

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Prevention of Child Abuse and Neglect Act of 1977 to define a consumer reporting agency, to provide that the Director of the Child and Family Services Agency has the authority to request a file disclosure report on behalf of a ward of the agency to determine whether identity theft may have occurred, and to authorize the agency to refer a ward to an approved organization that provides credit counseling services to victims of identity theft.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Foster Care Youth Identity Protection Amendment Act of 2010".

Sec. 2. The Prevention of Child Abuse and Neglect Act of 1977, effective September 23, 1977 (D.C. Law 2-22; D.C. Official Code § 4-1301.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 4-1301.02) is amended by adding a new paragraph (4A) to read as follows:

Amend
§ 4-1301.02

“(4A) “Consumer reporting agency” means a person or entity that assembles or evaluates consumer credit information or other information on consumers for the purpose of furnishing consumer reports and the disclosure of file information to third parties.”.

(b) Section 303(a) (D.C. Official Code § 4-1303.03(a)) is amended as follows:

Amend
§ 4-1303.03

(1) Paragraph (14) is amended by striking the word “and” at the end.

(2) Paragraph (15) is amended by striking the phrase “applies.” and inserting the phrase “applies; and” in its place.

(3) A new paragraph (16) is added to read as follows:

“(16)(A) To request from a consumer reporting agency that compiles and maintain files on consumers on a nationwide basis and is nationally ranked among the top 3 such agencies, the disclosure of file information pursuant to section 609 of the federal Fair Credit Reporting Act, approved October 26, 1970 (84 Stat. 1131; 15 U.S.C. § 1681g), on behalf of a ward of the Agency under the age of 18 years to determine whether identify theft has occurred, when:

“(i) An adoption petition has been filed in the Superior Court of the District of Columbia;

“(ii) A motion for guardianship has been filed in the Superior Court of the District of Columbia; or

“(iii) The Agency anticipates that the jurisdiction of the Family Court of the Superior Court of the District of Columbia will be terminated.

“(B) The Agency shall provide the disclosed file information to the ward’s guardian ad litem within 30 days of obtaining the results.

“(C) For a ward over the age of 18 years, the Agency shall assist the ward if the ward wants to obtain disclosure of file information prior to the termination of the jurisdiction of the Family Court of the Superior Court of the District of Columbia.

“(D) If the Agency determines that disclosed file information indicates that identity theft may have occurred, the Agency shall refer the ward to an approved organization that provides credit counseling to victims of identity theft; provided, that the Agency shall not be responsible for providing assistance beyond a referral.

“(E) Within 120 days of the effective date of the Foster Care Youth Identity Protection Amendment Act of 2010, passed on 2nd reading on March 2, 2010 (Enrolled version of Bill 18-449), the Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this paragraph. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within the 30-day review period, the proposed rules shall be deemed approved.”.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia