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An Act To Require the Department of Health and Human Services To License Families To Provide Care for Children in Foster Care

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §8101, sub-§3, as amended by PL 1999, c. 392, §4 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

3. Family foster home. "Family foster home" means a children's home, other than an Indian foster family home, that is a private dwelling where substitute parental care is provided within a family on a regular, 24-hour a day, residential basis. The total number of children in care may not exceed 6, including the family's legal children under 16 years of age, with no more than 2 of these children under the age of 2. "Family foster home" includes the home of a resource family whether the family provides foster care, kinship care, adoption or permanency guardianship services, as long as the home meets the requirements and standards for adoption of children in foster care. Family foster homes licensed by the Department of Health and Human Services or relatives' homes approved by the Department of Health and Human Services as meeting licensing standards are eligible for insurance pursuant to Title 5, section 1728-A. In any action for damages against a family foster home provider insured pursuant to Title 5, section 1728-A, for damages covered under that policy, the claim for and award of those damages, including costs and interest, may not exceed \$300,000 for any and all claims arising out of a single occurrence. When the amount awarded to or settled for multiple claimants exceeds the limit imposed by this section, any party may apply to the Superior Court for the county in which the governmental entity is located to allocate to each claimant that claimant's equitable share of the total, limited as required by this section. Any award by the court in excess of the maximum liability limit must be automatically abated by operation of this section to the maximum limit of liability. Nothing in this subsection may be deemed to make the operation of a family foster home a state activity nor may it expand in any way the liability of the State or foster parent.

SUMMARY

This bill requires the Department of Health and Human Services to issue a license to a resource family whether the family provides a foster child with foster care, kinship care, adoption or permanency guardianship as long as the family meets the requirements and standards for adoption of children in foster care. Current law does not allow the department to license a preadoptive home. The bill gives the department that authority and puts the department in compliance with Title IV-E of the United States Social Security Act.