

>> Jaimee Napp: Okay, I think we're going to go ahead and get started with our next panel on familial identity theft. In this panel, we're gonna explore the challenges facing these children who have had their identity stolen by family members. These children often lacked resources, guidance, emotional support, and my guests here on the panel are gonna discuss their experiences in assisting victims of child identity theft and the challenges of deciding whether to file a police report in these instances and exercising their rights in facing the future of these children. My name is Jaimee Napp. I'm with the Office for Victims of Crime. I'm a visiting fellow specializing in financial fraud, and today I'm gonna be moderating the panel today, and today I have on the panel Linda Foley, Russell Butler, and Theresa Ronnebaum. Linda Foley is the founder and research director of the Identity Theft Resource Center, a nationwide nonprofit, victim-services advocacy, and consumer-education program based in San Diego, California. Russell Butler is Executive Director of the Maryland Crime Victims Resource Center, which provides criminal justice information and education, support services, therapeutic individual, family, and group counseling, and legal information, referrals, and representation to victims of crime. And then I have Theresa Ronnebaum. Theresa is the Identity Theft Program Specialist for the Florida Attorney General's office with over 15 years experience in victim advocacy. And I'd like to thank our panel today, and we're going to start our discussion. Here. And what we're going to do is talk more as a group about the cases and things that these experts have experienced in the past, so we're going to just kind of free flow and talk amongst each other and answer questions, as well. I'm going to start with Linda. You can tell us about some of the cases that you've worked in your experience at the Identity Theft Resource Center with child identity theft victims?

>> Linda Foley: The Identity Theft Research Center started in 1999, and by 2000, we were already hearing about child identity theft, so it's not something we've heard about just in the last few years. We've been hearing about it from the very beginning. One of the cases that stands out -- that was one of the earlier cases -- in my mind was a case out of Northern California. We were contacted by the mother, and she said the police had come by and had requested to see her son. And they insisted, so she woke him up and brought him out in his PJs. And they went, "Oh. Apparently, there was an arrest warrant out for him for failure to appear for speeding tickets," because someone had a driver's license in his name. That same person was also working using his Social Security number and name and was not paying the bills using his Social Security and his name. That person

was his father. So this goes far beyond just financial identity theft. I have pictures that inspire me at home -- actually, in my office. This is a picture of a little girl, and I don't if you can see it, she's holding a folder so thick that she can barely get her hands around them. The father contacted us. There was a problem. He was divorced from his wife, and his wife was using the child's Social Security number and for multiple reasons, and he didn't know what to do because everyone kept telling him to go to family court. The police didn't want to take a police report. It was none of their business. This was between the family members. So that was some of the earlier problems that we had. We also have problems where I have heard from a 19-year-old girl, and I had to cut the conversation short, and those of you who are attorneys will understand why. She was telling me about a problem that her Social Security number had been used for the last 18, 19 years by her family. It was the family's social security number. Her parents had come in as illegals, but they turned into model citizens. They were both holding down jobs. They were paying the bills. They had gotten a home. They had raised their children in a good environment. But when the child turned 18, how was she supposed to get a college loan when there was a mortgage and car loans and other credit already out there? So I had to tell her I couldn't speak with her because I don't have attorney privilege and that she needed to call an immigration-law attorney, 'cause I had no idea what else to do at that point. I think I'll tell you about some of the other cases that I've had, one that sort of ties in to what we were just talking about with foster children. It also happens with family identity theft. We had one mother who, when the child turned 18, left a cupcake with a candle in it and a note -- "The rent is paid until the end of the month." She was still in high school. How was she supposed to pay rent, keep a roof over her head, and everything else? She did one of the oldest jobs that women have ever done. She started stripping, and she turned to prostitution. We got lucky. The first man she approached happened to be an undercover cop. He knew about our organization, and, after giving her a good talking-to, had her contact us and work with us, as well. But when people say, "What's the harm," that's the harm.

>> Jaimee Napp: Theresa, do you want to tell us about a few cases that you've worked on at the Florida Attorney General's office?

>> Theresa Ronnebaum: Sure. One that costs to mind, I've been an active victim advocate -- first of its kind in Florida -- since 2002, so to chime -- as Linda would say, this is not new to us. It is

