

## Law of the Land: The Texas Roadmap to Understanding Your Legal Rights and Responsibilities

“Law of the Land: The Texas Roadmap to Understanding Your Legal Rights and Responsibilities” has been prepared to inform U.S. immigrants and Texans about their legal rights and responsibilities under Texas and federal law. Many individuals are often unaware of their legal rights and responsibilities and, consequently, encounter financial hardships in an effort to resolve or defend against legal matters that could have been easily avoided. Moreover, with the recent terrorist acts on September 11th, new immigration and naturalization laws, regulations and policies will significantly change the manner in which immigrants are treated in the United States. A video in English and Spanish is available as a supplement to this brochure.

*Law of the Land* is designed to address three main areas of personal rights and responsibilities. First, there are the rights and responsibilities that each individual has including, but not limited to, the right to vote, freedom of safe passage, service on a jury and payment of income taxes. Second are the rights and responsibilities involving family members such as immigration and naturalization of family members, marriage and divorce, and wills and estates. Finally, there are rights and responsibilities involving others. These include debt and consumer protection, employment rights and landlord-tenant issues. The *Law of the Land* booklet addresses these three areas through a series of questions and answers and provides useful contact information in an appendix.

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### **IMPORTANT DISCLAIMER**

This pamphlet is for general informational purposes only. It is not a substitute for professional legal and tax advice or assistance.

## Unit No. 1

### Personal Rights & Responsibilities

## FREEDOM OF SAFE PASSAGE

The U.S. Constitution guarantees all citizens the freedom of safe passage to and from the United States and between its states. This is one inalienable right that is not always a guarantee in other countries. The following text provides information on obtaining a valid U.S. passport and other documentation necessary to freely depart or enter the United States and to enter and depart most foreign countries.

A passport is not needed for short-term travel between the United States and Mexico, Canada, and some countries in the Caribbean, where a U.S. birth certificate or other proof of U.S. citizenship may be accepted. Even if you are not required to have a passport to visit a foreign country, U.S. Immigration requires you to prove your U.S. citizenship and identity to reenter the United States. A U.S. passport is the best proof of U.S. citizenship. Other documents to prove U.S. citizenship include an expired U.S. passport, a certified copy of your U.S. birth certificate, a Certificate of Naturalization, a Certificate of Citizenship, or a Report of Birth Abroad of a Citizen of the United States. To prove your identity, either a valid driver's license or a government identification card that includes a photo or a physical description is adequate.

You should also be aware that with the number of international child custody cases on the rise, several countries have instituted passport requirements to help prevent child abductions. For example, Mexico has a law that requires a child traveling alone, or with only one parent, or in someone else's custody, to carry written, notarized consent from the absent parent or parents. However, no authorization is needed, if the child travels alone and is in possession of a U.S. passport.

### **Q: How do I apply for my U.S. passport?**

If you are applying for your U.S. passport for the first time, you must apply for it in person with a completed Form DS-11, *Passport Application*.

### **Q: Where do I obtain a passport application?**

Passport applications may be downloaded from the U.S. Department of State website at [http://www.travel.state.gov/download\\_applications.html](http://www.travel.state.gov/download_applications.html). Passport applications may also be obtained from a designated passport application facility, which may include your local post offices, clerks of court, public libraries and other state, county, township, and municipal government offices. In order to find out where the closest designated passport application facility is to you, you may search on line at <http://iafdb.travel.state.gov/>.

### **Q: What do I need to file with the passport application?**

Along with the passport application (Form DS-11 for first time applicants), you must also provide the following documentation:

1. Proof of U.S. citizenship with one of the following documents:

- Previous U.S. Passport
  - Certified birth certificate issued by the city, county or state
- NOTE:** *A certified birth certificate has a registrar's raised, embossed, impressed or multicolored seal, registrar's signature, and the date the certificate was filed with the registrar's office, which must be within 1 year of your birth*
- Consular Report of Birth Abroad or Certification of Birth
  - Naturalization Certificate
  - Certificate of Citizenship

2. Proof of identity with one of the following documents:

- Previous U.S. Passport
- Naturalization Certificate
- Certificate of Citizenship
- Current, valid Driver's license, Government ID (city, state or federal) or Military ID (military and dependents)

3. Two passport photographs, per the specifications provided below.

4. Pay applicable fees. Current fees are \$85 (age 16 and older) and \$70 (under age 16). Fees listed at [http://www.travel.state.gov/newfees\\_text.html](http://www.travel.state.gov/newfees_text.html).

5. Provide your social security number

For more information on obtaining a U.S. passport, you can obtain a copy of the publication *Passports: Applying for Them the Easy Way*. This pamphlet provides basic information about applying for a U.S. passport, and it is available on-line at [http://travel.state.gov/passport\\_easy.html](http://travel.state.gov/passport_easy.html).

### **Q: Is there anything special about the two passport photographs?**

Yes. The two photographs must not exceed 2" x 2" in size, be identical, and taken recently (e.g., within the past 6 months). The image size measured from the bottom of your chin to the top of your head (including hair) must be not less than 1 inch nor more than 1-3/8 inches with your head taking up most of the photograph. Passport photographs may be either black and white or color. The photographs must be clear, front view, full-face, and printed on thin, white paper with a plain, white or off-white background. There are many businesses that specialize in passport photos.

### **Q: How long will it take to get my passport?**

If you apply at a passport acceptance facility, the same day that you apply, your application will be sent to Passport Services for processing. You will receive your passport within 6 weeks via first class mail. If you apply at a passport agency,

you will receive your passport within 5 weeks (25 business days) via first class mail. Your passport will be mailed to the mailing address you provided on your application. If you are leaving on an emergency trip, apply in person at the nearest passport agency, presenting your tickets or airline-generated itinerary, as well as other required items listed in this publication. In order to ensure that customers with imminent travel receive their passports in time for their trips, many passport agencies are now operating by appointments and are generally serving only those leaving in less than 14 days.

**Q: What should I do if my passport is lost or stolen?**

If your still valid passport is lost or stolen, you can report the loss when you apply for a new passport. In addition to Form DS-11, you will need to complete a Form DS-64, *Statement Regarding a Lost or Stolen Passport*. If you are abroad, immediately report the loss to local police authorities and the Consular Section of the nearest U.S. Embassy or Consulate.

## VOTING RIGHTS

***“The right to vote freely for the candidate of one’s choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of the representative government.”***

—Chief Justice Earl Warren, *Reynolds v. Sims* (1964).

The right to freely vote in an election for the official or issue of your choice is a right that has evolved since the birth of our nation. Initially, women could not vote, and African-Americans, whether free or enslaved, did not have the constitutional right to vote. Through the tireless efforts of many, the rights of all people, regardless of gender, race, or religion have become firmly instated in the U.S. Constitution and federal law. As was the case in the 2000 Presidential campaign where a handful of votes decided the outcome, it goes without saying that every vote counts and can make the difference in the outcome of an election. While voting is a cherished right, it is also our duty to vote in elections and to elect the officials of our choosing to run government offices and vote on the issues that best reflect each of our personal opinions. Whether your vote is in the majority or minority, it carries equal weight with all other U.S. citizens, regardless of your economic or social status. Your vote does count.

### **Q: Am I eligible to vote?**

According to the Secretary of State’s office, to be eligible to register to vote in Texas, you must:

- be a United States citizen;  
\*\* If you are a lawful permanent resident, you are not eligible to vote and if you register to vote, this may harm your chance to obtain U.S. citizenship through naturalization.
- be a resident of whichever county you are registering to vote in;
- be 18 years old (you may register at 17 years and 10 months of age);
- not be a convicted felon (unless your sentence is completed, including any probation or parole);
- not be declared mentally incompetent by a final judgment of a court.

### **Q: Can I be prevented from voting if I am eligible?**

No. Your right to vote is guaranteed under the U.S. Constitution. Additionally, the Voting Rights Act of 1965

protects every American against racial discrimination in voting. This law also protects the voting rights of many people who have limited English skills. The Act stands for the principle that everyone’s vote is equal, and that neither race nor language should shut any of us out of the political process. Section 2 of the Act makes it illegal for any state or local government to use election processes or procedures that give voters who are members of racial or ethnic minority groups less opportunity than other voters to participate in the political process and elect representatives of their choice to public office. Suits can be brought under Section 2 by either the Justice Department or a private citizen.

You can find the Voting Rights Act in the United States Code at 42 U.S.C. 1973 to 1973aa-6. You can find information about the Voting Rights Act at the Department of Justice’s website: <http://www.usdoj.gov/crt/voting>.

### **Q: Where can I get a voter registration application?**

In Texas, the county tax assessor-collector is the voter registrar for the county unless the position of county elections administrator is created or the county clerk is designated as the voter registrar. Voter registration applications may be obtained from your local voter registrar. Applications are also available at many libraries, post offices, and other state department offices, such as the Texas Department of Public Safety offices and Texas Department of Human Services offices.

### **Q: When can I register to vote?**

You may register to vote at any time by completing the application and mailing it your county tax assessor-collector’s office or the county office which is designated as the voter registrar for your county.

You must be at least 17 years and ten months of age on the date your application is submitted. Your spouse, parent or child (acting as an agent) may complete and sign a voter registration application for you, provided that this person is a registered voter, or has applied for voter registration.

Your application must be submitted 30 days before an election for you to be eligible to vote in that election. You should receive your Voter Registration Certificate within 30 days.

## JURY DUTY

A citizen's right to a trial by jury can be traced back to both the United States Constitution and the Texas Declaration of Independence. Although the right to a jury trial is considered a fundamental safeguard of each American's constitutional liberties, the concept of a jury trial is hardly new, dating back to medieval England.

The receipt of a jury summons puts you in the center of this most basic right of all Americans. The United States and the State of Texas Constitutions guarantee a right to trial by a jury of his or her peers for anyone accused of a crime, regardless of his or her race, religion, gender, national origin or economic status. Any time the facts of a civil or criminal case are in dispute, the parties have a right to have their case heard by a jury of fair and impartial citizens who will make decisions without bias or prejudice.

As a juror, your obligation is to listen to all the evidence presented at a trial, then decide the facts. While the judge's job is to decide the law, you get to decide whether which party wins or whether someone is guilty of the crime as charged. You do not need special knowledge or ability to be a juror. You are, however, expected to keep an open mind, use common sense, concentrate on the evidence presented, and be fair and honest in your deliberations.

### **Q: What is jury duty?**

All people, regardless of race, religion, sex, national origin, or economic status, have the right to trial by an impartial jury. You may be selected to serve as a juror at random from a list of voter registrations and a list of driver registrations from the county in which you live. If you are selected, you will receive an Official Jury Summons in the mail. Justice ultimately depends to a large measure upon the quality of the jurors who serve in our courts so your duty as a juror is very important.

### **Q: What are the different types of cases?**

There are two basic types of cases, criminal and civil (including family cases). A criminal case results when a person is accused of committing a crime. You, as a juror, must decide whether the person charged is guilty or not guilty. The accused person is presumed innocent, and the State, represented by the District or County Attorney, must prove guilt "beyond a reasonable doubt." A civil case results from a disagreement or dispute between two or more parties. In a civil case, you, as a juror, must answer questions of disputed facts based upon the testimony and evidence admitted by the judge. The answers to these questions are called the verdict.

### **Q: Am I eligible to serve on a jury?**

Jurors must:

- Be a citizen of the United States and of this State;
- Be at least 18 years of age;
- Reside in the county of jury service;
- Be able to read and write;
- Be of sound mind;

You cannot serve on a jury if:

- You have been convicted of a felony or of any type of theft (unless rights have been restored);
- You are now on probation or deferred adjudication for a felony or for any type of theft; or
- You are now under indictment for a felony or are now under criminal charges for any type of theft.

If you are in doubt, or think you may not be qualified to serve on a jury for one of the above or any other reasons, you may notify the judge.

### **Q: May I be excused from jury duty?**

You are entitled to be excused as a juror if you:

- Are over 70 years of age;
- Have legal custody of a child under 10 years of age and jury service would leave the child unsupervised;
- Are a student in class;
- Are the caretaker of a person who is unable to care for themselves (an invalid);
- Can show a physical or mental impairment or an inability to comprehend or to communicate in English;

### **Q: Will I be paid while I am serving my jury duty?**

You will be paid a minimum of \$6.00 for each day you actually serve on a jury. Your employer is not required to pay you while on jury duty; however, employers are prohibited by law from firing an employee for serving as a juror.

### **Q: What happens if I do not show up for jury duty?**

If you fail to comply with your Official Jury Summons, you will be subject to a contempt action punishable by a fine between \$100 to \$1,000. In addition, if you fail to attend court in obedience to the notice without reasonable excuse or file a false claim of exemption from jury service, you will be fined \$10 to \$100.

