

How to Dispute Coerced Debt

As a first step to protect yourself, before working through the steps in this guide, freeze your credit report with the big consumer reporting agencies (Equifax, Experian, and TransUnion). This helps to protect you from future theft. For more information about placing a credit freeze, go to: <http://financialabusehelp.org/guide/guide-2-protect>.

Know your rights

Texas' **identity theft protections** cover victims of coerced debt. Coerced debt happens in the context of an abusive relationship and when the abuser takes out debt in the name of victim **or** when the abuser uses force or makes threats (called coercion) to get the victim to take out debt.

If you are in Texas and have coerced debt, then you are a **victim of identity (ID) theft**. You have the same rights as people whose identities were stolen by strangers.

Under the **Fair Credit Reporting Act**, if you are the victim of ID theft, you have the right to file a dispute with a consumer reporting agency to:

- Remove information resulting from ID theft that creditors and debt collectors reported to the consumer reporting agency—including any account opened due to ID theft or any charges to an account that happened because of the ID theft;
- Dispute any other incorrect information that is on your credit report, like addresses or phone numbers that are not yours; and
- Get a response to your dispute within 30 days.

You can also dispute coerced debt with the company that is trying to collect on the debt. There are four steps to disputing coerced debts on your own or with the help of an advocate.

STEPS FOR DISPUTING COERCED DEBTS

1. Find out details about the coerced debt.

2. File an identity theft report (an Identity Theft Form with the Federal Trade Commission, a police report, or both).

3. Dispute coerced debt with the consumer reporting agencies. (The goal is to block or remove the debt from your credit report.)

4. Dispute coerced debt with the creditor, lender, or debt collector. (The goal is to end your responsibility to pay.)

Step 1: Find out details about the coerced debt.

To access ID theft protections as a victim of coerced debt, you must be able to identify specific debts or charges, including the type and amount of debt. To identify debts and charges, request a free copy of your credit reports from www.AnnualCreditReport.com. **Only use this website, as other places that advertise “free” reports aren’t really free.**

For your safety, it is important to know that when you share your address or phone number with the consumer reporting agency (also called a credit bureau) to get a credit report, it will become part of your file and may appear on your credit report. Make sure to only share address or phone information that will not put your safety at risk and where you can safely receive mail and phone calls.



Tips:

1. Get a copy of all three credit reports—from Equifax, Experian, and Trans Union—as they may each have different information.
2. Download a copy of each report, so that you have it for your records.
3. Look at credit report and identify debts that are not yours or accounts that you opened or used because you were forced or threatened (coerced) by your abuser. Debts you identify can include charges on credit card accounts that your abuser made either without your knowledge or through coercion.
4. Gather any documents you have related to the coerced debts, such as statements, bills, and collection notices. These will be helpful to specifically identify the debts and identify any charges that are from ID theft.
5. If your abuser took out other debts in your name, like payday loans, cell phone debt, or debts to pay for utilities, these may not show up on your credit report. If you have information about these debts, you should include it in your identity theft report.

Visit financialabusehelp.org (<http://financialabusehelp.org/guide/guide-3-discover>) for more tips and detailed help on how to find out about coerced debts taken out in your name. **If you identify coerced debts or other debts resulting from identity theft, go to Step 2 of this packet. Stop here if you do not have coerced debt and are not a victim of ID Theft.**

Step 2: File an Identity Theft Report.

You will need to report the identity theft to a law enforcement agency and get a copy of the report. The most common ways to do this are by:

1. Filing an **Identity Theft Report** with the Federal Trade Commission
2. Filing a **police report**.

You can file an **Identity Theft Report** with the Federal Trade Commission, a **police report** with a local police department, or both. It is up to you.

What if I benefitted from the debt that was taken out in my name by an abuser?

People generally can't claim certain identity theft protections if they took possession of goods, services, or money resulting from the identity theft. A victim of identity theft, including coerced debt, may not have the right to "block" the debt from credit reports if the victim has something of value from the theft.

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

If this is your situation, it is best to **wait and speak with an attorney** about the details and decide the best next steps together.

How do I file an Identity Theft Report with the Federal Trade Commission?