something that overtakes a child's life, one in particular being a child that was involved already in a divorced family, custody issues. He was 11, and I got a phone call from the reporter, reporter being the mother, and she informed me that since law enforcement wouldn't listen and the schools wouldn't listen when they both would meet for visitation and swap out, that her last resort was to take that child to the bank where those business loans were opened. And the banking institution actually allowed this, clearly, 'cause I had copies of it sent to my office, that at 11 years old, he's signing and filling out an affidavit in 11-year-Old handwriting that's, you know, font size 15 that "My father opened up loans in my name." And this was a kid that, you know, loved his family and was stuck in a situation between a rock and a hard place, as many of these poor kids are. Some other issues that I have dealt with, and I think as we're evolving into seeing the technology as well as the medical identity theft and the thoughts of Social Security administration and all these things where we all need to come together, is the alcohol-, drug-addicted parents that are now using a child's identity in the emergency rooms through our issues of loss of employment. Our industry is so tough right now that unfortunately this drug-addicted mother was using that child's identity for years. Well, now this child turns 20, and we have HIPAA law issues now that I'm trying to figure out. You know, Linda even mentions when you're getting involved in HIPAA issues, debt collectors, and all these other things, you need beyond an attorney. And as an advocate, I can only do so much. So when you're dealing with medical files now being altered, there's some very difficult things beyond the emotional side that I see these children go through. These cases don't ever end. Just because we may help as advocates to resolve the family identity theft, that's your parent. That was someone that you trusted and that you believed in. And I understand the frustration. Florida has a great law for identity theft, and we also have included harsher penalties for parents or guardians of minor children if convicted. But you talk about the criminal side of it -- what child ever wants to see a parent go to jail? A lot of times you can't get the cases resolved without a police report. So those are a few of many in the last nine years that I have seen that really stand out to me.

>> Jaimee Napp: And so these children obviously are -- have very unique challenges because of the theft of identity is by a family member, and they're kind of caught in between not wanting to turn them in and a system that is requiring a police report for certain things. One of the things I wanted to ask was why do you -- in this type of identity theft, when it is a family member, why do

you think family members commit this crime? And I'll just open that up to whoever wants to answer that.

>> Linda Foley: I'll start that one, because it was brought up a little bit earlier whether survival or not. Yes, we do see some of those with survival. But I very clearly remember a case where... [Chuckles] ...the mother was confronted, and she said the kid wanted shoes, nice tennis shoes. He wanted a roof over his head. He needed to eat. He wanted clothes. He kept growing out of the clothes he had. "Well, who was supposed to pay for it, me?" A lot of these parents are in denial. They have a different moral compass than the rest of us. Others will simply -- they have maxed out their ability to get credit, so they borrow their child's thinking, "Oh, it's okay. I'll pay all the bills so by the time they turn 18, they'll have great credit." Well, they haven't unlearned the bad behaviors that got them in debt in the first place, so at 18, the child ends up in debt.

>> Jaimee Napp: Mm-hmm. Russell?

>> Russell Butler: Well, I think if you think about crimes that are committed against children, and whether they're in criminal court or when they're in the child welfare system, you can have parents who physically beat their children, sexually abuse their children, neglect their children, and their parents still love them, and they want to support them. And so when you're talking about financial exploitation, the parents are still many times going love their children. So you have the circumstances that have occurred and people have thought about, and we now have a child welfare system where we want to help the parents rather than put them in jail, but you don't have a system now that considers the financial abuse of a child as a gateway to needing assistance. And I think, you know, whether it's a -- well, they can't pay the rent, so it's okay. Well, no. There's an underlying problem of being neglected and they can't pay the rent. Or they have a substance-abuse problem and they need the money for substance abuse, so it's okay to use the kid's money. Well, that's also a neglect issue. So I think we have circumstances that have been applied to physical abuse, sexual abuse, neglect, but we haven't thought about defining financial abuse as a gateway to access to the child welfare system and to the criminal violations.

>> Linda Foley: I also see this as exploitation. And, you know, when you think about it, what are the laws that we would work under exploitation as part of something that is legally recognized?

>> Jaimee Napp: Mm-hmm. Theresa, did you have something you wanted to add?

>> Theresa Ronnebaum: I will say that when I'm traveling around the state and presenting to advocates, law enforcement professionals, I typically, once a month or so, will have someone come up to me that actually was attending it and saying "Thank you for talking about this." It was a cultural issue. That was something I never really thought of until I'm getting the people coming to me who are attending my training, then saying, "I've got a story to tell you." And it was closure for them. So I think some of our obstacles also go along with the fact that this is culturally accepted in some families, so we're not even talking about just the illegal immigrants and... [scoffs] ...trafficking -- I mean, I've seen that now. Everything kind of is starting to correlate, as most crimes do. So one obstacle I would say is just the cultural acceptance, so maybe we all need to get out there and educate more to say, "No." You know, just like we said "Say no to drugs," maybe there's something out there. As educators, advocates, and government and state workers, we all can come together and maybe brainstorm on what we can do.

>> Jaimee Napp: Mm-hmm. Educating the parents as to the harm that they could be causing and that there could be a different way to possibly -- if they have that survival as an excuse or a justification of that as another way to do that I think is important, as well.

