FOSTER CHILD IDENTIFICATION THEFT PROTECTION ACT

Act 285 of 2016

AN ACT 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.

History: 2016, Act 285, Eff. Dec. 26, 2016

The People of the State of Michigan enact:

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400.681 Short title.

Sec. 1.

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

History: 2016, Act 285, Eff. Dec. 26, 2016

400.683 Definitions.

Sec. 3.

As used in this act:

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

(b) "Child placing agency" means that term as defined in section 1 of 1973 PA 116, MCL 722.111.

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

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

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

History: 2016, Act 285, Eff. Dec. 26, 2016

400.685 Obtaining credit report on child placed in foster care; requirements.

Sec. 5.

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

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

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

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

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

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

History: 2016, Act 285, Eff. Dec. 26, 2016

400.687 Electronic record.

Sec. 7.

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

History: 2016, Act 285, Eff. Dec. 26, 2016

400.689 Documentation; discussion of credit report with foster child.

Sec. 9.

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

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

History: 2016, Act 285, Eff. Dec. 26, 2016

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