



Rep. JoAnn D. Osmond

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09600HB2770ham001

LRB096 09249 DRJ 24699 a

1 AMENDMENT TO HOUSE BILL 2770

2 AMENDMENT NO. _____. Amend House Bill 2770 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Foster Child Identification Theft Protection Act.

6 Section 5. Findings. The General Assembly finds as follows:

7 (1) A mother of a child in foster care, or another
8 person, may apply for a social security number for such a
9 child and then unlawfully sell that social security number
10 to a third person to enable that third person to use the
11 child's social security number for unauthorized purposes.

12 (2) A buyer of a foster child's social security number
13 may use that number to open credit accounts and make
14 purchases in the child's name. Typically, the child does
15 not discover that activity until he or she leaves the
16 foster care system and tries to apply for a student loan,

1 buy a car, rent an apartment, or take another action that
2 is unsuccessful because of a bad credit report resulting
3 from the theft of the child's identity and unauthorized use
4 of the child's social security number.

5 (3) The credit reporting system places the burden on
6 the victim of identity theft to resolve the problem.

7 Section 10. Definitions. In this Act:

8 "Credit reporting agency" means any person that, for
9 monetary fees or dues or on a cooperative nonprofit basis,
10 regularly engages in whole or in part in the practice of
11 assembling or evaluating consumer credit-related information
12 or other information on consumers for the purpose of furnishing
13 credit reports to third parties.

14 "Credit report" means any written, oral, or other
15 communication of information by a credit reporting agency
16 bearing on a consumer's credit worthiness, credit standing, or
17 credit capacity.

18 "Department" means the Department of Children and Family
19 Services.

20 Section 15. Credit reports for children in foster care.

21 (a) Every caseworker employed by the Department shall
22 annually request from a credit reporting agency a credit report
23 on each child who is in foster care and assigned to the
24 caseworker as a client.

1 (b) If a credit report requested under subsection (a)
2 indicates unauthorized credit-related activity in the child's
3 name based on use of the child's social security number, the
4 caseworker shall promptly notify the credit reporting agency
5 from whom the caseworker received the credit report. The
6 caseworker shall inform the credit reporting agency of the
7 child's age and inability to engage in credit-related activity
8 and shall request that the credit reporting agency correct the
9 child's credit record to expunge all references to the
10 unauthorized credit-related activity or take other action that
11 will expressly and clearly indicate that the activity was
12 unauthorized.

13 Section 20. Report to State's Attorney. If a credit report
14 reveals unauthorized credit-related activity in a child's
15 name, the caseworker shall report the matter to the State's
16 Attorney.

17 Section 25. Forms. The Department shall develop standard
18 forms for use by caseworkers to request a credit report on
19 behalf of a child in foster care, to respond to a credit
20 reporting agency on behalf of a child if a credit report
21 indicates unauthorized credit-related activity in the child's
22 name, and to report unauthorized credit-related activity in a
23 child's name to the State's Attorney."