

Assembly Bill No. 2985

CHAPTER 387

An act to add Section 10618.6 to the Welfare and Institutions Code, relating to identity theft.

[Approved by Governor September 22, 2006. Filed with
Secretary of State September 22, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2985, Maze. Foster youth: identity theft.

Existing law requires the placement of dependent children by the juvenile court according to specified procedures. Existing law requires the State Department of Social Services to administer every phase of the administration of public social services, except as specified. Existing law also requires the state, through the department and county welfare departments, to establish and support a system of statewide child welfare, which includes services related to foster care placement of dependent children and adoption.

This bill would require a county welfare department to request a consumer disclosure, pursuant to federal law, on behalf of a youth in a foster care placement in the county, when the youth reaches his or her 16th birthday, in order to ascertain whether the youth has been the victim of identity theft. If the consumer disclosure reveals any negative items, or evidence that identity theft has occurred, the bill would require the county welfare department to refer the youth to an approved organization that provides services to victims of identity theft. The bill would require the department to develop a list of approved organizations for this purpose, in consultation with the County Welfare Directors Association and others. By requiring county welfare departments to perform new duties with respect to children in foster care placement, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 10618.6 is added to the Welfare and Institutions Code, to read:

10618.6. When a youth in a foster care placement reaches his or her 16th birthday, the county welfare department shall request a consumer disclosure, pursuant to the free annual disclosure provision of the federal Fair Credit Reporting Act, on the youth's behalf, notwithstanding any other provision of law, to ascertain whether or not identity theft has occurred. If there is a disclosure for the youth and if the consumer disclosure reveals any negative items, or any evidence that some form of identity theft has occurred, the county welfare department shall refer the youth to an approved counseling organization that provides services to victims of identity theft. The State Department of Social Services, in consultation with the County Welfare Directors Association, consumer credit reporting agencies, and other relevant stakeholders, shall develop a list of approved organizations to which youth may be referred for assistance in responding to an instance of suspected identity theft. Nothing in this section shall be construed to require the county welfare department to request more than one consumer disclosure on behalf of a youth in care, or to take steps beyond referring the youth to an approved organization.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.