



OVC
Webinar Transcript

Identity Theft and Children in the Foster Care System

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National Identity Theft Victims Assistance Network (NITVAN)

Merry O'Brien: Good afternoon, everyone. Welcome to *Identity Theft and Children in the Foster Care System*, a Webinar hosted by the National Identity Theft Victims Assistance Network. My name is Merry O'Brien, and I am the Project Director of the Network and your host for the call today. Before we begin, I just wanted to point out that ReadyTalk assistants are online right now to help you with any tech issues you might encounter. You can chat them. And please also know that this Webinar will be recorded and placed online at our website. The chat window you see on your screen will allow you to ask question of presenters, so feel free to ask your questions throughout the presentation as they arise for you. Some of these I may interject, and some I might hold to the Q & A session at the end. So, with that, let us get started.

Merry O'Brien: Okay, so as I mentioned on the previous slide, this Webinar is hosted by NITVAN, which is a National Network that began several years ago with funding from the U.S. Department of Justice Office for Victims of Crime, known as OVC. Many of you might be familiar with OVC already through your work, and especially the Crime Victims Fund. And this Fund is financed by fines and penalties, which makes it pretty unique, paid by convicted federal offenders, and many of those are identity theft offenders, actually. So the Crime Victims Fund is not – is not through tax dollars. It is through those convicted federal offenders. And through OVC, millions of dollars each year are invested in victim compensation assistance programs in every U.S. state and territory for training, technical assistance and other capacity-building programs designed to enhance service providers' ability to help victims of crime all across the country.

Merry O'Brien: So, with assistance from the National Network, 10 new coalitions that you can see there on the map in purple have formed across the country, and these coalitions are engaged in really creating, enhancing, and delivering identity theft victims assistance training, outreach, and, and improving the ability of all of their coalition members to provide direct victim assistance services.

Find Out More About Our Network!

Merry O'Brien: So I want to encourage you, before we start, just to find out a little bit more about our Network. You can join us online, and there you will get access to resources, guides, training materials, some of which these coalitions that you see here have produced themselves. And you can also learn on our website, you can get links to all of these member coalition sites and follow them online as well. And, as you can imagine, all of these sites, beyond just being geographically diverse, are also very diverse in terms of their approaches, systems based, non-systems based, and their focuses. So, for instance, our upcoming Webinar, which I will tell you a little bit more about towards the end of this presentation, will feature the Minnesota Identity Theft Coalition, which is the first multi-disciplinary identity theft coalition of its kind in the country to focus on identity theft in the context of domestic violence situations. So, each coalition is really unique, and I encourage you to follow us and find out a little bit more.

Presenters

Merry O'Brien: All right. So, I would like to just briefly go over our presentations to come. Our first speaker, Joanna Crane, will provide us with background context of foster care and child identity theft, and will preview the soon-to-be released Child Identity Theft Survey, which was conducted in conjunction with the Identity Theft Assistance Center (ITAC), and she will tell you

more about that. And then, next will be Steven, who will explain how to detect foster youth identity theft and how victim advocates and victims and other helpers in the system can help use the Fair Credit Reporting Act to obtain, review, and correct credit reports. And then our Webinar will finish out with a panel of three representatives from statewide identity theft coalitions involved in NITVAN, and that includes Ralph, Sunrise, and Anne, who will discuss their groups' multi-disciplinary approach to tackling the problem.

Check the Box That Best Describes Your Background

Merry O'Brien: So, now that I have showed you a little bit about who you will be hearing from, I would like to just take a quick poll of who you guys are. So, feel free to check in the box there. We have got quite a few people on the phone here today. And I will give it a couple of minutes here. About 50 responses and about 100 more to go, maybe? All right. Okay, just another second, and then I will show you guys the results on the screen in just a second. All right. Okay.

Merry O'Brien: Oh, okay. Well, that is interesting. So, we have quite a large percentage here, and you can see that percentage has changed just a little bit as people finish filling it out, but we have quite a large percentage of foster care systems professionals. We have a few victims on the line, and foster care kinship parents, and quite a few victim service professionals and legal assistance providers as well. And we also have people in the identity theft prevention or assistance industry. So that is good.

Preview of ITAC Child Identity Theft Survey

Merry O'Brien: Okay, so with that, I would like to introduce our first speaker, Joanna Crane. Joanna is a subject matter expert and consultant for a variety of identity theft-related organizations, including NITVAN. She sits on the Board of Directors or Advisors for additional identity theft-related organizations, including the Identity Theft Assistance Center, which I mentioned earlier, and the ID Experts' MIDAS project. And prior to retiring from the FTC (Federal Trade Commission) in 2010, she has been a Senior Attorney and the Identity Theft Program Manager. The FTC's program, for those that are new to it, assists victims of identity theft through a hotline, website, educational materials, they have supported law enforcement investigations and training, developed regulatory and policy responses to the problem. So with that, I am going to turn it over to you, Joanna.

Background – Key Studies and Events to Date

Joanna Crane: Thank you, Merry. Good afternoon, everyone. I am here today representing the Identity Theft Assistance Center, which is the ID Theft Victim Assistance and Outreach Program, sponsored by the Financial Services Roundtable. And ITAC has recently cosponsored a nationwide statistically valid survey of child ID theft, to try and get a handle on this very serious problem. The survey report will be issued to the public on December 4. I thought I would have my final results for you today, and I am very sorry that I do not. But it will be available on December 4 of this year.

Joanna Crane: So let me start by, as this slide shows, giving an overview of the key studies and events to date which led to ITAC's decision to cosponsor the survey. The first event that really kick-started the growing interest in child ID theft was the Stolen Futures Forum on Child Identity Theft held in July 2011, by the Federal Trade Commission and the Department of Justice's Office of Victims of Crime. And this Forum brought together stakeholders from government, business, the nonprofit sector, legal service providers, and victim advocates to discuss child identity theft

and foster child identity theft, and raised several interesting topics for further discussion. And at the Stolen Futures Forum, three papers were discussed, and those are the ones listed just below that on the slide. And what was made clear by all the presenters, however, was that these papers were all non-scientific reports. In other words, they were not based on random survey data, so the data they provide cannot be projected to the general population. So it cannot be used to imply or inform us about the estimate of the total number of child identity theft or foster child identity theft incidents. However, because they are the background data that we do have, I will go over these reports very quickly. You can find them all readily with an online search, or if you would like to contact me, I can provide you a link to them.

Joanna Crane: The first report that was presented at the Forum was the CyLab report by Carnegie Mellon. And that report looked at identity protection scams on 42,232 children during the time period of 2009 to 2010, and it showed that 10.2 percent of the children in that pool had indications of identity theft in their credit files, although 24 percent were later determined to be the result of mixed files. So that is 10.2 percent.

Joanna Crane: The next paper that was presented was the ID Analytics Whitepaper, the 2011 Child ID Fraud Survey, and it was a study of over 172,000 children enrolled in ID Analytics' consumer notification service between April 2010 and March 2011, and it found that less than 1 percent of children enrolled in their consumer fraud notification service had experienced identity fraud. So, a vastly different result.

Joanna Crane: The next report that was presented at the Forum was the California Office of Privacy Protection report, which reported on a project where the Office of Privacy Protection in L.A. County cleared the credit reports of foster children pursuant to, at that time, a new California law. And so they examined the – whether there were credit reports, or the sort of credit environment, for 2,110 foster children and found that 5 percent of these foster children had credit files indicating that they were the victims of identity theft. And they also found that the challenges encountered in clearing the credit files were substantial.

Joanna Crane: And then, more recently, the AllClear ID issued its Child Identity Theft Report for 2012, issued in May. And it scanned 27,000 American children and found that 10.7 percent of the children they looked at, that were coming from their own proprietary database, had someone else using their Social Security number. So we can go to the next slide.

