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SECOND SUBSTITUTE SENATE BILL 5341

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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; and creating new sections.

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 losses and  
8 damage caused by foster children. The legislature finds that some  
9 potential foster parents are unwilling to subject themselves to such  
10 potential liability without insurance protection. The legislature  
11 further finds that to encourage those people to serve as foster  
12 parents, it is necessary to assure that such insurance is available to  
13 them.

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

3        (1) Subject to subsection (2) of this section, the secretary of  
4 social and health services shall provide liability insurance to foster  
5 parents licensed under chapter 74.15 RCW. The coverage shall be for  
6 personal injury and property damage alleged to have occurred within  
7 their capacity as foster parents. Such insurance may not provide  
8 coverage for illegal conduct or bad faith acts taken in providing  
9 foster care on the part of the foster parents. No money shall be paid  
10 from liability insurance under this section unless all proceeds  
11 available to the claimant from any other valid and collectible  
12 liability insurance shall have been exhausted.

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. The total moneys expended pursuant to this  
16 authorization shall not exceed five hundred thousand dollars per  
17 biennium. If the secretary elects a method of self-insurance, the  
18 expenditure shall include all administrative and staff costs. If the  
19 secretary elects a method of self-insurance, he or she may, by rule,  
20 place a limit on the maximum amount to be paid on each claim.

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

24        (4) The liability insurance program shall be available by July 1,  
25 1991.

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

28        The liability of foster parents licensed pursuant to chapter 74.15  
29 RCW for the care and supervision of foster children shall be the same

1 as the liability of biological and adoptive parents for the care and  
2 supervision of their children.

3 NEW SECTION. **Sec. 4.** If specific funding for the purposes of  
4 this act, referencing this act by bill number, is not provided by June  
5 30, 1991, in the omnibus appropriations act, this act shall be null and  
6 void.