

FIGHTING
identity theft

www.texasfightsidtheft.gov



10

Preparing Exhibits

ID Theft Victim's Kit

Instructions for Preparing Exhibits

The Identity Theft Enforcement and Protection Act requires the judge who holds the hearing to consider your application and make very specific findings regarding each financial account or transaction which your application states was affected by identity theft. You can use the Exhibit form to help you prepare for the hearing and to assist the judge in understanding your facts and entering these specific findings. Thus, you should make several copies of the blank exhibit form and fill one out for every instance of identity theft you will present to the court. To assist you in preparation, attach to each exhibit, copies of any documents which you will ask the judge to review. The judge will then be able to review each exhibit together with any documents and testimony you present regarding such exhibit. The judge will then decide as to each exhibit whether you have been a victim of identity theft. If the judge agrees with you that a particular exhibit and the evidence you present demonstrate you are a true victim of identity theft with respect to the particular matter represented in the Exhibit, the judge will attach that exhibit to any final order entered by the court. The judge may decide to attach one, none or all of the exhibits you prepare to the final order. The judge may also elect to modify these exhibits as well as the proposed order that is part of this package to fit your specific circumstances. As required by state law, the Order and all of the Exhibits attached by the judge will be sealed and not open to the public.



CAUSE NO. _____

IN THE MATTER OF

§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

_____ COUNTY, TEXAS

_____ JUDICIAL DISTRICT

EXHIBIT ___ of ___

INCORPORATED TO ORDER DECLARING APPLICANT IS VICTIM OF IDENTITY THEFT

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

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

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

_____.

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

Dates:

Dollar Amounts:

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

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

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

___ state drivers license # _____;

___ social security number _____;

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

___ passport number _____;

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

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

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

6. As provided by Section 521.101, TEX. BUS. & COMM. CODE (Vernon 2009), this Court's order and Exhibits may be used for the purpose of submitting it to a governmental entity or private business in order to:

(A) prove that a financial transaction or account of the victim was directly affected by a violation of Chapter 521, TEX. BUS. & COMM CODE (Vernon 2009) or the commission of an offense under Section 32.51, TEX. PENAL CODE; or

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

It may also be used in a civil proceeding brought by or against the applicant arising or resulting from a violation of Chapter 521, TEX. BUS. & COMM. CODE (Vernon 2009), including a proceeding to set aside a judgment obtained against the victim.

7. This Exhibit is attached and incorporated for all purposes to Order Declaring Applicant is a Victim of Identity Theft which was entered this ____ day of _____, 20____.

DISTRICT JUDGE PRESIDING