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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1658

02/25/2019 Authored by Richardson, Bennett, Kresha and Kunesh-Podein  
The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act  
1.2 relating to human services; expanding liability insurance coverage for licensed  
1.3 foster home providers; amending Minnesota Statutes 2018, section 245.814,  
1.4 subdivisions 2, 3.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2018, section 245.814, subdivision 2, is amended to read:

1.7 Subd. 2. **Application of coverage.** Coverage shall apply to all foster homes licensed by  
1.8 the Department of Human Services, licensed by a federally recognized tribal government,  
1.9 or established by the juvenile court and certified by the commissioner of corrections pursuant  
1.10 to section 260B.198, subdivision 1, clause (3), item (v), to the extent that the liability is not  
1.11 covered by the provisions of the standard homeowner's or automobile insurance policy. The  
1.12 insurance shall not cover ~~property owned by the individual foster home provider, damage~~  
1.13 ~~caused intentionally by a person over 12 years of age, or~~ property damage arising out of  
1.14 business pursuits or the operation of any vehicle, machinery, or equipment.

1.15 Sec. 2. Minnesota Statutes 2018, section 245.814, subdivision 3, is amended to read:

1.16 Subd. 3. **Compensation provisions.** If the commissioner of human services is unable  
1.17 to obtain insurance through ordinary methods for coverage of foster home providers, the  
1.18 appropriation shall be returned to the general fund and the state shall pay claims subject to  
1.19 the following limitations.

1.20 (a) Compensation shall be provided only for injuries, damage, or actions set forth in  
1.21 subdivision 1.

2.1 (b) Compensation shall be subject to the conditions and exclusions set forth in subdivision  
2.2 2.

2.3 (c) The state shall provide compensation for bodily injury, property damage, or personal  
2.4 injury resulting from the foster home providers activities as a foster home provider while  
2.5 the foster child or adult is in the care, custody, and control of the foster home provider in  
2.6 an amount not to exceed \$250,000 for each occurrence.

2.7 (d) The state shall provide compensation for damage or destruction of property caused  
2.8 or sustained by a foster child or adult in an amount not to exceed ~~\$250~~ \$1,000 for each  
2.9 occurrence.

2.10 (e) The compensation in paragraphs (c) and (d) is the total obligation for all damages  
2.11 because of each occurrence regardless of the number of claims made in connection with  
2.12 the same occurrence, but compensation applies separately to each foster home. The state  
2.13 shall have no other responsibility to provide compensation for any injury or loss caused or  
2.14 sustained by any foster home provider or foster child or foster adult.

2.15 This coverage is extended as a benefit to foster home providers to encourage care of  
2.16 persons who need out-of-home care. Nothing in this section shall be construed to mean that  
2.17 foster home providers are agents or employees of the state nor does the state accept any  
2.18 responsibility for the selection, monitoring, supervision, or control of foster home providers  
2.19 which is exclusively the responsibility of the counties which shall regulate foster home  
2.20 providers in the manner set forth in the rules of the commissioner of human services.