Filing out an **Identity Theft Report** lets you dispute a debt or request a block. Disputing a debt means that you are telling the consumer reporting agencies that the debt does not belong on your credit report. Requesting a block is similar. It blocks any information that is the result of ID theft from your credit report. You can dispute a debt for any reason, but you can only get a block if you are a victim of ID theft.

There are two ways you can fill out the **Identity Theft Report**:

1. **Online.** Fill out an online **Identity Theft Report** at www.IdentityTheft.gov.
2. **By telephone.** You can also call and report the identity theft to the Federal Trade Commission at 1-877-438-4338.

The form will ask you to list the debts that are in your name because of ID theft. If you are reporting more than five ID theft accounts, you can include more accounts in the comments section at the end of the report. If you still need space to report accounts, you can use the comment section of the form. You can also file additional separate forms, but each form requires a new account number and a different email address.

How do I file a Police Report?

Like the **Identity Theft Report**, filling out a police report lets you dispute a debt or request a block. If you plan to file a **police report**, it is a good idea to first file the **Identity Theft Report**. You can give a copy of your completed Form(s) to the police to include it in the police report.

You can file a police report in person, online, or by telephone. The resources section at the end of this guide has website and contact information for four North Texas police departments: Arlington, Dallas, Fort Worth, and Plano.

When making a police report, it is helpful to have:

- Information about the specific debts that are the result of ID theft.
- A copy of the **Identity Theft Report** that you filed with the Federal Trade Commission. The police can use the form as a basis for their report.
- “Relevant Texas Laws” document, included in the **Resources** section at the end of this guide, in case the police officer is unfamiliar with protections for victims of coerced debts.

Sometimes, if you do not live in a city with its own police department, the law enforcement agency you will need to contact to file your police report will be your county sheriff’s office. It’s not always obvious which agency is the right one to file the report with. If you cannot find information online, you can call their non-emergency phone number.

When you call:

1. Explain that you are a victim of identity theft and would like to file a police report.
2. Ask how you should file the police report. Generally, it will be either entirely over the phone or in person with a deputy who comes to your house. In some cases, you can file the report online.

When you speak to the police, clearly explain your situation. It is important to be truthful, because filing a false police report is a crime. You should request that an official, written incident report be made that includes all the ID theft 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.

Step 3: Dispute the coerced debt and other information you think is incorrect with the consumer reporting agency that is reporting it.

Write a dispute letter that:

1. Says you are a victim of identity theft and you are including a copy of your police report or FTC Identity Theft Report with your letter.
2. Lists the accounts on your consumer report that should be blocked or removed because they are from ID theft. Describe each account in detail:
 - For example, include the name of the creditor, account number, and other helpful information, like the balance and the date it was opened.
3. Lists other information on your credit report that does not belong to you or is incorrect (like phone numbers and addresses) that should also be blocked or removed.
4. Says you want the account/information you listed in your letter to be blocked from your credit report **and** you are also disputing that you owe any debt associated with those accounts because they were the result of identity theft.

The Resources at the end of this guide include a **sample letter** that you can use to dispute errors on your report with the consumer reporting agency (credit bureau).

The **sample letter** has a list of other documents to include with the dispute letter, such as proof of your identity—for example, a copy of a driver’s license—and a copy of the **Identity Theft Form** and the **police report** (if you filed one). You should also include a copy of the consumer report that you downloaded with all the inaccurate information circled.

Mail your dispute letter, along with the other documents, to each of the consumer reporting agencies using certified mail, return receipt requested. If you cannot afford the cost, the domestic violence advocacy program may be able to help you. **Do not file your dispute online.**

When you have made a dispute, the consumer reporting agency must investigate. They generally have 30 days from when they receive your dispute to investigate and inform you of the results.

If you requested a block, they must block the information from showing up on your reports or let you know they denied your request. They can only refuse to block the information if:

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. You obtained possession of goods, services, or money as a result of the blocked transaction (you benefited from the identity theft).

If the information is blocked, it won’t show up on your credit report. **Keep all mailing records (certified mail and return receipts) and any letters you get from the credit reporting agency to share with your lawyer.**

Step 4: Dispute the coerced debt with the creditor, lender, or debt collector.

When you send your dispute letter to the consumer reporting agencies, send a copy of the same letter at the same time to the company that is sending information about the debt to the consumer reporting agency (also called the furnisher). You can also use the letter templates in the **Resources** section at the end of this guide.

