

SENATE BILL 5341

State of Washington

52nd Legislature

1991 Regular Session

By Senators L. Kreidler, Bailey, Murray, Talmadge, Stratton and Bauer.

Read first time January 29, 1991. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to insurance for foster parents; adding a new
2 section to chapter 74.14B RCW; creating a new section; and declaring an
3 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 Unless the foster parent has professional liability insurance which
6 shall be primary to the insurance provided herein, the coverage shall
7 be primary, with no deductible, in an amount not to exceed one million
8 dollars for bodily injury and property damage alleged to have occurred
9 within their capacity as foster parents. However, such insurance may
10 not cover illegal conduct, gross negligence, or bad faith acts taken in
11 providing foster care on the part of the foster parents.

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

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

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

19 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and shall take
22 effect immediately.