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5 Strike everything after the enacting clause and insert the
6 following:

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

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

20 (1) Subject to subsection (2) of this section, the secretary of
21 social and health services shall provide liability insurance to foster
22 parents licensed under chapter 74.15 RCW. The coverage shall be for
23 personal injury and property damage caused by foster parents or foster
24 children that occurred while the children were in foster care. Such
25 insurance shall cover acts of ordinary negligence but shall not cover
26 illegal conduct or bad faith acts taken by foster parents in providing
27 foster care. Moneys paid from liability insurance for any claim are

1 limited to the amount by which the claim exceeds the amount available
2 to the claimant from any valid and collectible liability insurance.

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

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

14 (4) The liability insurance program shall be available by July 1,
15 1991."

16 "NEW SECTION. **Sec. 3.** A new section is added to chapter 4.24 RCW
17 to read as follows:

18 In actions for personal injury or property damage commenced by
19 foster children or their parents against foster parents licensed
20 pursuant to chapter 74.15 RCW, the liability of foster parents for the
21 care and supervision of foster children shall be the same as the
22 liability of biological and adoptive parents for the care and
23 supervision of their children."

24 "NEW SECTION. **Sec. 4.** If specific funding for the purposes of
25 this act, referencing this act by bill number, is not provided by June
26 30, 1991, in the omnibus appropriations act, this act shall be null and
27 void."

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

5 **2SSB 5341** - H COMM AMD
6 By Committee on Human Services

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8 On page 1, line 1 of the title, after "parents;" strike the
9 remainder of the title and insert "adding a new section to chapter
10 74.14B RCW; adding a new section to chapter 4.24 RCW; creating new
11 sections; providing an effective date; and declaring an emergency."