Background – Key Studies and Events to Date, Continued

Joanna Crane: But, you know, there are some very different results there that they were getting. In the interest of time, I think I will skip talking about the key legislative developments that have occurred in the past 2 years, but you can see the bills identified there, and there are some other state-level bills that I could not fit on the slide, and that is for your reference.

Joanna Crane: But the takeaway that ITAC's Child ID Theft Working Group got from reviewing the previous studies was that there was really a wide variety of results: 10 percent, 5 percent, 1 percent. So ITAC felt it was important to fund research to develop statistically reliable data to provide better consumer and industry education, as well as providing the foundation for additional research. Additional research has been very important in ascertaining the incident rate and overall understanding of adult identity theft. Various organizations over the years, including BJS, the Bureau of Justice Statistics I mean, the Federal Trade Commission, and Javelin Survey Research have all found consistently over the past 9 years that adult annual incident rate ranges between 4 and 5 percent a year. So having different organizations find results that are statistically

similar provides a very strong foundation for policy and education, and we are hoping that that kind of robust data will emerge about child identity theft over the coming years. As I said, the Javelin study will be released on December 4, 2012, and this victimization survey that ITAC cosponsored is the first of its kind. I think you can go on to the next slide.

Areas of Inquiry in 2012 Survey

Joanna Crane: It was based on interviewing parents in a random sample of U.S. households with children under the age of 18. And the goal of the survey was to learn more about the incidence rate of child identity theft, while knowing that any survey of parents will be subject to underreporting where the parent or guardian is the perpetrator, as well as underreporting where the family did not discover that their child was a victim until after the child turns 18, and therefore would not be included in the survey. So we know we have an underreporting problem, but we wanted to do it anyway, to get the data that we could get.

Joanna Crane: We were also looking for more information about the forms the crime would take, such as whether the perpetrator would use the information to obtain credit or to obtain employment, or what, which would tell us something about what is motivating the perpetrator.

Joanna Crane: We were also looking for information on the crime's impact on its victims, including, for example, the length of time it takes to detect the crime, or the period of victimization, which tells us something about whether it is especially difficult to detect child identity theft, as had been suggested in the FTC's forum.

Joanna Crane: Also, the number of takes it resolved, the number of hours it takes to resolve the crime and whether it is, in fact, especially difficult to resolve. And whether, as we heard at the Stolen Futures Forum, some child identity theft victims are ultimately unable to resolve the crime.

Joanna Crane: And lastly, of course, about the financial losses associated with the crime, both to businesses and victims' families. You could go to the next slide.

Possible Next Steps

Joanna Crane: So, we are happy. It appears that the survey was a success, and we have been able to get statistically reliable information in several categories. And as I said, if you are interested in obtaining copies of the report after it is issued on December 4, please contact me. My e-mail is with my information at the end of this Webinar.

Joanna Crane: Since we have obtained the first statistically reliable survey results in this area, we hope that this survey will shine a light on some of the areas that seem particularly problematical related to child ID theft. And we hope this will stimulate a discussion among stakeholders on possible areas for future action, including the need for additional research, targeted consumer and business education, and perhaps industry advocacy groups and government stakeholders can come together to work to develop problem-solving solutions. With that, I will conclude my presentation and turn it back over to Merry. Thank you.

Foster Youth Identity Theft: Reviewing Credit Reports

Merry O'Brien: Thanks, Joanna. Well, next I would like to introduce you to Steven. Steven is an attorney in the Division of Privacy and Identity Protection, Bureau of Consumer Protection at the Federal Trade Commission, FTC. He also serves as Vice Chair of the FTC's Privacy Steering

Committee, and participates in various federal taskforces and outreach efforts on privacy and identity theft protection and victim assistance. Before joining the division at the FTC, Steven was on detail to the Office of Information Regulatory Affairs, Office of Management and Budget, where he worked on privacy initiatives there. Steven also worked for 20 years in the FTC's Division of Marketing Practices, where he focused on anti-fraud work. He is a frequent speaker and has advised foreign governments, federal agencies, and states on privacy, identity protection, and anti-fraud matters. Go ahead. Thanks.

Steven Toporoff: Sure. Thank you. If we could go to the next slide.

Merry O'Brien: Sure.

Why Are Foster Youth Vulnerable to Identity Theft?

Steven Toporoff: Well, again, I appreciate the opportunity to be here today, and to speak about foster youth identity theft from the Federal Trade Commission's perspective. And basically, what I am going to do is go through some of the provisions of the Fair Credit Reporting Act that are available for anyone, whether it is an adult or a child. And by having a background in what the federal laws are, it puts a lot of this into context. But we should also keep in mind that what is the law does not necessarily translate easily, and I am sure we will hear from other speakers about some of the difficulties that the child welfare agencies are having when it comes to helping the foster youth, when it comes to their credit reports.

Steven Toporoff: So I want to start off very simply by talking about foster youth identity theft, what is it and why are foster youth vulnerable to this type of crime. Well, foster youth, like all children, are somewhat vulnerable to identity theft, because their information is circulated widely. When it comes to foster youth, their information in particular can be found in schools, by biological parents, foster parents, caretakers, and various service providers.

Steven Toporoff: Also, biological parents or foster parents may use a child's personal information out of necessity, like turning on the lights, turning on the gas. And oftentimes parents or foster parents may lack understanding about the long-term implications when they do use their children's identity, Social Security number, or what have you, in order to establish household accounts.

Steven Toporoff: Children also do not have any prior credit history, or at least that is the typical situation, which makes their information attractive to organized crime. Thieves know that when they have a child's identity, the use or the misuse of that information can go undetected for years because parents typically do not have any reason to suspect that their child has been a victim. If we could go to the next slide.

What Are the Consequences of Foster Youth Identity Theft?

Steven Toporoff: So what are some of the consequences when there is foster youth identity theft? Foster youth, the consequences to them can be significant. Like all victims of identity theft, foster youth may have problems in getting loans, mortgages, or credit. They may find that they have accounts that have been opened in their name, in some instances mortgages, and in other circumstances, erroneous debt.

Steven Toporoff: There may be employment problems. A foster youth with a poor credit history may have trouble getting employment. There may be IRS issues if their information was misused,

let us say, for example, by somebody else to get a job. That thief's income can be reported to the IRS and, therefore, the youth may get a letter, in fact, from the IRS saying that they have undeclared income.

Steven Toporoff: There may be problems with a medical identity theft. There may be inaccurate information in the foster youth's medical file as a result. And in some instances, the youth might find themselves possibly harassed by debt collectors and sued for unpaid debt. And there can even be situations of false arrest or a false criminal record. If we could go to the next slide.

Why Obtain a Credit Report for a Foster Youth?

Steven Toporoff: Because of the consequences to foster youth, it is critical that the child welfare agencies look to see if, in fact, there is a credit report for foster youth, as foster youth are exiting from the system. As a general proposition, no child should have a credit report. I mean, that should be the standard. You should not be surprised if you look and you find no credit report. And that is simply because minors are unable to enter contracts or credit transactions, and, therefore, they typically do not and there is nothing to report. There is nothing to create a credit record. If there is a credit report for a foster youth, most likely it could be the result of identity theft or simple error.

Steven Toporoff: For foster youth to have a clean credit history, though, it will be necessary to resolve any outstanding identity theft issues or fraudulent – fraud or, again, errors in the credit report.

Steven Toporoff: Now, all Americans have the right to get a copy for free of their credit report, and they could do so online, on phone, or by the mail. And information on this slide is available with contact information, how you can go about doing that. So for foster youth, they should be no different than anyone else, and they should be entitled, and they should be able to get at least one free copy of their credit report again each year. So that could be a starting place in helping the foster youth. If we could go to the next slide.