>> Linda Foley: I think we also need to educate children, and we've been successful in talking to high school students, and we have a program on our website, and we have had kids call us and say, "My parent's using my information. What do I do?" The problem is until they're 18, they don't have a legal right to do anything. They're a minor. So what do they do? One boy, Julian, from Texas, I worked with, and we talked about emancipation for him as a possibility. He apparently was in a, quote, "relationship" with a girlfriend who was a senior in high school, and he solved the problem, he decided, by getting married to her. She was 18. So even if he couldn't be emancipated -- which he did understand getting married was going to do that -- at least she could be his guardian, and he'd get away. It was a drug family. His younger sister had been taken out of the

family several times, but he had not because he was 15, 16 years old by then, and they figured, "Well, he can take care of himself." He was a well-built young man, they didn't have to put him under protective-child services. But yet there was identity theft going on, and what do we do to help these days who are saying, "Hey, something's going on. Who can help me?"

>> Jaimee Napp: Mm-hmm. We talked a little bit about some of the system barriers that you've encountered with HIPAA and other things like that. Russell, I'd like to ask you, from a legal perspective, what else could be done to help these children?

>> Russell Butler: Well, you know, again by analogy to some other crimes, in criminal cases for sexual exploitation, we have a great federal statute -- 18 U.S.C. 3509 -- that allows the court to appoint a guardian ad litem in criminal cases to help victims of child sexual offenses and by the Attorney General's guidelines from back in 2005, even though the statute says it's just for sexual offense and exploitation, that the U. S. Attorney should seek that. Well, we need to have explicit changes in the statutes to allow G.A.L.s appointed in criminal cases, and both in federal and state court, the American Bar Association back in 2009 had some good recommendations. You know, there is no exception for all the rights and services that are provided to crime victims that say, "Well, if you're financially abused by your parent, you don't have a right to those services and those rights." So we have to make sure that happens, and it has to happen both at the state level and the federal level. Clearly when these crimes happen, they need to be brought to the attention of law enforcement. They need to be prosecuted. If they're diverted, fine, they should be diverted, but there should be safety planning for child victims, and that should include the assistance of having to deal with the aftermath. And I think, as Theresa said, if you have an 11-year-old, in some way you treat these like any other victim of identity theft, and if you have an 11-year-old, it may be easier because that 11-year-old didn't have the capacity to contract. So, you know, some things are easier, but if you don't have access to the services and those rights, you're never gonna be able to help these child victims.

>> Linda Foley: Now, the problem, though, and we talked about it when we were talking, was if you have a child who is 5 or 11, the states don't have the money to have the advocates or the guardians for the next eight years until they turn 18. So we have now charged the parents. They're

on probation. What is to stop them from using that child's identity again? Nothing. We don't have a barrier there. We can suppress, perhaps, the credit reports, but there's other things that can be used with that Social Security number.

>> Jaimee Napp: Mm-hmm. And I know that you asked the question earlier about getting a new Social Security number when the child turns 18. Have you, in the work that you've done, assisted any children successfully in getting a new number?

>> Linda Foley: Yes, and, actually, that is one of the few times that we do recommend changing the Social Security number, because for someone your age or my age, we're basically erasing ourselves back to the age of 18. But someone who is 18, 19 years old, it is something that is appropriate, but you do have to show the Social Security administration that there is substantial abuse, plus that this cannot be stopped any other way. Yes, you can put a freeze on a credit report, and I have a freeze on my credit report 'cause my perpetrator is still out there. But it's difficult to live with, and for an 18-year-old, it's not going to be easy for them to have to plan in advance. You know, I do plan my life, but they're spontaneous. If they see something, they want it. So freeze isn't always the answer for them.

>> Jaimee Napp: Mm-hmm. I know, Russell, you talked a little bit about the child-welfare system. Did you want to expand on that a little bit more, about that the system should be concerned with child identity theft, just as the criminal justice system?

>> Russell Butler: Right. Well, you heard from Howard Davidson and Professor Hatcher before, and the child welfare system is by far not a perfect system. There are lots of issues. But it is a system that needs to be aware of and needs to consider and be responsive to child identity theft. We have a federal law. It's the Child Abuse Prevention and Treatment Act, CAPTA. It was just reauthorized by Congress last year. You know, what little monies there are, states follow the money, and as a result of that, the federal government can take the lead in terms of what happens. So if we want foster-care workers or caseworkers or protective-services workers to deal with this seriously, the federal government can put conditions on statutes. And I agree -- bring in HHS, make sure that those state agencies that are following that law make sure that that is a factor that

