

HB 1372: Supporting Lifelines to Safety

*Transferring Your Cell Phone Number
to an Account You Own*

Introduction

Cell phones can be a lifeline to survivors for safety, resource, and connection to supportive family and loved ones. Being on a family plan with an abusive partner can create safety risks due to the ability to see real-time location and access phone records.

In the 87th Texas Legislative Session, Representative Guerra successfully passed [HB 1372](#), creating pathways for survivors to transfer, or port, their cell phone line—and those of their children—from a family plan of an abusive partner to their own plan. This FAQ offers a brief overview of the law and steps to safely use this remedy.

If your abusive partner is the account holder of a family cell phone plan you (and your children, if you are a parent) are on, you can apply for a family violence protective order (PO) and ask the court, as one of the PO provisions, to give you the rights to your own cell phone number and your children's cell phone numbers. This is called "*wireless separation*." You can ask the judge to transfer you and your children's phone numbers to a new account that will belong to you and that any cell phone devices attached to those numbers be transferred to the same new account.

Please keep in mind that each county has a different process for POs. For assistance in filing a PO or to seek safety planning and advocacy, reach out to an advocate at your [local family violence program](#). You can also seek assistance in filing a PO from an attorney as well.

Questions & Answers

1. Why would I want to separate my cell phone account from my abusive partner?

Having a cell phone is essential for daily life and losing access to your cell phone number can make leaving an abusive relationship especially difficult. If your abusive partner is the account holder for your cell phone account, they may have access to your texts, call history, and location. Without a court order, phone companies often require permission from the account holder to remove cell phone lines from the account, and canceling can include large fees or penalties. Requesting a "*wireless separation*" through a PO allows you to open a new account for yourself and your children while still keeping your physical device (cell phone), and current number, and avoiding additional costs in the process.

Figuring out if separating your cell phone account is safe for you and your family can be part of safety planning with an advocate. If you want to talk with an advocate, you can find your local family violence program in the [TCFV Service Directory](#) or from the [National Domestic Violence Hotline](#).

2. *Am I eligible to ask for wireless separation?*

There are three requirements for separating your phone number from the account holder through a PO:

1. You or your child are a victim of [family violence](#). Also often called domestic violence, it is violence between members of a family (adults or children), household, or a past or current dating relationship.
2. You are filing for a family violence PO on behalf of yourself or your child against the abusive person (in a PO, this person is referred to as the "respondent"); **and**
3. Your abusive partner is the primary account holder of the phone account that includes your or your child's phone number(s).

If you are the primary account holder in control of your family plan...

There may be other avenues to remove an abusive partner from the account that do not require a PO. Contact your phone carrier for next steps and consider speaking with an advocate to make a safety plan.

3. *What is the overview of the process?*

When you submit your PO application, you can ask the judge to order the cell phone company to transfer your phone number, your children's phone numbers, and the phones you use to a new account. If the judge grants your request, the court is responsible for sending an order to your phone company. This order requires this separation to take place without any additional costs to you **other than what is normal to open a new account**. The phone company is required to make this transfer unless they can provide a reason why it is not possible.

4. *How do I ask for separation in my protective order application? What information do I need to provide?*

The Texas Council on Family Violence (TCFV) has worked with partners to create model forms to include with your PO application. When requesting a separation, you will want to include:

- » The name of the phone company;
- » Your and your children's phone numbers; and
- » A statement that you and your child are the primary users of those phone numbers and devices associated with those phone numbers.

5. Will my privacy be protected?

When filing a PO, you will have to include some personally identifying information. Personally identifying information includes things like your name, birth date, address, and phone number of you and your children. We know that some people have greater safety risks and may want more protection for their information. Texas law provides a few options that you can consider:

Confidentiality within the Protective Order

- » Texas Family Codes [85.007](#) and [82.011](#) state that, on request of a person filing the PO, the court may exclude the address and telephone number and keep this information confidential for use only by the court or law enforcement as necessary. TCFV has sample templates for wireless separation that includes this request for confidentiality. You can request the sample templates at policy@tcfv.org.
- » Another option would be to request to seal the record. You may be able to ask the court to seal the full record or just parts of it. This would mean the court record could not be accessed by the public. Sealing a record is a more detailed request. It may be difficult to later unseal the record or get access to the record again after the sealing. However, it may be something you are interested in, depending on your safety concerns. Discuss with an attorney before making this request.
- » After a PO is granted, some courts make this information accessible online. The Violence Against Women Act (VAWA) prohibits PO information from being published on a public internet site.