## INCOME TAXES

*The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration.*

### **Amendment XVI - Income taxes authorized. Ratified 2/3/1913.**

All U.S. citizens and alien residents are required to pay annual income taxes to the federal government. In 1913, the states ratified the 16th Amendment to the U.S. Constitution making the income tax a permanent fixture in the U.S. tax system. The amendment gave Congress legal authority to tax income and resulted in a revenue law that taxed incomes of both individuals and corporations. The Internal Revenue Service (IRS), a bureau of the U.S. Treasury Department, is the federal agency charged with the administration of the tax laws passed by Congress.

The IRS functions through a national office in Washington, 4 regional offices, 63 district offices, and 10 service centers. Operations involving most taxpayers are carried out in the district offices and service centers. District offices are organized into Resources Management, Examination, Collection, Taxpayer Service, Employee Plans and Exempt Organizations, and Criminal Investigation. All tax returns are filed with the service centers, where the IRS computer operations are located.

#### **Q: What is the Internal Revenue Service (IRS)?**

The IRS is the Department of the United States (U.S.) government that collects federal taxes. Taxpayers report their income on an IRS form. This is referred to as “filing a tax return.” Information about the IRS can be obtained from any of its offices or online at [www.irs.gov](http://www.irs.gov).

#### **Q: Why should you file a tax return?**

- You may be eligible to receive a cash refund if your employer has withheld more money than you owe.
- It may help you on your immigration application.
  - ⇒ For most immigration applications, such as Naturalization, Family Based Petitions, Work Authorization, and Adjustment of Status, you need to show that you filed tax returns.
  - ⇒ For most immigration matters, you must prove “good moral character” and “continuous presence.” Filing a tax return is evidence to prove both of these.
- If you owe taxes and don't pay, you are breaking the law.

#### **Q: Who can get a tax refund?**

You can get a tax refund if you live and work in the U.S.

You may be eligible for a refund if your employer withheld more income tax than you owe. You may get a refund even if you do not have legal permission to live and work in the U.S. You do not need a valid Social Security number to get a refund or to file a tax return.

#### **Q: How do you get other tax benefits?**

You may be eligible for other tax benefits. The IRS has different rules than the Immigration and Naturalization Service (INS). Under IRS rules, if you are not a U.S. citizen, you are called an alien. There are two kinds of aliens, resident and nonresident. Resident Aliens can get the earned income tax credit, child tax credit, childcare credit, elderly credit, foreign tax credit, and adoption credit. Nonresident aliens can get a refund of income taxes. They can get some tax credits, but special rules apply.

#### **Q: What is the earned income tax credit?**

The Earned Income Tax Credit (EITC) is a refundable tax credit for low-income individuals and families. The EITC reduces the amount of federal income tax owed and can even result in a refund check. This means more money in your pocket. When the EITC is more than the amount of taxes owed, it results in a tax refund for those who qualify and claim it. The amount of EITC depends on filing status, income, and family size. To qualify, a married taxpayer must file jointly with his or her spouse. Single taxpayers may qualify by filing either as single or as head of household.

Taxpayers can figure the credit by using a special worksheet included as part of the EITC instructions in the 1040, 1040A, and 1040EZ tax packages, they may have the IRS figure the amount of the credit for them, or they may obtain free assistance from the IRS at a walk-in office or by calling 1-800-829-1040 to find the closest volunteer income tax assistance site. The EITC does not generally affect eligibility for Medicaid, Supplemental Security Income (SSI), food stamps, or low-income housing.

#### **Q: Who qualifies for the EITC?**

To claim the EITC you must meet certain requirements. Follow the steps below:

##### STEP 1: RULES FOR EVERYONE

- You must have a valid social security number. If filing jointly, your spouse must have a valid social security number. Any qualifying child must also have a valid social security number;
- Your filing status cannot be married filing separately;
- You must be a U.S. citizen or resident alien all year;
- You cannot file Form 2555 or Form 2555EZ (relating to foreign earned income);
- Your investment income must be \$2,500 or less;

- You must have earned income.

#### STEP 2: RULES IF YOU HAVE A QUALIFYING CHILD - Your child must meet three tests:

- Relationship Test - Your child must be your son, daughter, adopted child, grandchild, stepchild, or eligible foster child.
- Age Test - your child must be under age 1, under age 24 and a student, or totally disabled at any time during the year regardless of age.
- Residency Test - Your child must have lived with you for more than half the year.

In the case of unmarried parents living with a child, if each parent lived with the child for more than six months of the tax year, the child is the qualifying child of the parent with the highest income. You cannot be a qualifying child of another person.

#### STEP 3: RULES IF YOU DO NOT HAVE A QUALIFYING CHILD

- You must be between the ages of 25 and 65;
- You cannot be the dependent of another person;
- You cannot be a qualifying child of another person; and
- You must have lived in the United States for more than half of the year.

#### STEP 4: FIGURING AND CLAIMING THE EITC

Following the calculations procedures established in the IRS forms for the reporting year.

For more information on the EITC see publication 596 ([www.irs.gov/pub/irs-pdf/p596.pdf](http://www.irs.gov/pub/irs-pdf/p596.pdf)), visit your local IRS Taxpayer Assistance Center for free tax help from an IRS tax specialist, or call the IRS at 1-800-829-1040 to find the free volunteer income tax assistance site nearest you.

#### Q: What is the child tax credit?

The child tax credit is a tax benefit for people with low or moderate incomes. When you file a tax return, the child tax credit could reduce the amount of tax you are required to pay. You might even be entitled to a cash refund!

#### Q: Is the child tax credit like the EITC?

No. Different rules apply. Many people who do not qualify for the EITC still qualify for the child tax credit. You might even qualify for both.

#### Q: Who can get the child tax credit?

To qualify for the child tax credit, your child must be:

- Your son, daughter, stepson, stepdaughter, adopted child, grandchild, or eligible foster child;
- Under the age of 17 at the end of the tax year;
- Listed as your dependent on your tax return;
- A citizen or resident of the U.S., and
- Your income must be less than a certain amount for the reporting year.

#### Q: How much child tax credit can I get?

The maximum is \$600 per child. To find out how much you can get, you should visit your local IRS walk-in center to see a tax specialist or call 1-800-829-1040 to find the free volunteer income tax assistance site nearest you.

#### Q: Will the child tax credit affect my public benefits?

The child tax credit will not affect benefits including: food stamps, public housing, TANF, SSI, and TexCare. The child tax credit should not affect the amount of your benefits. The child tax credit will not affect your ability to receive most public benefits in the future, even if you receive a cash refund. If you are denied public benefits or the amount you receive decreases because of the child tax credit, you should call your local legal aid office for assistance or referral.

#### Q: What is innocent spouse relief?

Has the IRS been hounding you for your spouse's taxes? Do you think it's unfair for you to be held liable for these taxes? Innocent spouse relief is relief from a joint tax debt. If you qualify for innocent spouse relief you may not be responsible for all or part of the debt listed on your joint tax return.

When you file a joint tax return with your spouse, both you and your spouse are agreeing to be responsible for the taxes owed. This means that you could be responsible for the entire amount of taxes owed, even if you didn't work or have any income to report.

Most married couples file jointly for a variety of reasons. Among these are (1) if you are married, you must file jointly to qualify for the EITC; and (2) Social Security benefits received by a married taxpayer may become taxable if the taxpayer does not file a joint return with his or her spouse.

#### Q: How do I qualify for innocent spouse relief?

There are three ways to qualify for innocent spouse relief:

##### 1. Separation of liability

You qualify for separation of liability if:

- You are divorced; or
- You have lived apart from your spouse at all times during the 12-month period before filing for innocent spouse relief.

You do not qualify for separation of liability if:

- You paid the tax debt;
- You knew about an understatement in income at the time you signed the tax return; or
- The tax debt was listed on the return.

##### 2. Pure innocent spouse relief

You may qualify for pure innocent spouse relief if:

- You filed a joint return during the year of the tax debt;
- There was an understatement of tax on the

return due to unreported income, an overstated deduction, or an erroneous item; and

- It would be unfair to hold you liable for the tax.

If you qualify for innocent spouse relief, you may obtain a refund of taxes already paid or you may avoid liability for the unpaid debt. If you knew about the understatement of tax, but not the full extent of it, you may qualify for partial innocent spouse relief.

### **3. Equitable relief**

You may qualify for equitable relief if, after considering all the facts and circumstances of your case, it would be unfair to hold you liable for the tax. You can request this if the debt is from an understatement or underpayment. This means you can request relief even when the tax debt was listed on the tax return.

The IRS may consider it unfair to hold you liable for the tax debt if:

- You were abused by your spouse;
- You were unable to pay your bills;
- English is your second language;
- You are divorced or physically separated for 12 months;
- Your spouse has a higher level of education than you;
- Your divorce decree requires your spouse to pay the tax debt; or
- The tax liability is based solely on your spouse's income.

#### **Q: How do you request innocent spouse relief?**

You must fill out form 8857 and attach an explanation as to why you qualify. Include your Social Security number on the explanation. If you are requesting innocent spouse relief for more than one year, then you must attach a separate explanation for each year. Remember to include your social security number on each explanation. Do not file form 8857 with your income tax return.

#### **Q: When can I file for innocent spouse relief?**

You may file for innocent spouse relief as soon as you become aware of the tax debt. You must not file later than two (2) years from the first IRS attempt to collect the tax debt.

#### **Q: What is an injured spouse claim?**

When you file a joint income tax return, the government applies all or part of your joint refund to pay for your spouse's past-due tax. Past-due tax may be owed because of unpaid child support or federal non-tax debt, such as a student loan. An injured spouse claim can help you get your part of the tax refund back. An injured spouse claim will not apply to a joint tax debt.

#### **Q: How do I qualify for an injured spouse claim?**

You must meet all of the following three conditions:

1. You are not required to pay the past-due amount. This means the debt accrued before you were married, or your spouse is the only responsible party for the debt;
2. You reported income on the joint tax return. This means that you earned some or all of the income on the tax return; and
3. You made and reported payments on the joint return. Payments include federal income tax withheld from your wages, estimated tax payments, or refundable credits, such as the EITC.

#### **Q: How do I make an injured spouse claim?**

You make an injured spouse claim by filling out IRS Form 8379. You may attach it to your tax return and enter "Injured Spouse" in the upper left corner of the return. If you have already filed your return, mail Form 8379 to the IRS Service Center for the place where you lived when you filed the joint return. It can take up to eight weeks to process this claim.

#### **Let the IRS help you**

For assistance with tax questions call the IRS at 1-800-829-1040 or visit their website at [www.irs.gov](http://www.irs.gov). If you have called the IRS for help and have been unable to resolve your tax issues, call the National Taxpayer Advocate Service at 1-877-777-4788 to obtain the number for your local Taxpayer Advocate Service office. To obtain IRS forms, instructions, and publications call 1-800-829-3676 to order them, go to [www.irs.gov](http://www.irs.gov) to download them, or pick them up from your local IRS walk-in office, or your local post office, library, or school. Also, for information on free tax services see IRS Publication 910.

#### **Let your local low-income taxpayer clinic help you!**

If your tax refund has been withheld, you owe money to the IRS, or you have other problems with the IRS, you may be able to get free legal help from your local Low-Income Taxpayer Assistance Clinic. Please see the back of this booklet under Appendix: "Where to Go for More Information" for a listing of Low Income Taxpayer Clinic (LITCs) in Texas.

## Unit No. 2

### Rights & Responsibilities Involving Family Members

## IMMIGRATION AND NATURALIZATION

### **U.S. Citizenship and Naturalization**

Citizens of the United States are entitled to live and work permanently in the U.S., vote in U.S. elections, serve on juries, and hold a U.S. passport. U.S. citizens can sponsor their spouse, unmarried children under age 21, and parents as immediate relatives. These relatives do not have to wait for a visa number to become current. Additional information on sponsoring a family member is discussed further in this immigration section.

#### **Q: How can an individual become a U.S. citizen?**

##### **1. Birth in the United States**

Children born in the U.S. are automatically U.S. citizens, regardless of the immigration status of their parents.

##### **2. Birth outside the U.S. to U.S. citizen parents**

Certain children born abroad to U.S. citizen parents are automatically citizens of the U.S.

##### **3. Naturalization of parents**

A child born outside the U.S. may automatically become an U.S. citizen if both parents become U.S. citizens prior to the child's 18th birthday. It does not matter if both parents naturalize, or if one parent is a U.S. citizen by birth and the other a U.S. citizen by naturalization.