would allow the case to be investigated, have protective service, have protective supervision, make sure until the child is either 18 or 21, as the case may be, that credit reports are checked, and that parents aren't continuing to misuse the child's information. I think that a lot can be done on those regards. I think one of the speakers on the prior panel said, "Well, you need an attorney." Well, yes, you need an attorney. If you're an 11-year-old, you cannot come and contract with somebody in my agency to do that. On the other hand, the court can appoint a guardian ad litem. The court can appoint an attorney, and CAPTA requires the appointment of attorney in cases where the child's welfare is involved. Unfortunately, most states have not extended that, even though by the language it looks like it should be extended to criminal cases. About if you have a case, and it's gone through the child-welfare system, have that attorney know the funding streams. Professor actually said it's not in the funding. It's got to be in the funding so that people will stand up and take action and make sure that when you financially exploit a child, it's just like any other neglect or abuse. So, yes, I think the child welfare systems, as the criminal justice system, needs to pay attention to these types of crime. Then we can provide them the services, we can provide them the rights under the child welfare law, under the criminal system, under those funding streams that are available. And the federal government has strings on what can and cannot be used in those funds, and the federal government needs to make it happen.

>> Linda Foley: You know, I'd like to talk -- we've been talking very much about, you know, what to do, but one of the things we haven't talked about yet is the emotional impact.

>> Jaimee Napp: Mm-hmm.

>> Linda Foley: And it's very hard for these kids. One of the kids that we worked with actually went on "Inside Edition," and it was just going to be his mother who was going to be speaking, and he insisted on being interviewed. And he knew his father had stolen and used his information, and it was primarily financial, and the reporter asked -- and if I'd known they were going to do this, I would have slapped them. The reporter asked him, "Well, what do you think about all this?" And of course he didn't want to see his father arrested because "I love him." Gerald Bryce. Geez. And he said, "Well, what do you think should be done?" And he says, "Well, we've got a lawnmower, so I'm going to go out and mow lawns all summer and help pay the money back." We've got a

child with a better moral compass than the parents. But every year, the Identity Theft Research Center does a study on victimization, and we asked a couple questions about child identity theft, and I wanted to share a couple of them with you. This is for our 2010 victim population. 13% of them, "My family is ashamed or remains in denial." "I'm torn about what to do" -- 29%. These are ones that are 18 or older now, okay? "The impostor has a history of needing money due to narcotics, alcohol, shopping, other addictions." 62%, "They've committed other types of crimes. 24%, "I don't feel right about filing a police report on a family member." Still today, in 2010, 1/4 of them aren't comfortable about that. We have people who are afraid to file police reports because they don't know how that parent will react. It could be very violent. And then there's 7%, which is almost our highest in the last three year, "The parent wants me to drop all charges and just pay the bills," which, as we explain to them, is not gonna help help because it's still going to be on your credit report. So there's a tug of war. We also found that 33% said, "I was given the runaround, and no one would believe me, even with a police report."

>> Jaimee Napp: Mm-hmm. Again, back to, you know, them saying that maybe it's a family issue, family court, because the offender is a family member, the misunderstanding of that. I know, Linda, that you were telling me earlier, obviously working in the victim-assistance field for such a long time, you have worked with some children who were very young at the time and now you're still working with them that are a lot older. Do you want to tell about that?

>> Linda Foley: [Chuckles] This is Max. He was 2 years old when his mother stole his identity in 2001. He's a middle-grader now. His mother eventually was arrested, by the way. She was arrested because she embezzled money from the girl scout troop that her daughter right here was in, not because of the identity theft of both of her children. The father did petition the court to get full custody. He did finally. She went to jail. When she got out of jail, she petitioned to get joint custody again. And we're back in family court arguing the same thing over again. I've been working with this family for nine years now.

>> Jaimee Napp: Has she continued to use their identities this whole time?

>> Linda Foley: We don't know if she's continued to use them. Obviously not for credit, but we don't know if she's used them any other way. She moves from state to state, so it's hard to track. You know, we'd have to go to every Department of Motor Vehicles, see what's going on with that. We have offered them a product that has been made available by one of our sponsors, so they're taking advantage of that for the credit. But it is a difficult situation. This woman just doesn't understand she's doing something wrong.

>> Jaimee Napp: And now that he's older, a middle schooler, I'm wondering now that he can more verbally, probably, talk about an impact. What kind of things does he say?

>> Linda Foley: You know, he's just starting to understand it now, and it's difficult because how do you love someone who is doing something so terrible to you? And in almost every family identity-theft case, I recommend counseling. And, unfortunately, there's not enough VOCA money to go around for that, but I think in every familial child identity theft case, that's very much the issue. I know Theresa has been working for Andy, and he's been very vocal about it. Do you want to...