What is a Credit Report?

Steven Toporoff: When you do get a credit report, it is important to know that there are five categories of information typically in the credit report, and that each one you will need to go through to make sure that it is complete and accurate.

Steven Toporoff: There is identifying information, which is the name, address, Social Security number, date of birth. If there is employment, there will be an employment notice there as well.

Steven Toporoff: There are credit accounts, most typically credit card accounts or mortgages or anything that is on an installment plan.

Steven Toporoff: Credit inquiries, that is a list of lenders who have accessed the person's credit report.

Steven Toporoff: There are public records and collections, and this is not typical for foster youth, but you never know. That would include bankruptcies, foreclosures, lawsuits, judgments, and most important, overdue debts from collection agencies.

Steven Toporoff: At the same time, the credit report will list positive accounts and negative items, so if there is a positive credit history, somebody paid off their loans on time, that would be reported, but also the opposite, the negative consequences are also reported if there are late payments or failures to – failures to pay debt collectors.

Steven Toporoff: Now, the credit reporting agencies that create the credit reports do not intentionally collect information about minors. What they do is information comes to them, they create a report. They do not necessarily go out and investigate who is providing the information, the source, or the nature of the consumer unless a charge or unless an item in the credit report is being contested.

Steven Toporoff: And credit reporting agencies generally sell their reports to people making evaluation on a person's application for credit, insurance, employment, what have you. So that is why it is critical that a credit report is accurate for a foster youth, because when they do apply for a job, when they do apply for an apartment or a job, those entities may very well look to see if there is a credit report, so you want to make sure that that is accurate. Next slide.

How Does the FCRA Help Identity Theft Victims?

Steven Toporoff: So, the Fair Credit Reporting Act, or FCRA, is a federal statute that provides some procedures and remedies that identity theft victims can use. And this applies, again, regardless, whether it is a foster youth, a child, non-foster youth children, adults, or anybody. So it is good to have a firm understanding of what the FCRA is all about.

Steven Toporoff: And the first thing that I want to point out is what I mentioned before, and that is the FCRA provides that anybody can get a free copy of their credit report annually from each of the three credit reporting agencies. If there has been a compromise of data, or for some reason there is a credit report with erroneous charges and you are concerned that the foster youth may be a victim of identity theft, the FCRA provides for a fraud alert. The fraud alert is something that you could place on the record that makes it more difficult to open new accounts in the victim's name. Basically, what it requires is a potential creditor, when they pull a credit report, to verify the identity of the person that they are dealing with. So again, a thief would be hard pressed to open an account if they have to provide additional information to verify who they are.

Steven Toporoff: The FCRA also provides for notices to victims of their rights and identity theft notices. It also provides, and I will explain this a little bit in more detail later, provides victims with a method to block erroneous information resulting from identity theft from appearing on the credit report. So again, I will talk to that in a minute.

Steven Toporoff: Also, if you are the victim of identity theft, you can get additional copies of credit reports so that you can monitor activities, and I will fill in a little bit more of how that works in a second as well.

Steven Toporoff: And then finally, if you are in a situation where you have to prove that you are an identity theft victim, the FCRA provides for a mechanism where you could obtain documents that underlie the identity theft. So, for example, you might be able to obtain copies of contracts that were signed or something like that, that you can then show that the signatures, for example, do not match the victim's. So that would go a long way toward enabling you or the victim to prove that identity theft has occurred. So, next slide.

What if There is a Credit Report?

Steven Toporoff: So, if there is a credit report on the foster youth, what can you do? So, there are several things. First is you do not necessarily even need to go through the FCRA remedies, because again, when it comes to foster youth or children in general who cannot legally enter contracts or credit transactions, you could point that out to the creditors, to the credit reporting agencies and just ask, in theory at least, for those erroneous charges or accounts to be closed or terminated because the youth could not have legally entered into the underlying transactions.

Steven Toporoff: You can place a fraud alert and you might also want to consider a credit freeze. A credit freeze is a creature of state law. It is slightly different than an initial fraud alert that I talked about. Initial fraud alert—well, in the next slide it goes into that, so I will hold off a little bit.

Steven Toporoff: You could call companies where accounts were fraudulently opened in the foster youth's name and explain the situation. And you can file a complaint with the Federal Trade Commission, and by doing that, there is a process online that will get you to an identity theft affidavit that you can then use to get a police report. And again, I will spell this out in a little bit more detail coming up.

Steven Toporoff: Finally, you can get copies of the credit reports going forward, to monitor additional activities to make sure that there are not anything additional, as well as that the erroneous charges or erroneous accounts were cleaned up. So, next slide.

Fraud Alert vs. Credit Freeze?

Steven Toporoff: So, here is a slide that you might want to take a look at that compares fraud alerts with credit freezes. In brief, a fraud alert is free and you could obtain them from the credit reporting agencies easily by calling one. If you call one and ask for a fraud alert, whichever one you happen to pick will call the other two and arrange for the fraud alert to be placed with those credit reporting agencies as well. It lasts for 90 days, and it can be extended.

Steven Toporoff: A credit freeze is not free, there are costs, and that might vary from state to state. You have to contact each of the credit reporting agencies. But what it does is, unlike the fraud alert which requires the potential creditors to take reasonable steps to verify identities, the credit freeze locks down the credit report. So no one can get a copy, no one could extend credit in theory unless it is thawed. And it is up to the victim to thaw it, and again, there may be costs associated with listing a credit freeze. In some states, if there is a police report, it may be free, but again, that is going to vary from state to state. Next slide.

Blocking: An Additional FCRA Remedy for Identity Theft

Steven Toporoff: Okay, so before, I mentioned blocking. Before we even get to blocking I just want to remind you of two things. One, because we are dealing with foster youth, we might not have to go through the FCRA remedies. You can just point out that you are dealing with a youth who does not have a capacity, legal capacity to enter into contracts. That is one thing to keep in mind.

Steven Toporoff: Second, if you are dealing with something like false credit card charges or something like that, you can just contest that as anybody would. If I have an erroneous charge on my credit report from a credit card, I do not necessarily need to go through identity theft

remedies, I can just contest the charges as being erroneous. And I might have to provide some background and to explain how that happened, if I know, or other information that I do know, and that might help to resolve the problem. But if it does not, the FCRA has blocking, and what that enables a victim to do is to contact the CRA, the credit reporting agencies, and ask them to suppress or eliminate all the erroneous information that is on the credit report. In order to do that, you need to have an identity theft report. An identity theft report is basically a police report plus. And it is the police report that documents that there is, in fact, identity theft plus sufficient background information to explain what has happened. And an easy way to get an identity theft report is to file a complaint with the Federal Trade Commission at www.ftc.gov. It will walk you through the filing of an identity theft complaint. At the end, you can print out an identity theft affidavit. If you take that affidavit to the police and get a police report, the combination of the affidavit and the police report should be sufficient to create an identity theft report. And with the identity theft report, again, you can block erroneous charges or erroneous items on the credit report. It will also enable you to get an additional copy of the credit report as well. Next slide.

How to Report the Crime?

Steven Toporoff: So, this pretty much explains what I just said. If you filed a complaint at the Federal Trade Commission, you can get the affidavit. Go to local law enforcement, get a police report, and the combination creates the identity theft report.

Steven Toporoff: What you also may want to do is maintain a victim's recovery log, the different steps that you went through, the people that you contacted, and that may help in the recovery effort later on.

