

SENATE BILL NO. 99—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON
CHILD WELFARE AND JUVENILE JUSTICE)

FEBRUARY 11, 2013

Referred to Committee on Health and Human Services

SUMMARY—Provides for the protection of children in the child welfare system from identity theft. (BDR 38-65)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to child welfare; requiring an agency which provides child welfare services to obtain and examine the credit report for certain children in its custody; requiring the agency to report each potential instance of identity theft or other crime to the Attorney General and make a diligent effort to resolve any inaccuracy in the report; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires an agency which provides child welfare services to
2 provide maintenance and special services to children who are placed in the custody
3 of the agency. (NRS 432.020) This bill requires an agency which provides child
4 welfare services to obtain and examine the credit report of certain children placed
5 into its custody upon placement of a child and at certain times thereafter to identify
6 any inaccuracies in the credit report. If the agency finds any inaccuracies, this bill
7 requires the agency to report any information which indicates that a potential
8 instance of identity theft or other crime may have occurred to the Attorney General
9 and to continue to make a diligent effort to resolve each inaccuracy until all
10 inaccuracies have been corrected. This bill authorizes the Attorney General to
11 investigate any such reports and prosecute the persons responsible for any identity
12 theft identified in the investigation.



* S B 9 9 *

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An agency which provides child welfare services shall, for each child placed in the custody of the agency which provides child welfare services for 60 or more consecutive days, request and examine, within 90 days after placement of the child, a copy of any credit report that may exist for the child.

2. In addition to the requirements of subsection 1, an agency which provides child welfare services shall request and examine a copy of any credit report that may exist for each child who remains in the custody of the agency which provides child welfare services for 60 or more consecutive days:

(a) At least once every 3 years until the child reaches the age of 16 years, and then at least once annually thereafter as required pursuant to 42 U.S.C. § 675(5)(I);

(b) At least 6 months, but not more than 1 year, before the child will leave the custody of the agency which provides child welfare services or, if less than 6 months remain before the child will leave the custody of the agency which provides child welfare services, as soon as practicable after the agency which provides child welfare services determines that the child will leave its custody; and

(c) Within 1 week after the child leaves the custody of the agency which provides child welfare services.

3. An agency which provides child welfare services shall determine from the examination of a credit report pursuant to this section whether the credit report contains inaccurate information and whether the credit report indicates that identity theft or any other crime has been committed against the child.

4. If the agency which provides child welfare services determines that an inaccuracy exists in the credit report of a child, the agency which provides child welfare services must:

(a) Report any information which may indicate identity theft or other crime to the Attorney General;

(b) Make a diligent effort to resolve the inaccuracy as soon as practicable; and

(c) Continue to make diligent efforts to resolve the inaccuracy if it remains unresolved after the child has left the custody of the agency which provides child welfare services until the inaccuracy is corrected.

5. The Attorney General may investigate each potential instance of identity theft or crime reported pursuant to subsection



- 1 *4 and prosecute in accordance with law each person responsible*
- 2 *for any identity theft identified in the investigation.*
- 3 **Sec. 2.** This act becomes effective on July 1, 2013.

