

HOUSE No. 5024

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 2, 2026.

The committee on Children, Families and Persons with Disabilities, to whom was referred the petition (accompanied by resolve, House, No. 197) of James C. Arena-DeRosa for an investigation by a special commission (including members of the General Court) relative to providers of comprehensive foster care in the Commonwealth in obtaining and maintaining foster care liability insurance, reports recommending that the accompanying resolve (House, No. 5024) ought to pass.

For the committee,

JAY D. LIVINGSTONE.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

Resolve for a foster care and child care liability insurance special commission.

1 **Resolved**, that a special commission is hereby established for the purposes of making an
2 investigation and study relative to providers of comprehensive foster care and child care
3 liability

4 insurance in the Commonwealth. The commission shall reside in the Department of
5 Insurance.

6 The Commission shall meet at least four times prior to issuing its final report.

7 The Commission shall consist of the following 19 members or their designees:

8 The Chairs of the Joint Committee on Children, Families & Persons with Disabilities or
9 their

10 designees;

11 The Secretary of Health and Human Services or a designee;

12 The Commissioner of the Division of Insurance or a designee, who will serve as co-chair
13 and

14 one other designee from The Office of Consumer Affairs and Business Regulation;

15 The Commissioner of the Department of Children and Families or a designee;

16 The Commissioner of the Department of Early Education and Care or a designee, who
17 will serve

18 as co-chair and one other designee from the Department of Early Childhood Education
19 and Care;

20 A representative from the Office of the Child Advocate;

21 Representatives of two insurance providers or brokers who currently offer or have offered
22 foster

23 care liability insurance in the last five years in the state of Massachusetts, appointed by
24 the

25 Division of Insurance;

26 Representatives of two insurance providers or brokers who currently offer or have offered
27 child

28 care liability insurance in the last five years in the state of Massachusetts, appointed by
29 the

30 Division of Insurance;

31 Two foster care providers appointed by the Governor;

32 Two representatives of child care providers appointed by the Governor;

33 A representative from Strategies for Children or a designee; and

34 A representative from the Children's League of Massachusetts or a designee;

35 Persons responsible for appointing members to the commission shall ensure that, to the

36 fullest

37 extent possible, the composition of the commission reflects a diverse population with

38 respect to

39 race, ethnicity, age, religion, sexual orientation, gender identity, gender expression,

40 disability,

41 economic status, geographic diversity, and other diverse backgrounds. The Commission

42 shall: (i)

43 compile data concerning the cost of insurance liability for foster care and child care

44 liability

45 insurance providers in Massachusetts and nationally, (ii) compile recent data on in-state

46 and out-

47 of-state insurance claims for comprehensive foster care providers and child care liability

48 insurance ; (iii) examine the current availability of, and barriers to obtaining, foster care

49 and

50 child care liability insurance; (iv) examine existing efforts undertaken by healthcare
51 providers,

52 specifically foster care and child care providers, and the existing body of research around
53 best

54 practices for insuring foster care and child care providers in neighboring states and
55 nationwide;

56 (iv) solicit information and input as needed from providers, insurance carriers, and any
57 other

58 parties or entities deemed appropriate; (v) examine other matters deemed appropriate by
59 the

60 Commission; and (vi) determine appropriate solution(s) within Massachusetts to alleviate
61 the

62 pressures faced by foster care and child care providers due to the financial and other
63 burdens of

64 holding foster care liability insurance.

65 All appointments shall be made not later than 30 days after the effective date of this
66 resolve.

67 The Commission shall submit its findings and/or recommendations to the Clerks of the
68 Senate

69 and the House of Representatives no later than December 1, 2026.