##### **4. Adoption by U.S. citizen parents**

Certain children adopted and in the physical custody of their U.S. citizen parents for at least two years may acquire U.S. citizenship. The child must be under the age of 16 at the time of the legal adoption.

##### **5. Naturalization**

The general rule is that anyone over the age of 18 who has been a legal permanent resident alien for at least five (5) years may apply for naturalization. The applicant must have been physically present in the U.S. for at least 30 months out of the five years prior to the date of filing of the application and must have resided for at least three months within the state in which the application is filed.

The applicant must demonstrate good moral character, be attached to the principles of the U.S. Constitution, be willing to bear arms on behalf of the U.S. or perform other work of national importance, and must not otherwise be barred from naturalizing, e.g., as having committed an aggravated felony. All naturalization applicants will be fingerprinted by the BCIS (formerly INS) and have their criminal backgrounds reviewed by the FBI.

The applicant must demonstrate a basic ability to read, write, speak, and understand the English language. The applicant must also pass a short oral or written test on the history and government of the U.S. Finally, the applicant must be interviewed in person by an INS officer.

#### **Q: What happens during the interview by the BCIS officer?**

During the interview with the BCIS officer, the applicant may be required to produce documentation showing that he/she has been living in the U.S. as a permanent resident over the past 5 years, such as lease agreements, mortgage payments, utility bill statements, checking account, savings account, credit card statements, school records, pay stubs and any other documents evidencing residency in the U.S. The applicant may also be requested to show his/her last 3 years of income tax returns to the BCIS officer.

#### **Q: Does a person obtain his/her U.S. citizenship at the interview with the BCIS officer?**

No. If the applicant is recommended for naturalization by the BCIS officer at the interview, the applicant will attend a public ceremony and take the Oath of Allegiance to the United States. After taking the oath, the applicant will return the green card to the INS and receive a certificate of naturalization. This certificate of naturalization, which is proof of U.S. citizenship, can be used to obtain a U.S. passport and register to vote.

#### **Q: Is there another way to qualify for naturalization?**

There are other special exceptions and provisions of the law for certain applicants for naturalization, including those who serve in the military, those who are married to U.S. citizens, those who are employees or under contract to the U.S. government, and those who perform ministerial or priestly functions.

To determine if you qualify for one of the special exceptions or to obtain more information on naturalization, please see A Guide To Naturalization (Form M-476), which is a publication of the U.S. Department of Justice, Immigration and Naturalization Service. This guide is available on the internet at <http://www.ins.gov/graphics/lawsregs/handbook/hnmanual.htm> in English, Spanish, Tagalog (Filipino), Chinese and Vietnamese.

#### **Q: What documents are needed to file for naturalization?**

- Completed N-400 application (may be downloaded from <http://www.ins.gov/graphics/formsfee/forms/index.htm>);
- 2 ADIT-style photos (photo specifications listed at <http://www.ins.gov/graphics/lawsregs/handbook/m-378.pdf>);
- INS filing fee and fingerprinting fee (current

fees are listed with N-400 form at website address above); and

- Copy of front and back of green card.

### **Family-Based Immigration**

The most common way by which a person can become a lawful permanent resident of the United States is through a family relationship. The filing of a visa petition by a United States Citizen or Lawful Permanent Resident relative (the Petitioner) is the first step in this process. Depending upon the relationship of the family member who is being sponsored (the Beneficiary), he or she will qualify either as an “immediate relative” or in a “preference” category. The classification is very important in determining how long the process will take.

#### **Q: What are the classifications?**

##### **1. Immediate relatives include:**

- Spouse of United States Citizens (and in limited circumstances, a widow or widower or a United States Citizen);
- Unmarried children under 21 years of age (step-children and adopted children may often qualify);
- Parents of United States Citizens.

##### **2. Preference categories:**

- 1st Unmarried sons and daughters (21 or older) of U.S. Citizens;
- 2nd [2A] Spouses and children (under 21) of a Lawful Permanent Resident;  
[2B] Unmarried sons and daughters (21 or older) of a Lawful Permanent Resident;
- 3rd Married sons and daughters (21 or older) of a U.S. Citizen;
- 4th Brothers and sisters of a U.S. Citizen.

[Notice that a Lawful Permanent Resident (green card holder) cannot petition for his or her parents or married son or daughter].

#### **Q: What is the difference between an immediate relative and a preference category?**

Visas are *always* available for immediate relatives, and so there is no wait for a visa to become current. Persons who fall in the family preference categories usually will have to endure a wait for a visa to become available as there are only a limited number of visas per preference category and per country. A “Visa Bulletin” is published each month by the State Department which keeps track of visa availability by preference category and country. The general rule is that a person’s country of visa chargeability is their country of birth, however a different country may be used in certain circumstances. The Visa Bulletin may be found on the State Department website at [http://www.travel.state.gov/visa\\_bulletin.html](http://www.travel.state.gov/visa_bulletin.html).

#### **Q: What needs to be done to sponsor the immigration of a family member to the U.S.?**

The first step in the process to sponsor a qualifying fami-

ly member is for the U.S. citizen or lawful permanent resident to file a visa petition and supporting documentation with INS. This is done on Form I-130. The Petitioner must show proof of U.S. Citizenship or Lawful Permanent Resident status and evidence documenting the qualifying relationship, such as a marriage certificate or birth certificate.

#### **Q: Once the I-130 is approved, is my family member in legal status?**

No. The I-130 relative petition does not give the sponsored family member any legal status in the U.S. If the family member is in the U.S., he/she may file form I-485 Application for Permanent Residency in order to obtain his/her lawful permanent resident status. The Beneficiary can also file for work authorization and a travel permit while the case is pending. If the family member is outside the U.S., he/she would need to interview at the U.S. Consulate for the region where they live. This process is called “consular processing.”

#### **Q: Who may file form I-485 Application for Permanent Residency?**

If the relative being sponsored (Beneficiary) qualifies as an immediate relative and is present in the U.S., the relative petition (Form I-130) and Adjustment of Status to Permanent Residency application (Form I-485) can be filed together. This is because, as previously mentioned, visas are always available for immediate relatives.

For those persons in the family preference categories, the date of the filing of the I-130 petition establishes the “priority date”, which is the Beneficiary’s “place in the line” for a visa. The priority date is compared each month to the date which appears on the State Department Visa Bulletin in each preference category. When a Beneficiary’s priority date is current, he or she becomes eligible to apply for permanent residency. In certain cases, a Preference category Beneficiary who is in the United States and has a current priority date may also file an Adjustment of Status application by paying INS a “penalty” fee.

#### **Q: What if the family member lives overseas?**

If the Beneficiary is residing abroad, once the relative petition (I-130) is approved by the BCIS, the U.S. embassy or consulate in the home country is notified. When the Beneficiary is either an immediate relative or has a current priority date pursuant to the Visa Bulletin Preference system, the embassy or consulate will request documentation to schedule the immigrant visa interview.

#### **Q: What happens if my spouse and I have been married less than two years at the time of interview?**

If the family petition is based on a marriage of less than two years at the time of the interview, the Beneficiary spouse will be granted Conditional Permanent Resident status. The couple must file a petition to remove the conditions 90 days before the two-year anniversary of being granted conditional permanent residency status.

**Q: What do I need to do to file for my relative?**

A checklist of documentation needed to file a relative petition is listed on the next page. You will also need to obtain the appropriate INS forms, which may be downloaded from <http://www.ins.gov/graphics/formsfee/forms/index.htm>.

Please note that Form I-864 Affidavit of Support is one of the forms that must be filed by the Petitioner, along with a current job verification letter and the Petitioner's last 3 years of tax returns, with W-2's attached. In order to execute the affidavit, Petitioner must be a U.S. citizen or lawful permanent resident, 18 years of age, domiciled in the U.S., have an income 125% above the federal poverty line, and be petitioning for the Beneficiary's admission to the U.S. for permanent residency. This affidavit is an enforceable, binding contract, in which the Petitioner promises that the Beneficiary sponsored will not become a "public charge" (i.e. use federal or state public benefits such as Supplemental Security Income, Medicaid and Temporary Assistance to Need Families) for a 10 year peri-

od. In addition, the Petitioner's tax returns and current job letter must show that the Petitioner has an income 125% above the federal poverty line. The federal poverty guidelines change each year and may be found on Form I-864P at <http://www.ins.gov/graphics/formsfee/forms/files/I-864p.pdf>. If Petitioner's income does not meet the federal poverty line, evidence of Petitioner's assets, which are readily available, may be used, or Petitioner may find a co-sponsor, who must be willing to sign an I-864 Affidavit of Support on the Beneficiary's behalf as well.

Family-based cases are filed at the local Immigration and Naturalization Office for the district in which the Beneficiary lives. The permanent residency process may be complex, so you may wish to obtain free or reduced-fee legal assistance from Associated Catholic Charities or another local non-profit agency with immigration legal services. Please see the "Where to Go for More Information" section at the back of this brochure for a listing of non-profit agencies.

## Relative Petition and Application for Permanent Residence Document Checklist

### **Petitioner**

- U.S. passport, Naturalization Certificate or Permanent Resident Card
- Birth Certificate or Certificate of Unavailability
- Marriage Certificate and/or Divorce Decree(s)
- G-325 Biographic Information
- I-864 Affidavit of Support
- Income Tax Returns for past 3 years, with W-2's attached
- Job verification letter
- Evidence of marriage (wedding photos, insurance policies, accounts in both names – checking, savings, credit cards, etc.)
- Photo (2)

### **Beneficiary**

- Passport (current and all expired)
- I-94 Card
- INS Approval Notices and Employment Authorization Card (1-797,1-20, EAD)
- Birth Certificate or Certificate of Unavailability
- Marriage Certificate and/or Divorce Decree(s)
- G-325 Biographic Information
- Medical Examination
- Photos (2 for I-130) (2 for 1-485) (2 for Parole Document) total of 6

## DIVORCE AND CHILD SUPPORT

A divorce is the dissolution of the bonds of a marriage. It is not a punishment for a wrong done by one spouse to another, but is the result of the determination by the state where the couple lives that the continuation of the marital relationship between the couple is no longer best for the couple and/or their family. Child support is an obligation that may be imposed by a court upon the spouse to pay the other who has custody of the children born to the marriage. The following are commonly asked questions regarding the divorce process and the payment of child support.

**Q: Who can file for divorce in Texas?**

A husband or wife can file for divorce in Texas if he/she has lived in Texas for the last 6 months. The filing party must file in the county he/she has lived in for the last 90 days.

**Q: How long does a divorce take?**

A divorce must be on file in the court for at least 60 days before a divorce can be granted. Many uncontested divorces can be completed within 3 to 4 months, or less, if the parties agree on property division and child custody issues. Complicated divorces usually take longer to complete.

**Q: What if my spouse won't agree?**

You can get a divorce, even if your spouse doesn't want to. The signature of your spouse on the divorce decree is not necessary in order for the court to grant a divorce. You do not have to prove that one of the parties is at fault in order to obtain a divorce.

**Q: What is a common-law marriage?**

A common-law marriage in Texas is a valid marriage. In order to have a common-law marriage, the parties must have lived together in Texas under an agreement to be married and they must have held themselves out publicly as a married couple. In order to end a common-law marriage, a divorce is required.

**Q: What if we got married in another country?**

If you marry someone in another country, the marriage is also valid in the United States and a divorce is required in order to end the marriage. Regardless of where you were married, you can obtain a divorce in Texas if you or your spouse meets the residency requirement described above.

**Q: What happens to the property we own?**

The court has the power to divide the property that was accumulated during the marriage, unless it is the separate property of one spouse. Separate property consists of property that was owned prior to marriage and property that was acquired by gift or inheritance. Property that can be divided upon divorce includes land, buildings, vehicles, bank accounts, pension/retirement accounts, furniture and personal belongings.

**Q: What about our debts?**

The divorce court has the power to divide the debts that were accumulated by the parties during the marriage.

**Q: Can I get alimony or spousal support?**

Although alimony payments (also called "maintenance") are not frequently ordered by Texas courts, under certain circumstances a Texas court can order one spouse to pay "maintenance" to the ex-spouse for up to 3 years after the date of the divorce. In most cases, the length of the marriage must be 10 years or longer in order for the court to award maintenance. The court will consider factors such as the financial resources and earning abilities of both parties before awarding maintenance.

**Q: What happens to our children in the divorce?**

In most cases, the divorce court has the power to decide child support and child custody issues, if those matters have not already been decided. The children will most likely live with one parent most of the time and spend alternating weekends with the other parent.

**Q: Which spouse will receive primary custody of the children?**

If the parties agree to a certain living arrangement for the children, the court will usually approve the arrangement. In the cases where the parties cannot agree, the court will usually place the children with the parent who has provided the children's day-to-day care in the past and who can best demonstrate the ability to do so in the future.

