

HOUSE BILL No. 5775

September 9, 2014, Introduced by Reps. Cavanagh, Jacobsen, Yanez, Geiss, Faris and Tlaib and referred to the Committee on Families, Children, and Seniors.

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
9 section 1 of 1973 PA 116, MCL 722.111.

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

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

11 (e) "Department" means the department of human services.

12 Sec. 5. (1) Every caseworker shall annually request from a
13 consumer reporting agency a credit report on each child who is in
14 foster care and assigned to the caseworker.

15 (2) If a credit report requested under subsection (1)
16 indicates the appearance of fraudulent activity in the foster
17 child's name, the caseworker shall submit a copy of that credit
18 report to the court at the next 90-day review of the foster child's
19 case service plan.

20 (3) The court shall order the lawyer-guardian ad litem to
21 contact the consumer reporting agency and request that the consumer
22 reporting agency immediately remove the fraudulent activity from
23 the foster child's credit report.

24 Sec. 7. The department shall develop standard forms for use by
25 caseworkers to request a credit report on behalf of foster children
26 and to comply with the provisions of this act.

27 Sec. 9. (1) The caseworker shall keep documentation of all

1 requests and correspondence regarding the foster child's credit
2 report and any seemingly fraudulent activity on the foster child's
3 record in the foster child's case file.

4 (2) The caseworker shall periodically discuss the credit
5 report with the foster child and inform the foster child of what
6 actions are being taken on behalf of the foster child regarding his
7 or her credit report.