Steven Toporoff: An identity theft report, as I mentioned, is necessary to take full advantage of federal – of the FCRA remedies, if, again, if they are needed. Again, with foster youth, in many instances it is not necessary, but for older youth or for non-financial types of matters, like medical, tax, or employment identity theft, the identity theft report might be needed. So, next slide.

What Additional Resources are Available?

Steven Toporoff: Here are some additional resources that you might want to take a look at at the Federal Trade Commission. There is the Fair Credit Reporting Act. There is the Free Annual File Disclosure Rule, that is the rule that enables everyone including foster youth to get copies of their credit report for free. We have a Pro Bono Guide that is a comprehensive guide for advocates and others to assist victims of identity theft. There are checklists, forms, letters. And that could help, again, for any victim of identity theft, including foster youth. So that pretty much is my overview. And I would be happy to take any questions later on. Thank you.

Merry O'Brien: Thanks, Steven. And just to review, we had a few chats just asking about – to repeat websites and that sort of thing. I just want to remind you that the slides will be provided to you in an e-mail to all participants after the call. So you will get those then as well.

Promising Practices from the Field: Colorado Supports Child/Youth ID Theft Victims

Merry O'Brien: Okay, we are going to move to the first of our – of our panelists, who will each give us sort of a taste of the emerging ideas, promising practices, that their statewide coalitions and networks are engaging in on this topic. And we are going to start with Ralph, who is involved

in the Identity Theft Advocacy Network of Colorado. Ralph is the agent in charge of the Colorado Bureau of Investigation's Identity Theft and Mortgage Fraud Unit. He has worked in law enforcement for over 22 years, and is a member of the National Association of Certified Fraud Examiners. Ralph created one of Southern Colorado's first ID theft prevention programs, utilized by the Department to teach fraud prevention to area citizens, seniors, and financial institutions. Take it away, Ralph.

Ralph Gagliardi: Thanks for having me here today, everybody.

New Legislation

Ralph Gagliardi: I will start off with the newest thing that we have been experiencing here in Colorado was legislation that we had passed in the 2011 session, giving some – giving a law to ensure that youth in foster care can get credit reports. And what this legislation basically says, which I could read in part, youth in foster care, excluding those in custody of youth corrections or state mental hospitals, can obtain a free credit report, and if that report shows evidence of possible ID theft, the person assisting the youth shall inform the court and refer the matter to law enforcement or nonprofit entities that can then assist further by moving this on to a referral list that we have developed or are in the process of developing.

Ralph Gagliardi: Legislation has required the Department of Human Services here in Colorado to work in collaboration with agencies across the state to design a plan and resource list. This resource list is a living list, I think, in the sense of we find new resources every day working with folks from Maryland or other entities throughout the country, not only in our state, to find better ways of doing things. So it is ever-growing and I am glad that the legislation was passed to promote this.

Taskforce

Ralph Gagliardi: The Taskforce is one of the things that this legislation has also mandated or created. The Colorado Department of Human Services has established this Taskforce to address these concerns, which I think recognizing this and putting such an effort upfront is just a huge first step, and a great step that allows us all involved to get more involved and be more educated. ITAN, our Identity Theft and Advocacy Network, has been invited to participate in this Taskforce with several of our members assisting with establishing what we are going to do and how we are going to do it. And that, too, is always changing.

Plan and Training

Ralph Gagliardi: Plan and training. Taskforce designs a plan that includes step-by-step instructions for the case workers and technicians, Guardian Ad Litem (GAL), foster and kinship parents. Credit reporting bureaus contacted in designing this plan. So we did work with the fraud components of the Big Three and worked with them to establish what are the best routes to get our information to them. What is their language that they speak, and how do we get that information to them to be more efficient in our time?

Ralph Gagliardi: Last but not least on this slide, and I think this transcends throughout at least all of our whole program here and what we are trying to do. Training. That is a key to the success in all aspects of ID theft, but I think more importantly when we are talking about the youth and identity theft involving foster care.

Steps

Ralph Gagliardi: Steps that we have been involved with the Department of Human Services (DHS)—well, we train all departments. What we have here in Colorado is the Colorado Department of Human Services that is the state level group, and then we have the local counties that have their own Department of Human Services. And I am not quite sure how they answer or do not answer to the State, but there are many different ways that everybody is doing things.

Ralph Gagliardi: So, with that in mind, we are working with, partnering with, and setting up trainings, from the law enforcement side at least, to present to these various Departments of Human Services at the county level, and at the state level, to work with their various supervisors, their teams, and their separate units and departments. That has brought on, I think, a great collaboration then, because some of the feedback that we do get allows us to maybe make a change of how we are presenting our training. So it has been very beneficial to go out in the field and work with these various groups.

Ralph Gagliardi: We also, to go along with training the Department of Human Services, we train the foster and kinship parents. We attend with those groups at annual conferences, and the money – monthly training that they have to go through, we are there as well. And I say we, that is the law enforcement side giving our point of view, if you will, from that aspect. So it is interesting to work with this level, down one from DHS and actually work with the folks who are directly responsible for these youth.

Ralph Gagliardi: Also, this is an in-the-future type of bullet here, the train court personnel. We are working with, of course, the jails and the CASAs, the court-appointed special advocates, but the judges and magistrates is what we are working towards now. Not that they are directly in line with assisting or working on identity theft with our foster youth, but I think their awareness that it is there and the prevalence and what steps are in place to work on it is a big issue as well. So we are working on getting with the judges and magistrate groups to train them as well. It may be a different level of training, maybe it is just an awareness, but it is a need that we have found that we are going to address as time permits.

Brown Bag Luncheons

Ralph Gagliardi: Another area that we have had great success has been a lunch and learn program. Now this is a brown bag event, obviously our coalitions are not providing the lunches. That is a no-no with the grants, everybody knows that. So people are bringing their lunch and we do training there, during the lunch hour. It is very well attended. The cross training that goes on and the collaborative environment is huge. Those are two big words, but I think it encapsulates a lot when we are getting so many different people in – on the conversation with some great questions. Like I have noticed here today on the sidebar here, there is a lot of different nuances I think that we can address just on the fly while we are meeting and training.

Ralph Gagliardi: We also host at high schools for teachers and counseling staff. That, too, has been received very well here in Colorado. Great attendance, I do not know if it is 100 percent, but it is close to that, with great questions, again, that come out of these meetings.

Partner With Law Enforcement

Ralph Gagliardi: Partnering with law enforcement, again, that is us. We work with the various entities to provide a complete review of the minor's history and assist in correcting all aspects.

Well, everybody I think knows or should know that sometimes you have to call the right person, and if you knew how to do that upfront, then that is half the battle. Well, our coalition here is striving for that, getting with all the different groups, as many as we can reach out to, and showing them who that right person is. So maybe they do not know who to call. Well, hopefully they can at least call us, our agency, which is at the State level, and we have hopefully developed a partnership or know who has a partnership with an entity that can assist.

Ralph Gagliardi: Well, most of the time we are dealing with ID theft that is either criminal, financial, or medical type of ID theft with the youth. So by the various nature of a state agency, a criminal justice agency, we are the controllers, definitely, of the criminal record. And if something was stolen for financial gain, there was or hopefully will be a police report made. Well, again, we, the law enforcement community, is the keeper of that type of information. So, working with us, letting us find the right home for the problem, and find the best fix for the particular problem, whether it is clearing up a criminal history with fingerprints or obtaining the right police reports, we go down that path.

Ralph Gagliardi: Also coupled with that, law enforcement is the right place if the youth decides to file criminal charges. That was a part in our legislation that was just enacted, they have the right to, along with their counselor, to move that forward for criminal charges. I did see a question earlier about, well, what if the victim is under 18? Well, it really works the other way. If the victim is under 18, they would go into suspects—excuse me, under 18, that is a different court system. But a victim here in Colorado can be any age, and we would go forward to get at the suspect or suspects that committed that crime, and work with all available evidence and try to find what we can to move this forward for prosecution. And that includes working with our District Attorney's offices and their financial divisions, or the appropriate division with the DA's offices.

