

# Big Bend Community Based Care Policy & Procedure

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**Series:** 400: Child Welfare Services  
**Policy Name:** Claims for Damages Caused by Shelter or Foster Child  
**Policy Number:** 425  
**Origination Date:** 06/21/2018 **Revised:** Board Meeting of 12/13/2018  
**Regulation:** CFOP 175-60

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## Policy

This operating procedure outlines the procedure to follow when an individual wishes to seek restitution for direct medical expenses and/or property damage caused by a shelter or foster child.

## Procedure

**A. Definitions.** For the purpose of this operating procedure:

1. **State Institutions Claim Fund.** A program established by the Legislature pursuant to subsection 402.181(1), F.S., for the purpose of making restitution for property damages and direct medical expenses related to injuries caused by shelter or foster children.
2. **Claimant.** The person who suffered personal injury or property damage.

**B.** Statutory language in subsection 402.181(2), F.S., makes the following distinction necessary:

1. At the time the injury or damage occurred, if the child responsible was:
  - a. In shelter legal status [pursuant to a court's shelter order], restitution up to One Thousand Dollars (\$1,000.00) may be claimed.
  - b. In foster care legal status [pursuant to a court order granting custody to the department for placement in foster care], restitution up to One Thousand Five Hundred Dollars (\$1,500.00) may be claimed.
2. The living arrangement, i.e., shelter or foster home or residential group care, has no bearing on the above distinction; it is based solely on the child's legal status at the time the injury or damage occurred.

**C.** When a shelter parent, foster parent or other individual advises Family Safety staff of expenses they have incurred as a result of personal injury or property damage caused by a shelter or foster child, the staff members will:

1. Assist the claimant in completion of the Restitution Claim Form.
2. Ensure that the form is completed in its entirety and that legible receipts (or estimates) from a licensed vendor are attached.
3. Review the circumstances of the claim and have the claimant sign the form.
  - a. If the staff member reviewing the circumstances does not agree that the shelter or foster child was responsible for the injury or property damage, the staff member should note that opinion on the signature line.

