

AB 2496 Foster Family Agency Accountability

Frequently Asked Questions

1. What are FFAs, and what are their requirements to carry insurance?

FFAs are nonprofit organizations licensed by the Community Care Licensing Division of the California State Department of Social Services to engage in the recruiting, certifying, and training of, and providing professional support to, resource parent(s), or in finding homes for placement of children for temporary or permanent care who require that level of care as an alternative to a group home.

In their contracts with FFAs, counties require FFAs to carry insurance.

2. Will AB 2496 harm foster children?

Under AB 2496, Foster Family Agencies (FFAs) retain liability for harm to foster children caused by the FFA's, its employees, volunteers, or contractors. AB 2496 ensures the FFA's remain insurable, so in the event a foster child is harmed by the negligence of the FFA, the foster child can obtain recovery from the FFA's private insurance carrier through the legal system. Without AB 2496 there will be no private market to insure FFA's and thus they will cease to operate thereby throwing the foster care system into chaos within this calendar year.

3. Does AB 2496 reduce tort liability for FFA's?

No, lawsuits can still be brought against FFAs for tortious acts of the FFA, its employees, volunteers, or contractors. AB 2496 would focus the court's attention on the acts of the particular FFA, as opposed to a general class.

4. Does AB 2496 reduce County liability for harm to Foster Children?

Counties retain liability for any harm to foster children caused by county employees. What AB 2496 does is to prohibit counties from contractually transferring their legal liability for any wrongful actions of county employees to FFA's. This will motivate counties to proactively mitigate risk related to its own administration of supports to foster children.

5. Does AB 2496 reduce Foster Parents' liability for harm to Foster Children?

Resource parents remain liable for any harm to foster children caused by the resource parents, and they are insured by the state through the Foster Family Home and Small Family Home (FSH) Insurance Fund.

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6. Does AB 2496 eliminate all harm that may come to children in Foster Care System?

No, children are placed in foster care due to either abuse or neglect in the foster child's home. These children have often been exposed to many traumas in their communities: poverty, violence, addiction, neglect, abuse or challenges caused by physical or mental health of themselves or their families. Unfortunately, these risks may still exist in the communities where foster children are placed and cannot all be abated by placing a child in foster care.

7. Why does AB2496 change the process for responding to plaintiff settlement offers?

Currently, FFAs and their insurance carriers must respond to a plaintiff attorney's settlement demand without having sufficient time to understand the facts of the case. AB 2496 requires the attorneys litigating a claim against a FFA to use a similar process mandated by law for the parties to respond to settlement demands in general liability and auto accident cases. Moreover, the attorneys for all parties would need to meet to discuss a potential settlement.