The furnisher may be the original creditor of a credit card, the original lender of a loan, or a debt collector. However, sometimes other companies may furnish information about an account.

The company that is the furnisher is included with the account information in your credit report. You can find out who the furnisher is by looking at the account name and the contact information for that account on your credit report.

For example, if you have unpaid debt owed to a landlord on your credit report, 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. 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, and therefore the furnisher.

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;
- Auto loans/leases;
- Utilities (light, water, internet, phone);
- Housing (rental debt);
- Housing (mortgage/home equity loans);
- Payday loans;
- Tax debt;
- Bank account/debit accounts; and
- Student loans.

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 remove your responsibility for paying the debts.

For other types of debt, like credit cards or payday loan debt, you can mail the dispute to the furnisher by certified mail with return receipt requested at the same time that you mail the dispute to the consumer reporting agency. **Keep all mailing records (certified mail and return receipts) and any letters you get from furnishers to share with your lawyer.**

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Step 2: Resources for filing a police report for identity theft

Relevant Texas Laws

ID theft in Texas includes both debts taken out through threat or force (coerced debts), as well as debts the victim did not know about.

[Section 32.51\(b\)\(1\)](#) of the Texas Penal Code states the updated definition of identity theft:

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.

[Section 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: Police Departments for the Largest North Texas Cities

City	Address, Phone Number, and Web Address of City Police Department	Notes on Filing an Identity Theft Police Report
Arlington	620 W Division St Arlington, TX 76011 817-274-4444 https://www.arlingtontx.gov/city_hall/departments/police/records_and_reports/File_Report_Online	If you are in Arlington, you can call the phone number listed in the column to the left and make a police report for identity theft over the phone.
Dallas	1400 S. Lamar St. Dallas, Texas 75215 214-671-3543 https://dallaspolice.net/division/financialinvestigations/policerreport	You can file online or 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.
Ft. Worth	505 W. Felix Fort Worth, TX 76115 817-392-4222 https://police.fortworthtexas.gov/OnlineServices/identity-theft-fraud-report	Can do over the phone or online. Can get a copy of identity theft report by going through the records division.
Plano	909 14th St Plano, TX 75074 972-424-5678 x3 https://www.plano.gov/1548/Online-Police-Reporting	You can file a police report for identity theft over the online, but only if there is no known suspect. 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. You can call them back after your police report has been filed to get a copy of the report.

Step 3: Resources to dispute the coerced debt with the consumer reporting agency

Identity Theft Letter to a Consumer Reporting Agency (Credit Bureau)

This sample letter from the Federal Trade Commission will help remove inaccurate information on your credit report. The text in **[brackets]** indicates where you must add in your own information.

This website has links to all sample dispute letters from the Federal Trade Commission, including letters to dispute specific charges on a credit or debit card:

<https://www.identitytheft.gov/#/Sample-Letters>

[Date]

[Your Name]

[Your Address]

[Your City, State, Zip Code]

(Write a separate letter to each credit reporting agency that shows coerced debts on your credit report)

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: Disputing error[s] on credit report.

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.

[List each item resulting from the identity theft that should be blocked or removed. Include the name of the source, such as the credit card issuer or bank; the type of item, such as credit account, checking

account, etc.; the account number; any balance or charge you are disputing; and phone numbers, addresses, or other information that should not be on your report because it resulted from the identity theft.]

Please block this information from my credit report, pursuant to section 605B of the Fair Credit Reporting Act. I am also disputing the accuracy of the information listed above. Because I am a victim of identity theft, none of this information should be associated with me, my credit report, or my credit file. Please send the required notifications to all furnishers of this information.

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 my identity theft report from local police (if one is available)]
- 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 [and police report if one is available]
- Proof of identity: [a copy of my driver's license/other government-issued identification card/other]
- Copy of Credit Report
- Fair Credit Reporting Act Section 605B [PDF]

Fair Credit Reporting Act Section 605B (15 U.S.C. § 1681c-2)

(a) Block. Except as otherwise provided in this section, a consumer reporting agency shall block the reporting of any information in the file of a consumer that the consumer identifies as information that resulted from an alleged identity theft, not later than 4 business days after the date of receipt by such agency of—

- (1) appropriate proof of the identity of the consumer;
- (2) a copy of an identity theft report;
- (3) the identification of such information by the consumer; and
- (4) a statement by the consumer that the information is not information relating to any transaction by the consumer.