Ralph Gagliardi: Medical records review. We encourage that for maintaining consistent information throughout placements. I know we see this, that when a child is moved from place to place, and that is a ripe time for their information to either get left behind, get stolen, or hard to stay with his current – current record. So we are trying to get a better, more consistent type of plan together with the move of the youth. So that is getting in place now.

Ralph Gagliardi: And then, of course, credit reports only speak to one kind of ID theft, and there are the others. The criminal, which definitely affects the person. If you have a criminal history in your past, and you are trying to get a job, then when you turn 18 or 21, that is a big deal. So that obviously will not show up on your credit report. So that is a big area where we really try to assist the persons with that. We know, I know I heard about this a little earlier today in the presentation, but the most immediate time when or how a youth's ID gets stolen, it is when they are removed from the home. So right around that timeframe. A bio parent gets a new significant other and begins to use it, obviously for financial gain or criminal misidentification. Also, when a bio parent encounters law enforcement, they may choose to—well, if they do not have their ID, so they just happen to reel out their child's name. Also, when the bio parent has another child and they go for medical treatment on that child, they may decide to use the child that was taken from the home. So we have had a lot of these occurrences of when it happens. Also, some red flags when a bio parent all of a sudden shows up in a new car, or has new things. Could they have possibly obtained this through financial ID theft? So we are continually looking at that when we do get a call and trying to find out what type of ID theft occurred, and where is the best home.

Ralph Gagliardi: Another good thing in Colorado that we do have is jurisdiction can be any place where the victim resides or where the ID was misused or stolen from, so it gives us a wide

breadth, if you will, on where we take the police report and find jurisdiction to investigate this case. Now, that does not work that easy, believe me, we still have a lot of times that I will have to have our victim advocate, Hazel Heckers, she has developed a great rapport with agencies all throughout Colorado and can get at the right person in that entity to then take the police report, because we still get a lot of time, “Well, it did not happen here, so we will not take the report.” And when you work with a coalition, I have seen that is the biggest benefit – one of the biggest benefits is you can get around that real quick, because you know who the right person to talk to is already, or at least know how to find that person. So that has been a great plus.

Partnership

Ralph Gagliardi: Partnerships. We educate all parties involved, increased reporting, investigations, and ultimately prosecution. Now, that prosecution, of course, I think it is third for a reason. It is tough to prosecute really any crime, especially ID theft, if the bad guys are stealing these IDs and then it does not come to light for months or years at a time, until the youth turns 18 or 21. So then going back is always tougher, especially when you are trying to bring a criminal case to bear.

Ralph Gagliardi: We also are working with various partners to identify times of the greatest vulnerabilities. I kind of explained a little bit about when that occurs, right when the youth is removed from the home is one of the biggest areas, and so forth.

Ralph Gagliardi: And we empower the children and youth to act on their own behalf and seek justice. So in working with the DHS, the Human Service Departments, they work with that youth and really feel out with that youth, and I do not know if the word is counseling, but work with them to see if justice is—and seeking it through law enforcement is the right move.

Ralph Gagliardi: So that is something that we have been doing here in Colorado. And I will turn it back over for the next slide and next presenter. Thank you.

Merry O’Brien: Thanks so much, Ralph. And your presentation portion generated a whole lot of good questions, and I think I will get to them all at the end, so that I give the other folks that you are about to hear from a chance to answer some of them as well. But your portion was definitely interesting, I can tell from the chat window here.

Promising Practices from the Field: Idaho Coalition Against Identity Theft’s Stolen Futures Project

Merry O’Brien: So next up we have Sunrise, who is the Coordinator of the Idaho Coalition Against Identity Theft. And Sunrise joined Idaho Legal Aid in 2006, upon graduating from Northwestern School of Law, Lewis and Clark College. And in her position at Idaho Legal Aid, Sunrise has staffed the senior legal hotline, done casework in the areas of guardianship, Medicaid, foreclosure prevention, and she is currently the Project Manager for the Fair Housing Outreach and Education Grant, as well as coordinating the Idaho Coalition Against Identity Theft. And with that, you can go ahead, Sunrise.

Sunrise Ayers: Great, thank you. So I just wanted to start by laying a little bit of groundwork of where Idaho is as far as in the overall scope of things, Idaho is sort of at point zero. You just heard from Colorado, and all those great things that they are doing, whereas here in Idaho, identity theft in foster children I think has been on the radars of those groups that work directly with the foster children, but as far as legal advocates, consumer protection advocates, the

Attorney General's Office and Idaho Department of Health and Welfare, and sort of at that state governmental and advocacy level, it has not been really addressed yet. So that is to sort of lay the groundwork of where we were coming at it when we started working on this project.

Step One

Sunrise Ayers: So, in Idaho there are 1,350 children in foster care and 18,000 Idaho children in households headed by a grandparent or other relative, but who are not in the foster care system. So we have a lot of, you know, over 19,000 children that we are looking at that could be impacted.

Sunrise Ayers: So the first step of our project was to create a training curriculum that was focused on child identity theft and foster children in particular. So we are nearing completion of this new curriculum, and the training is structured into five different sections.

Sunrise Ayers: The first section is a description of what the problem is, how prevalent is it, why foster children are particularly at risk, specifics of how the theft occurs. You know, is it data breaches of government databases? Is it through thieves taking Social Security numbers before they are assigned to children? So it goes through all those different ways that it can happen.

Sunrise Ayers: And then the training looks at the short- and long-term impacts on victims, as well as legal consequences for perpetrators. So, because a lot of these trainings are going to be to the parents, we want to talk – we want to make them aware of, it may seem harmless. You may think that I am going to – I need to do this so that I can get our power turned on and then it will not be a big deal because I will keep it current. And so letting them know what the long-term impacts are on the victim is really important.

Sunrise Ayers: And then the third section talks about warning signs, how to detect it, and prevention tips.

Sunrise Ayers: And then the fourth section is how to assist a child victim of identity theft.

Sunrise Ayers: And then the fifth section goes over local resources, because we do have this new coalition in Idaho that has been around for just about a year now. We have been able to identify local resources and specify what they can do for victims, so that we are not giving victims sort of a runaround. They know exactly who can do what for them.

Sunrise Ayers: Now, the training, we also structured it in a way so that the sections pertinent to foster children can also be taken out, so that it is a training that can be done on the general topic of child identity theft.

Step Two

Sunrise Ayers: So, step two is that we will be doing outreach, so that we can get in front of the people that we want to be in front of to provide this curriculum that we have developed. So, first we will be working with Casey Family Programs in Boise. They provide support groups and assistance to foster families, and we are hoping to schedule trainings for foster parents that they work with.

Sunrise Ayers: We will be reaching out to the Idaho Department of Health and Welfare. We would like to be able to train employees in the foster care program, and ideally develop a packet

of information on identity theft that we can give to older foster children or foster children as they age out of the system that goes over what assistance is available if identity theft is discovered, and how to look for it, and how to detect it, and how to prevent it. And then I would also like to, when we are doing outreach with the Idaho Department of Health and Welfare, have a discussion about what systems they have in place to assist children and foster children in the event of a security breach. And I just pulled up the database and I can see that there are several security breaches of Department of Health and Welfare programs across the country. And it ranges anywhere from 1,000 to 800,000 people's information being stolen by thieves in these data breaches of Health and Welfare programs across the country. But one that I thought was really interesting was the Department of Child Services in Indiana had several laptops stolen, but because their data was encrypted, nobody's information was taken. So it is getting that information about safety protocols to prevent data breaches to Idaho Department of Health and Welfare will be part of the training curriculum.

