

Resource Parent Insurance

(02/14/2020)

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Forms

The following forms are referenced in this file:

- 04-239 Resource Parent Liability Loss Notice
- [INS-99](#) Foster Family Home And Small Family Home Insurance Fund Claim Form

Introduction

Previously, the Foster Family Home and Small Family Home Insurance (FSH) Fund only applied to licensed foster family homes or small family homes. With the passage of AB 1930, the FSH Fund now includes approved Resource Families (RFs).

The following programs provide liability insurance coverage for resource parents related to incidents in providing foster care services:

- Foster Family Fund by the County of San Diego, Office of Risk Management
- Foster Family Home and Small Family Home Insurance Fund (FSH)

Foster Family Fund

Although the County is not an insurer, licensed foster parents and resource parents are provided with third party liability protection for damage to the property of others by a foster child. This program, the Foster Family Fund, which is administered by the County of San Diego, Office of Risk Management, is subject to certain exceptions.

In addition to the Foster Family Fund, the County may be responsible for injuries (to the foster parent or members of their family) if we fail to warn them of known dangerous propensities of the child, and, as a result, the foster parent or another family member is injured by the foster child.

**Foster Family Fund
Limitations**

The Foster Family Fund will **not** cover the following:

- Damage to the foster family’s home or personal property caused by the foster child.
NOTE: The County Fund only covers loss or damage to a third party, such as a neighbor.
- Personal injury or bodily injury claims made on behalf of a foster child arising out of the foster parent relationship (These types of injury claims are covered by the “[State Fund](#)”).
- Claims involving the operation of a motor vehicle, airplane or boat.
- Any claim for licentious, immoral, or sexual behavior or any intentional or criminal act against the foster child by any member of the foster family.
- Claims made by legal guardians.
- Claims made by a Foster Family Agency (FFA) certified home.

NOTE: FFAs carry their own insurance.

**Procedures for filing
a claim**

To file a claim for third party property damage, the following procedure will be followed:

Step	Who	Action
1	Resource Parent	Notify the child’s SW about the incident.
2	Resource Parent	Call the PCO, (858) 650-5879, and ask for a Foster Parent Liability Loss Notice (04-239).
3	PCO	<ul style="list-style-type: none"> • Provide foster parent with the 04-239. • Send a copy to the child’s SW.
4	Resource Parent	<ul style="list-style-type: none"> • Complete form and send original to: CWS Placement Coordinator Office (PCO) 8911 Balboa Avenue San Diego, CA 92123-5170 <p>NOTE: Resource Parent should keep a copy for their record.</p>
5	PCO	<p>Once information is received back from the foster parent:</p> <ul style="list-style-type: none"> • document date in log. • stamp with “received by PCO” and write in date. • complete the claims memo. • scan all documents. • save in the S Drive under S Drive\CCWS\Foster Home Licensing\PCO\Claim Against County by Foster Parent\ • make a folder with foster parent’s last name and save in there. • send all documents through county mail to the Claims Department-A-13 • document the date sent to Claims Department in the log in S Drive.

County responsibility Upon receipt of all the forms, the Claims Division will:

Step	Action
1	Review and investigate the claim.
2	Contact the resource parent (the claimant) and attempt to properly settle the claim if the loss will be covered.
3	When the investigation is completed, the Claims Division will recommend to Risk Management whether to honor or reject the claim. Risk Management will notify the claimant about the County's decision. Any payments will be processed by the Senior Risk Analyst, Risk Management, Mail Stop O-76 or 5555 Overland Avenue, Bldg. 6B, Suite 6965, San Diego, CA 92123, (858) 694-2788.

Foster Family Home and Small Family Home Insurance (FSH) Fund

The FSH Foster Family Home (FFH) and Small Family Home (SFH) [Insurance Fund](#) is a state fund that provides liability insurance coverage for resource parents related to incidents in providing foster care services.

For purposes of the FSH Fund, a foster child means a person under 19 years of age.

