

CHAPTER 158  
FOSTER HOME INSURANCE FUND

PREAMBLE

These rules implement the provisions of the foster home insurance fund. These rules define eligible claims, the payment limits for claims, the procedure for filing claims, and the time frames for filing claims.

**441—158.1(237) Applicability.** This chapter specifically relates to the foster home insurance fund established by Iowa Code section 237.13. A foster home insurance fund shall be developed by the department. The fund shall provide reimbursement for any property damages caused by the acts of a foster child residing in a foster home. The department may contract with another state agency or private organization to perform the administrative functions necessary to carry out this rule.

[ARC 5890C, IAB 9/8/21, effective 11/1/21]

**441—158.2(237) Definitions.**

“*Department*” means the Iowa department of human services.

“*Foster family home*” or “*licensed foster home*” means an individual, as defined in Iowa Code section 237.1(7), who is licensed to provide child foster care.

“*Personal property*” means any movable thing of value which is owned, rented, or leased by a person and not recognized as real property.

“*Real property*” means anything owned, leased, or rented which is permanently affixed to, or built upon, a piece of land. Real property is best characterized as property that does not move or that is attached to the land.

“*Third-party property*” means property belonging to any person or entity other than the foster family or foster child.

[ARC 5890C, IAB 9/8/21, effective 11/1/21]

**441—158.3(237) Payments from the foster home insurance fund.**

**158.3(1) Eligible foster family claims.** The foster home insurance fund shall pay the following within the limits defined in Iowa Code section 237.13(2):

- a. Valid and approved claims of a licensed foster family home.
- b. Compensation to licensed foster families for personal or real property damage and auto physical damage as a result of the activities of the family foster care child. Coverage also extends to third-party property damages caused by actions of the foster child.
- c. Non-property-based liability, bodily injury, sexual abuse or molestation, auto liability, and professional liability are not covered.

**158.3(2) Eligible guardian and conservator claims.** Rescinded IAB 10/5/11, effective 11/9/11.

[ARC 9779B, IAB 10/5/11, effective 11/9/11; ARC 5890C, IAB 9/8/21, effective 11/1/21; ARC 6441C, IAB 8/10/22, effective 10/1/22]

**441—158.4(237) Payment limits.** The fund is not liable for the first \$150 per claim deductible per family. Each claim shall be limited to one incident/occurrence. The fund is not liable for damages in excess of \$5,000 for all claims arising out of one or more occurrences during a fiscal year related to a single home. Claims for losses related to bedbugs or other insect infestations will have an annual sublimit set by the department.

[ARC 9779B, IAB 10/5/11, effective 11/9/11; ARC 5890C, IAB 9/8/21, effective 11/1/21]

**441—158.5(237) Claim procedures.** Claims against the fund shall be filed with the department’s contractor. Claims shall be filed on Form 470-5659, Foster Home Property Fund Notice of Loss Form. The decision to approve or deny the claim shall be made and the notice mailed or given to the claimant within 180 days of the date the claim is received.

[ARC 5890C, IAB 9/8/21, effective 11/1/21]

**441—158.6(237) Time frames for filing claims.**

Claims by children who were under the age of 18 at the time of the occurrence shall be submitted within six months of the date of the occurrence.

[ARC 9779B, IAB 10/5/11, effective 11/9/11; ARC 5890C, IAB 9/8/21, effective 11/1/21]

**441—158.7(237) Appeals.** Claimants dissatisfied with the decision may request a fair hearing under the provisions of 441—Chapter 7.

[ARC 5890C, IAB 9/8/21, effective 11/1/21]

These rules are intended to implement Iowa Code section 237.13 as amended by 2021 Iowa Acts, House File 891.

[Filed emergency 6/9/88—published 6/29/88, effective 7/1/88]

[Filed 9/2/88, Notice 6/29/88—published 9/21/88, effective 11/1/88]

[Filed 11/9/94, Notice 9/28/94—published 12/7/94, effective 2/1/95]

[Filed 8/12/99, Notice 6/16/99—published 9/8/99, effective 11/1/99]

[Filed ARC 9779B (Notice ARC 9636B, IAB 7/27/11), IAB 10/5/11, effective 11/9/11]

[Filed ARC 5890C (Notice ARC 5707C, IAB 6/16/21), IAB 9/8/21, effective 11/1/21]

[Filed ARC 6441C (Notice ARC 6329C, IAB 5/18/22), IAB 8/10/22, effective 10/1/22]