**Q: What about child support?**

When a court makes a child custody determination, the court usually orders the non-custodial parent, also called the obligor, to pay an amount of child support (depending on the parent's income) to be paid until the child reaches the age of 18 (or until the completion of high school). Child support for a disabled child can be ordered to continue indefinitely.

**Q: Can child support payments be deducted directly from my former-spouses paycheck?**

Yes, but an order called a "Wage Withholding Order" must be signed by the judge that informs the employer the amount to withhold and the frequency. A Wage Withholding Order is customary in divorces. Oftentimes, the Wage Withholding Order is signed by the judge, but not issued to the employer if the paying parent is consistent and timely with the child support payments. If the paying parent becomes delinquent with the child support payments, the Wage Withholding Order is then issued to the employer so that the payments are deducted from the paying parent's paycheck. In most cases, the payments are made to the local child support office, who logs the check and forwards it to the parent with primary custody of the children.

**Q: What are the child visitation arrangements?**

The non-custodial parent will normally be granted substantial visitation rights regarding the children. Under normal circumstances the parents are expected to make informal visitation arrangements between them for the convenience of all parties. If the parties are unable to agree on informal visitation arrangements, the court will normally order a specific visitation schedule called a "Standard Possession Order" which sets out detailed visitation arrangements for weekends, summer and holidays.

**Q: Can the court order a name change for a child?**

As part of the final divorce order, the court can restore a party's prior name. In addition, errors that may exist on a child's birth record can also be corrected in the divorce proceeding.

**Q: What can I do if my spouse is hurting or abusing me?**

Texas has laws that protects victims of family violence whether they are getting a divorce from their abusive spouse or not. If you have already filed for divorce, the court can make emergency orders to protect you and the children. If you have not started the divorce process, you can apply for a "protective order" if you fear that you or your children are in danger. The local women's center, county attorney office, district attorney office, or legal aid office can assist you in obtaining a protective order. To locate the shelter nearest you and to obtain information regarding the various services they offer, call the national hotline for domestic violence at 1-800-799-SAFE (7233).

**Q: How much child support am I entitled to as the primary custodial parent of my children?**

Section 154.125 of the Texas Family Code sets forth guidelines of varying percentages of net resources to be paid as child support depending upon the number of children. The following table illustrates the percentage child support guidelines set forth in the Family Code.

		<b>Multiple Family Adjusted Guidelines (% of Net Resources)</b>						
		Number of Children Before the Court.						
		0	1	2	3	4	5	6
Number of other children for whom the obligor has a duty of support	0	20.00	25.00	30.00	35.00	40.00	40.00	40.00
	1	17.50	22.50	27.38	32.20	37.33	37.71	38.00
	2	16.00	20.63	25.20	30.33	35.43	36.00	36.44
	3	14.75	19.00	24.00	29.00	34.00	34.67	35.20
	4	13.60	18.33	23.14	28.00	32.89	33.60	34.18
	5	13.33	17.86	22.50	27.22	32.00	32.73	33.33
	6	13.14	17.50	22.00	26.60	31.27	32.00	32.62
	7	13.00	17.22	21.60	26.09	30.67	31.38	32.00

**Q: Does the court have to follow the above guidelines when ordering a parent to pay child support?**

No, the court may consider the needs of the children, the ability of the party to pay child support, and the debts the paying parent is assuming. Further, if a parent is having to travel long distances in order to exercise visitation, the cost of travel (gasoline, airfare, hotel expense) are factors that may support a variance from the child support guidelines. In addition, if a paying parent is supporting a child through college, this factor may also call for a reduction in child support.

**Q: What are the "net resources" the court considered when ordering a parent to pay child support?**

Net resources include more than just salary but also includes money earned in the form of commissions, overtime pay, retirement benefits, pensions, trust income, annuities, capital gains, social security benefits, and gifts. Deducted from gross "resources" are any amounts paid for social security taxes, federal income taxes (based on the tax rate for a single person claiming one personal exemption and the standard deduction), union dues, and any expenses that the obligor pays for the children's health insurance. These amounts are deducted from an obligor's resources to determine net resources for applying the child support guidelines.

**Q: Can a parent be ordered to provide health insurance for the children?**

Yes. In determining the manner in which health insurance is to be provided, the court must consider the cost and quality of health insurance coverage available to the parties, giving priority to health insurance coverage available through the employment of one of the parties.

**Q: What is included in the health insurance my ex-spouse is supposed to provide?**

The term health insurance means insurance coverage that provides basic health care services, including usual physician services, office visits, hospitalization, and laboratory, X-ray, and emergency services, that may be provided through a health maintenance organization (HMO) or other private or public organization.

**Q: What happens if my ex-spouse can't obtain health insurance for the children through his/her job, but I do?**

If health insurance is not available through the your ex-spouse's employment but is available for the children through yours, the court can order you to provide health insurance through your employer and order your ex-spouse to reimburse you for that amount it costs you to provide health insurance for the children.

**Q: Can I have the cost of health insurance reimbursement deducted from my ex-spouses paycheck?**

Yes. The amount can be deducted the same way child support payments are deducted.

## WILLS & ESTATE PLANNING

Death is not only a personal issue but a legal one as well. A death certificate must be issued, and the estate of the deceased individual (the decedent) must pass to others. An estate consists of the property, both real and personal, which the decedent owns at the time of death. Real property includes land and improvements located on the land, oil, gas, and other mineral interests. Personal property is all property other than real property including cash and bank accounts, clothing and personal effects, household furnishings, motor vehicles, stocks and bonds, life insurance policies, and government, retirement or employee benefits.

Upon death, title to the decedent's property passes immediately to the beneficiaries under the decedent's will or to the heirs-at-law if the decedent died without a will. However, there must be an actual transfer of ownership of the property by proving the will in court or, if there is no will, by having a court determine who are the decedent's heirs. The purpose of court involvement is to protect the rights of the family, those entitled to receive property, and the creditors of the decedent's estate.

Therefore, although title to property passes immediately at death, the assets of the estate are subject to the control of the executor or administrator of the estate for the purpose of settling the debts of and claims, the remaining assets are distributed to the decedent's beneficiaries at heirs-at-law. If the decedent died with a legally valid will, then his or her property is distributed according to his or wishes as expressed in the will. On the other hand, if the decedent died without a will, the estate is distributed to the decedent's heirs as determined under Texas law. The decedent's heirs may not be the persons to whom the decedent wished for his property to pass. Therefore, it is extremely important that everyone have a valid will to ensure that their estate passes to whom they want it to.

### **Q: What are the disadvantages of dying without a will?**

If a person dies without a will, the law disposes of his or her property. The law does not play favorites, so the distribution is by degree of kinship to the decedent, not by how close of wonderful one was to the decedent. Dying without a will may trigger undesired results and unexpected costs and delays. Dying without a will can tie up assets for a undetermined period of time. A court proceeding is often required to determine who the heirs are, although in certain limited circumstances it may be possible to clear title to the assets without an heirship proceeding. An administrator, who may be responsible to the court for settling the estate, may have to be appointed. The administrator may be required to post a bond to insure that the duties are performed properly. The administrator's duties include locating the heirs, inventorying the assets, paying off debts of and claims against the estate, and distributing the property to the heirs.

Transfer of ownership of some of the assets by legal documents, such as deeds and certificates of title, may be neces-

sary. If the estate cannot be settled amicably, the court will resolve the disputes. Because of congested dockets, court proceedings are often slow. Legal fees and court costs may begin to mount. Depending on how difficult it is to divide the property and whether the heirs agree on the value assigned to it, court proceedings could be so lengthy and costly that the estate is depleted. The bottom line is that dying without a will costs time and money and causes frustration for the family of the decedent.

### **Q: What a will can do for you and your loved ones when you die?**

A testator is a person who leaves a will in force at his or her death. A will is a legal instrument which states how the testator's property is to be distributed at death. A valid will avoids many of the problems that may arise from dying without a will and allows a person to leave property to the persons he or she wants. In addition to naming the recipients of the testator's property, the will also designates the individual(s) who will manage the property and care for minor children. In larger estates, the will often contains provisions that minimize estate taxes.

For a will to accomplish any or all of these results, it must have been properly signed. To execute a will, the testator must meet the following requirements:

- Be at least 18 years of age;
- Be of sound mind at the time of execution;
- Not be unduly or fraudulently induced (forced or deceived) to make the will; and
- Have testamentary intent (present intent to bequeath property at death).

For a typewritten will to be valid, it must meet these requirements:

- Be signed by the testator or another person at his or her direction and in his or her presence;
- Be witnessed by two (2) credible witnesses above the age of 14; and
- Be signed by the witnesses in the presence of the testator.

### **Q: Does a will have to be typed or written by an attorney?**

No. A holographic will is one that is written completely in the testator's handwriting and signed by the testator. A holographic will does not have to be dated. Also, a holographic will can be written on any piece of paper. There have been cases involving wills written on the back of a used envelope, on a scratch pad and on hotel stationary. No witnesses are needed in order to have a valid holographic will. At the time the estate is probated, witnesses that are familiar with the testator's handwriting are needed to confirm that the document was written by the testator.

**Q: What is a Directive to Physicians and Family or Surrogates (Living Will)?**

Texas law allows any competent adult, by signing a Directive to Physicians and Family or Surrogates (or “living will”, as it is often called), to instruct his or her physician to withhold or withdraw artificial life-sustaining procedures in the event of a terminal condition. The directive takes effect only after the patient’s physician determines that the patient is terminally ill and that death is expected within six months without the application of artificial life-sustaining procedures.

The form and contents of the directive are prescribed by Texas law. The directive should be in writing, signed by the patient, and witnessed by two competent adults. One of the witnesses cannot be the person designated to make a treatment decision for the patient, related to the patient by blood or marriage, the patient’s heirs, the physician, a person who would have a claim against the patient’s estate upon his or her death, or an employee of the patient’s health care facility who is providing direct care to the patient or who is involved in the financial affairs of the facility. The directive need not be notarized.

The directive may include a designation of another person to make a treatment decision for the patient if the patient is comatose, incompetent, or otherwise mentally or physically incapable of communication.

If you desire that your life not be artificially prolonged in the event of a terminal illness, you should consult with an attorney to have a directive prepared for you. It may also be desirable to inform your physician of your wishes and to provide him/her with a copy of the directive. Failure to sign a directive may result in difficulties for your family in carrying out your wishes with respect to terminating artificial life-sustaining procedures.

**Q: What is a Power of Attorney?**

A power of attorney is a document by which one person (the principal) grants to another (the agent) the power to perform certain acts on his or her behalf. Two types of powers of attorney are common in estate planning, namely the power of attorney for health care and the durable power of attorney.

The power of attorney for health care grants the agent the power to make health care decisions for the principal if he/she is unable to make them. The agent may exercise his/her authority only if the principal’s attending physician certifies that, in the physician’s opinion, the principal lacks the capacity to make health care decisions. The principal can revoke the power of attorney at any time, orally or in writing, and regard-

less of the principal’s mental state. The power of attorney for health care must be signed by two witnesses.

The second type of power of attorney is the durable power of attorney. This instrument grants the authority to a designated agent to manage the principal’s property on his or her behalf. It can be distinguished from the power of attorney for health care which relates to health care decisions rather than decisions concerning the management of property. The principal can either grant the agent one or more specific powers or grant the agent all of the powers listed in the power of attorney form. In addition, the principal can elect to have the power of attorney become effective immediately upon signing it or delay only upon the principal’s future disability or incapacity. The durable power of attorney must be notarized, but need not be witnessed.

The forms of both the power of attorney for health care and the durable power of attorney are prescribed by Texas law. You should consult an attorney if you desire to have either of these documents prepared for you.

**Conclusion**

If you die without leaving a will, you risk that your property will not be distributed as you desire. Even when the heirs-at-law are the same as you would have selected yourself, there is no advantage to letting the law take its own course. The advantage lies in dying with a will. With a well-drafted will you can avoid legal pitfalls, name an executor of your estate, name a guardian for your children, establish trusts, and minimize probated-related costs by providing for independent administration. Although a will can be challenged in court, the grounds for contest in Texas are few, and the law favors carrying out the decedent’s intent.

Executing a will is not as complicated or as expensive as you might think. You are encouraged to talk with an attorney about will, trusts and estate administration and to have a will prepared by the attorney. If you decide not to use an attorney, at least this information should give you a general idea of what will happen to your property if you die without a will.

If you desire that your life not be artificially prolonged in the event of a terminal condition, you should consider signing a living will. You should consult with an attorney and your physician to understand the full impact of the living will. Finally, you should consult with an attorney regarding the advantages of signing a power of attorney for health care and a durable power of attorney.

