



Nathan Deal, Governor

Clyde L. Reese, III, Esq., Commissioner

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## NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTE THAT on March 13, 2013 at 10:30 a.m. in the Board Room at the Department of Human Services, Two Peachtree Street, N.W., 29<sup>th</sup> Floor, Atlanta, Georgia, a public hearing will be held for the presentation of proposed administrative rule changes.

The Chapter affected by the proposed changes of administrative rules and regulations is listed below:

### (Adopt) Ga. Comp. R. and Regs. R. 290-1-8, Rules and Regulations Authorizing Consumer Reports for Foster Care Youth

Pursuant to the Georgia Administrative Procedure Act (“APA”), attached are the text of the proposed rules and a synopsis of the proposed rule provisions. (O.C.G.A. § 50-13-4). In addition, an electronic version of the rule documents may be found at [www.dhs.georgia.gov](http://www.dhs.georgia.gov) by clicking the “DHS Board Presentation & Meeting Minutes” link.

All interested persons are hereby given the opportunity to participate by submitting data, views, or arguments (orally or in writing). Oral comments may be limited to ten (10) minutes per person. If you are in need of auxiliary aids or services because of a disability, please contact the Department at (404) 657-9761 at least three (3) business days prior to the hearing.

Written comments must be submitted to the Department no later than March 22, 2013. Comments may be faxed to (404) 657-1123 or mailed to Georgia Department of Human Services, Two Peachtree Street, N.W., Suite 29-205, Atlanta, GA 30303-3142.

Unless revision of the proposed rule text is indicated as a result of the public comments, it is the intent of the Department of Human Services to request the Board of Human Services approve the rule as promulgated herein for final adoption on May 15, 2013 at 1:00 p.m. in the Board Room at the Department of Human Services, Two Peachtree Street, N.W., 29<sup>th</sup> Floor, Atlanta, Georgia.

This 22<sup>nd</sup> day of February, 2013

Clyde L. Reese, III, Esq.

Attachments

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**RULES OF**  
**THE GEORGIA DEPARTMENT OF HUMAN SERVICES**

**CHAPTER 290-1-8**

**RULES AND REGULATIONS AUTHORIZING CONSUMER**  
**REPORTS FOR FOSTER CARE YOUTH**

**SYNOPSIS OF PROPOSED RULE CHANGES**

**STATEMENT OF PURPOSE:** The Department of Human Services, Division of Family and Children Services (the Department) proposes the adoption of new rules authorizing the Department to obtain consumer reports (credit reports) for each child in the legal custody of the Department, who has attained sixteen (16) years of age, each year, until the child is discharged from the custody of the Department and to assist these youth in interpreting and resolving any inaccuracies. Adoption of these rules will permit the Department to comply with Section 106(b) of the federal Child and Family Services Improvement and Innovation Act (P. L. 112-34), Section 475(5)(I) of Title IV-E of the Social Security Act, 42 U.S.C.A. Section 675(5)(I) and to meet the requirements for the receipt of federal funds under Title IV-E of the Social Security Act. These rules are being proposed pursuant to the authority granted to the Board of Human Services in O.C.G.A. Section 49-5-43, which permits the Board to adopt rules and regulations necessary to prevent conflict with federal law or the loss of federal funds as a result of Article 5 of Chapter 49 of the Official Code of Georgia Annotated.

The proposed rules amend the Rules and Regulations of the Department of Human Services to require the Department of Human Services to provide consumer (credit) reports to children, sixteen or older, in its custody and to assist these youth in interpreting and correcting inaccuracies in the consumer reports. The proposed rules also authorize the Department to provide information to credit reporting agencies, from its child abuse and neglect records, in order to obtain credit reports and to provide information to persons and entities outside the Department to correct inaccurate information in consumer credit reports.

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**MAIN FEATURES OF THE PROPOSED RULES:** The Rules and Regulations authorizing Consumer Reports for Foster Care Youth include the following features:

- The Department is required to obtain credit reports, each year, for children in the custody of the Department, who are sixteen years or older, free of charge to the youth.
- Each child, 16 years and older, must receive assistance in interpreting and resolving any inaccuracies in the reports.
- The Department is authorized to disclose information from its child welfare records to obtain consumer reports (credit reports) as directed by the rules and to ensure that youth receive assistance in interpreting and resolving any inaccuracies in the report.
- Information from child welfare records may be provided to entities providing credit reports, entities and persons providing inaccurate information to consumer reporting agencies and individuals assisting youth in the custody of the Department to correct inaccurate reports.



**RULES OF  
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**CHAPTER 290-1-8**

**RULES AND REGULATIONS AUTHORIZING CONSUMER  
REPORTS FOR FOSTER CARE YOUTH**

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**290-1-8-.01 Legal Authority.** These rules are adopted and published pursuant to the Official Code of Georgia Annotated (O.C.G.A.) § 49-5-42 and § 49-5-43. Authority O.C.G.A. §§ 49-5-42 and 49-5-43.

**290-1-8-.02 Consumer Reports (Credit Reports) To Be Obtained for  
Youth in Foster Care**

- (1) In order to comply with Section 106(b) of the federal Child and Family Services Improvement and Innovation Act (P. L. 112-34), Section 475(5)(I) of Title IV-E of the Social Security Act, 42 U.S.C.A. Section 675(5)(I) and to meet the requirements for the receipt of federal funds under Title IV-E of the Social Security Act, the Department is authorized to obtain for each child in foster care under the responsibility of the state, who has attained sixteen (16) years of age, a copy of any consumer report (as defined in Section 603(d) of the Fair Credit Reporting Act, 15 USCS Section 1681a(d)), pertaining to the child each year until the child is discharged from the custody of the Department. The Department shall obtain such consumer reports as are required by the federal Department of Health and Human Services to receive federal funds under title IV-E of the Social Security Act. Each consumer report is to be provided without cost to the child.

- (2) Pursuant to its policies and procedures, the Department shall further ensure that each child in foster care under the responsibility of the state and who has attained sixteen (16) years of age receives assistance (including, but not limited to, any court-appointed advocate for the child) in interpreting and resolving any inaccuracies in the report.

**290-1-8-.03 Authorization to Provide Information to Obtain Consumer Reports**

- (1) In order to prevent conflict with federal law and to prevent the loss of federal funds provided to the Department pursuant to Title IV-E of the Social Security Act, the Department is authorized to disclose such information from its child abuse and neglect records as is necessary to do the following:
- a. Obtain consumer reports for the purpose of complying with Section 290-1-8-.02 of this Chapter; and
  - b. Ensure that the child receives assistance in interpreting and resolving any inaccuracies in the report
- (2) In order to comply with the requirement of 290-1-8-.03(1) above, the Department may disclose such information to the following:
- a. Entities providing consumer reports under the Fair Credit Reporting Act, 15 USCS Section 1681a(d);
  - b. Creditors or other persons or entities who have provided inaccurate information to entities providing such consumer reports; and
  - c. Individuals assisting youth in the custody of the Department to correct inaccurate information from consumer reports.
- (3) Information disclosed by the Department in order to comply with this Rule will continue to remain protected and confidential in accordance with relevant state and federal laws. Further disclosure of such information by an entity referenced in 290-1-8-.03(2) above must be made pursuant to state and federal law.