

**SUBSTITUTE FOR
HOUSE BILL NO. 4022**

A bill to provide for certain powers and duties for foster care caseworkers; to require monitoring of credit-related activity in foster children's names; and to provide for the powers and duties for certain courts, state departments, and agencies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "foster child identification theft protection act".

3 Sec. 3. As used in this act:

4 (a) "Caseworker" means an individual employed by the
5 department or a child placing agency for the purpose of placing
6 children in homes for foster care or investigating and certifying
7 individuals or homes for foster care.

8 (b) "Child placing agency" means that term as defined in

1 section 1 of 1973 PA 116, MCL 722.111.

2 (c) "Consumer reporting agency" means any person who, for
3 monetary fees or dues or on a cooperative nonprofit basis,
4 regularly engages in whole or in part in the practice of assembling
5 or evaluating consumer credit-related information or other
6 information on consumers for the purpose of furnishing credit
7 reports to third parties.

8 (d) "Credit report" means any written, oral, or other
9 communication of information by a consumer reporting agency bearing
10 on a consumer's creditworthiness, credit standing, or credit
11 capacity.

12 (e) "Department" means the department of health and human
13 services.

14 Sec. 5. (1) For a child 14 years or older but less than 18
15 years of age who is placed under the department's care or
16 supervision for foster care, the department shall annually request
17 from at least 1 consumer reporting agency a credit report on each
18 child.

19 (2) If a credit report requested under subsection (1)
20 indicates the appearance of fraudulent activity in the foster
21 child's name, both of the following apply:

22 (a) The department shall work with the foster child and the
23 consumer reporting agency to address and remove the fraudulent
24 activity from the foster child's credit report.

25 (b) Subject to state and federal confidentiality laws, the
26 department may report the fraudulent activity to a law enforcement
27 agency for investigation.

1 (3) For a youth 18 years of age or older who was placed under
2 the department's care or supervision for foster care, the
3 department shall assist the youth in obtaining a copy of his or her
4 credit report. The youth described in this subsection may choose to
5 opt out of receiving this assistance, and the department shall make
6 a notation in the case record regarding the youth's choice to opt
7 out.

8 (4) When a child under 14 years of age leaves foster care, the
9 department shall recommend to that child's permanent caregiver that
10 a credit check be performed on the child to ascertain if there is
11 possible fraudulent activity in the child's credit history.

12 Sec. 7. The department shall maintain an electronic record to
13 comply with the provisions of this act.

14 Sec. 9. (1) The department shall keep documentation of all
15 requests and correspondence regarding the foster child's credit
16 report and a copy of any credit report received regarding the
17 foster child in the foster child's case record.

18 (2) The caseworker shall periodically discuss the credit
19 report with the foster child and inform the foster child of what
20 actions are being taken on behalf of the foster child regarding his
21 or her credit report.

22 Enacting section 1. This act takes effect 90 days after the
23 date it is enacted into law.