



South Carolina Department of Social Services

Child Welfare Services Manual

760.4 Foster Parent Insurance & Liability

Effective Date: 07-21-2016

Purpose Statement:

The agency is committed to supporting foster families in their provision of care for foster children. In the event that an event occurs for which a foster parent may be liable or entitled to protection against damage incurred, the following procedures set forth the policies and procedures related to foster parent insurance.

Policy:

1. The agency shall provide liability insurance for foster families, and such insurance shall provide coverage for all liability arising from activities properly undertaken in accordance with the reasonable and prudent parent standard.
2. There are two liability insurance policies for foster parents who are licensed by the agency. This insurance does not provide coverage for foster homes paid by other child placing agencies.
3. DSS self-insurance covers small claims up to a limit of \$500.
4. A contracted insurance company provides coverage for larger claims with pre-determined limits of liability. This coverage is secondary to any other insurance the foster parent may have such as homeowner's, renter's, or automobile insurance.
5. There must be a minimum of \$50 damage to file a claim. Submission of a claim does not guarantee payment and there is no time limit for reaching a decision regarding a claim.

Procedures:

1. It is the responsibility of the foster parent to notify the Regional Foster Family and Licensing Support Coordinator (FSC) of an incident that will likely result in an insurance claim or a lawsuit.
2. The FSC shall schedule a visit to the foster home the same day as the report in order to view and photograph the damage and to assist the foster parent in completing the [DSS Form 3075: Foster Parent Loss Claim Form](#). If the FSC is not available to visit the home on the same day, his or her supervisor will delegate the visit to another FSC in the unit.
3. The FSC will inform the foster parent that he or she should never agree to pay damages caused by a foster child.

4. The FSC will prepare a written statement based on observations of the damage and conversations with the foster child and foster parent. Photographs clearly defining the damage should be included in the report.
5. The foster parent will need an itemized estimate to repair or replace the damaged property. Additional estimates may be required by the insurance company or by DSS.
6. If the foster parents had to call the police to their home in connection with the incident that resulted in damage to their real or personal property, a copy of the police report must be provided, if one was generated by the police.
7. If damage is more than \$250.00, foster parents must provide proof that they have filed with their primary insurance company, if applicable, or submit a statement from the insurance company that the damage is not covered by their policy prior to submitting a claim to DSS.
8. After completing the Office Use Only section of the [DSS Form 3075: Foster Parent Loss Claim Form](#), the FSC will mail the form to the address listed on the Foster Parent Loss Claim Form along with the following documents:
 - a. the estimate for repair or loss;
 - b. the police report, if applicable;
 - c. any statements by the foster parent or child;
 - d. any statements from the primary insurance company; and
 - e. a copy of the FSC's statement (see above).
9. The Foster Care worker managing the child's case should be notified and informed throughout the process.
10. State Office staff will communicate with the FSC and team leader regarding the results of the claim.

Documentation:

- Contacts with foster family or insurance companies
- Copy of written statement
- Copy of itemized estimate
- Copy of police report
- Copy of Foster Parent Loss Claim Form
- Copy of insurance statement, if applicable

Legal Citations:

- 42 U.S.C.A. § 671(a)(10): RPP requirements
- S.C. Code Ann. § 63-7-2390: uninsured loss

Forms:

[DSS Form 3075: Foster Parent Loss Claim Form](#)