Sunrise Ayers: Third is we would like to meet with local schools to discuss making identity theft and security issues a part of the curriculum in their computer and keyboarding classes, and offer trainings to teachers that are interested in that.

Sunrise Ayers: And then fourth is that we will be using this as a specific project that is in our coalition, so all of our coalition membership, which includes government, nonprofit, law enforcement, and businesses will be engaged in participating in this program. We have other outreach avenues that we are looking to utilize. There are 14 statewide support groups and information nights for foster families in Idaho. Idaho uses PRIDE as a standard curriculum for foster family training, so trying to get a component of identity theft included in that. And then working with the Foster Care Alumni of America Idaho Chapter, so that we can do some outreach to former foster children who may be dealing with these issues.

Step Three

Sunrise Ayers: So then, step three, after we have gone through the trainings and we have gotten feedback from people about what the needs are in this area, is that we would like to develop some written materials. Folders or packets of information in conjunction with the Department of Health and Welfare to make available to foster children if identity theft is discovered, and for children who are about to age out of the system, including the FTC's Guide to Child Identity Theft, our coalition's Resource and Referral Guide, and a checklist of early signs of identity theft and recovery steps, specifically for minor children.

Sunrise Ayers: And then, many states have addressed this issue legislatively, as you know, Colorado did. And Idaho has not taken any action on that, so I would like to produce a list that goes through all the legislative changes that have been done across the country and make that available. Idaho Legal Aid cannot engage in lobbying of any way, but to have that available for groups who are interested in seeing what legislative options might be out there that have worked in other states.

Step Four

Sunrise Ayers: And then, step four is we will continue to provide the foster child trainings, especially as new foster families enter the system, but will also adapt these materials for outreach to the general public, make that available. We have an identity theft portal on Idaho Legal Aid's website and [inaudible] assistance portal. Make the training available there, and try and do some outreach to do free trainings for other parent groups on the issue of child identity theft.

Promising Practices from the Field: Wisconsin Identity Theft Coalition's Response

Merry O'Brien: All right. Thanks, Sunrise. And our final speaker, Anne, just moved to Madison, Wisconsin, actually a little over a year ago in order to actually assess the position of Coalition Coordinator for the Wisconsin Identity Theft Coalition at CWAG, the Coalition of Wisconsin Aging Groups. And she is also the consumer advocate there for the Elder Financial Empowerment project. And prior to her time at CWAG, Anne spent 4 years working at the Champaign County Healthcare Consumers, as a community organizer and leader of the Medicare taskforce. So that is her background. Welcome, Anne.

Anne Gargano-Ahmed: Great. Thanks so much. So, it has been really interesting to hear the other groups kind of talk about what they have been doing so far on this issue of child identity theft. Our Coalition, when we started this year in Wisconsin, we had the goal of really trying to focus on interfamilial identity theft. And, as Merry mentioned, our organization focuses on issues with the elderly and people with disabilities, and so we wanted to engage other organizations that were working on other aspects of interfamilial identity theft, and that is how we started to reach out to groups that were working with children, and foster children in particular. And the group that we are working very closely with when it comes to the child identity theft in foster children, is the Wisconsin Department of Children and Families.

Implementing the New Credit Check Requirements in Wisconsin

Anne Gargano-Ahmed: So, as Steven mentioned earlier, there was a law passed that has tasked all of the states with checking foster children's credit report to see if there is instances of identity theft. And the original deadline for implementing this new process was January of this year, but it was postponed due to a lot of complexities in implementing the requirement. And a lot of the child welfare agencies, and not just here in Wisconsin, just across the country, were pretty overwhelmed with this new task, feeling like they were not – they did not have a lot of experience in identity theft, were not really sure what to do with it. And so they ended up postponing the implementation deadline to October 1 of this year. Even so, it is still pretty much a work in progress.

Anne Gargano-Ahmed: Our contact with the Department of Children and Families that we work closely with, Chris Lenski is her name. Chris recently had a phone conversation with the point people for all of the states. They had a Webinar last week. And she said that we are farther ahead than a lot of states, and we are not that far ahead. So I think everyone is really working on trying to get all of this implemented.

Anne Gargano-Ahmed: So for now, the new requirement is that credit reports must be requested for all foster children at ages 16, 17, and 18 to resolve any fraudulent charges, and so that their case workers could help them to take care of that before they graduate out of the system. And Chris has been organizing a Webinar training for all of the child welfare workers here in Wisconsin, and us here at the Identity Theft Coalition, we will be participating in that. We will also have someone from the Federal Trade Commission, someone from the Department of Agriculture and Consumer Protection, and someone from a law enforcement agency. We will all be speaking on that Webinar. Originally, that was planned for the fall, but due to a number of issues that have come up, it is going to be pushed to the beginning of the year. And I want to talk a little bit about some of those issues that have come up along the way.

Roadblocks and Setbacks

Anne Gargano-Ahmed: The first problem that has come up is that the credit reporting agencies said that in order for us to request the credit reports for foster children, they wanted to charge. And it was a little bit different for some states, I think they were going by the welfare – the child welfare agencies, so some states maybe have one central agency that has different departments. Here in Wisconsin, we have a different agency for every county, and there are 72 counties in Wisconsin. And they did want to charge \$500 a year to set up an agreement to share any credit reports for foster children, which would add up to quite a lot of money, especially for the smaller counties, \$500 is quite a bit, and for the state as a whole, that is a lot of money. So we have been trying to negotiate with the credit reporting agencies to see what we can do about this.

Anne Gargano-Ahmed: Another issue is that TransUnion, in particular, wants to suppress records until age 18, rather than going ahead and just fixing the errors and doing the credit freeze. And Steven mentioned earlier, what you want to do is do a credit freeze or a fraud alert and go through and take care of those fraudulent charges. Well, TransUnion just wants to suppress the record and say, “Well, they are a child so we are just going to suppress it until age 18.” You know, maybe in theory that sounds okay, but in actuality there are quite a lot of issues that could come up with something like that. First of all, when that child turns age 18, what happens then? Then those things – those fraudulent charges are still on their credit report. And then they have to deal with it when they do not have the support system that they did when they still had a caseworker helping them regularly. Also, when they are then an adult, it is a lot harder to convince that company that it was not your charge. They will oftentimes say, “Okay, fine, we will just set up a payment plan with you or something like that.” But that is not okay. It was not their charge in the first place. And also, some of the children might start applying for college loans or different things at age 17 rather than 18, and then they will not be able to do that if their credit report is suppressed.

Anne Gargano-Ahmed: Another issue that we run into with identity theft victims of all ages, but it is often happening with youth, is that police will refuse to take police reports. This is an ongoing problem that we have, and that we are continually working on as a coalition.

Anne Gargano-Ahmed: And then as I kind of mentioned, companies continuing to hold youths responsible for paying the debt that is not theirs. We have had a case here where there was a youth that discovered that they had some fraudulent charges on their account, and it took over 15 hours for the caseworker to try and convince the business to take it off their record. They just did not want to believe that they should have to take that off. And so it is pretty excessive to try to have to go through that with each and every child that this might happen to.

Current Status With Each CRA

Anne Gargano-Ahmed: So, right now we are really trying to work with these different CRAs to set up a good way to check all of these credit reports for foster children, because it is quite a few to do at one time. At this point, they are insisting that we do a separate mail-in request for each child, and so we are trying to negotiate with each CRA to try and work out something that would be a little bit easier.

