

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5341

52nd Legislature
1991 Regular Session

Passed by the Senate April 17, 1991
Yeas 47 Nays 0

President of the Senate

Passed by the House April 9, 1991
Yeas 98 Nays 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE SENATE BILL 5341** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5341

AS AMENDED BY THE HOUSE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators L. Kreidler, Bailey, Murray, Talmadge, Stratton and Bauer).

Read first time March 11, 1991.

1 AN ACT Relating to insurance for foster parents; adding a new
2 section to chapter 74.14B RCW; adding a new section to chapter 4.24
3 RCW; creating new sections; providing an effective date; and declaring
4 an emergency.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature recognizes the unique
7 legal risks that foster parents face in taking children into their
8 care. Third parties have filed claims against foster parents for
9 losses and damage caused by foster children. Additionally, foster
10 children and their parents have sued foster parents for actions
11 occurring while the children were in foster care. The legislature
12 finds that some potential foster parents are unwilling to subject
13 themselves to potential liability without insurance protection. The
14 legislature further finds that to encourage those people to serve as

1 foster parents, it is necessary to assure that such insurance is
2 available to them.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.14B RCW
4 to read as follows:

5 (1) Subject to subsection (2) of this section, the secretary of
6 social and health services shall provide liability insurance to foster
7 parents licensed under chapter 74.15 RCW. The coverage shall be for
8 personal injury and property damage caused by foster parents or foster
9 children that occurred while the children were in foster care. Such
10 insurance shall cover acts of ordinary negligence but shall not cover
11 illegal conduct or bad faith acts taken by foster parents in providing
12 foster care. Moneys paid from liability insurance for any claim are
13 limited to the amount by which the claim exceeds the amount available
14 to the claimant from any valid and collectible liability insurance.

15 (2) The secretary of social and health services may purchase the
16 insurance required in subsection (1) of this section or may choose a
17 self-insurance method. The total moneys expended pursuant to this
18 authorization shall not exceed five hundred thousand dollars per
19 biennium. If the secretary elects a method of self-insurance, the
20 expenditure shall include all administrative and staff costs. If the
21 secretary elects a method of self-insurance, he or she may, by rule,
22 place a limit on the maximum amount to be paid on each claim.

23 (3) Nothing in this section or section 3 of this act is intended to
24 modify the foster parent reimbursement plan in place on the effective
25 date of this act.

26 (4) The liability insurance program shall be available by July 1,
27 1991.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 4.24 RCW
2 to read as follows:

3 In actions for personal injury or property damage commenced by
4 foster children or their parents against foster parents licensed
5 pursuant to chapter 74.15 RCW, the liability of foster parents for the
6 care and supervision of foster children shall be the same as the
7 liability of biological and adoptive parents for the care and
8 supervision of their children.

9 NEW SECTION. **Sec. 4.** If specific funding for the purposes of
10 this act, referencing this act by bill number, is not provided by June
11 30, 1991, in the omnibus appropriations act, this act shall be null and
12 void.

13 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
14 preservation of the public peace, health, or safety, or support of the
15 state government and its existing public institutions, and shall take
16 effect July 1, 1991.