>> 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

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 T<hgned -1ebt inc(ends)-1(unl)]2Msn76hr that.

>> 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 say, "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?"

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

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 system, 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 aske

>> 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 horrible 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, when the "20/20" episode aired about Randy Waldron's story, and through an extreme case of a 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 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 love, 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 -- is there -- there's not really a legal fix for that, because if you are, you know, saying that it's 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 a 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

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 -- 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

>> 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 th

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 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 my 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 when 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 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 could 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 their 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

>> Joanna Crane: I have a question. My name is 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, 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, therefore, it was not a legal and binding agreement. So, yes, we can clear up a lot of these issues quickly. It's the criminal issues that are harder to clear up. It's the driver's license issues that are harder

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 into one of these cases, from an hour and work perspective?

>> 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 of "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 a case -- 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.

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.