>> Theresa Ronnebaum: In 2008, I believe, is when the "20/20" episode aired about Randy Waldron's story, and through an extreme case of the father being reprimanded -- as those of you that ever watch "20/20" -- when the reporter puts a camera in your face, you probably are going to have to talk at some point. And that is what happens. But belittled, downplayed the issue that he had used his biological son's identity for years. Randy lost his dream job, and the one thing I got out of Randy at the very end, even though his own father had belittled him on national television, he said, "I got him to say he was sorry." And that was the very end of this just horrific experience, and, unfortunately, that's someone you have to call your dad. Even though he may not ever speak to him again, he got closure, but it was just a one "So what? I said I'm sorry." You know, "So what? I did it. Get over it." It's an unfortunate case when it's family related, and I wanted to add on to Linda's last conversation of the story with children and identity theft and how it stops or how parents continue it. I'm seeing a problem recently with the fact that credit card companies sometimes will accept the fact that it's taking place, because now that a child has a voice, the child is getting older, the child is now telling people about it. So the parents will then start to pay the

bills that are in the child's name. So then I'm stuck between a rock and a hard place. A, I'm an advocate, so I have to be very cautious about what services I provide and how I assist. But when you have credit card companies now on the same -- yeah, even if a local law enforcement agency was to investigate and prosecute, you know, the bill is being paid. It's not a bad debt. You tell an advocate or child that, who finally got a voice, to say "This has got to stop," and everything's kind of pushed under the rug. So I did it want to emphasize on that when you say, "How are the older children that were victims?" They're still victim, but they don't seem to be recognized because sometimes the parents will pull away from re-victimizing and just "pay the bills," as they would call it in the financial industry. They're being paid.

>> Jaimee Napp: Well, yeah. And that would be a -- is there -- there's not really a legal fix for that, because if you are, you know, saying that it's a bad debt and that it's being paid, it won't be removed from the credit report.

>> Theresa Ronnebaum: But you're not paying it as the victim.

>> Jaimee Napp: Is that...

>> Theresa Ronnebaum: Correct. So you have minor child possibly with, you know, business loans, credit cards opened, and so forth, but now it's being viewed as, "Well, you know, it's not bad debt. It's okay". Well, no, it's not. "You still victimized me and took something without my authorization."

>> Jaimee Napp: But if they can't enter the contract, if they were too young to do that, how can they -- how are they able to do that then again? [Laughs]

>> Russell Butler: Normally you're going to have a parent who is acting in the best interests of the child acting to take care of that. The problem is is when either it's the parent who is the wrongdoer or the parent supports the other family member as a wrongdoer, whether another parent, a sibling, and there's no one to speak for the child. So it's the capacity to do that, the capacity to act, and there's got to be someone who can step in those shoes and act for the child in the child's best

interests. Now, Linda said something a minute ago about, well, there are not enough VOCA dollars around, and in many cases that's true. One of the things that I think is important to note is that the National Crime Victim Law Institute has a 50-state survey that's available as one of the handouts, and you have to be very careful because why -- and a lot of us would agree that children need counseling and that normally counseling services are available to VOCA recipients. Some states may have in their compensation laws, you know, prohibition, that there might be a physical injury or something like that. So while, you know, it really should be that victims of financial crimes -- and financial crimes are really what funds VOCA -- should be able for these benefits. Some of these benefits are on a case-by-case basis, as with restitution. And think about the awkwardness of the court ordering a parent who is still involved with the child to pay restitution or to clear credit. And each state is going to have, you know, inconsistent laws. So there are very serious financial aspects to these. And as we've heard, most of the time a lot of these consequences won't be found until much later. I think part of the issue is why do -- why would a family member do this? Well, it's easy -- as easy as taking candy from a baby, you know? Because you have a child, and they don't even want the candy. They don't even know they have credit. And parents, you know, regard their children, in a lot of regards, as goods, as chattels, that they can do what they want, And that's wrong, you know? You can't commit crimes against your parents, your child, your siblings. You know, the laws don't provide that familial exception. And I think you have to get over the mentality that it's okay to commit crimes against some people who are defensive. And in some regards, I think, you know, we're not talking about elderly victims, but I think there's a lot of analogy of identity theft toward child victims as there are to elderly people, because they don't have the voice, and they may not want to speak out because, you know, what's the alternative for the elderly person? Well, you're gonna be put in a nursing home.

>> Linda Foley: Exactly.

>> Russell Butler: So, you know, child, you're gonna be put out of your home. So I think there are a lot of analogies that are out there, and I think, you know, education is always an issue, but I think there has to be consequences and good policies to make education worthwhile. Otherwise, we're still gonna allow people to basically prey on children.

