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

|  |  |  |
| --- | --- | --- |
| **IN THE MATTER OF** | **§** | **IN THE DISTRICT COURT OF** |
|  | **§** |  |
| **[CLIENT NAME]** | **§** | **COUNTY, TEXAS** |
|  | **§** |  |
|  | **§** | **JUDICIAL DISTRICT** |

**APPLICATION REQUESTING A DECLARATION THAT**

**[CLIENT NAME] IS A VICTIM OF IDENTITY THEFT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW [CLIENT], Applicant, by and through counsel of record and files this Application requesting that [he/she/they] be declared a victim of identity theft and in support would respectfully show as follows:

# **Discovery Level**

1. Discovery, if any, should be conducted under Level 2 of Rule 90 of Texas Rules of Civil Procedure and Applicant affirmatively pleads that this suit is not governed by the expedited actions process in the Rule 169 of Texas Rules of Civil Procedure because Applicant seeks only non-monetary relief.

# **Statement of Relief Sought**

1. Applicant seeks only non-monetary relief.

# **Parties**

1. The sole party is [CLIENT NAME] who is authorized to file this action by Texas Business and Commerce Code Chapter 521, Subchapter C.

# **Jurisdiction and Venue**

1. The Court has jurisdiction and venue over this matter pursuant to Texas Business and Commerce Code § § 521.101, et seq. [CLIENT NAME] is the proper party to this action. Notice of the proceeding and hearing will be provided to all persons or entities known to have given credit or accounts to the impostor.

# **Facts**

1. Applicant [CLIENT NAME] was [NAME THE RELATIONSHIP i.e. married, living with, in a long term relationship] with an abuser and impostor, [ABUSER NAME]. Applicant is the victim of domestic violence committed by her abuser throughout their relationship, including both physical and economic abuse;

[OR ALTERNATIVE IF THE ID THIEF IS UNKNOWN]

5. Applicant [CLIENT NAME] is a victim of identity theft and does not know the identity of the person who allegedly transferred or used the victim's identifying information in an unlawful manner. [Then state facts of how the victim learned of the ID theft].

1. Using Applicant’s personal identifying information, the impostor committed the crime of identity theft against Applicant. The impostor used Applicant’s personal identifying information without her knowledge, consent, or effective consent to obtain [NAME TYPE i.e. several credit cards].
2. The unauthorized use of this personal identifying information caused injury and harm to Applicant. [IF POLICE REPORT FILED include “Applicant filed a complaint pursuant to Section 32.51 TEX. PENAL CODE with the Police Department (*see* **Exhibit A**). AND/OR Applicant also filed and completed two identity theft affidavits (*see* **Exhibit B** and **Exhibit C**). The impostor used Applicant’s personal identifying information without Applicant’s knowledge or consent to commit fraud and compromised the following accounts:
   1. Date: (Date account was opened)

Creditor:

Amount: (Current Balance)

Account #:

Status: (i.e. Past Due)

* 1. Date:

Creditor:

Amount:

Account #:

Status:

* 1. Date: Unknown

Creditor:

Amount:

Account #:

Status:

# **Relief Requested**

1. Applicant respectfully asks the Court to enter an order pursuant to the Texas Identity Theft Enforcement and Protection Act, Section 521.103, of TEX. BUS & COMM. CODE declaring that she is a victim of identity theft. Applicant further requests that the Court declare the above-referenced property to have been obtained as a result of identity theft and that Applicant is not the owner of said property.

# **Prayer**

1. WHEREFORE, PREMISES CONSIDERED, Applicant respectfully prays that this Court enter an order declaring that Applicant is a victim of identity theft because she has been injured by violations of Texas Business and Commerce Code Chapter 521 and/or Texas Penal Code Section 32.51.

Respectfully submitted,