

1273

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sens. MONTGOMERY, ADAMS, DIAZ, DUANE, HASSELL-THOMPSON, SAMPSON, SCHNEIDERMAN, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the social services law, in relation to supplemental property damage liability insurance for foster parents

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. The social services law is amended by adding a new section
2 398-b to read as follows:
3 S 398-B. SUPPLEMENTAL PROPERTY DAMAGE LIABILITY INSURANCE FOR FOSTER
4 PARENTS. 1. THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY
5 SERVICES, AFTER CONSULTATION WITH THE COMMISSIONER OF INSURANCE, SHALL
6 PROVIDE SUPPLEMENTAL PROPERTY DAMAGE LIABILITY INSURANCE FOR FOSTER
7 PARENTS, INCLUDING THERAPEUTIC FOSTER PARENTS, AS DEFINED IN SECTION
8 THREE HUNDRED SEVENTY-ONE OF THIS ARTICLE. SUCH LIABILITY INSURANCE
9 SHALL PROVIDE, TO FOSTER PARENTS, COMPENSATION IN EXCESS OF THE COMPEN-
10 SATION RECEIVED BY THE FOSTER PARENTS UNDER THEIR PERSONAL HOMEOWNER'S,
11 RENTER'S OR AUTOMOBILE INSURANCE POLICIES FOR PROPERTY DAMAGED CAUSED BY
12 A FOSTER CHILD IN THEIR CARE.
13 2. A FOSTER PARENT WHO SUBMITS A CLAIM PURSUANT TO THIS SECTION MUST
14 CARRY A VALID HOMEOWNER'S OR RENTER'S INSURANCE POLICY AND IF HE OR SHE
15 OWNS A VEHICLE, AN AUTOMOBILE INSURANCE POLICY. THE FOSTER PARENT MUST
16 FIRST SUBMIT THE CLAIM TO THEIR INSURANCE CARRIER AND THE CLAIM MUST BE
17 DETERMINED VALID AND COMPENSABLE PRIOR TO BEING ELIGIBLE TO RECEIVE
18 COMPENSATION PURSUANT TO THIS SECTION.
19 3. FUNDS PROVIDED PURSUANT TO THIS SECTION SHALL COMPENSATE A FOSTER
20 PARENT FOR PROPERTY DAMAGE AT A REPLACEMENT COST. THE MINIMUM CLAIM FOR
21 COMPENSATION SHALL BE FIFTY DOLLARS FOR ONE OR MORE OCCURRENCES OF PROP-
22 ERTY DAMAGE RELATED TO A SINGLE FOSTER HOME DURING A FISCAL YEAR. THE
23 MAXIMUM COMPENSATION PER CLAIM SHALL NOT EXCEED FIVE HUNDRED DOLLARS.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 THE MAXIMUM COMPENSATION FOR ALL CLAIMS DURING A FISCAL YEAR RELATED TO
2 A SINGLE HOME SHALL NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS.

3 4. A FOSTER PARENT WHO SUBMITS A CLAIM FOR COMPENSATION PURSUANT TO
4 THIS SECTION SHALL NOT BE REQUIRED TO PAY A DEDUCTIBLE OR CO-PAY TO
5 RECEIVE COMPENSATION.

6 5. THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES IS
7 HEREBY AUTHORIZED TO PROMULGATE RULES AND REGULATIONS NECESSARY FOR THE
8 IMPLEMENTATION OF THIS SECTION, INCLUDING GUIDELINES TO DETERMINE WHETH-
9 ER THE CLAIM IS NOT COMPENSABLE UNDER THE FOLLOWING EXCLUSIONS:

10 (A) DAMAGE ATTRIBUTABLE TO NORMAL WEAR AND TEAR AND COMMON OCCUR-
11 RENCES;

12 (B) DAMAGE TO VEHICLES;

13 (C) INJURIES TO PETS;

14 (D) DAMAGE ATTRIBUTABLE TO AN ACTIVITY THAT MAY BE PURSUED IN CRIMINAL
15 COURT, INCLUDING, BUT NOT LIMITED TO, CREDIT CARD FRAUD; AND

16 (E) DAMAGE CAUSED BY AN INTOXICATED FOSTER CHILD OR A FOSTER CHILD ON
17 DRUGS, WHERE THE FOSTER PARENT PROVIDED THE ALCOHOL OR DRUGS TO THE
18 FOSTER CHILD.

19 6. THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES IS
20 HEREBY AUTHORIZED TO PURCHASE THE INSURANCE REQUIRED BY THIS SECTION, OR
21 MAY CHOOSE A SELF-INSURANCE METHOD. MONEYS EXPENDED PURSUANT TO THIS
22 AUTHORIZATION SHALL BE DERIVED FROM FUNDS APPROPRIATED BY THE LEGISLA-
23 TURE TO THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR THE PURPOSES OF
24 THIS SECTION.

25 S 2. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law.