>> Linda Foley: You know, I go back to what was said at the very beginning. And we say "What's the harm with what's going on?" You know, In 1997, when I was a victim of identity theft, basically most judges -- and I was very lucky to get a judge who didn't -- said, "Well, it's just a paper crime. What's the problem?" And when that judge said you indeed have been a victim, it was the first time that I felt someone heard me. Someone validated all of the emotional conundrum that I had gone through, those years of feeling isolated and vulnerable, and I'm an adult. When we're talking about this, it's not just a paper crime. It's not just something that is a little piece of smoke that's going on in this child's life. This affects their ability to have a future, you know? You hold the child when they're born in your hands and say, "I'm going to protect you." And I just don't understand how then they can take away that protection and leave that child that vulnerable, that unprotected, that, at 18, when they should have a future, whatever it is going to be, it's already ruined. It's been taken away from them, whether it's foster children or any other child. And we hear a lot about, you know, when they turn 18 is when we start hearing about them. And they say, "What am I going to do?" And it's not something we can fix overnight. Child identity-theft cases are ones we can fix more easily because we can show that it was not a legal and binding agreement if it was done before they were 16 -- or 18. Excuse me. But it still takes time. There's an interruption to that child's life. There is going to be a difference in the way they look at their family members. And Russell said it -- "How do I look at my dad again and see the person I loved, but yet this is the person who harmed me. They may not have broken my bones...but they have abused me. They have broken me mentally, emotionally." And that's why we talk about the therapy.

>> Jaimee Napp: Mm-hmm. And when you mentioned Randy, you mentioned, you know, that he lost his dream job, but he's lost other things since then.

>> Theresa Ronnebaum: Yes, several judgments against him as a child. He had felony convictions as a child. The dream job of being a pilot after 9/11, you know, there were a lot of changes to security measures and basically had to refocus on how to fix things over and over and over again because of what his father had opened up businesses. "Oh, well. That business didn't work out. Let's open up another one. Why? 'Cause it's not my credit. It's someone else's." In that time, Linda and I worked hand-in-hand with him. She kind of passed him on to me because I started in 2002 in Florida, and I took over from there since the suspect was from Florida. And we kind of

worked hand-in-hand with that case, and luckily with advocacy -- and the great thing about this career is I go work every day and I get excited over the fact that it's like a puzzle. It's a challenge. Every day I'm like, "Okay, how can I get in that door when they really probably don't even know who I am and why I'm coming in it?" But with Randy's case, I was able to get the civil judge to actually accept to hear him via telephone versus Randy having to now put out more money to come to Florida from Boston to testify and to talk about some of his civil judgment liens. So, you know, I don't think it ever ends, but when you have advocates and when you collaborate with each other, it's a fantastic feeling, because Linda and I and her husband, Jay, who you'll hear from a little later, have always kind of tag-teamed. "Hey. How you doing? I've got one for you. Will you help out?" And I say, "Absolutely." And it's a great effort. Those kids need that from 2002 to probably 2030, and it goes on and on. They don't ever go away. Unfortunately with income taxes and Social Security fraud, I'm seeing it on a yearly basis where they're saying, "Well, you know, this happened again. Hey, Theresa. How you doing?" And we go through the exact same process. And it may be the same process they knew about -- their father's working under their identity, their father's a criminal -- but it's nice for them to have the advocate side, to be able to call and have someone on their side of working through that. So, it's not that things have changed. Those kids just need to be heard, and I say "kids." Kids can be 40-year-old kids, you know? Those are people that still have feelings, and I'm glad that I can be a part of their solution to a nightmare.

>> Russell Butler: When, you know, you have these crimes, and they're financial crimes, and they're not just -- I think the term that Linda used was "paper crimes." They're not just paper crimes. They are crimes that can change somebody's life, from alienation to depression to getting arrested for something that you didn't do. And you're talking about impressionable young people. So the impact on child victims is -- can be great. And I think what we need to do, just like we made the case as to why the courts at sentencing should consider this more than a financial crime, we need to add aggravators -- that these crimes are considered against vulnerable people, whether they be, you know, child victims, like we're talking about now, or elderly victims -- that there should be enhancements. And, again, I'm not saying that every parent who does this to the child needs to be thrown away with the key gone. I mean, I don't think that's the point. I think the point is, you know, we need to have conditions upon the release to make sure that these children are -- there are safety plans and there's protection. And courts and probation officers and prosecutors and

law enforcement need to understand the multifaceted nature of these crimes, especially when they're by family. It is not just a family member and go to the family court. It is not just, "Well, go file a lawsuit," and "What are your damages" when you file the suit against somebody for doing this. You know, We need to have positive and negative behavior modifications to not only help these children, but help them from being revictimized.

>> Linda Foley: And perhaps to help the parents, who need some guidance and counseling. And you triggered me -- you said "You were going to do it, and you did it." And I went before the California legislature, and I wanted to add child financial identity theft as an aggravated penalty, the same way we would have as elder fiduciary identity theft. And one of the legislators said, "Well, if the kid is 11 years old, what's the harm? We don't want to penalize on something that may not -- that may be resolved before the child turns 18." And I said, "Yeah, but they're committing a crime now," and he said, "But there's no loss to that child like there is for a senior who doesn't have the money to spend tomorrow." They just didn't see it the same way, and to me it was like a slap in the face.

