

SENATE No. 1280

The Commonwealth of Massachusetts

PRESENTED BY:

John C. Velis

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 clarifying insurance liability for foster care providers.

PETITION OF:

NAME:

John C. Velis

DISTRICT/ADDRESS:

Hampden and Hampshire

SENATE No. 1280

By Mr. Velis, a petition (accompanied by bill, Senate, No. 1280) of John C. Velis for legislation to clarify insurance liability for foster care providers. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1134 OF 2023-2024.]

The Commonwealth of Massachusetts

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

An Act clarifying insurance liability for foster care providers.

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

1 Chapter 119 of the General Laws is hereby amended by inserting after section 33C the
2 following new section:-

3 Section 33D. A special commission is hereby established for the purposes of making an
4 investigation and study relative to providers of comprehensive foster care in the commonwealth,
5 contracted by the department of children and families, in obtaining and maintaining the costs and
6 additional burdens, such as administrative and programmatic, in obtaining and maintaining foster
7 care liability insurance. The commission shall consist of the following members or their
8 designees: the chairs of the joint committee on children, families & persons with disabilities or
9 their designees, who will serve as chairs; the secretary of health and human services or a
10 designee; the commissioner of the division of Insurance or a designee; the commissioner of the

11 department of children and families or a designee; the chair of the foster care caucus or their
12 designee; a representative from the office of the child advocate; a representative of insurance
13 provider(s) of foster care liability insurance in the state of Massachusetts; a representative from
14 two providers of comprehensive foster care, appointed by the children's league of
15 Massachusetts; a representative from the children's league of Massachusetts or a designee; 3
16 members to be appointed by the chairs as recommended by the children's league of
17 Massachusetts, 1 of whom shall be a family member of a child or adolescent who has or is
18 receiving comprehensive foster care services; and 1 of whom shall be an individual who has
19 served as a comprehensive foster care parent. In making appointments, to the maximum extent
20 feasible, ensure that the commission represents a broad distribution of diverse perspectives and
21 geographic regions.

22 The commission shall: (i) compile data concerning the cost of insurance liability for
23 foster care providers in Massachusetts and nationally, (ii) recent data on in-state and out-of-state
24 insurance claims for comprehensive foster care providers; (iii) examine the current availability
25 of, and barriers to obtaining, foster care liability insurance; (iv) examine existing efforts
26 undertaken by healthcare providers, specifically foster care providers, and the existing body of
27 research around best practices for insuring foster care providers in neighboring states and
28 nationwide; (iv) solicit information and input as needed from providers, insurance carriers, and
29 any other parties or entities deemed appropriate; (v) examine other matters deemed appropriate
30 by the commission; and (vi) determine appropriate solution(s) within Massachusetts to alleviate
31 the pressures faced by foster care providers due to the financial and other burdens of holding
32 foster care liability insurance.

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

35 The commission shall submit its findings and recommendations for legislation to the
36 clerks of the senate and the house of representatives no later than October 1, 2025.