Anne Gargano-Ahmed: So, for right now, TransUnion is accepting those mail-in requests, but they are going to be entering into a data sharing agreement, and they are planning to waive that \$500 fee, which is really excellent. So that has come from a lot of work from the Department of Children and Families to get that to happen. But, as of right now, they are not going to do that

fraud alert or freeze on a report, and they want to suppress those reports until the youth are age 18. I actually did speak with Hazel from Colorado, who had mentioned that they have had some success in occasionally getting TransUnion to go ahead and do that fraud alert or freeze, but it does take some special effort to get that done. So we are trying to get them to come around to doing that across the board.

Anne Gargano-Ahmed: For Equifax, right now, they are not accepting the mail-in requests, but they will be entering into a data sharing agreement, starting in the New Year, hopefully. But they will be charging a \$500 setup fee and \$50 per month maintenance. So that is actually, you know, more of a cost that we will be really working on trying to be able to get that to work out for all of the counties.

Anne Gargano-Ahmed: And then Experian, Experian will be accepting mail-in requests right now, and they are working on trying to get that capacity to enter into a data sharing agreement. And when we say data sharing agreement, what we are hoping to do is to be able to give them batches of, you know, here is all the foster children that need to be checked, and then they can just give us back—let us know if any reports came up for any of them, rather than having to send a letter for each child to go through this whole process. And they will not put a fraud alert on a report unless the request is made in writing. So there are some extra steps, and this is why training is so important for the child welfare workers, because they, you know, will need to know all of the intricacies so that they can properly help their clients.

Next Steps

Anne Gargano-Ahmed: So moving forward, Department of Children and Families is still working on figuring out these data sharing agreements, trying to figure out how they can make those work and getting everyone on board to working on those. And then if they are alerted that a report exists, then the local child welfare agency will be working to correct any of those issues. And the Wisconsin Identity Theft Coalition as a whole, we will be working to provide outreach and be a resource for caseworkers when dealing with particularly difficult cases.

Anne Gargano-Ahmed: When this all came up, Chris actually was very pleased. It was almost kind of serendipity, I guess, that our Coalition was created right around the time that this new rule went into place where they would have to be checking for credit reports, because oftentimes these caseworkers have never had to deal with this before, and they have really appreciated the trainings that we are able to provide for them. And so right now what we are really focusing on is trying to get this new system in place where the different--every agency in every county here in Wisconsin will be able to help the foster children in their area. And then beyond that, then we may be able to focus on more outreach, as some of the other groups have done with educating parents or educating schools. We are kind of just taking things one step at a time right now, since this is pretty new for those folks and trying to get everybody on the same page. So hopefully, things will really start moving forward towards the beginning of the year. But we have made really great progress in the past few months, so I have been very proud of what we have been able to do so far. And that is all I have got for now. Thank you.

Contact Information and Q & A

Merry O'Brien: Well, I want to thank all of the speakers, before we get into Q & A, for making themselves available. The slide you see in front of you now, they have provided their contact info so that they can be a resource. Obviously, as you have heard, they are all doing really innovative, good things and they are in the heart of it now and figuring out this problem. So they would be

excellent resources for the programs you, across the country, would like to work on this issue with. I can tell from the participant list, we have got folks from all over, from Florida to Texas to California to up north. So please do make use of these contacts. And I will leave this screen up while I host some of the Q & A questions. We have got a bunch of really good ones.

Merry O'Brien: One to just kind of kick off, to start with, is one that I have seen come up quite a few times in other conversations whenever I have talked about this topic with people. And that is the issue of how do you help a child or somebody that has transitioned out and then discovered that there is a problem when they are in college, and that sort of thing. When it is a parent, someone that they are close to and love, and there is emotional ties to, or there is, you know, ideas of, you know, trying to protect them from police reports. How do you – how do you really help that child to do what they need to do to take care of themselves and resolve the problem, in terms of their – in terms of counseling for them through this, but also in terms of their legal rights and protections if they choose not to do that? And I will leave that question for any of our panelists, really.

Ralph Gagliardi: This is Ralph Gagliardi with the Colorado Bureau of Investigation. The way I look at it is, and I know I was touting, or we are touting police report, police report, police report. But I do not necessarily think of law enforcement and go to the end of the system is always the viable answer. I think it comes on a case-by-case basis. I think a police report, though, is always good, just to have it on record. It does not mean, necessarily, that we would prosecute just because you filed a report and we know, let us say, some of the questions I received were a family member, it just makes a tense situation even worse, now that you have a child who is now an adult prosecuting that bio parent. Well, I think it is a case-by-case basis, you have to feel that out, see how that will affect, if you know. Some cases you may definitely want to go for that charge, the cat is already out of the bag, the bio parent has already been just awful, save for a better word, to the youth. So you go the full route, just as an example. But if it is a more tenuous situation, we would not go forward with that, with criminal prosecution. We would leave it up to the youth, and especially if they are GAL at the time. And kind of get into a discussion or conversation, if you will, on what is best for this youth. And it might not be prosecution, so let us just fix the credit report then. Let us get this off the record. Let us fix the criminal record that is there. Let us just get that fixed, and then go from there. So that is how we would proceed here, at least at our agency here in Colorado.

Merry O'Brien: Okay. Anyone else want to jump in on that one?

Anne Gargano-Ahmed: This is Anne in Wisconsin. I just wanted to agree with what Ralph said. You know, something that, you know, it is kind of a double-edged sword. We always tell people that when you are filing a police report, if you really want someone to be prosecuted, you do not want to say, well, they are probably not going to be. But it is helpful in the cases where it is interfamilial identity theft if you do not want to see your parent prosecuted for something. In our experience, it does not happen very often where the full prosecution goes forward where that person might end up in jail or something like that. So oftentimes you are just getting that police report to really help you to get through the process. But we understand that it is pretty emotional, and if you do care for that person, and it actually can be quite difficult in cases of foster children where they hope to eventually go back to their biological parents, and it is one of those cases where they maybe took out utilities in the child's name, not necessarily, you know, trying to be malicious, but thinking they were not going to be doing any harm to their child. And then the child does not want to go back and get their parent in trouble. We understand, and it is kind of a case-by-case basis, seeing, you know, what kind of support systems that child has in their life,

and, you know, what they feel they can handle. But we do always try to tell people, you know, is this really going to put your parent in jail? Most likely not.

Merry O'Brien: Okay. All right. Okay, and then a second question that I saw reflected in quite a few questions on our chat screen here. Now, we know that there is emerging laws in various areas that are dictating what should happen, and some, you know, not in all of the areas, that sort of thing. So we have, obviously, people online from all over the country. Who would you advise to be the best person, and who is legally able to make that credit inquiry? And this is a question for Steven. Would it be – would the person who is under 18 be unable to make that inquiry for themselves? Would the legal guardian have to be the one to do it, in cases where the state is not being mandated to do that? What is your answer for those folks?

Steven Toporoff: Okay. Well, certainly in a situation where the foster youth is 18, and if that is the age of majority in their particular state, they could pursue it themselves. They could be able to get a copy of their credit report, again, like anybody else can on an annual basis. And as far as pursuing remedies, they are able to do that legally themselves. The problem is that foster youth generally may not have the wherewithal to understand how the system works and may not have support and assistance that others may have to go through the process. And I could tell you that there are some private groups that are looking at this issue, and are thinking about coming up with guides for foster youth or older – older youth, whether they are foster youth or not, on how to handle the situation by themselves. As far as getting the credit report, one thing that I wanted to mention before is that one of the ways that typically people get copies of their credit report is to go online to www.annualcreditreport.com. The problem there has been, when it comes to foster youth, that the three credit reporting agencies require an authentication process. And if you are an adult and if you have gone through the process, typically they ask you things like—it is typically multiple choice. Like, what is the amount of your mortgage or your car loan, or something like that that typically a youth 18 years old might not have. So it is more of a practical problem of getting a credit report online that way. But from the other speakers and all, it seems that if you write in to the credit reporting agencies, that seems to be an effective way of getting the report. So I would encourage, in situations where somebody is 18, they could do it themselves. If they are younger than 18, then I do not see why a guardian or a legal representative could not do that for them. And possibly even in a situation where somebody is 18, depending upon state law and the guardianship arrangement with the State, a representative should be able to do that for them as well.

