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**SUBSTITUTE SENATE BILL 5341**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senate Committee on Financial Institutions & Insurance (originally sponsored by Senators L. Kreidler, Bailey, Murray, Talmadge, Stratton and Bauer).

Read first time March 4, 1991.

1       AN ACT Relating to insurance for foster parents; amending RCW  
2 4.24.190; adding a new section to chapter 74.14B RCW; creating a new  
3 section; and declaring an emergency.

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

5       NEW SECTION.   **Sec. 1.**       The legislature recognizes the unique  
6 risks that foster parents face in taking children into their care.  
7 Third parties may file claims against foster parents for property  
8 losses and damage caused by foster children, nearly all of whom "act  
9 out" their emotional pain. The legislature finds that some potential  
10 foster parents are unwilling to subject themselves to such liability  
11 without insurance protection. The legislature further finds that to  
12 encourage those people to serve as foster parents, it is necessary to  
13 assure that such insurance is available to them.

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

3        (1) The secretary of social and health services shall provide  
4 liability insurance to foster parents licensed under chapter 74.15 RCW.  
5 The coverage shall not exceed five hundred thousand dollars for  
6 personal injury and property damage alleged to have occurred within  
7 their capacity as foster parents. However, no money shall be paid from  
8 liability insurance under this section unless all proceeds available to  
9 the claimant from any valid and collectible liability insurance shall  
10 have been exhausted. However, such insurance may not cover illegal  
11 conduct or bad faith acts taken in providing foster care on the part of  
12 the foster parents.

13        (2) The secretary of social and health services may purchase the  
14 insurance required in subsection (1) of this section or may choose a  
15 self-insurance method.

16        (3) Nothing in this section is intended to modify the foster parent  
17 reimbursement plan in place on the effective date of this act.

18        (4) The liability insurance program shall be available by July 1,  
19 1991.

20        **Sec. 3.**    RCW 4.24.190 and 1977 ex.s. c 145 s 1 are each amended to  
21 read as follows:

22        (1) The parent or parents of any minor child under the age of  
23 eighteen years who is living with the parent or parents and who shall  
24 wilfully or maliciously destroy property, real or personal or mixed, or  
25 who shall wilfully and maliciously inflict personal injury on another  
26 person, shall be liable to the owner of such property or to the person  
27 injured in a civil action at law for damages in an amount not to exceed  
28 three thousand dollars. This section shall in no way limit the amount

1 of recovery against the parent or parents for their own common law  
2 negligence.

3 (2) The liability of foster parents licensed pursuant to chapter  
4 74.15 RCW for the care and supervision of foster children shall be the  
5 same as the liability of biological and adoptive parents for the care  
6 and supervision of their children.

7 NEW SECTION. Sec. 4. This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of the  
9 state government and its existing public institutions, and shall take  
10 effect immediately.