Confidentiality with your Cell Phone Company

- » The court order requiring the phone company to transfer your phone number will also have to include your name and the phone numbers you wish to port to a new account. When the phone company sets up your new account, you will have to provide information so they can create a new account for you, such as name, address, and billing information. Since it is a new account and you are the primary account holder, this information cannot be shared with anyone else outside the account.

Safety Tip

Texas has an [Address Confidentiality Program \(ACP\)](#) that you may want to apply for whether or not you file for a PO. The ACP gives you a substitute post office box address and mail forwarding service to help prevent your actual address from being revealed. For help applying for the ACP, [contact your local family violence program](#). If you are worried about your address being shared, this is a helpful safety tool.

6. *What do I do once the transfer is granted?*

If the transfer is granted, the court is responsible for sending an order to the phone company. This order will include:

- » The abusive partner's name and cell phone number;
- » Your cell phone number and any children's cell phone numbers that need to be transferred to a new account; and
- » A statement requiring the cell phone company to transfer all payment responsibilities and rights to use each number being transferred.

The court should provide you with a copy of the court order at the hearing. If they do not, you can ask the court or court clerk for it. It will be helpful for you to have a copy in case the phone company asks you for it. [Texas Family Code § 81.002](#) says that you cannot be charged any fees when filing a PO, including asking for a copy of a court order, so you should not be charged to get a copy of the court order.

Once the phone company receives the court order, they must reach out to you within five business days. They should then work with you to set up a new account with your phone number and cell phones and those of your children. They may need personally identifying information, such as your address and banking information, to set up payment. None of this information should be shared with the previous account holder, as it is a new account under your name and should be kept confidential to only you.

Safety Tip

When setting up your new account with the phone company, you may want to use an email or password that your abusive partner does not know and use false answers to the security questions.

Each phone company will have a different process for responding to these court orders. Major carriers, such as T-Mobile and AT&T, have processes in place to reach out to you once they receive the court order. Other smaller companies may not be as familiar with this separation request. If you do not hear from the phone company after a reasonable amount of time, you can reach out to their customer support.

If you run into issues getting help from a phone company, reach out to an advocate at your [local family violence program](#) or call the Texas Council on Family Violence at 1-800-525-1978.

7. *What if the phone company says they have not gotten an order from the court?*

How long the court takes to send the order to the phone company will depend on the court. The major companies may have a process for you to submit the court order yourself. Reach out to your phone company's customer service to learn more.

8. *Do I have to pay for the transfer?*

The law states that the phone company cannot charge you any **additional** fees. This means they cannot charge you for early cancellation of an account or any existing debt that may be on the account. They may charge you fees that are normal for opening a new account. You are financially responsible for all monthly payments moving forward once the transfer is complete.

9. *What if the phone company says they cannot perform the transfer?*

The phone company may say that they are unable to perform the transfer for a few reasons, such as:

- » if there is no wireless service in your area because you have moved;
- » the technology is not available; or
- » any technological or operational issue that would “prevent or impair” the use of the phone number if the transfer occurred.

The phone company is **required** to tell you if they cannot transfer your numbers and devices to a new account. If the phone company cannot transfer your numbers or devices, you can decide to open a new cell phone account for you and your family with the same provider or a new one. You may have to change your number if you get a new account. If this happens, we encourage you to talk to an attorney or family violence program advocate about the best option for you.

10. *What if the respondent of the protective order cancels the account?*

Unfortunately, it is possible that once the respondent, in this case, the abusive partner, is served with the PO, they may cancel the account instead of letting the phone company transfer the numbers. To prevent this, the model forms include a request that the respondent is ordered not to close or tamper with the account until the judge issues a final order. TCFV also has a model form with only this request to submit with a [temporary ex-parte order](#), which can be served before the court date before the protective order.

If the account is canceled, it may be possible to work with the phone company to open a new account with your previous phone number or a new phone number if your old number is no longer available. You will be responsible for all fees that are normal for opening a new account.

11. *Can I change my phone number after the transfer?*

You may want to take this step to make sure your former partner no longer knows your phone number. It may be possible, depending on your phone company. If you are interested in this option, talk to your phone company during the new account setup process.

More Resources

Support and Services Available:

- » [Texas Service Directory](#)
- » [Texas Advocacy Project HOPE Line](#)
- » [National Domestic Violence Hotline](#)

Learn More:

- » [Texas Law Help: Protective Orders](#)
- » [Texas Protective Order Guide](#)
- » [NNEDV: Technology Safety Plan](#)

For more information or questions, email the Texas Council on Family Violence at policy@tcfv.org.

