

**FIGHTING**  
**identity theft**

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**10**

**Court Order  
Application**

# ID Theft Victim's Kit

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## Instructions: Preparing & Filing the Application

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

### **INSTRUCTION FOR TOP OF APPLICATION:**

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

### **INSTRUCTION FOR PARAGRAPH 1:**

Enter your full name.

### **INSTRUCTION FOR PARAGRAPH 2:**

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

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## **INSTRUCTION FOR PARAGRAPH 3:**

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

## **INSTRUCTION FOR PARAGRAPH 4:**

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

## **INSTRUCTION FOR PARAGRAPH 5:**

At the beginning of this paragraph, enter the date that you fill out the application. In this paragraph, you are telling the court about each type of unauthorized transaction in which your name or other information was used without your authorization (for example, an unauthorized transaction establishing a utility account using your name). Only check those boxes which generally reflect transactions or events in which your information was used without your permission. If your information was used in a way that is not already described, there are blank spaces provided at the end of paragraph five where you can explain what else happened to you.

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## **INSTRUCTIONS FOR PARAGRAPHS 6, 7, 8 AND 9:**

Read these paragraphs carefully. They explain that this application does not include specific information (such as your account numbers) in order to protect the confidentiality of that information but that you understand that when the Court holds a hearing on your application, you will be prepared to present evidence of each of the unauthorized transactions which you listed in this application. Because the law requires the Court to enter specific findings, for each account or transaction that you checked off in paragraph five, you will need to have the following information and related documents to present when you appear before the Court: (1) the name of the institution, merchant or business where information was used without your authorization; (2) any relevant account numbers; (3) the dollar amount of the accounts or transactions affected; (4) the date or dates that your information was used without your authorization; and (5) information you may have (if any) identifying the person or persons who used your personal identifying information.

## **INSTRUCTIONS FOR THE SIGNATURE BLOCK AT THE END:**

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



CAUSE NO. \_\_\_\_\_

IN THE MATTER OF

\_\_\_\_\_

§  
§  
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§  
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§  
§

IN THE DISTRICT COURT OF

\_\_\_\_\_ COUNTY, TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

**APPLICATION REQUESTING DECLARATION THAT APPLICANT IS A VICTIM OF  
IDENTITY THEFT**

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

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

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

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

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

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

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

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

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

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

without my authorization:

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

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

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

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

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

Respectfully submitted,

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(signature of applicant)

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(printed name of applicant)

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(street or p. o. box mailing address)

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(city, state and zip code)

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(telephone number)