

Summary

The Foster Family Agency Accountability Act (AB 2496) is necessary to avoid a shutdown of California's foster family agencies. A shutdown would endanger thousands of foster children.

Background

There are nearly 45,000 children and youths in the California foster care system, the vast majority of whom have been separated from their parents due to neglect or abuse.

Today, approximately 9,000 of those children are placed in resource family homes supported by nonprofit foster family agencies (FFAs).

California counties rely on and contract with FFAs to recruit, approve, train, and support these resource parents, thereby reducing the number of children in congregate care.

Working with foster children exposes FFAs to the risk of large jury verdicts. FFAs are increasingly being held responsible for the bad acts of others and are on the verge of becoming uninsurable. Without insurance, FFAs would not be able to serve children in thousands of safe and stable family settings across the state.

Problem

Runaway verdicts that punish nonprofit FFAs for the unforeseeable actions of others threaten the health and safety of the 9,000 children that rely on FFAs for a safe place to live.

Most insurers have left or are leaving the market. A single nonprofit risk pool now insures approximately 90% of the FFAs operating in California.

However, this insurer is no longer accepting new FFA business and has announced its intention to no longer renew FFA insurance policies unless legislation is passed that ensures that FFAs will not be held responsible for matters over which they have no control.

This elimination of liability insurance would cause a collapse of California's FFA system. Without insurance, FFAs would be required to return foster children to congregate care.

Solution

To address this problem, AB 2496 is needed to ensure that:

1. FFAs are not held responsible for unforeseeable harms
2. FFAs that substantially meet their responsibilities under state licensing laws may not be held accountable to a different standard by the courts
3. FFAs are not held responsible for the negligence of others
4. FFAs are given sufficient facts and time to evaluate claims made against them

AB 2496 does nothing to absolve FFAs from the consequences of their own negligence. **AB 2496 protects children** by making sure that responsible parties are held accountable.

Support

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