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.
- 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.