



Nathan Deal, Governor

Keith Horton, Commissioner

---

Georgia Department of Human Services • Office of the General Counsel  
Two Peachtree Street, NW • Suite 29.210 • Atlanta, GA 30303-3142 • 404-657-9761 • 404-657-1123 (Fax)

To: Board of the Department of Human Services  
From: Office of General Counsel  
Re: Proposed Amendment to Chapter 290-1-8-.02

**The Georgia Department of Human Services, Division of Family and Children Services (the Department) proposes an amendment to 290-1-8-.02 related to Consumer Reports (Credit Reports) to be Obtained for Youth in Foster Care.**

Please find enclosed:

- Synopsis of Rule Changes to 290-1-8-.02
- Executive Summary
- Proposed Rule Amendment
- Recommended Motion to Authorize Public Comment Period for Rule-Making



Nathan Deal, Governor

Keith Horton, Commissioner

Georgia Department of Human Services • Office of the General Counsel  
Two Peachtree Street, NW • Suite 29.210 • Atlanta, GA 30303-3142 • 404-657-9761 • 404-657-1123 (Fax)

## **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**

The Georgia Department of Human Services, Division of Family and Children Services (the Department) proposes an amendment to 290-1-8-.02 related to Consumer Reports (Credit Reports) to be Obtained for Youth in Foster Care authorizing the Department to obtain consumer reports (credit reports) for children in the custody of the Department, who have attained the age of 14 and to assist these youth in interpreting and resolving any inaccuracies. Adoption of this amendment will allow the Department to comply with the amendment of 42 USC Section 675(5)(I). Section 113(b)(2)(B) of PL 113-183, the Preventing Sex Trafficking and Strengthening Families Act, amended 42 USC Section 675(5)(I) that requires that, as a part of the case plan requirements, under Title IV-E of the Social Security Act, each child in foster care who has reached the age of 14 receive a credit report annually and receive assistance in interpreting the report and correcting any inaccuracies. Previously, the age at which children in care were required to begin receiving credit reports was 16. This change is necessary for DFCS to remain compliant with the requirements of Title IV-E of the Social Security Act. Beginning credit monitoring for youth in foster care at a younger age will aid the State in capturing inaccuracies in credit reports for these youth at an earlier period.

##### **MAIN FEATURES OF THE PROPOSED AMENDMENT:**

Aging Services | Child Support Services | Family & Children Services

*An Equal Opportunity Employer*

The amendment to 290-1-8-.02 will include the following features:

- Youth in Foster Care will be provided a copy of their consumer credit report at the age of 14, two years earlier than the standing rule requirement.
- Additionally, each child in care, 14 years and older, will receive assistance in interpreting and resolving any inaccuracies in the reports; this assistance will be provided two years earlier than the standing rule requirement.



Nathan Deal, Governor

Keith Horton, Commissioner

Georgia Department of Human Services • Office of the General Counsel  
Two Peachtree Street, NW • Suite 29.210 • Atlanta, GA 30303-3142 • 404-657-9761 • 404-657-1123 (Fax)

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

### **CHAPTER 290-1-8**

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

## **EXECUTIVE SUMMARY**

The proposed amendment to 290-1-8-.02 will include the following features:

- Youth in Foster Care will be provided a copy of their consumer credit report at the age of 14, two years earlier than the standing rule requirement.
- Additionally, each child in care, 14 years and older, will receive assistance in interpreting and resolving any inaccuracies in the reports; this assistance will be provided two years earlier than the standing rule requirement.

Previously, the age at which children in care were required to begin receiving credit reports was 16. Beginning credit monitoring for youth in foster care at a younger age will aid the State in capturing inaccuracies in credit reports for these youth at an earlier period.



Nathan Deal, Governor

Keith Horton, Commissioner

Georgia Department of Human Services • Office of the General Counsel  
Two Peachtree Street, NW • Suite 29.210 • Atlanta, GA 30303-3142 • 404-657-9761 • 404-657-1123 (Fax)

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

### **CHAPTER 290-1-8**

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

#### **PROPOSED RULE AMENDMENT**

##### **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), as amended, 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)~~ fourteen (14) 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)~~ fourteen (14) 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.



Nathan Deal, Governor

Keith Horton, Commissioner

Georgia Department of Human Services • Office of the General Counsel  
Two Peachtree Street, NW • Suite 29.210 • Atlanta, GA 30303-3142 • 404-657-9761 • 404-657-1123 (Fax)

## **RECOMMENDED MOTION TO AUTHORIZE PUBLIC COMMENT PERIOD FOR RULE-MAKING**

### **RULES AND REGULATIONS FOR PROVIDING CONSUMER REPORTS TO FOSTER YOUTH**

#### **Chapter 290-1-8**

The Georgia Department of Human Services, Division of Family and Children Services (the Department) proposes an amendment to 290-1-8-.02 related to Consumer Reports (Credit Reports) to be Obtained for Youth in Foster Care authorizing the Department to obtain consumer reports (credit reports) for children in the custody of the Department, who have attained the age of 16 and to assist these youth in interpreting and resolving any inaccuracies. An amendment to this rule will permit the Department to comply with Section 113(b)(2)(B) of PL 113-183, the Preventing Sex Trafficking and Strengthening Families Act. Copies of the proposed rule and a synopsis detailing the main features of the proposed rules have been circulated to all members of the Board.

#### **PURPOSE FOR REVISING RULES**

O.C.G.A. Section 49-5-43 permits the Board of the Department of Human Services to adopt rules as 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. This change is being proposed following the amendment of 42 USC Section 675(5)(I). Section 113(b)(2)(B) of PL 113-183, the Preventing Sex Trafficking and Strengthening Families Act, amended 42 USC Section 675(5)(I) to require that, as a part of the case plan requirements, under Title IV-E of the Social Security Act, each child in

foster care who has reached the age of 14 receive a credit report annually and receive assistance in interpreting the report and correcting any inaccuracies. Previously, the age at which children in care were required to begin receiving credit reports was 16. This change is necessary for DFCS to remain compliant with the requirements of Title IV-E of the Social Security Act. Beginning credit monitoring for youth in foster care at a younger age will aid the State in capturing inaccuracies in credit reports for these youth at an earlier period.

### **RECOMMENDED MOTION**

I move that the proposed Amendment to the Rules and Regulations Authorizing Consumer Reports for Foster Care Youth, be approved for initial release for public comment. The public comment period shall end one week prior to the public hearing. A public hearing will be held at the Department on a date to be determined in the Board Room on the 29<sup>th</sup> floor of 2 Peachtree Street. Based upon any oral or written comments, the Board will consider the proposed rule for final adoption at its regularly scheduled meeting on August 26, 2015.