## Unit No. 3

### Rights & Responsibilities Involving Other Parties

## DEBT AND CONSUMER PROTECTION ISSUES

There are numerous issues that consumers face on a daily basis. These issues range widely from credit and debt issues to shopping for a used car to telemarketing to common scams. This section of the brochure will cover several of these issues and will give guidance to the consumer so that he or she may avoid becoming a victim of an unscrupulous business practice.

### **Q: What types of credit are available to me?**

There are many different types of credit options available to consumers. They include retail installment sales, revolving charge accounts, pawn loans, and secured loans, among others.

A retail installment contract is a common type of credit used to purchase retail goods. This credit option applies to the specific goods that are purchased, and the account may often be opened specifically to pay for those goods. Many times, retailers will offer an “interest free” option for the goods. It is important to pay attention to the contract however, because if an interest free period runs out and there is a remaining balance, the lender may be able to add the finance charge they would have collected over the “interest free” period.

A revolving charge account is more commonly called a credit card account. It offers flexibility by offering a credit line that can be accessed when you wish and by allowing payment for a purchase to be made over time. Interest rates vary widely on credit card accounts so it is important to compare rates before opening an account.

A pawn loan is a one month loan where the personal property is actually held by the lender until repayment is made. If you fail to pay back the loan, the pawnbroker takes ownership of the property. A pawn loan that is not paid back will not affect the borrower’s credit history. Interest rates on a pawn loan may be more than a standard revolving charge account interest rate.

A secured loan is a loan with a payment period that will usually be in excess of ninety days. This type of loan will be collateralized with the property for which the money is borrowed, and if the debtor defaults on the loan, the lender can take or repossess the property. For instance, most car loans are secured loans. If the debtor fails to make the monthly payments on the car, the lender may repossess that car.

### **Q: How do I obtain a credit rating?**

Credit bureaus maintain records on consumers that include the consumer’s name, address, social security number, payment history, previous credit amounts, employer, income, court judgments, and bankruptcy filings. A person’s credit history is built up over time. If a consumer successfully obtains credit and complies with the terms of the credit agreement, that fact is noted in the consumer’s credit history and helps build good credit history. Conversely, if a consumer obtains credit but establishes a pattern of making late payments or

completely fails to make those payments, that fact will also be recorded and will be reflected negatively in the credit rating. It is important to strive to maintain a positive credit rating because a credit rating will often determine the terms of a loan that will be available to a potential borrower. If a consumer has established a positive credit history, banks and credit cards companies will be more likely to offer credit to a consumer and offer it at their lowest rate. Conversely, if a consumer’s credit history is poor, credit may be denied altogether or it may be offered at a much higher interest rate.

### **Q: Can I fix my credit history if I have poor credit?**

Credit repair services may offer to “fix” your credit history by removing negative information from your credit report or creating a new credit identity for you. Don’t believe these claims. Credit repair companies often charge large sums of money and do little if anything for a consumer. Be aware that no one may erase negative information from a credit report if it is accurate. Only incorrect information may be removed from a credit report. Accurate information stays on your record for seven years from the time it is reported and ten years if it is a bankruptcy. Even information about bills that were paid, but paid late, will remain on your credit report for these time periods.

If there is incorrect information on your credit report, you may correct those mistakes yourself, without the assistance of a credit repair agency. If you were recently denied credit because of information in your credit report, you have the right to request a free copy of your credit report. It doesn’t cost anything to question or dispute items in your credit report. If you would like to question or dispute items in your report, you should follow the instructions given to you by each of the credit bureaus. Contact each of the three major credit bureaus: Equifax, 800-685-1111, [www.equifax.com](http://www.equifax.com); Experian, 800-682-7654, [www.experian.com](http://www.experian.com); and Trans Union, 800-916-8800, [www.transunion.com](http://www.transunion.com). If there is a good reason why you weren’t able to pay your bills on time such as a job loss or a sudden illness, or you refused to pay something because of a legitimate dispute, you may give the credit bureau a short statement to include in your file.

Fraudulent credit repair companies may offer to provide consumers with a new tax identification number or a new social security number in order to create a new credit file. This practice, called “file segregation,” is illegal and does not work. If you have credit problems, the best way to deal with it may be to get credit counseling. There are many non-profit consumer credit counseling services that can provide advice on how to build a good credit record. They may help you make payment plans with your creditors if you have fallen behind. These services are generally offered for free or at a very low cost. To find the nearest consumer credit counseling service, call toll free to 800-388-2227 or visit [www.nfcc.org](http://www.nfcc.org). Ultimately, with the right counseling and the passage of time,

you may fix your credit history and be on the way to maintaining a strong credit history.

**Q: May I protect myself from abusive behavior of debt collectors if I fall behind on my debts?**

Creditors have a legal right to pursue payment of legitimate outstanding debts, but they do not have the right to pursue fraudulent and abusive collection tactics. As a consumer, you have certain rights to protect yourself from these tactics.

The first thing a consumer who is having difficulty paying a debt should do is try to contact the creditor before the debt is referred to a collection agency. It is not a good idea to simply ignore a debt. If you contact the creditor, sometimes the creditor may agree to refinance or otherwise modify the debt agreement rather than pay a debt collector to collect the debt. This agreement may be helpful for both parties as it will give you more time to pay off the debt and it may make it more likely for the creditor that it will be paid off in a short period of time.

If a debt is referred to a collection agency, you may dispute the debt if you disagree with the debt by giving the debt collector written notice. The debt collector must provide you with the necessary forms for the written notice and must help you fill out forms if you request it. The debt collector has thirty days after receiving the written request to determine whether or not the disputed item is correct. If it is incorrect, it must be corrected. If it is determined that the debt is correct, you must be notified and the collection efforts may continue.

State law prohibits the use of harassment and abusive collection tactics. It is illegal for any debt collector to: threaten violence or other criminal acts; use profane or obscene language; falsely accuse the consumer of fraud or other crimes; threaten arrest of the consumer or repossession or other seizure of property without proper court proceedings; or use the telephone to harass debtors by calling anonymously or making repeated or continuous calls. The use of fraudulent or deceptive practices is also prohibited, including the following: using a false name or identification; misrepresenting the amount of the debt or its judicial status; sending documents to a debtor that falsely appear to be from a court or other official agency; or failing to identify who holds the debt.

Some collectors will threaten to foreclose on your home or to garnish wages. In Texas, a homestead cannot be taken to pay for a debt except for debts incurred to purchase that home, for home improvement debts, for home equity loans, or for certain taxes. Wages may only be garnished to pay court ordered child support, back taxes, or defaulted student loans.

Violators of the Texas Debt Collection Act are subject to criminal and civil penalties. Consumers who think they have been harassed or deceived should contact an attorney or the Consumer Protection Division of the Texas Attorney General's Office. If a consumer can prove that illegal harassment has occurred, the consumer may be entitled to injunctive relief and damages from the debt collector who violated the law.

**Q: How do I protect myself when buying a used car?**

The first line of defense is preparation. Study the types of autos that might fit your needs. Try to decide what features you need and how much you can afford to pay. It is important to compare prices. Review objective information such as the "blue book," which gives price ranges for used cars. Most public libraries have consumer sections where you can find a "blue book."

When you shop at a used car dealership, federal law requires the dealer to tell the buyer whether a used car is being sold with or without a warranty. Dealers must clearly display this information on a side window of each used car. This "buyer's guide" should state that the car is being sold "as is" or with a "warranty." If the car is being sold "as is," the dealer is under no obligation for any repairs the vehicle may need. If the vehicle has a warranty, the buyer's guide must list exactly what parts and services are covered and for how long. If the sale is in Spanish, the buyer's guide and all required contract terms must be in Spanish. If you don't see a buyer's guide in the car window, ask to see it before you agree to buy the car.

Before you buy a used car, you should take it for a test drive to ensure that it is in working condition. You should ask to take it to a mechanic of your choosing or have a mechanic visit the lot for a pre-sale inspection. Thoroughly inspect the exterior, interior, and engine compartment for obvious problems. Look under the car to ensure the car is not leaking oil or any other fluid. Once you decide to buy the car, do not sign a contract until you have read the contract and understand everything in it. Do not sign the contract if it has blank spaces in it. And do not sign the contract if it contains clauses or terms that are different from what the salesperson told you.

Once you purchase the car, make sure to keep all payment receipts and other ownership documents in a safe place. Do not leave them in the car. If the car is stolen or repossessed by a dishonest dealer, you will not have any records of ownership or payment. Texas dealerships have the legal right to repossess your car for non-payment without prior notice, even in the middle of the night. Keep your records safe and up to date for your protection.

**Q: How can I protect myself from unscrupulous telemarketers?**

Most telephone sales are placed by legitimate businesses offering legitimate products and services. However, telemarketing fraud is a multi-million dollar business in the United States. A consumer should always be alert when asked to send money to unfamiliar companies. The best defense against deceptive telephone solicitation practices is to be aware of some of the tactics fraudulent telemarketers may use.

Fraudulent telemarketers use high pressure sales tactics. They want to get you to buy their products and get your money before you can check them out or change your mind. Fraudulent telemarketers are trained not to accept "no" as an answer. Some telemarketers resort to argument or insult as a

sales technique. Do not be intimidated by the phrase “you’re going to be sorry if you do not act now.” If it is a good deal today, it should also be a good deal tomorrow.

Be leery of “free prize” offers. Usually, the consumer has to do something to obtain the “free prize.” Often this means paying an advanced fee, buying some product, paying a tax, or attending a sales presentation. The prizes themselves are generally worthless or overpriced. You should use the same caution when offered “free” or “low cost” vacations. There are usually hidden costs, and often the trips don’t materialize.

A good way to protect yourself from scams is to ask for more information. Insist that you get all the information in writing before you agree to buy anything. Ask detailed questions about the company for whom the telemarketer works. You may ask the telephone solicitor the name, the street address, and the phone number of the business on whose behalf they are calling. You may ask who is calling, who is in charge, and what their titles are. Check with the Texas Attorney General or the Better Business Bureau for any complaints that may have been filed against the company or individual. Keep in mind however, that fraudulent firms may frequently change their names to avoid detection.

The only time you should provide your credit card information or bank information over the phone is if you have decided to make a purchase after you have thoroughly researched the company. An easy way for a scam operator to close a deal is to get your credit card information before you have agreed to purchase anything and charge your account regardless of your decision to purchase. If you agree to pay by credit card, but do not receive the product, notify your credit card company in writing as quickly as possible.

Ultimately, when you receive an unsolicited telephone call, remember that the caller called you. You are free to hang up at anytime. If you are not interested, say so and hang up the phone. If the caller is uncooperative in answering your questions or in sending written information you request, hang up the phone. If you decide that you want to limit the number of telemarketing calls you might receive in the future, you may ask to be placed on the “Texas No Call List” for a small fee by calling 1-866-896-6225 or visiting [www.texasnocall.com](http://www.texasnocall.com). Whether or not you sign up for the no call list, with a little preparation and awareness, you can avoid being the fraudulent telemarketer’s next victim.

**Q: I saw an ad promising high pay for working at home. Should I be cautious?**

Newspapers, magazines, and direct e-mail solicitations often carry advertisements offering consumers the opportunity to earn hundreds or even thousands of dollars each week by working at home. If it sounds too good to be true, it’s because it most often is. Many work at home schemes have hidden costs. Even if you do everything as instructed, it might be difficult, if not impossible, to make an amount that approaches the sums promised. Work at home schemes have defrauded

consumers out of millions of dollars. Don’t believe that you can make big profits easily. Operating a home-based business is just like any other business—it requires hard work, skill, good products or services, and a market to make a profit.

In order to avoid becoming a victim of this type of scam, there are several precautions you should take. For any work at home business, make sure you get all the details in writing before you pay any fee. Find out if there is really a market for the work. Work at home schemes may make claims that there are customers out there waiting for your product when there are none. If the company says it has customers waiting, ask who they are and contact them to confirm. You can also ask likely customers in your area if they actually employ people at home to do that type of work. Request references for other people who are doing the work and ask those people if the company kept its promises. Be aware of legal requirements. Some types of work require licenses or certifications. Make sure you know the refund policy. If you have to buy equipment or supplies, ask whether there are circumstances when you can return them for a refund.

Beware of the classic “envelope stuffing scheme.” In this scheme, you either receive nothing in return for your fee or you receive a notice telling you the only way to make money from home is to place another ad like the one you answered so that you can defraud other people by asking them to send you money for information about working at home. This is an illegal pyramid scheme because there is no real product or service being offered. You won’t get rich, and you could be prosecuted for fraud.