>> Jaimee Napp: Mm-hmm. So, I think that we've learned that, in familial identity theft, that there are really unique challenges to children, and we want to leave some time for questions. We have about 15 minutes for questions, and we'd love to have them if anybody has questions.

>> Linda Foley: You can tell we're not passionate. [Laughter]

>> Russell Butler: There's one over there, Jaimee.

>> Jaimee Napp: Oh.

>> Linda Foley: By the way, Randy's case was finally helped by Montel Williams. He got him a scholarship to flight school.

>> Jaime Napp: Mm-hmm.

>> Joanna Crane: I have a question. My name's Joanna Crane. I worked here at Federal Trade Commission until I retired last year, and I was just wondering, for the three of you who have done advocacy for children, where you've tried to -- let's say, now they're 18, so they can come to you for representation, and now you're working with perhaps an auto loan, maybe a mortgage -- things where clearly the child did not have the capacity, so they should be fairly clean in terms of being able to walk away from that and getting it off their credit report. Is that what you're finding, or is it more complicated than that?

>> Linda Foley: The ITRC is finding that we are strongly talking with the creditors and pointing that out, we can use 609e -- FCRA 609e -- we can get the application and transaction records and show this was done before the child was 18 and, therefore, it was not a legal and binding agreement. So, yes, we can clear up a lot of those issues quickly. It's the criminal issues that are harder to clear up. It's the driver's license issues that are harder to clear up. But the financial issues, yeah, we can get rid of those pretty fast.

>> Theresa Ronnebaum: To add to answering that, it may not be the debt that's the issue once they turn 18. I will tell you that when people say, "I'm driving a Tercel, but I'm really paying for, you know, what should be a BMW," that that has destroyed their credit because now the credit score is so low. So though it's handled, and now they're 18, and a lot of things have become wiped from their credit history, there's still that issue of the score. So when someone who is trying to start off in their life can't even afford a car without, you know, the interest rate being outrageous, you know, and they jokingly say to me, "Well, my dad's driving a better car than I am, however, my payment should be a BMW," your heart aches, because that's how it's viewed. Like, "Well, didn't it happen a long time ago? Aren't you over it? I mean, doesn't everything get cleared in seven years, or can you claim bankruptcy?" And it's just not that easy.

>> Russell Butler: There's one there.

>> Male speaker: Hi. I just wanted to ask about the number of hours that you put in on one these cases, and my concern is, with the numbers that we're seeing in terms of the number of kids who are being impacted now, they're large. So the scale of this thing has grown, but being familiar with

some of the hours that it takes to actually recover these, how many kids will you be able to help? So can you talk a bit about what really goes in to one of these cases, from an hour and work perspective?

>> Theresa Ronnebaum: I'll start with that and say that it clearly depends on the type of crime. And as an advocate -- I'm not an attorney, so I can't provide legal advice -- but as an advocate, I can get as involved as it takes, which could be two hours, two months, two years. I have a rotating system where it's, "Let me work on that. Let me" -- you know, when you're dealing with creditors, you're dealing with Department of Motor Vehicles, you're dealing with Department of Justice, correctional divisions. You know, when you've got a criminal sense of identity theft and debt collectors, it can take months and years. A lot of times you're on hold, where you have automated systems. So today it's great to see faces of people that I've said, "Oh, I've called you before." You know, collaborating is key. It sometimes helps us out in the lack of wasteful hours that we actually use as advocates towards closing a case. But it all depends. It obviously does. It depends on the case.

>> Russell Butler: I'm gonna echo what Theresa said. Each case is individual, and you can spend an hour, or you can spend days, or you can spend months. And I think the advantage of FTC and its pro bono guide is to provide materials out there to help. But what we need to do is we need to have more people who are victim advocates who can help victims of financial fraud -- not only child victims, but all victims. And there just unfortunately are not the providers out there, So we need to engage the pro bono legal community. We need to engage all those child-welfare attorneys who are helping the children with other issues that will include this in their service-delivery mechanism. You know, yes, it can sometimes be a major problem, but we need to expand the scope of who those advocates are, and there are some things that a lay advocate can do, and there are some things an attorney can do, and there's some times that people can self-help. Obviously with child victims, especially the young ones, they can't self-help themselves, and they may not have the capacity. So, again, it's much more complicated, and you have to engage somehow the judicial system to get somebody who can speak for the child victim. It's a very complicated situation. Some of them are easy. Some of them will keep going and going as if they have a life of their own.

