

CHAPTER 359

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 13-047

BY SENATOR(S) Newell, Aguilar, Baumgardner, Giron, Guzman, Heath, Hodge, Hudak, Johnston, Jones, Kefalas, Kerr, King, Nicholson, Roberts, Schwartz, Steadman, Tochtrop, Todd, Ulibarri, Morse;
also REPRESENTATIVE(S) Fields, Hamner, Hullinghorst, Labuda, Lebsack, Melton, Pettersen, Rosenthal, Schafer, Singer, Young.

AN ACT

CONCERNING PROTECTIONS FOR YOUTH IN FOSTER CARE AGAINST IDENTITY THEFT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 19-7-102, **amend** (1) and (2) (a) as follows:

19-7-102. Protection against identity theft. (1) The court shall ensure that each youth in foster care ~~excluding youth in the custody of the division of youth corrections or a state mental hospital~~ WHO IS IN THE LEGAL CUSTODY OF A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES OR THE DEPARTMENT OF HUMAN SERVICES AND who is AT LEAST sixteen ~~through eighteen~~ years of age obtains OR RECEIVES a free ANNUAL credit report REPORTS FROM THE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES. THE COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES OR THE DEPARTMENT OF HUMAN SERVICES SHALL INFORM THE COURT WITH JURISDICTION OVER THE YOUTH, IF ANY, OF ANY INACCURACIES IN A REPORT AND REFER THE MATTER TO A GOVERNMENTAL OR NONPROFIT ENTITY ON THE REFERRAL LIST DEVELOPED PURSUANT TO SUBSECTION (2) OF THIS SECTION FOR ASSISTANCE IN INTERPRETING AND RESOLVING ANY INACCURACIES IN A REPORT if the credit report shows evidence of possible identity theft. ~~the person assisting the youth shall inform the court and refer the matter to a governmental or nonprofit entity on the referral list developed pursuant to subsection (2) of this section for remedial action.~~ The child's guardian ad litem shall advise the youth of possible consequences of and options to address the possible identity theft, including the right to report the matter to law enforcement and seek possible prosecution of the offender.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(2) (a) On or before July 31, 2012, the department of human services shall develop, in consultation with county departments of HUMAN OR social services, a referral list of governmental and nonprofit entities that are authorized to assist a youth in foster care ~~excluding a youth in the custody of the division of youth corrections or a state mental hospital~~, who has found evidence of possible identity theft on his or her credit report. An entity on the referral list developed pursuant to this subsection (2) is authorized to take any necessary remedial actions to clear the youth's credit record and shall report the results of its actions to the DEPARTMENT OF HUMAN SERVICES OR THE county department of HUMAN OR social services with legal custody of the youth.

SECTION 2. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated out of any moneys in the general fund, not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2013, the sum of \$24,334, or so much thereof as may be necessary, for the implementation of this act as follows:

- (a) \$19,650 to the division of child welfare for credit report remediation; and
- (b) \$4,684 to the division of youth corrections for credit report remediation.

(2) (a) In addition to said appropriation, the general assembly anticipates that, for the fiscal year beginning July 1, 2013, the department of human services will receive the sum of \$6,766 in federal funds for the implementation of this act as follows:

- (I) \$6,550 to the division of child welfare for credit report remediation; and
- (II) \$216 to the division of youth corrections for credit report remediation.

(b) Although the federal funds identified in paragraph (a) of this subsection (2) are not appropriated in this act, they are noted for the purpose of indicating the assumptions used relative to these funds in developing the state appropriation amounts.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 28, 2013