

ASSEMBLY BILL

No. 863

Introduced by Assembly Member Bonilla

February 17, 2011

An act to amend Section 1527.3 of the Health and Safety Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 863, as introduced, Bonilla. Foster care: insurance.

Existing law establishes the Foster Family Home and Small Family Home Insurance Fund to be used, upon appropriation by the Legislature, by the State Department of Social Services to pay, 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 specifies costs for which the fund is not liable, including any loss arising out of a dishonest, fraudulent, criminal, or intentional act.

This bill would, instead, specify that the fund is not liable for any loss arising out of a dishonest, fraudulent, criminal, or intentional act of a foster parent, and also would make various technical, nonsubstantive changes.

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 1527.3 of the Health and Safety Code is
- 2 amended to read:

- 1 1527.3. The fund shall not be liable for any of the following:
- 2 (a) Any loss arising out of a dishonest, fraudulent, criminal, or
- 3 intentional act *of a foster parent*.
- 4 (b) Any occurrence ~~which~~ *that* does not arise from the
- 5 foster-care relationship.
- 6 (c) Any bodily injury arising out of the operation or use of ~~any~~
- 7 a motor vehicle, aircraft, or watercraft owned or operated by, or
- 8 rented or loaned to, ~~any~~ a foster parent.
- 9 (d) Any loss arising out of licentious, immoral, or sexual
- 10 behavior on the part of a foster parent intended to lead to, or
- 11 culminating in, ~~any~~ a sexual act.
- 12 (e) Any allegation of alienation of affection against a foster
- 13 parent.
- 14 (f) Any loss or damage arising out of occurrences prior to
- 15 October 1, 1986.
- 16 (g) Exemplary damages.
- 17 (h) Any liability of a foster parent ~~which~~ *that* is uninsured due
- 18 solely to the foster parent's failure to obtain insurance specified
- 19 in Section 676.2 of the Insurance Code. Nothing in this subdivision
- 20 shall be construed to expand the liability of the fund with respect
- 21 to insured foster parents.