

HOUSE No. 98

The Commonwealth of Massachusetts

PRESENTED BY:

Claire D. Cronin and Paul Brodeur

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to family day care disclosures.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>	<i>1/9/2019</i>
<i>Paul Brodeur</i>	<i>32nd Middlesex</i>	<i>2/1/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/1/2019</i>

HOUSE No. 98

By Representatives Cronin of Easton and Brodeur of Melrose, a petition (accompanied by bill, House, No. 98) of Claire D. Cronin, Paul Brodeur and Michael D. Brady for legislation to require family child care licensees to disclose when such licensees are not covered by liability insurance. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 83 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to family day care disclosures.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 15D of the General Laws, as appearing in the 2016 Official
2 Edition, is hereby amended by inserting after section 8 the following section:-

3 Section 8A. The commissioner shall recommend in writing to the licensee of any family
4 child care home licensed by the department that such licensee carry liability insurance coverage
5 sufficient to protect its clients. Any such licensee after receiving such recommendation that is not
6 covered by liability insurance shall:

7 (i) notify the department that the coverage is not provided and provide the reason for
8 same;

- 9 (ii) post that fact in a conspicuous place in the family child care home; and
- 10 (iii) in a form provided by the department, notify the parent or guardian for each child
- 11 for whom the license holder provides care a written notice that liability coverage is not provided.

12 In no case shall the inability to secure coverage serve to indemnify the license holder for

13 damages due to negligence.

14 (b) The department shall promulgate rules providing for a standard form for the family

15 child care home licensee to provide to parents or guardians notifying the parents or guardians

16 that the licensee does not carry liability insurance. The form shall be signed and dated by a

17 parent or guardian and maintained in the file of the child. If the family child care home is

18 without insurance for longer than 1 year, the family child care home licensee shall update this

19 notification form with signatures and dates annually. In no case shall the inability to secure

20 coverage serve to indemnify the family child care home licensee due to negligence. Each such

21 parent or guardian shall acknowledge receipt of such notice in writing and a copy of such

22 acknowledgment shall be maintained on file at the family child care home at all times while the

23 child attends the program and for 12 months after the child's last date of attendance.

24 (c) Any licensee who violates this section shall be punished for each violation by a fine

25 up to \$1,000.

26 SECTION 2. Said chapter 15D, as so appearing, is hereby amended by inserting after

27 section 13 the following section:-

28 Section 13A. (a) The department shall post on its website notice of: (i) issuance of any

29 provisional license or approval pursuant to section 7; (ii) issuance of any fine authorized in

30 subsection (g) of section 8; (iii) any pending report pursuant to subsection (c) of section 9; (iv)
31 any action taken by the department pursuant to subsection 10; and (v) any evaluation or sanction
32 issues pursuant to section 12 upon notice or receipt.

33 (b) This section shall not be construed to require the disclosure of any information that is
34 prohibited from public disclosure.