

**ASSEMBLY BILL**

**No. 2019**

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**Introduced by Assembly Member Hill**

February 23, 2012

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An act to amend Sections 1527.6 and 1527.8 of, and to add Section 1527.15 to, the Health and Safety Code, relating to the Foster Family Home and Small Family Home Insurance Fund.

LEGISLATIVE COUNSEL'S DIGEST

AB 2019, as introduced, Hill. Foster Family Home and Small Family Home Insurance Fund.

Existing law establishes within the State Department of Social Services the Foster Family Home and Small Family Home Insurance Fund, consisting of moneys appropriated by the Legislature, for the purposes of paying, on behalf of foster family homes and small family homes, as defined, claims of foster children, their parents, guardians, or guardians ad litem resulting from occurrences peculiar to the foster care relationship and the provision of foster care services. Existing law requires the department to approve or reject a claim within 180 days after it is presented.

This bill would require that any claim not approved or rejected within 180 days be deemed approved. The bill would require the department or its designated agency to ensure that a claimant receives notification of the decision to approve or reject a claim within 15 days of the decision.

Existing law states the intent of the Legislature to maintain the Foster Family Home and Small Family Home Insurance Fund at an adequate level to meet anticipated liabilities.

This bill would instead require that the fund be maintained at an adequate level to meet anticipated liabilities. The bill would require the department to use claims information to make recommendations to the Legislature regarding the amount of funding necessary to meet these purposes. This bill also would require the department to report to the Legislature by January 1, 2015, on the feasibility of expanding coverage of the fund, on a revenue-neutral basis, to homes that are certified by foster family agencies.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1527.15 is added to the Health and Safety  
2 Code, to read:  
3 1527.15. (a) By January 1, 2015, the State Department of  
4 Social Services shall report to the Legislature on the feasibility of  
5 expanding coverage of the fund, on a revenue-neutral basis, to  
6 homes that are certified by a foster family agency, as defined in  
7 paragraph (4) of subdivision (a) of Section 1502.  
8 (b) (1) The report required pursuant to subdivision (a) shall be  
9 submitted in compliance with Section 9795 of the Government  
10 Code.  
11 (2) The requirement for submitting a report imposed under  
12 subdivision (a) is inoperative on January 1, 2017, pursuant to  
13 Section 10231.5 of the Government Code.  
14 SEC. 2. Section 1527.6 of the Health and Safety Code is  
15 amended to read:  
16 1527.6. (a) Any claim against the fund shall be filed with the  
17 fund in accordance with claims procedures and on forms prescribed  
18 by the State Department of Social Services or its designated  
19 contract agency.  
20 (b) Any claim against the fund filed by a foster parent or a third  
21 party shall be submitted to the fund within the applicable period  
22 of limitations for the appropriate civil action underlying the claim,  
23 subject to subdivision (a) of Section 352 of the Code of Civil  
24 Procedure as that section applies to a minor. If a claim is not  
25 submitted to the fund within the applicable time, there shall be no  
26 recourse against the fund.

1 (c) (1) The department shall approve or reject a claim within  
2 180 days after it is presented. *If a claim is not approved or rejected*  
3 *within 180 days, the claim shall be deemed approved.*

4 (2) *The department or an agency designated pursuant to Section*  
5 *1527.1 shall notify a claimant of the decision to approve or reject*  
6 *a claim within 15 days of the decision.*

7 (3) *An agency designated pursuant to Section 1527.1 shall*  
8 *provide claims information to the department. The department*  
9 *shall use this information to make annual recommendations to the*  
10 *Legislature regarding the necessary amount of funding to meet*  
11 *the requirements of Section 1527.8.*

12 (d) No person may bring a civil action against a foster parent  
13 for which the fund is liable unless that person has first filed a claim  
14 against the fund and the claim has been rejected, or the claim has  
15 been filed, approved, and paid, and damages in excess of the  
16 payment are claimed.

17 SEC. 3. Section 1527.8 of the Health and Safety Code is  
18 amended to read:

19 1527.8. ~~It is the intent of the Legislature to maintain the~~ *The*  
20 *fund established pursuant to Section 1527.1 shall be maintained*  
21 *at an adequate level to meet anticipated liabilities.*