Merry O'Brien: Okay. And we also have a concern from somebody asking about the sort of credit check – checking that might occur that may actually hurt the score for that child who is, by law, getting this checked and that might be a detriment to them. Would anybody like to respond to that?

Steven Toporoff: Well, I can respond to that. I think that there is a misnomer out there, that merely seeking a copy of a credit report somehow translates into some kind of negative consequence. And at Stolen Futures, the forum that we had, we specifically asked that question. And it really does not seem to be the case. In some instances, if you ask for a credit report, an automated system might interpret that as a credit inquiry, but that really should not have too much of an effect, if at all, on the overall credit score. So I think that if it is a problem and might be in isolated circumstances, and maybe there is other factors that come into play, but just normally asking for a copy of your credit report or a child's credit report should not have the negative consequences on their credit score.

Merry O'Brien: Okay. And this is a question for you, Ralph. Are you finding organized crime rings use foster youths' identities for financial gain? So is this a more organized kind of crime, or more individual violations by foster parents or family happening in what you have seen?

Ralph Gagliardi: Right. We have seen, as it relates to foster – foster care – children in foster care, I would say no on the organized crime. But we do have organized crime that utilizes children's IDs to go after financial gain, but they are not necessarily children that were in foster care. So, yes and no. I know we had a couple questions on the chat board here about the mortgages, and that is really what we see in that being the Mortgage Fraud Unit. We often have 3-, 4-, 5-, 6-year-olds who own homes that obviously they did not know about. So, but none of those yet have been in foster care.

Merry O'Brien: Okay. And we had a few questions that kind of ran along the lines of children that have been institutionalized or are in the juvenile justice system and mental health care facilities. Someone mentioned that the Colorado law does not include children that are in mental health facilities in with that. And so what would – what would you say, and this can be for any of the panelists, what would be some of the things that could be – that could be offered, that could be done to help those victims?

Ralph Gagliardi: Ralph in Colorado here again. Just real quick on our law, some of the background reason why they spelled out facilities. They were spelling out state facilities that already apparently, and I do not know this, but they have practices in place that gives the avenue for that youth those rights inherently already. And that is why I guess they just felt that they needed to exclude that from the particular law, that they were pointing towards persons placed in foster care and those folks. But persons that are wards of the state, say for a better word there, the state system here, the correctional facility, the youth center, the mental ward, those entities already have processes in place that can do the reporting and/or get at the problem.

Merry O'Brien: Thank you. Okay. All right. Are there – now, are there ways that we can limit the exchange of personal information that flows throughout the system? And this questioner is pointing out that, you know, it is not always the foster care parent or the kinship care parent that would be the perpetrator. Of course, unfortunately, foster care professionals in the system, perhaps in some cases, and other people that just brush up against that information. Have any of you worked to – worked within your coalitions to address that issue, just how much information seems to be, you know, out there?

Ralph Gagliardi: Ralph in Colorado, I hate to hog it here. I will defer if anybody has something more pressing. What we have done, limiting—this is in general for all identity theft victims, to include the youth in foster care legislation recently also passed was the redacting of information. And this is just the criminal justice world, when we have information that is financial identifiers in the system and we are bringing that forward to the court system, we work with our District Attorneys and now state law to redact that from the file, so there is one less place of exposure, because obviously family members would already have that. But this is exposure now to others in the system, you know, a bad insider, or some dumpster divers that are getting at different documents. So it is another way to redact information and keep it from getting stolen in the first place.

Sunrise Ayers: And this is Sunrise from Idaho, and like Colorado, we, Idaho last year adopted a new rule of civil procedure that redacts all personal identifying information in court filings for minor children. But as far as in the Department of Health and Welfare databases type thing, we have not done any work on that, on limiting how often is a Social Security number really needed

to be included, or how often does information have to exchange hands. We have not worked on that, and what I am hoping to promote is across-the-board use of encryption whenever possible, because that, when I was looking at the data breach issue, was what has really helped in other states.

Merry O'Brien: All right. And I am just going to – we just have 2 minutes left, and I am just going to do one more question. Somebody asking about credit card type services, identity theft protection services and that sort of thing. And Steve, I am actually going to toot FTC's horn a little bit on this. The FTC has an excellent page on this, and I believe it is called *To Buy or Not to Buy*, and it regards identity theft protection services. And on our website we also, under FAQs, send people over to the FTC's page on this. And it kind of points out the fact that many of the rights and protections that you have under the law, it is good to just know about those as a consumer to begin with. And then make your decision after you are fully aware of what you already have naturally at your disposal. So I do not know if anybody wants to add anything on that?

Steven Toporoff: Well, this is Steven at the FTC. I think that is right. It is a good brochure, and basically what it says is before you buy some kinds of credit monitoring service, know what you are potentially getting. There are more than a dozen or so companies that offer different services. And their scope of coverage varies widely. Some do little more than getting a fraud alert and getting a copy of your credit report for you, things that you can do yourself or for the foster youth. Others are more indepth. Some scan and monitor online traffic, for example, that might deal with the trading of identities. So there is a wide variety of services out there at various costs. So if you think that a service is worthwhile, then shop around and comparison – comparison shop and make your decision based upon the information that you have.

Merry O'Brien: Thanks. And I just wanted to point out there was a few more questions we did not get to, many of which were in the order of sort of questions about general assistance and steps to take. And I would definitely advise you, when you do get these slides in an e-mail after the presentation, to follow through to the links. Our website, the FTC's website, and other links that were listed here will provide tons of great information about some of the steps that you can take as a victim advocate, or however your role is right now to assist the victims. And also to learn more about – to learn more about the subject in general.

Join Us Next Time!

Merry O'Brien: And I also just want to give you a final note of coming attractions. So next month's Webinar will be on the use of identity theft by domestic violence perpetrators as one sort of tool of power and control. And we are going to have some great speakers again. Erika Sussman, who is the Executive Director of the Center for Survivor Agency and Justice, and Sara Shoener, who is also with the Center, and she manages a very unique program there, the Consumer Rights for Domestic Violence Survivors Initiative. And then we are also going to feature one of our own involved in NITVAN, and that is Deirdre Keys, who is the Minnesota Identity Theft Coalition Coordinator that I mentioned a little bit earlier. And the registration link will be posted on our main website, and reminders will be posted to our Facebook page as well.

Merry O'Brien: And so, actually, if you live in one of the states which houses an identity theft coalition that you saw on the map earlier, you might actually be able to join a watch party. Some coalitions may be sponsoring those, where you can listen to the Webinar with a group in an actual room, and then discuss its local ramifications. I know we had a lot of Q & A today that sort of

was following up on what is happening in your local area and your state. And so you can kind of discuss those in a real group, which can be exciting and learn to – lead to some progress.

Merry O'Brien: So please go to our website, learn how you can contact your state's coalition, and if you do not live in a state that is currently covered and part of the NITVAN Network, then please contact me, Merry O'Brien, and you will see my contact information is in the slides too, and learn what you can do to maybe change that fact.

Merry O'Brien: So, finally, I just wanted to thank everybody here for attending. We had, you know, over 150 folks that cared enough to spend an hour and a half of their time today to learn more about this, and especially thanks again to our great speakers. Goodbye, everyone.

[End.]