - 7th Floor Fort Worth, TX 76196 817-884-1213 https://www.tarrantcounty.com/en/sheriff.html	This is the correct law enforcement agency to contact if you live in an unincorporated area in Tarrant County. Otherwise, call your city's police department. To file an identity theft report, first make a report by phone. An officer will call you back or come out to you to complete the report and investigate.
Bexar	200 N Comal St. San Antonio, TX 78207 210-335-6000 x1 https://www.bexar.org/600/Sheriffs-Office	You can file the police report entirely over the phone. It is optional to have a deputy come out and to file the report with the deputy. When you have filed the report you will get a case number that you can provide to the records department. After about a week, the records department can give you a copy of the police report. This is the correct law enforcement agency for people who live in Bexar County but outside of San Antonio city limits.
Travis	5555 Airport Blvd Austin, TX 78751 (512) 974-0845 https://www.tcsheriff.org/	Call to see if this is the appropriate agency, or if you should file with Austin Police Department. If you live in the jurisdiction for Travis County Sheriff's Office, you can file over the phone or by having a deputy come to you.
Collin	300 Community Ave McKinney, TX 75071 972-547-5100 https://www.collincountytx.gov/sheriff/Pages/default.aspx	You can file a police report by either going in to the physical office or by calling, and an officer will go out and take your police report in person. You can get a copy of the police report after it has been filed.

Coerced Debt Toolkit: Addressing Identity Theft for Survivors of Financial Abuse

Hidalgo	711 El Cibolo Rd Edinburg, TX 78541 (956) 383-8114 https://www.hidalgocounty.us/209/Sheriff	To file an identity theft report, you can call and they will send a deputy to you to make the report in person. You will then be able to get a copy of your report.
Denton	127 N Woodrow Ln Denton, TX 76205 (940) 349-1600 x9 https://dentoncounty.com/Departments/Sheriff	You can call and make an identity theft report over the phone. You can then contact the records division and get a copy of your identity theft report.
El Paso	3850 Justice El Paso, TX 79938 915-546-2280 http://www.epcounty.com/sheriff/	You can't file a police report over the phone. You should call and they will send out a deputy so that you can make your report in person. You can then get a copy of the report after you have filed it.
Fort Bend	1840 Richmond Pkwy Richmond, TX 77469 281-342-3411 https://www.fortbendcountytexas.gov/government/departments/administration-of-justice/sheriff-s-office	You can call and they will send out a deputy to help you make the identity theft report in person. You can't file the report over the phone. After you have filed the report, you will be able to get a copy of the report.

Police Departments of the 10 Largest Cities in Texas

City	Address, Phone Number, and Web Address of City Police Department	Notes on Filing an Identity Theft Police Report
Houston	1200 Travis Street Houston, TX 77002 (713) 884-3131 https://www.houstontx.gov/police/index.html	You can call and you might be able to file your police report over the phone. However, if it is too busy, you might have to call back the following day or you might have to go to any Houston Police Department station to file the report. After you file the report, you will get an incident report number. You can contact the records division and they will send you a copy of the police report.
San Antonio	315 S Santa Rosa Ave San Antonio, TX 78207 210-207-7273 https://www.sanantonio.gov/SAPD	You would file a police report with this law enforcement agency if you live in the city limits of San Antonio. You can file either over the phone or you can have a police officer come to you so you can file it in person. If the total amount of money in dispute is over \$20,000, you will need to file the police report in person. You can get a copy of the police report after 7-10 business days.

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Dallas	<p>1400 S. Lamar St. Dallas, Texas 75215</p> <p>214-671-3543</p> <p>https://dallaspolice.net/</p>	<p>You can call the financial crimes number, listed in the column to the left. They will be able to advise you on your next steps. You can also go into any Dallas Police Department substation and speak with an officer and they will be able to tell you where to file the police report in person.</p>
Austin	<p>512-974-2000 (3-1-1)</p> <p>http://www.austintexas.gov/department/police</p>	<p>You can file a police report online at http://www.austintexas.gov/page/offenses.</p> <p>You can also call the non-emergency 311 number and they'll put in the request with Austin Police Department. The police department will contact you with the directions for completing the filing of the police report. They will also be able to give you a report number that you can use to get a copy of the police report.</p>
Fort Worth	<p>817-392-4222</p> <p>505 W. Felix Fort Worth, TX 76115</p> <p>https://police.fortworthtexas.gov/</p>	<p>You can file a police report over the phone. The department might need to send someone out if supporting documents are needed.</p> <p>You can get a copy of your identity theft report by going through the records division.</p>
El Paso	<p>911 N. Raynor El Paso, TX 79903</p> <p>(915) 832-4436</p> <p>https://www.elpasotexas.gov/police-department</p>	<p>You can call during business hours and file the identity theft police report over the phone. If you file over the phone, you can get a copy after 2 business days at any police station.</p> <p>You can also file online, regardless of whether or not you know who has stolen your identity. If you file online, you can then pick up your police report in 5 days at any police station.</p>
Arlington	<p>620 W Division St Arlington, TX 76011</p> <p>911 (This is the correct number to call for non-emergency crimes in Arlington.)</p> <p>https://www.arlingtontx.gov/city_hall/departments/police</p>	<p>If you are in Arlington, you can call 911 and make a police report for identity theft over the phone.</p>
Corpus Christi	<p>321 John Sartain St Corpus Christi, TX 78401</p> <p>(361) 886-2600</p> <p>https://www.cctexas.com/police</p>	<p>You can call and make the police report over the phone. If it is a complicated case, they might ask you to be in person to make the police report.</p> <p>You will get a case number. After a few days, you can call back and make arrangements to get a copy of the police report.</p>

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<p>Plano</p>	<p>909 14th St Plano, TX 75074</p> <p>(972) 424-5678 x3</p> <p>https://www.plano.gov/214/Police</p>	<p>You can file a police report for identity theft over the phone or online, but only if there is no known suspect.</p> <p>If there is a known suspect, you might be able to make the police report over the phone, but you will likely need to come into station or make the report with an officer who comes to you.</p> <p>You can call them back after your police report has been filed to get a copy of the report.</p>
<p>Laredo</p>	<p>4712 Maher Ave Laredo, TX 78041</p> <p>(956) 795-2800</p> <p>https://www.laredopd.com/</p>	<p>You can file an identity theft police report by coming into the station (see address to the left) and filing the report in person.</p> <p>You can get a copy of the report after it is filed.</p>