If you are defrauded, file a complaint with the Consumer Protection Division of the Texas Attorney General’s Office. You may also file a complaint with the local postmaster if there is a claim of mail fraud. And if you saw the ad in a newspaper or magazine, call them and report the problem so they might consider withdrawing the ad to prevent the fraud from happening to someone in the future.

**Q. I was offered a “winning lotto ticket” by someone on the street in exchange for cash. Should I be concerned?**

Over the last several years, Texans have lost over three million dollars to individuals perpetrating a lotto scam known as the “Latin Lotto Scam.” The scam targets mostly older Hispanics and has taken place throughout Texas.

There are several variations of this scam, but the most common involves a scam artist approaching the victim and stating that he has a winning lottery ticket but that he cannot claim it because he is not an American citizen. Instead, the scam artist offers to sell the winning ticket to the victim for a reduced price so that the victim can then go claim the prize. Invariably, the “winning ticket” is fraudulent and cannot be redeemed. In another version of the scam, the scam artist claims that he needs money up front to claim the lottery prize and that if the victim gives him the money, he will share the prize money with the victim. Once again, the “winning tick-

et” is fraudulent and the scam artist leaves with the victim’s money, never to return. In both situations, the scam artist may try to pressure the potential victim by claiming that they are free to call the lottery to verify that it is a winning ticket or by telling the victim that they need to hurry, because he must return back to his family because of an emergency.

To avoid falling for this scam, Texans should know that the Texas Lottery does not require any money to be paid upfront in order for a prize to be claimed. Furthermore, you do not have to be an American citizen to claim a lottery prize. And finally, the Texas lottery never confirms over the phone that a ticket is a winner. The ticket must be viewed by lottery officials in person to be authenticated.

**Q: What is identity theft and how do I avoid becoming a victim of identity theft?**

Identity theft is when another individual uses your personal information without permission to open fraudulent credit card accounts, access already established accounts, secure loans, or even obtain employment. You may not even know that your identity has been stolen until you start receiving bills from a credit card account you never opened, your credit report includes debts you never had, a billing cycle of your credit card passes without your receiving a statement, or you see charges on your bill that you didn’t authorize and don’t know anything about.

You can take several steps to guard against identity theft. Be very careful when revealing personal information. Find out how it will be used and if it will be shared with others. Pay

attention to the billing cycles of your credit cards. Follow up with the creditors if your bills do not arrive on time. Give your social security number only when absolutely necessary. Ask to use other types of identifiers when possible. Minimize the identification information and the number of credit cards you use to what you actually need. If your I.D. or credit cards are stolen, notify the creditors by phone immediately. Always take credit card receipts with you after each transaction. Never throw the receipt away without properly shredding it. Never write your account numbers on checks or on the outside of envelopes. Memorize all your passwords. Don’t record them in your wallet or purse.

If you find that your identity has been stolen, make sure to immediately contact the fraud departments of the three major credit bureaus. Tell them to flag your file with a fraud alert including a statement that creditors should get your permission before opening any new accounts in your name. Get a copy of your credit report to ensure that no additional fraudulent accounts have been opened in your name. Contact the creditors for any accounts that have been tampered with or opened fraudulently. Speak to someone in their security department and follow up in writing. And finally, file a report with your local police or in the community where the theft took place. Be sure to keep a copy of the report in case your creditors require proof at a later date.

By being aware of this type of crime and taking the steps outlined above, you will dramatically reduce an identity thief’s opportunity to make you his next victim.

## EMPLOYMENT RIGHTS

All employees have the right to demand reasonable pay and working conditions. Likewise, all employers - from small businesses to large corporations, have the right to expect their workers to be productive and conduct themselves properly on the job. As an employee, it is your responsibility to be aware of federal and state laws regarding wages, protection of workers rights and appropriate standards for workplace conduct. The following are some frequently asked questions regarding rights and responsibilities in the workplace.

### **Q: How do I know if I am getting paid a fair wage?**

Most employees have the right to be paid the federal minimum wage of \$5.15 per hour. In addition, most employees have the right to be paid overtime (one and one-half times your hourly wage) for working over 40 hours in a seven day period. In calculating the number of hours worked, you may include time spent putting on and taking off safety gear, cleaning equipment, or traveling from one worksite to another.

When you receive your paycheck, review it carefully to make sure it lists all deductions from your pay and that you understand each deduction listed. If you work as a day laborer, write down the full name of the employer, his license plate number and the address where the work was done for each job you take.

### Filing a Complaint with Texas Workforce Commission (TWC)

If you have not been paid for all you work, you may file a Payday Law claim by calling the Texas Workforce Commission (TWC) at 1-800-832-9243 or by filing your claim on a special form provided by the TWC. You must file a claim with the TWC within 180 days of the date on which you should have been paid. TWC will then have an investigator review your case and make a decision. Either side may appeal the TWC's decision within 21 days of the date on the order. If either you or your employer appeals the decision, the TWC will hold a hearing and either side may call witnesses to testify. After hearing from both sides, the hearing officer will make a decision. The losing side has the right to appeal the decision in court.

### Filing a Complaint with Department of Labor (DOL)

You may also file a complaint with the Department of Labor (DOL) if your employer pays you less than minimum wage or refuses to pay overtime. Once you have filled out the complaint form, the DOL will review your complaint, and if it looks valid, the DOL will assign an investigator to look into your case. If the DOL takes your case, the DOL investigator can force your employer to turn over its records regarding your wages and hours, and will also talk with you, your employer and any witnesses who can back up your complaint. After several weeks, the DOL will issue a decision in your case. If the decision is in your favor, the DOL will order your employer to pay you double the amount of your unpaid overtime or minimum wage.

### Filing a Suit in Small Claims Court

A final option, if your claim is for \$5,000 or less, is to file suit on your own in a small claims court (also called a "justice of the peace" court). The court will provide you with a form for filing the suit. If you cannot pay the filing fee, you can file an "in forma pauperis" affidavit instead. The court will schedule a hearing and allow you to testify, to call witnesses, and to produce papers as evidence of your claims. The justice of the peace will decide your case.

In addition to the above, you may check to see if there is a labor union you can join or other bargaining agent, who can represent your interests to your employer.

### **Q: What do I do if I am being discriminated against at my job?**

State and federal laws makes it illegal for most employers to discriminate against you on the basis of your race, color, religion, sex, national origin, citizenship or immigration status, pregnancy, age (over 40), or disability. The two most important laws that protect workers in Texas are Title VII of the Civil Rights Act of 1964 and the Texas Commission on Human Rights Act (TCHRA). Under these laws, the following types of behavior are usually illegal:

- Refusing to hire or promote employees based on their membership in a protected group (race, sex, etc.);
- Disciplining members of one group more harshly than members of a different group, based on the same behavior;
- Treating members of one group more favorably than members of another group in promotions, scheduling, pay, benefits, or other working conditions;
- Targeting workers from one group for termination during a layoff;
- Any other policy that directly or indirectly treats one group better than another.

Sex discrimination includes sexual harassment, which is considered any "unwelcome" sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature directed at an employee by an employer or by its supervisors or agents. Sexual harassment is illegal (1) if you must accept the behavior to keep your job; (2) if the conditions of your employment (such as pay, promotion, vacations, work schedule, etc.) depend on your accepting the behavior; or (3) if the behavior creates a hostile or offensive work environment that interferes with your ability to do your job and you have filed a complaint or attempted to file a complaint through the company's grievance procedure if one exists.

If you feel that you are being discriminated against on one of the above grounds, you should take action right away. As soon as possible, write down every detail you can remember

about the discrimination, including names, dates, conversations, and witness phone numbers. Save all documents and other information that relate to the discrimination or that would help you to prove that you were a good employee.

You should also file a complaint or “charge” with the Equal Employment Opportunity Commission (EEOC) or Texas Commission on Human Rights within 180 days (6 months) from the date of the discrimination or harassment. If you file with either agency, your complaint is automatically filed with the other agency as well. If you do not file a complaint within 180 days, you will lose any available protection under Texas law. However, you may still file a complaint to EEOC for up to 300 days after the discrimination (10 months). The EEOC will be able to investigate your complaint and try to settle the matter between you and your employer. If the EEOC is unable to assist you, you may consult a labor and employment attorney.

There are a few exceptions to the general rule of filing with the EEOC. First, you may file an Equal Pay Act claim in court without going to the EEOC first. The Equal Pay Act protects either male or female employees who are discriminated against in their pay rates because of their sex (i.e. male employees are paid more for the same job than female employees or vice versa). Second, citizenship discrimination claims must be filed with the Office of Special Counsel (OSC) at the U.S. Department of Justice. Finally, national origin discrimination claims are filed either with the OSC or with the EEOC, depending on the size of your employer. For more detailed information about discrimination based on citizenship, national origin or immigration, call the OSC at 1-800-255-7688 or 1-800-237-2515 (TDD).

**Q: Am I protected if my employer fires me for filing a complaint?**

It is illegal for your employer to punish or retaliate against you for reporting suspected discrimination or for taking part in an investigation or lawsuit based on alleged discrimination. If you wish to continue working for the same employer, do not give the employer any excuse for criticizing your work or disciplining. You may consider finding work elsewhere though, since many employers will try to find a good excuse to fire you after you file a charge of discrimination. Even if your employer fires you legally, you may still be eligible for unemployment compensation benefits. (Please see below under “What happens if I get laid off or fired?”)

**Q: What happens if I am injured at work?**

You should report any work-related injuries or illnesses to your supervisor right away, and if possible, in writing. If your employer has workers’ compensation insurance and you report the injury or illness within 30 days, you may receive free medical treatment by a doctor approved by the Texas Worker’s Compensation Commission (TWCC). You do not have to use a doctor recommended by your employer. As long as you were not drunk, fighting, or engaged in horseplay when you got hurt, worker’s compensation pays medical benefits, income

benefits, burial expenses and death benefits for work-related injuries.

If you need assistance in applying for Workers’ Comp., contact the Texas Worker’s Compensation Commission at 1-800-252-7031. In addition, you may also have a right to get a portion of your pre-injury salary or “income benefits” while recovering.

If your employer does not have workers’ compensation insurance, you may have a personal injury claim and should consult with an attorney.

Furthermore, you have a right to report any unsafe or unhealthful working conditions to the Labor Department’s Occupational Safety and Health Administration (OSHA). Your employer may not punish or discriminate against you for exercising your job safety and health rights and if the employer does this, you should complain to the OSHA office for your area within 30 days, to the TWCC-Worker’s Health & Safety Division within 90 days, and/or to the National Labor Relations Board within 180 days.

**Q: What happens if I get laid off or fired?**

If you were not at fault in getting laid off or fired and are able and available for work, you may apply for unemployment benefits with Texas Workforce Commission (TWC). Unemployment compensation is a government program that pays benefits to unemployed or part-time workers who are searching for work. The benefits are based on what you earned before you quit working, and usually last up to 26 weeks.

You can get unemployment compensation if you worked enough time in the year or so before you apply for benefits and are able to work, available for work and looking for full-time work. However, you are NOT eligible if you were fired from your last job for misconduct, or you voluntarily quit without “good cause.”

**Q: What is considered work-related misconduct?**

“Work-related misconduct” involves serious misbehavior that you knew or should have known could get you fired, such as missing work without properly notifying your employer, using the employer’s supplies or services without permission, lying to your employer, disobeying direct orders by a supervisor, refusing to cooperate with co-workers, or other violations of your employer’s policies. Common reasons for termination, such as inability to do the job, unsatisfactory performance, bad attitude, or personality conflicts, are not necessarily “misconduct” and might not disqualify you from getting unemployment benefits. Some examples of behavior that is not misconduct include: missing work or coming in late for an unavoidable reason or with permission from the employer, respectful disagreement with the supervisor, accidentally damaging property, refusing to work on certain days or to perform certain duties due to religious practices known to the employer, asking for clarification of conflicting orders, being unpopular with co-workers, refusing to submit to a lie detector test,

participating in a union and objecting to mistreatment by the employer.

**Q: What is “good cause” for voluntarily quitting?**

Some reasons that can be “good cause” for quitting include: not getting paid wages or overtime, harassment by supervisors or co-workers, major changes in your job that make your job worse, unsafe working conditions and unfair discipline. Before you quit, you must tell your employer about the problem (preferably in writing or with a witness present) and give the employer a chance to fix it. Also, if you can prove that you quit to avoid being fired, your employer will have to prove that you committed “work-related misconduct.”

If you were fired for misconduct or quit without “good cause,” you do not qualify for unemployment benefits. Therefore, you should not apply for benefits and try to find another job instead.

