

HOUSE No. 4460

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 14, 2022.

The committee on Children, Families and Persons with Disabilities to whom was referred the petition (accompanied by bill, House, No. 244) of Kate Lipper-Garabedian, Claire D. Cronin and others for legislation to require family child care licensees to disclose when such licensees are not covered by liability insurance, reports recommending that the accompanying bill (House, No. 4460) ought to pass.

For the committee,

MICHAEL J. FINN.

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to family child care disclosures.

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

1 SECTION 1. Chapter 15D of the General Laws, as appearing in the 2016 Official
2 Edition, is hereby amended by inserting after section 8 the following section:-

3 Section 8A. (a) The commissioner shall recommend in writing to the licensee of any
4 family child care home licensed by the department that such licensee carry liability insurance
5 coverage sufficient to protect its clients. Any such licensee after receiving such recommendation
6 that is not covered by liability insurance shall:

7 (i) notify the department that the coverage is not provided and provide the reason for
8 same;

9 (ii) post that fact in a conspicuous place in the family child care home; and

10 (iii) in a form provided by the department, notify the parent or guardian for each child for
11 whom the license holder provides care a written notice that liability coverage is not provided.

12 In no case shall the inability to secure coverage serve to indemnify the license holder for
13 damages due to negligence.

14 (b) The department shall promulgate rules providing for a standard form for the family
15 child care home licensee to provide to parents or guardians notifying the parents or guardians
16 that the licensee does not carry liability insurance. The form shall be signed and dated by a
17 parent or guardian and maintained in the file of the child. If the family child care home is without
18 insurance for longer than 1 year, the family child care home licensee shall update this
19 notification form with signatures and dates annually. In no case shall the inability to secure
20 coverage serve to indemnify the family child care home licensee due to negligence. Each such
21 parent or guardian shall acknowledge receipt of such notice in writing and a copy of such
22 acknowledgment shall be maintained on file at the family child care home at all times while the
23 child attends the program and for 12 months after the child's last date of attendance.

24 (c) Any licensee who violates this section shall be punished for each violation by a fine
25 up to \$1,000. The department will promulgate regulations for the fines.

26 SECTION 2. Said chapter 15D, as so appearing, is hereby amended by inserting after
27 section 13 the following section:-

28 Section 13A. (a) The department shall post on its website notice of: (i) issuance of any
29 provisional license or approval pursuant to section 7; (ii) issuance of any fine authorized in
30 subsection (g) of section 8 or subsection (c) of section 8A; (iii) any pending report pursuant to
31 subsection (c) of section 9; (iv) any action taken by the department pursuant to subsection 10;
32 and (v) any evaluation or sanction issues pursuant to section 12 upon notice or receipt.

33 (b) This section shall not be construed to require the disclosure of any information that is
34 prohibited from public disclosure.