(b) Notification. A consumer reporting agency shall promptly notify the furnisher of information identified by the consumer under subsection (a) of this section—

- (1) that the information may be a result of identity theft;
- (2) that an identity theft report has been filed;
- (3) that a block has been requested under this section; and
- (4) of the effective dates of the block.

(c) Authority to decline or rescind.

(1) In general. A consumer reporting agency may decline to block, or may rescind any block, of information relating to a consumer under this section, if the consumer reporting agency reasonably determines that—

- (A) the information was blocked in error or a block was requested by the consumer in error;
- (B) the information was blocked, or a block was requested by the consumer, on the basis of a material misrepresentation of fact by the consumer relevant to the request to block; or
- (C) the consumer obtained possession of goods, services, or money as a result of the blocked transaction or transactions.

(2) Notification to consumer. If a block of information is declined or rescinded under this subsection, the affected consumer shall be notified promptly, in the same manner as consumers are notified of the reinsertion of information under section 1681i (a)(5)(B) of this title.

(3) Significance of block. For purposes of this subsection, if a consumer reporting agency rescinds a block, the presence of information in the file of a consumer prior to the blocking of such information is not evidence of whether the consumer knew or should have known that the consumer obtained possession of any goods, services, or money as a result of the block.

(d) Exception for resellers.

(1) No reseller file. This section shall not apply to a consumer reporting agency, if the consumer reporting agency—

(A) is a reseller;

(B) is not, at the time of the request of the consumer under subsection (a) of this section, otherwise furnishing or reselling a consumer report concerning the information identified by the consumer; and

(C) informs the consumer, by any means, that the consumer may report the identity theft to the Bureau to obtain consumer information regarding identity theft.

(2) Reseller with file. The sole obligation of the consumer reporting agency under this section, with regard to any request of a consumer under this section, shall be to block the consumer report maintained by the consumer reporting agency from any subsequent use, if—

(A) the consumer, in accordance with the provisions of subsection (a) of this section, identifies, to a consumer reporting agency, information in the file of the consumer that resulted from identity theft; and

(B) the consumer reporting agency is a reseller of the identified information.

(3) Notice. In carrying out its obligation under paragraph (2), the reseller shall promptly provide a notice to the consumer of the decision to block the file. Such notice shall contain the name, address, and telephone number of each consumer reporting agency from which the consumer information was obtained for resale.

(e) Exception for verification companies. The provisions of this section do not apply to a check services company, acting as such, which issues authorizations for the purpose of approving or processing negotiable instruments, electronic fund transfers, or similar methods of payments, except that, beginning 4 business days after receipt of information described in paragraphs (1) through (3) of subsection (a) of this section, a check services company shall not report to a national consumer reporting agency described in section 1681a (p) of this title, any information identified in the subject identity theft report as resulting from identity theft.

(f) Access to blocked information by law enforcement agencies. No provision of this section shall be construed as requiring a consumer reporting agency to prevent a Federal, State, or local law enforcement agency from accessing blocked information in a consumer file to which the agency could otherwise obtain access under this subchapter.

Step 4: Resources to dispute the coerced debt with the creditor, lender, or debt collector

Links to letters to furnishers

The Federal Trade Commission offers a variety of different letter templates. The two below are to submit to furnishers. There is one letter if a new account was opened in your name without your knowledge and permission and a second letter for charges that you did not know about or “authorize” and happened on “existing” accounts that were already open and belong to you. Use the letter or letters that make sense for your situation.

If someone opened a new account in your name, send this letter to the company:

- [Identity Theft Dispute Letter to a Company \(for a new account\)](https://www.identitytheft.gov/#/Sample-Letters/identity-theft-dispute-new-account)
<https://www.identitytheft.gov/#/Sample-Letters/identity-theft-dispute-new-account>

If someone misused one of your existing accounts, send this letter to the company:

- [Identity Theft Dispute Letter to a Company \(for an existing account\)](https://www.identitytheft.gov/#/Sample-Letters/identity-theft-dispute-charges-existing-account)
<https://www.identitytheft.gov/#/Sample-Letters/identity-theft-dispute-charges-existing-account>

Don't forget to send all letters certified mail with return receipt requested, so that you have proof they were sent and received.