

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.

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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 when each child reaches the age of 16 years or, if a child has
6 reached the age of 16 years before being placed into the custody of the agency,
7 within 90 days after placement of the child, and at least once annually thereafter to
8 identify any inaccuracies in the credit report. This bill requires the agency, before
9 obtaining the credit report, to inform each child of this requirement to obtain and
10 examine his or her credit report and to explain to the child how inaccuracies on his
11 or her credit report may be resolved and what financial impact an inaccuracy may
12 have if left unresolved. If the agency finds any inaccuracies, this bill requires the
13 agency to report any information which indicates that a potential instance of
14 identity theft or other crime may have occurred to the Attorney General and to
15 continue to make a diligent effort to resolve each inaccuracy until all inaccuracies
16 have been corrected or the child leaves the custody of the agency. If the child
17 leaves the custody of the agency, this bill requires the agency to notify the child or



the person responsible for the welfare of the child of any remaining inaccuracies, how the inaccuracies may be resolved and any community services that may be available to assist in resolving the inaccuracies. This bill authorizes the Attorney General to investigate any such reports and prosecute the persons responsible for any identity theft identified in the investigation.

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. Before an agency which provides child welfare services requests and examines a copy of any credit report pursuant to subsection 2, the agency which provides child welfare services shall, to the greatest extent practicable:

(a) Inform the child of the requirement to request and examine a copy of any credit report that may exist for the child;

(b) Explain to the child the process for resolving any inaccuracy discovered on any such credit report; and

(c) Explain to the child the possible consequences of an inaccuracy on a credit report of the child.

2. 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) When 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); or

(b) If the child has reached the age of 16 years before the child is placed in the custody of the agency which provides child welfare services, within 90 days after the placement of the child in the custody of the agency which provides child welfare services, and then at least once annually thereafter as required pursuant to 42 U.S.C. § 675(5)(I).

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;



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

3 (c) If an inaccuracy remains unresolved after the child has left
4 the custody of the agency which provides child welfare services,
5 notify the child or, if the child has not attained the age of majority,
6 the person responsible for the child's welfare:

7 (1) That an inaccuracy exists in the credit report of the
8 child;

9 (2) Of the manner in which to correct the inaccuracy; and

10 (3) Of any services that may be available in the community
11 to provide assistance in correcting the inaccuracy.

12 5. An agency which provides child welfare services may,
13 upon consent of a child who remains under the jurisdiction of a
14 court pursuant to NRS 432B.594, continue to request and examine
15 a credit report of the child and provide assistance to the child if an
16 inaccuracy is discovered.

17 6. The Attorney General may investigate each potential
18 instance of identity theft or crime reported pursuant to subsection
19 4 and prosecute in accordance with law each person responsible
20 for any identity theft identified in the investigation.

21 Sec. 2. This act becomes effective on July 1, 2013.