**Q: How do I apply for unemployment compensation?**

Go to the nearest TWC office, ask to file for unemployment compensation benefits and give them your written statement explaining why you lost your job. Be cooperative, and be

sure to give truthful, complete and consistent information about your situation. Give the TWC copies of any documents that back up your story. Always keep copies of your statement and other documents that you give to TWC, in case the TWC loses your papers or claims that you said something different. Once you apply, a claims examiner will be assigned to your case and will make an “initial determination” in 2-4 weeks. If TWC grants you benefits, you will start getting checks based on what you earned in your “base period.” You must reapply for benefits every two weeks. If you start getting checks, you must still pay federal income taxes on it (even though the government does not deduct any taxes from your benefit check). It is a good idea to pay these taxes quarterly.

Either side may appeal the initial determination within 14 days of the date of the decision, and the TWC will then set the claim for a hearing. Therefore, if you are granted benefits, your employer may appeal the decision, but you will continue to receive benefit checks until there is a hearing on your claim. If you are denied benefits, you should appeal within 14 days of the date on the decision. You will not receive a check unless you win the appeal but you should continue to reapply for benefits while you are waiting for the hearing on your claim.

## LANDLORD – TENANT ISSUES

Although most leases are written, verbal leases with a term of one year or less are enforceable under the law. Residential tenancies, i.e., tenancies between a landlord and tenant where the tenant occupies the leased premises as the tenant's home, are governed in large part by §§ 91 and 92 of the Texas Property Code (the "Code"). These two sections set forth certain rights, duties and responsibilities of landlords and tenants in the state of Texas.

### Your Obligations as a Tenant

The Code defines "tenant" as "a person who is authorized by a lease to occupy a [residential] dwelling to the exclusion of others and... who is obligated to pay rent." A tenant has two basic duties:

1. To pay rent on time; and
2. To comply with all terms of the lease agreement.

If the landlord feels you have violated one of these conditions, he might take some of the actions outlined in this section. Sometimes these actions are legal and sometimes they are illegal according to state law (regardless of what has been put in the lease agreement).

Subject to certain very narrow exceptions, which will be set forth below in greater detail, a tenant should never withhold any portion of any payment of rent, without written permission from the landlord indicating that the landlord has agreed to accept less than the entire amount of rent.

### Landlord's Remedies for a Tenant's Breach of Lease

A landlord generally has two remedies against a tenant who breaches a lease agreement:

1. Eviction; and/or
2. Changing the locks to the premises.

### **Q. What are some examples of circumstances for which my landlord evict me?**

Eviction is a judicial procedure that may result in the physical removal of a tenant, all other occupants, and all belongings from an apartment or house. As a tenant, you may be evicted if you fail to pay rent or fail to abide by some other provision of the lease agreement. The landlord may only terminate your right of possession and probably will not terminate the other obligations of the lease if you violate a provision of the lease for nonpayment or other breach. You may also be evicted if you stay longer than the lease allows without the permission of the landlord. However, there are exceptions.

### **Q. What steps must a landlord take to evict a tenant?**

Even if you are improperly withholding possession of the premises, all of the following steps must be performed by the landlord and court before you can be legally evicted.

1. The landlord must first give you a written notice to vacate at least three days before a lawsuit is filed to evict you. (The lease agreement may legally shorten or lengthen the time period.) Because eviction court records are public documents and are used by many landlords to screen potential tenants, it may be best to attempt to negotiate (or simply move out before the deadline) rather than risk having an unfavorable court record. Moving out does not mean you cannot sue later for wrongful eviction.
2. If you fail to move out before the deadline in the notice to vacate, the landlord may file a written complaint with the appropriate Justice of the Peace Court (called a forcible entry and detainer or "FED" suit). The complaint must state the specific reason for terminating your right to possession, contain a complete description of the property from which you are to be evicted, and it must be sworn to. The landlord can also ask the court to award him back rent, court costs, and attorney's fees. The Justice of the Peace Court should not consider other damages (such as late fees) claimed by the landlord in an eviction case. The landlord will be entitled to court costs (about \$60) if he wins. The court may also award him attorney's fees if the lease provides for attorney's fees or if the landlord gave you a notice to vacate 11 days before filing the eviction case and the notice to vacate warned you about the possibility of having to pay his attorney's fees. If the landlord is entitled to collect attorney's fees as described above, then you may obtain them if you win.
3. After the case is properly filed, you must be served with an official notice and a copy of the court papers advising you of the date and time that you must file a written answer (or response). In many areas, the Justice of the Peace will actually hear the case on that appearance deadline. You should contact the Justice of the Peace Court to find out how it handles the cases. The court papers can be left under the door, or tacked to the door if you cannot be found. The papers are usually served by a constable or sheriff. **MAKE SURE YOU COMPLETELY READ ALL OF THE PAPERS.** Call an attorney, tenant association, or the court (as a last resort) if you have any questions or desire to contest the eviction. You probably cannot file a counterclaim against the landlord in an eviction case. If you and your landlord work something out before the trial date, make sure the

landlord calls the court to dismiss the case. If the landlord has not dismissed the case, you should go to court to make sure the case gets dismissed.

4. The landlord has an option of filing a bond for immediate possession. If the landlord does so, the landlord may take possession of the premises six days from the date that you are served with the bond papers, unless you ask for a trial within the six-day period. It is always better to request the trial in writing by filing a request with the court. Make a copy of your request, and bring both copies to court. The court clerk should stamp both with the date you filed the request, and return one file-stamped copy to you. Requesting a trial does not cost anything.
5. You and the landlord must appear in the Justice of the Peace Court to present evidence on the date set for trial. The trial date is usually held between 6 and 10 days of receiving the court papers. In some courts you must appear in person or in writing on or before an "appearance date" and deny the allegations before you are entitled to a trial. You should call the court to determine which system it uses. It is very rare for the Justice of the Peace to postpone the trial unless both parties agree to the delay. Both parties have the right to present their side of the case, including witnesses, receipts, cancelled checks, photographs, and any other evidence that may support their position. Either you or the landlord may have the case decided by a jury by paying \$5.00 within five days of receiving the eviction papers. Requesting a jury is sometimes a good idea, since some of the jurors may be tenants themselves, and they will more fully understand what it is like to be a tenant. You are not required to be represented by a lawyer at the Justice of the Peace Court hearing, but may be if you so choose.
6. If the judge or the jury finds that you should be evicted, the landlord can request a "writ of possession" that allows the constable or sheriff to physically evict you. The writ cannot be issued until the sixth day after the hearing (counting weekends and holidays). The judge or the jury has the ability to lengthen this period only at the hearing. If you do not attend the hearing, you will lose the case automatically. The landlord may not prevent you from going into the house or apartment prior to the time the constable or sheriff evicts you under the authority of a writ of possession. Once a writ of possession is obtained, a constable or sheriff will supervise the removal of all persons and property from the premises. A writ of possession cannot be executed by the officers if it is raining, sleeting, or snowing. Because constables and sheriffs usually do not work weekends or holidays, writs are not typically executed then.

7. If you lose your eviction case in court, the landlord can still let you stay in the premises. For example, the landlord may let you stay if you pay back rent and court costs before the six days are up.

### Some Tips For Trial

Be sure to arrive at the court early and do not miss your trial. If you are not there when the trial begins, the landlord is entitled to ask the judge to proceed and render judgment against you in your absence. If you can afford to hire a lawyer, it is always recommended that you do. Even if your landlord has not hired a lawyer, your landlord probably has experience evicting other tenants.

The judge will give the landlord and tenant a chance to present their respective side of the case. The landlord will generally present his/her case first since the landlord is the plaintiff. You must be prepared to tell your story before you get to court. Remember to take copies of any important documents, such as money order receipts, canceled checks, or written communications between you and your landlord. If you have witnesses who can support your side of the case, have them come to the hearing also.

The judge will rule against you if the judge finds: (1) you have violated your lease agreement; (2) the landlord has given you proper notice to vacate or terminate the lease; and (3) you have no legal defenses.

### **Q. What is my landlord not allowed to do?**

1. A landlord may not gain access to leased premises by removing a door, window, attic hatchway cover or lock, latch, hinge, hinge pin, doorknob, or other mechanism connected to a door, window or attic hatchway cover.
2. A landlord may not remove any furniture, appliances or fixtures (e.g. sinks, bathtubs, etc.), which are furnished by the landlord, unless the landlord removes such item for a bonafide repair, or replacement.
3. A landlord may not interrupt utility services, which a tenant pays directly to a utility company, unless the interruption is caused by a bonafide repair, construction, or an emergency.

### **Q. Can my landlord interrupt the utilities to my apartment?**

A landlord may interrupt electrical service to a leased premises where the landlord furnishes such electricity, under the following limited circumstances:

- a. the electrical service must be separately metered for the leased premises;
- b. the electrical service must be in the name of the landlord; and

- c. the landlord must comply with certain regulations of the Public Utility Commission (such regulations are beyond the scope of this pamphlet. However, they should set forth certain notice and opportunity to cure requirements) prior to disconnecting the service.

If however, the electrical service is not individually metered for the leased premises, the landlord may interrupt electrical service provided:

- a. the electrical service is in the name of the landlord;
- b. the tenant is at least seven (7) days late in paying rent; and
- c. the landlord has mailed or hand-delivered to the tenant, at least five (5) days before the date the electrical service is interrupted, a written notice that states:
  - (i) the earliest date of the proposed interruption;
  - (ii) the amount of rent the tenant must pay to avoid the interruption; and
  - (iii) the name and location of the person to whom, or the location of the onsite management office where the delinquent rent may be paid during the landlord's normal business hours.

In any event, however, the interruption may not begin:

1. Before or after the landlord's normal business hours; or
2. On a day, or the day before, the landlord or some other person will be unavailable to accept rent and restore the electrical service.

Finally, a landlord who interrupts electrical service under the foregoing conditions must restore service within two (2) hours of the time that the tenant pays the delinquent amount during the landlord's normal business hours. **IT IS IMPORTANT TO REMEMBER THAT THE FOREGOING PROVISIONS APPLY ONLY IN THE LIMITED CIRCUMSTANCES SET FORTH ABOVE, AND ONLY PERMIT THE LANDLORD TO INTERRUPT ELECTRICAL SERVICE, NOT WATER, SEWER OR GAS.**

**Q. What can my landlord deduct from my security deposit?**

A landlord can only deduct damages and charges from the security deposit for which you are legally liable under the lease

agreement, or for physical damage to the property. Your landlord cannot retain part of your security deposit to cover normal wear and tear. Normal wear and tear means deterioration or damage that occurs based upon the normal intended use of the premises, and that is not due to your negligence, carelessness, accident, or abuse. For example, the landlord cannot withhold part of your security deposit for worn carpet, small nail holes, scratches on the sink or countertops, or fingerprints on the walls. A landlord may be able to deduct for large permanent stains on the carpet and crayon marks on the walls caused by you or your guests. Even in these cases, the landlord may not be entitled to replace all of the carpet or paint the entire house at your expense. However, a landlord may be able to deduct reasonable cleaning fees if authorized in the lease.

**Q. How long does my landlord have to refund my security deposit?**

Your security deposit must be refunded to you within 30 days after you move out of the apartment or house, provided that you give a written forwarding address to your landlord. You can give your forwarding address at any time; however, the landlord's duty to refund does not exist until you do so. If your landlord has cause to retain all or a portion of your security deposit, he must provide you with a refund of the balance of the security deposit, if any, together with a written description and itemized list of all deductions within 30 days of your move out (if you provided him a forwarding address).

**Q. Does my landlord have to tell me what repairs he is applying my security deposit to?**

A landlord is presumed to have refunded a security deposit or provided you with an itemized description of the security deposit deductions, if on or before the thirtieth day from your move-out, the refund or itemization is placed in the United States mail or provided you with an itemized description of the security deposit deductions, if on or before the thirtieth day from your move-out, the refund or itemization is placed in the United States mail and postmarked on or before the thirtieth day. If a landlord who has the tenant's forwarding address fails either to return the security deposit or to provide a written list of deductions on or before the thirtieth day after the tenant moves out, then the landlord is presumed to have acted in bad faith. If your landlord retains all or part of your security deposit in bad faith, you may sue him and recover \$100 plus three times the amount of the security deposit that was wrongfully withheld, plus attorney's fees and court costs. If your landlord, in bad faith, fails to provide a written description and itemized list of damages and charges to you for a portion of your security deposit that has been withheld, he has forfeited all rights to withhold any portion of the security deposit or to bring suit against you for damages to the premises. Tenants who wish to sue for their deposits can do so fairly easily without an attorney in Justice of the Peace Court. In these courts, you can be awarded up to \$5,000 plus court costs. Contact a lawyer or your local tenant association for tips on suing in Justice of the Peace Court.

