



**Policy: Children Destroying Property or Causing Personal Injury in  
Out of Home Care**

**ChildNet Number: CN 013.004**  
**Original Approved Date: June 30, 2003**  
**Revised Date(s): November 17, 2009**  
**Sunset Date:**  
**COA Standard(s): none**

**Statement of Policy:**

ChildNet shall assist Claimants in the process of applying for restitution from the State of Florida for property damage and direct medical expenses for injuries caused by shelter or foster children consistent with Florida Law.

**Board Chair's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

11-15-10



## **Procedure: Children Destroying Property or Causing Personal Injury in Out of Home Care**

**ChildNet Number: CN 013.004**

**Original Approved Date: June 30, 2003**

**Revised Date(s): November 17, 2009, December 12, 2012, July 9, 2014, February 21, 2018**

**Sunset Date:**

**COA Standard(s): none**

### **Definitions:**

**Claimant:** A person who suffers personal injury or property damage caused by a shelter or foster child may seek restitution from the State Institutions Claim Fund, a program established for this purpose.

### **Statement of Procedure:**

#### **A. Child Advocate/ Dependency Case Manager Role:**

1. The Child Advocate/Dependency Case Manager will meet with his/her Director/ Manager whenever a shelter parent, foster parent or other individual advises ChildNet of expenses they claim to have incurred as a result of personal injury or property damage by a shelter or foster child. If the Director/Manager determines that the situation falls within the parameters of the law, the Child Advocate/Dependency Case Manager will:
  - a. Assist the Claimant in completion of the Restitution Claim Form.
  - b. Ensure that the form is completed in its entirety and that legible receipts (or estimates) from a licensed vendor are attached.
  - c. Review the circumstances of the claim and have the Claimant sign the form.
2. If the Child Advocate/Dependency Case Manager reviewing the circumstances does not agree that the shelter or foster child was responsible for the injury or property damage, he/she should note that opinion on the signature line.
3. If the Child Advocate/ Dependency Case Manager reviewing the claim sees the circumstances from a different perspective than the Claimant, the Child Advocate/Dependency Case Manager's perspective should be noted in writing on the form or an attachment. Example: A foster child and the biological child of the



foster parent were playing in a rough manner and, as a result, the table lamp was knocked over and destroyed. The foster parent might believe that the foster child was at fault because the foster child was older and started the rough play. The staff member might believe that both children were equally at fault. In this case, the Child Advocate/Dependency Case Manager would note his or her perspective of the circumstances before signing the form.

4. The Child Advocate/Dependency Case Manager will submit the State Institutions Claims Form to the Director/Manager for review within five (5) business days.
5. The Child Advocate/Dependency Case Manager will send the original claim form with all necessary accompanying documentation to the Department of Children and Families designee for processing via certified mail and mail or provide a copy to the Claimant immediately following review by the Director/Manager.
6. The Child Advocate/Dependency Case Manager will place a copy of the claim form and all accompanying documentation in the child's case file under "correspondence."
7. The Child Advocate/Dependency Case Manager will document all activities in the Comprehensive Child Welfare Information System (CCWIS).

**B. Claimant Role:**

1. According to the Department of Children and Families (CFOP 175-60) the claim must be filed by the Claimant, in writing, with the Office of The Attorney General, within 120 days of the occurrence upon which the claim is based. The Child Advocate/Dependency Case Manager documents when the information and form is provided to the individual for signature and when forwarded to the Department of Children and Families designee.
2. The Claimant is not required to submit a claim to his or her homeowner's insurance company for primary coverage of the expenses.
3. The Child Advocate/Dependency Case Manager must advise the Claimant that it is fraudulent to request reimbursement from the Institutional Claims Fund and homeowner's insurance for the same claim unless one is used to supplement the other. If homeowner's insurance coverage is used, the Institutional Claims Fund may be used only to request restitution for any deductible amount and/or repair of damage the homeowner's insurance coverage did not pay. Paperwork from the homeowner's insurance must be included with the form and receipts. For example: If the damage cost \$600 to repair and homeowner's insurance paid \$100 due to a



\$500 deductible, the \$500 deductible could be claimed through Institutional Claims.

4. The Child Advocate/Dependency Case Manager will document the above advisement in CCWIS.

C. Director/Manager Role:

1. The Director/Manager will review the completed State Institutions Claims form for accuracy and completeness.
2. The signed form will be returned to the Child Advocate/Dependency Case Manager within five (5) business days.

President's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

02-27-18