

AMENDED IN SENATE JUNE 7, 2011  
AMENDED IN ASSEMBLY MARCH 31, 2011  
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 846**

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**Introduced by Assembly Member Bonilla**  
*(Coauthor: Senator Liu)*

February 17, 2011

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An act to amend Section 10618.6 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 846, as amended, Bonilla. Foster youth: identity theft.

~~Under existing law,~~ *Existing law requires* a county welfare department ~~is required~~ 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, existing law requires the county welfare department to refer the youth to an approved organization that provides services to victims of identity theft. Existing law requires the department to develop a list of approved organizations for this purpose, in consultation with the County Welfare Directors Association and others.

This bill would revise these provisions to require the county welfare department or the State Department of Social Services to ascertain whether identity theft may have occurred under the described circumstances. The bill would authorize the county welfare department and the State Department of Social Services to refer the matter to a

governmental agency or nonprofit organization that provides information and assistance to victims of identity theft. The bill would authorize the governmental agency or nonprofit organization to take remedial actions to clear the youth's credit record and to report the results to the county welfare department or the State Department of Social Services. The bill would require the Office of Information Security and Privacy Protection, in consultation with the State Department of Social Services and other specified entities, to develop a list of governmental agencies and nonprofit organizations to which these matters may be referred for assistance in responding to an instance of suspected identity theft.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

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

1 SECTION 1. Section 10618.6 of the Welfare and Institutions  
2 Code is amended to read:  
3 10618.6. In the year that a youth in a foster care placement  
4 reaches his or her 16th birthday, the county welfare department or  
5 the State Department of Social Services shall request a consumer  
6 disclosure from each of the national consumer credit reporting  
7 agencies, pursuant to the free annual disclosure provision of the  
8 federal Fair Credit Reporting Act (15 U.S.C. Sec. 1681 et seq.),  
9 on the youth's behalf, notwithstanding any other ~~provision of~~ law,  
10 to ascertain whether or not identity theft may have occurred.  
11 Notwithstanding Section 827, Section 10850, or any other ~~provision~~  
12 ~~of~~ law, both the county welfare department and the State  
13 Department of Social Services are authorized under this section  
14 to make the request on a foster youth's behalf. If the State  
15 Department of Social Services submits the request, the department  
16 shall use the most efficient means possible, such as via a batch  
17 process using lists of youth turning 16 years of age, on a quarterly  
18 or semiannual basis, rather than via individual manual requests.  
19 If a consumer disclosure for the youth exists and if the consumer  
20 disclosure reveals any negative items, or any evidence that some  
21 form of identity theft may have occurred, the State Department of  
22 Social Services or the county welfare department, acting on behalf  
23 of the foster youth, may refer the matter to a governmental agency  
24 or nonprofit organization that provides information and assistance  
25 to victims of identity theft. The governmental agency or nonprofit

1 organization may take remedial action on behalf of the foster youth  
2 to clear his or her credit record and report the results of the action  
3 to the county welfare department or the State Department of Social  
4 Services. The Office of ~~Information Security and Privacy~~  
5 Protection, in consultation with the State Department of Social  
6 Services, the County Welfare Directors Association, consumer  
7 credit reporting agencies, and other relevant stakeholders, shall  
8 develop a list of governmental agencies and nonprofit organizations  
9 to which these matters may be referred for assistance in responding  
10 to an instance of suspected identity theft. ~~Nothing in this section~~  
11 ~~shall~~ *This section shall not* be construed to require the county  
12 welfare department or the State Department of Social Services to  
13 make more than one request for a consumer disclosure on behalf  
14 of a youth in care, or to take steps beyond referring the matter to  
15 a governmental agency or nonprofit organization.

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