

FILED FEB 18 1999

SENATE FILE 171
BY REDFERN

(COMPANION TO HF 127 BY JENKINS)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to reimbursement, payment, and coverage by the
2 state for damages involving individuals providing foster home,
3 guardian, or conservator services and providing an effective
4 date.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF 171
HUMAN RESOURCES

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1 Section 1. Section 237.13, subsection 3, Code 1999, is
2 amended to read as follows:

3 3. Except as provided in this section, the fund shall pay,
4 on behalf of each licensed foster home, any valid and approved
5 claim of foster children, their parents, guardians, or
6 guardians ad litem, for damages arising from the foster care
7 relationship and the provision of foster care services. The
8 fund shall also ~~reimburse~~ compensate licensed foster homes for
9 property damage, at replacement cost, or for bodily injury, as
10 a result of the activities of the foster child, and reasonable
11 and necessary legal fees incurred in defense of civil claims
12 filed pursuant to subsection 7, paragraph "d", and any
13 judgments awarded as a result of such claims.

14 Sec. 2. Section 237.13, subsection 4, paragraph g, Code
15 1999, is amended by striking the paragraph.

16 Sec. 3. Section 237.13, subsection 4, paragraph h, Code
17 1999, is amended by striking the paragraph.

18 Sec. 4. Section 237.13, subsection 6, Code 1999, is
19 amended to read as follows:

20 6. The fund is not liable for the first ~~seventy-five~~ one
21 hundred dollars ~~of-any-claim-based-on-a-single-occurrence for~~
22 all claims arising out of one or more occurrences during a
23 fiscal year related to a single foster home. The fund is not
24 liable for damages in excess of three hundred thousand dollars
25 ~~for-a-single-foster-home~~ for all claims arising out of one or
26 more occurrences during a calendar fiscal year related to a
27 single home.

28 Sec. 5. Section 237.13, Code 1999, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 10. Pursuant to section 507B.4,
31 subsection 7, a person who has been reimbursed, for which a
32 claim has been paid, or is covered under the provisions of
33 this section shall not be subject to discrimination in the
34 provision of homeowner's insurance coverage by reason of such
35 reimbursement, payment, or coverage.

1 fund from liability for the first \$100 for all claims
2 involving occurrences in a single foster home during the
3 course of a fiscal year. Current law exempts the fund for the
4 first \$75 for each occurrence. The annual limitation on all
5 claims is changed to apply to the fiscal year rather than the
6 calendar year.

7 Code section 237.13 is also amended to prohibit
8 discrimination in the provision of homeowner's insurance
9 coverage because a person has been reimbursed or a claim has
10 been paid under this section on behalf of the person.

11 Code section 507B.4, relating to unfair discrimination or
12 trade practices in the provision of insurance, is amended to
13 prohibit discrimination in the provision of homeowner's
14 insurance coverage because a person has been reimbursed or a
15 claim has been paid under the foster home insurance fund law
16 on behalf of the person.

17 The bill includes a transition period for the bill's
18 amendments to Code section 237.13, subsection 6, relating to
19 the foster home's per claim liability and overall liability.
20 The change to the per claim liability for the fiscal year
21 initially applies to the period beginning on the effective
22 date of the bill and ending June 30, 1999. The change to the
23 overall liability for the fiscal year in place of the calendar
24 year begins July 1, 1999.

25 The bill takes effect upon enactment.

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