This liability insurance covers certain valid claims of bodily or personal injury to foster children that occur during the foster care relationship, during the provision of foster care services, and during the time foster children are in the home.

The liability insurance provided by the Fund does not cover intentional or criminal acts against foster children by their resource parents.

The Fund's coverage limit is \$300,000 for all claims per licensed home during a single calendar year.

Any claim against the Fund will be submitted within the applicable period of limitations for the appropriate civil action underlying the claim. Foster children have until their 19th birthday to file a claim against the Fund. Adults (natural parents, guardian or guardian ad item) have two years from the date of the event to file a claim.

No person may bring a civil action against a foster parent for which the Fund is liable unless that person has first filed a claim against the Fund and the claim has been fully executed.

**Foster Family Home
and Small Family
Home Insurance
(FSH) Fund (cont.)**

Any claims against the Fund will be filed with:

California Department of General Services
Office of Risk and Insurance Management-Claims
707 3rd Street - 1st floor, West
Sacramento, California 95605

An eligible party (foster children, their parents, guardians, or guardians ad litem) may obtain a claim form by calling 800-900-3634 or by e-mail at claims@dgs.ca.gov

Additional information about the FFH and SFH Insurance Fund can be found at the following link: http://www.documents.dgs.ca.gov/orim/orimupdatescv/FFHSFH_InsFund.pdf.

FSH Fund Exclusions

The FSH Fund does **not** cover the following:

- Loss arising out of a dishonest, fraudulent, criminal or intentional act
 - Any occurrence not arising from the foster care relationship
 - Bodily injury arising out of the operation or use of any motor vehicle, aircraft or watercraft owned or operated by or rented or loaned to any foster parent
 - Loss arising out of licentious, immoral, or sexual behavior on the part of a foster parent intended to lead to or culminating in any sexual act
 - Allegations of alienation of affection against a foster parent
 - Loss or damage arising out of occurrences prior to enactment of the statute (October 1, 1986)
 - Exemplary (punitive) damages
 - Any damage to property owned by the foster parent or any other person or party
 - Any liability of a foster parent which is uninsured due solely to the foster parent's failure to obtain insurance specified in Section 676.7 of the Insurance Code (homeowners or tenant's policies)
 - Incidents covered by a homeowners or tenants policy are excluded from coverage under the Fund, whether or not the foster home has such insurance.
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Civil Liability

The passage of WIC 362.06 provides for caregiver immunity from liability in a civil action to recover damages from injury, death, or loss to person or property caused by either of the following:

- An act or omission made by the caregiver while exercising a reasonable and prudent parent standard; or
 - An act or omission of a child or NMD while the child or NMD is placed in the home of the caregiver.
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Civil Liability (cont.)

The Statute also contains language that limits the immunity protections if any of the following apply:

- The act of the caregiver exceeded a caregiver’s duty or authority as defined by statute, regulation, licensing standards, or similar written instructions;
 - The act or omission of the caregiver was made with malice or in bad faith or was a result of recklessness or gross negligence on the part of the caregiver;
 - The act or omission of the caregiver did not comply with instructions received from the county placing agency regarding specific care and supervision of the child; or
 - Liability for the act or omission of the caregiver is expressly imposed by any other law.
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Homeowner’s or renter’s insurance

The State Fund nor the County will cover what a homeowner’s or renter’s policy would cover, resource parents are encouraged to obtain homeowner’s or renter’s Insurance as well as [automobile insurance](#) and ensure that their foster child is included on that policy.

Automobile insurance

Foster parents and resource families are required by law to carry automobile insurance on their own vehicle(s), and they may never transport a foster child in an uninsured automobile.

Alignment with SET

This policy aligns with SET [Value 2](#) by providing consistent communication and information sharing to caregivers as means to support them. This policy also supports Agency Practice of supporting kinship and resource families to continue to expand their knowledge as CWS appreciates their hard work and the quality parenting they provide to foster children.