>> Linda Foley: I think the longest amount of time I end up spending on a lot of these cases is in the beginning in talking with them about what are the consequences of their actions and if they file a police report, what will happen, because they're afraid. "I don't want to see my mom go to jail. Well, if I file a police report, will my mom going to jail?" I can't say "yes" or "no," "they will," because I know, more than likely, the D.A. Will not pick up on this case because that child will probably not testify against the parent. So I have to work with that child -- and I'm talking about an 18-plus-year-old child now when we're working on these -- to really firmly get to the point where they're either going to take action or they are not. And they know I'll be by their side if they decide not to take any action, but these are going to be the consequences if you do not -- "You're not going to have good credit. You're going to have to pay more for things. You may not get tenancy. You may not get school loans. But if you decide to follow through, understand prosecutor may ask you to testify. Can you do that? Are you willing to follow through, and how will your family react?" And I've oftentimes gone back and forth with kids like this for several weeks. And I say, "I don't want a decision from you right now. I'm going to call you back in a couple of days or next week and see what you think and how you feel about this, because you have to live with this. And you can live with your decision?" And that seems to be the hardest thing for them.

>> Russell Butler: I want to say one more thing that I should have added before. You know, in child-welfare cases, there are a lot of costs as court-appointed special advocates, and I think that that's probably another untapped area that we need to explore, in addition to the attorneys for those children in the child-welfare system, to make sure that they're aware of these issues and that they're assisting -- even if not assisting, becoming aware so that they can alert the court, the social-services agencies that are involved in these issues. I mean, the number of stat-- Howard indicated, you know, five states with statutes and five states with policies. There's something wrong there. So we need to make sure that the policymakers, both at the federal level and the state, are aware of this so that they can, you know, take action. So there's just not one answer, and I thought of the court appointed special advocates as perhaps another vehicle that could be tapped.

>> Jaimee Napp: Mm-hmm. Okay. We have time for a couple more questions if there were -- I didn't know if there were any more. Oh.

>> Male speaker: For Russell and Theresa -- have you run into the argument that there's a benefit due to the fact that it's a family member, or collection agencies or creditors are saying, "because this is a family member, you still owe or because you received some sort of benefit"?

>> Theresa Ronnebaum: Mm.

>> Russell Butler: Well, yeah, and I'm sure you've heard that a million times, as well. I mean, sometimes it's hard to convince somebody, you know, that this, you know, was done by a sibling or this was done and there isn't a benefit. I mean, obviously the law is the law, and they won't want to do it, and they may do it begrudgingly. And, you know, "What did they expect?" They're gonna say that, and, you know, "Are you going to pursue it?" They expect people not to fight them. And, again, that's why you need to have some voice with knowledge, whether it be for self-help or through an advocate or through an attorney, to make sure that these provisions out there are complied with. Sure, they're going to say that, and they're going to try to get people to just walk away, and, you know, they expect a lot of people won't follow through. And, again, you know -- again, when you're talking about child victims, it's even harder for them. You know, once they turn 18, yes, it may be somewhat easier for them, but are they going to want the potential that their relative might be prosecuted, even though could be a remote chance and the likelihood that it will never happen? But, you know, they're going to worry about that one-in-a-million chance that their family member might get prosecuted, and they're not going to want to follow through, so they're going to mow the grass, as Linda gave you the example.

>> Theresa Ronnebaum: I'll add to Jay's question and add that I will say it's gotten a little better with the financial institutions and the fact that, back before probably 2005, I would always hear the same thing every time I called a debt collector or collection agency about what to do with a child I.D. theft case. They would always go back to the answer of, "I'm sorry, but they resided under the same dwelling, so it was civil." Well, you're telling someone who just went away to college who got their first credit, didn't know it was probably from the help of their parents, so they had a very high limit. Now they go away to college, the mail is still coming to their home, and that parent or another sibling then uses those convenience checks. That person wasn't living at home. He's away

at college. However, the mail is still coming there. I've seen it evolve a little bit, where we're getting to a place where that's not the typical answer of, "Sorry, you know, they're still held responsible. They lived in the same household, same dwelling, which equals civil." So I think it's gotten better.

>> Linda Foley: But Jay brought up a good point. If a parent said, "I'm buying you a car," and the child is 17 years old, and the parent signs the child's Social Security number on there and the child's name, but he said, "I'm buying you the car," and the child doesn't know that his credit was being used to buy it, the child has benefited by that car.

>> Theresa Ronnebaum: Mm-hmm.

>> Linda Foley: Therefore, under some identity-theft laws in different states, it's not identity theft because you have benefited. So that is a problem.

>> Jaimee Napp: Thank you all for these wonderful questions. I'd like to thank the panelists for their wonderful expertise. We're going to break for lunch now. And I just wanted to remind you, if you are going outside, to keep your name badge. You will have to go through security again. There is a list of places to eat in your folder or on the back resource table. And the next panel will start at 1:45. [Applause]

>> Russell Butler: Thank you, as always.

>> Linda Foley: Yes.

>> Russell Butler: It's a pleasure.

>> Linda Foley: Yes.