**Q. Does my landlord have a duty to make repairs?**

Texas law requires landlords to make a diligent effort to repair anything that materially affects the physical health or safety of an ordinary tenant. Examples of things that materially affect the health and safety of an ordinary tenant are sewage backups, roaches, rats, no hot water, faulty wiring, roof leaks, and sometimes lack of heat or air conditioning. If the problem violates a provision of your city's building, health, or fire code, then it is more likely to be considered a health or safety risk. Problems such as broken dishwashers, walls that need painting, unsatisfactory draperies, or grass that needs cutting are generally not covered by state law. However, your lease agreement may require the landlord to fix these problems as well. Be sure to read your lease to find out. If you are uncertain how to classify the problem, consult a lawyer, health or building inspector, or tenant association.

**Q. What is the landlords duty if the repair does not affect the health or safety of the tenant?**

It is possible that a landlord's failure to repair problems that do not affect health or safety (such as a broken dishwasher) may be addressed as a breach of the lease, even if the lease fails to mention repairs. A court may find that a landlord is still responsible if the landlord clearly implied he would fix anything that broke in the apartment. Texas law does not provide an easy-to-use remedy, so careful and courteous negotiation is the best practical solution.

**Q: Are there any exceptions to the landlord's duty to repair?**

Texas law does not require a landlord to repair a condition caused by the tenant or a guest, family member, or lawful occupant of the tenant (unless the condition was caused by normal use of the premises). The law also specifically provides that the landlord need not furnish security guards for an apartment complex, even if the complex is unsafe, although better lighting, locks, fencing, and other security measures could be required in some situations. The law also exempts landlords who only have one rental unit. Texas law allows these smaller landlords to change their duty to repair entirely if the unit was free of health and safety risks when the tenant moved in (and the landlord was unaware that there would be problems during the lease). In such a case, if the landlord wants you to repair items that would normally be his responsibility, he must put a specific provision in your lease to this effect and it must be underlined or in bold print. Any landlord may require a tenant to pay for broken windows, screens, and doors if the provision is specific and underlined or bolded in a written lease regardless of who broke them, assuming the window or door did not break from normal use and the landlord did not cause the damage. The landlord also may require the tenant to repair damage caused by leaving windows and doors open, and from sewage backups if a toy or other improper item is found in the line that exclusively leads to the tenant's unit and is the cause of the backup, if the provision is specific and underlined or bolded in a written lease. Otherwise, the landlord must repair these items at his expense within required time limits and guidelines. Other than these exceptions, a landlord must provide you with

a home that is free from health and safety risks, regardless of what is in the lease. If a landlord intentionally tries to change this duty in your lease (other than the exceptions stated above), you may have a claim against him for actual damages, one month's rent plus \$2,000, and reasonable attorney's fees. The law presumes the landlord acted without knowledge, so give your landlord a written notice (and keep a copy) if he is violating the law, and ask him to change the lease. If he refuses, you may have a stronger claim against him.

**Q: What can I do if my landlord fails to make repairs to my apartment?**

1. You must give notice of the problem to the person to whom you pay rent. Phoning is usually the fastest way, but you should also give the notice in writing and keep a copy for yourself as proof. Be sure to date the notice. Many leases require that all requests for repair be in writing. If you mail your rent payments, you can mail the notice to the same address. Sending the notice by certified mail provides the best proof that it has been received; however, this is not required.
2. The landlord is not obligated to make repairs unless you are current on your rent. You must perform your obligation to pay rent or you cannot force the landlord to perform his obligation to repair. Your rent must be current at the time you give the first notice, otherwise that notice may not have any legal effect.
3. If the above conditions are met, the landlord has a "reasonable time" to fix the problem after receiving your initial notice. The length of time considered reasonable will depend on the circumstances. The nature of the problem and the reasonable availability of material, labor, and utilities are all factors that will be taken into consideration in determining how much time is reasonable. During this time, the landlord must make a diligent effort to repair the problem. For broken water pipes or sewage blockages, the reasonable time is short (generally one or two days). For small roof leaks, the time is longer.
4. If the landlord has had a reasonable time to fix the problem and has not done so, you should call the appropriate city or county inspector (housing, health, or fire). This may put additional pressure on the landlord if the condition violates local ordinances. The inspector may also help you decide if the problem affects health or safety. Be sure to get a written report and the name of your inspector.
5. After the landlord has had a reasonable time to fix the condition following your initial notice, you must send a second written notice and request an explanation for the delay. If you ask the landlord for an explanation and he does not respond within five days, you will have an easier case to prove if it ever goes to court. You should probably send this notice

by certified mail to prove the landlord received it. Remember to save a copy of your notice. The notice should say that it is your second written notice, that you are requesting an explanation, and it **MUST** explain what you plan to do if the landlord does not repair the condition. You have three basic alternatives: terminate the lease; repair and deduct the amount from your rent; or file a lawsuit. It may be a good idea to list all the alternatives in your second notice, and decide later which ones you will use. You should also consider getting other tenants, city officials, and the media involved.

6. If the landlord has clearly had a reasonable amount of time to repair the condition after he received your second notice (usually seven days) and has failed to make a diligent effort to remedy the problem, you can exercise one or more of the alternatives listed in your second notice: terminate the lease and move out; have the problem fixed yourself and deduct the amount spent from your rent, if you follow ALL of the procedures mentioned; and/or sue the landlord for failing to repair.

**Q: Can my landlord retaliate against me for requesting repairs?**

Your landlord is restricted for six months from retaliating against you because you gave him a repair notice. Illegal retaliation occurs when the landlord wrongfully terminates the lease, files for eviction, deprives the tenant of the use of the premises, decreases services to the tenant, increases the rent because a tenant requested repairs to the premises, or engages in activity that materially interferes with the tenant's rights under the tenant's lease. There are several exceptions. For instance, the landlord can increase the rent if the lease has a provision for an increase in the rent due to higher utility taxes or insurance costs. The landlord may also increase the rent or reduce services if it is part of a pattern of rent increases or service reductions for the whole complex. Furthermore, the landlord can still terminate the lease and evict you if you fail to pay your rent, intentionally cause property damage to the premises, threaten the personal safety of the landlord or the landlord's employees, or break a promise you made in your lease. Your rights to possession can also be terminated. You are also responsible for your family and guests.

## APPENDIX

### WHERE TO GO FOR MORE INFORMATION

This pamphlet is for general informational purposes only; it is not a substitute for professional legal and tax advice or assistance. For more information or to find out about legal services available to you:

#### **Obtaining a U.S. Passport**

[http://www.travel.state.gov/passport\\_services.html](http://www.travel.state.gov/passport_services.html)

#### **Immigration & Naturalization**

##### **Dallas**

Catholic Charities (214) 634-7182  
5415 Maple Avenue, Suite 400  
Dallas, Texas 75208

##### **El Paso**

Diocesan Migrant and Refugee Services (915) 532-3975  
1117 N. Stanton  
El Paso, Texas 79902

United Neighborhood Organization (UNO) (915) 755-1161  
8660 Montana, Suite I  
El Paso, Texas 79925

##### **Harlingen**

South Texas Immigration Council (956) 542-1991  
845 East 13th Street  
Brownsville, Texas 78520

South Texas Immigration Council (956) 425-6987  
107 N. 3rd Street  
Harlingen, Texas 78550

South Texas Immigration Council (956) 682-5397  
1201 Erie  
McAllen, Texas 78501

Texas Rural Legal Aid, Inc. (956) 383-5673  
316 South Closner Street  
Edinburg, Texas 78539

##### **Houston**

Carecen Central American Refugee Center (713) 665-1284  
6006 Bellaire Boulevard, Suite 100  
Houston, Texas

Catholic Charities Texas Center for Immigrant Legal Assistance (713) 874-6570  
2900 Louisiana Avenue  
Houston, Texas 77006

Houston Community Services (713) 926-8771  
5115 Harrisburg Street  
Houston, Texas 77011

##### **San Antonio, Austin and Laredo**

Immigration Counseling and Outreach Service (512) 467-9816  
5555 N. Lamar, Suite K-100  
Austin, Texas 78751

Assoc. Pro Servicios Sociales, Inc., (956) 724-6244  
Centro Aztlan  
406 Scott  
Laredo, Texas 78040

Catholic Charities/Archdiocese of San Antonio, Inc. (210) 433-3256  
2903 West Salinas  
San Antonio, Texas 78207

Immigration & Human Rights Clinic, (210) 431-2596  
Center for Legal & Social Justice  
2507 NW 36th Street  
San Antonio, Texas 78228

#### **Divorce and Child Support**

Texas Attorney General  
[www.oag.state.tx.us](http://www.oag.state.tx.us)  
Main agency switchboard (512) 463-2100  
Child Support State Office (512) 460-6000  
Automated Payment and Case Information (800) 252-8014

#### **Wills & Estate Planning**

“To Will Or Not To Will” located at  
[http://www.tyla.org/newsite/people\\_senior.html](http://www.tyla.org/newsite/people_senior.html)

#### **Debt and Consumer Protection Issues**

Texas Attorney General  
[www.oag.state.tx.us](http://www.oag.state.tx.us)  
Main agency switchboard (512) 463-2100  
Consumer Protection Hotline (800) 621-0508

“A Guide To The Deceptive Trade Practices-Consumer Protection Act” located at  
[http://www.tyla.org/newsite/people\\_consumer.html](http://www.tyla.org/newsite/people_consumer.html)

“Consumer Complaint Form”  
and “Living Trust Scams” located at  
[http://www.tyla.org/newsite/people\\_senior.html](http://www.tyla.org/newsite/people_senior.html)

### **Employment Rights**

Texas Attorney General  
[www.oag.state.tx.us](http://www.oag.state.tx.us)  
Main agency switchboard (512) 463-2100  
Employer New Hire Reporting Program (888) 839-4473

Equal Employment Opportunity  
Commission (210) 229-4810  
<http://www.eeoc.gov>  
5410 Fredericksburg Road, Suite 200  
San Antonio, Texas 78229

Texas Commission on Human Rights (512) 437-3450  
P.O. Box 13493  
Austin, Texas 78711

Office of Special Counsel for (800) 255-7688  
Immigration-Related Unfair (800) 237-2515 (TDD)  
Employment Practices  
U.S. Department of Justice  
P.O. Box 27728  
Washington D.C. 20038-7728

<http://www.dol.gov/dol/audience/aud-workers.htm>

<http://www.twc.state.tx.us/>

### **Landlord – Tenant Issues**

Austin Tenant’s Council (512) 474-1961

[www.texashousing.org](http://www.texashousing.org)

“Tenants’ Rights Handbook” located at  
[http://www.tyla.org/newsite/people\\_consumer.html](http://www.tyla.org/newsite/people_consumer.html)

### **General Legal Information**

Telephone Access to Justice (888) 988-9996  
Texas Rural Legal Aid, serving Austin, Corpus Christi, Del  
Rio, Eagle Pass, Edinburg, El Paso, Harlingen, Kerrville,  
Laredo, San Antonio, Victoria and Weslaco.

Lone Star Legal Aid Offices (800) 733-8394  
Serving Houston, Galveston, Angleton, Bellville, Belton,  
Bryan, Beaumont, Longview, Nacogdoches, Paris, Tyler,  
Texarkana, Waco, Huntsville

Legal Aid of Central Texas (800) 369-9270  
2201 Post Road, Suite 104 (512) 447-7707  
Austin, Texas 78701

[www.texaslawhelp.org](http://www.texaslawhelp.org)

[www.texasbar.com](http://www.texasbar.com)

[www.tyla.org](http://www.tyla.org)

[www.appleseeds.net](http://www.appleseeds.net) (202) 347-7960

Appleseed: Sowing the Seeds of Justice  
The Appleseed Foundation is a non-profit, non-partisan  
organization working to build a just society through legal  
advocacy, community activism, and policy expertise. Founded  
in 1993, Appleseed organizes, supports, and assists a national  
network of 15 independent Centers that address root causes in  
their communities by leveraging the skills and commitment of  
local experts.

### **Low Income Taxpayer Clinics**

[www.irs.gov/advocate](http://www.irs.gov/advocate)

#### **Weslaco**

Texas Rural Legal Aid, Inc. (512) 447-7707

#### **Dallas**

Central Dallas Ministries (214) 827-1000  
d.b.a. Central Dallas Food Pantry, Inc.

Legal Services of North Texas (214) 748-1234

#### **Houston**

Houston Volunteer Lawyers Program, Inc. (713) 228-0735  
Central Familiar Cristiano, Inc. (281) 340-2400

#### **Lubbock**

Texas Tech University School of Law (806) 742-4312