



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5137

Introduced 1/29/2010, by Rep. JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

New Act

Creates the Foster Child Identification Theft Protection Act. Provides that every Department of Children and Family Services caseworker shall annually request from a credit reporting agency a credit report on each child who is in foster care and assigned to the caseworker as a client. Provides that if a credit report indicates unauthorized credit-related activity in a child's name, the caseworker shall notify the credit reporting agency and request that the agency correct the child's credit record to expunge all references to the unauthorized credit-related activity or take other action that will expressly and clearly indicate that the activity was unauthorized. Provides that a caseworker shall also report such unauthorized credit-related activity to the State's Attorney. Requires the Department of Children and Family Services to develop standard forms for use by caseworkers in connection with these provisions.

LRB096 18350 KTG 33727 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Foster
5 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,
17 buy a car, rent an apartment, or take another action that
18 is unsuccessful because of a bad credit report resulting
19 from the theft of the child's identity and unauthorized use
20 of the child's social security number.

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

1 Section 10. Definitions. In this Act:

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

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

12 "Department" means the Department of Children and Family
13 Services.

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

15 (a) Every caseworker employed by the Department shall
16 annually request from a credit reporting agency a credit report
17 on each child who is in foster care and assigned to the
18 caseworker as a client.

19 (b) If a credit report requested under subsection (a)
20 indicates unauthorized credit-related activity in the child's
21 name based on use of the child's social security number, the
22 caseworker shall promptly notify the credit reporting agency
23 from whom the caseworker received the credit report. The
24 caseworker shall inform the credit reporting agency of the
25 child's age and inability to engage in credit-related activity

1 and shall request that the credit reporting agency correct the
2 child's credit record to expunge all references to the
3 unauthorized credit-related activity or take other action that
4 will expressly and clearly indicate that the activity was
5 unauthorized.

6 Section 20. Report to State's Attorney. If a credit report
7 reveals unauthorized credit-related activity in a child's
8 name, the caseworker shall report the matter to the State's
9 Attorney.

10 Section 25. Forms. The Department shall develop standard
11 forms for use by caseworkers to request a credit report on
12 behalf of a child in foster care, to respond to a credit
13 reporting agency on behalf of a child if a credit report
14 indicates unauthorized credit-related activity in the child's
15 name, and to report unauthorized credit-related activity in a
16 child's name to the State's Attorney.