

DCF Policy #2008-01
Effective: 09/15/1995
Revised: 04/01/2008
Revised: 07/08/2008

FOSTER/PRE-ADOPTIVE PARENT DAMAGE AND THEFT REPORTING AND COMPENSATION

POLICY

Overview

The Department provides compensation to foster/pre-adoptive parents for excessive damages to their personal property caused by a foster/pre-adoptive child residing in their home. Excessive damage must be the result of deliberate or malicious action by the child. Compensation also extends to property stolen by a foster/pre-adoptive child. In both situations, the Department will compensate the foster/pre-adoptive parent up to \$5,000 for damage and theft. Compensation is limited to \$1,000 for jewelry.

Foster/pre-adoptive parents **are not required** to have Homeowners or Rental Insurance in order to be compensated by the Department.

However, the Department recommends that all foster/pre-adoptive parents acquire homeowner and rental insurance to provide coverage for damage to their personal property and residence. This insurance may help compensate them for property damaged or stolen by a foster/pre-adoptive child that may exceed compensation through the Department.

Foster/pre-adoptive parents who have insurance are not required to notify their insurance company of any damage or theft by a foster/pre-adoptive child if the amount of the loss is less than or equal to their insurance policy's deductible. The Department will reimburse the amount of their deductible [not to exceed the limits of \$5,000 (damage & theft) and \$1,000 (jewelry)].

If the foster/pre-adoptive parents decide to seek compensation through their insurance company, they may also request compensation from the Department for the deductible amount of their policy. In that event, the Department will require the foster/pre-adoptive parents submit documentation regarding the insurance claim, outcome and payment received. If the insurance company denies their claim, the foster/pre-adoptive parents may seek compensation from the Department up to the established limits of \$5,000 (damage & theft) and/or \$1,000 (jewelry).

Who is Eligible for Compensation

- Active and licensed Departmental unrestricted, kinship, and child-specific foster/pre-adoptive parents, including those with emergency placements approved by the Area Director prior to completion of the License Study.
- Departmental unrestricted foster/pre-adoptive parents providing respite care services through the Massachusetts Society for the Prevention of Cruelty to Children's Kid's Net Program.

Who is Not Eligible for Compensation

Foster parents providing placement services to children who are in Department care or custody through private agency intensive foster care contracts **are not eligible** for compensation from the Department. The Department will not honor requests for compensation from any other party.

General Limitations for Compensation

The Department will not compensate foster/pre-adoptive parents for the following:

- Damage caused by a foster/pre-adoptive child if the foster/pre-adoptive parent was negligent in supervising the child when the damage occurred. The Department will find the foster/pre-adoptive parent negligent only when there is substantial information, obtained through a protective investigation, limited reassessment or other fact-finding effort, indicating that she/he failed to exercise reasonable precaution or care.

- Damage to a neighbor or any third party's property. *NOTE: The foster/pre-adoptive parent is not legally liable for damages caused by a foster/pre-adoptive child to another person or their property. If a foster-pre-adoptive parent receives any notification from an insurance company and/or an attorney stating that she/he is liable for injuries, property damage, etc., to any third party, caused by a foster/pre-adoptive child, the Department Regional Legal Office and/or the Office of the General Counsel should be notified immediately.*
- Damage or theft claim request for a child, who has left the foster/pre-adoptive home and whose service referral has been closed, will not be honored unless the child's social worker was notified of the damage/loss before the child left the home, or documentation is submitted to substantiate that the child was responsible.
- Telephone calls made by a foster/pre-adoptive child.
- Any item appropriately covered by the Receiptable Reimbursement Program.
NOTE: The Receiptable Reimbursement Program cannot be used to reimburse costs of excessive property damage or theft caused by a foster/pre-adoptive child. (See Policy # 89-002, [Supplemental Reimbursement](#))
- Damage to an uninsured motor vehicle caused by the foster/pre-adoptive child.
- Any request for compensation for which the Family Resource Supervisor was not notified within the required 30 calendar days after the incident (each incident is considered separately).

Compensation to foster/pre-adoptive parents for excessive damage to personal property and for theft does not constitute a waiver by the Department of legal defenses conferred by statute or assertable under the common law, including defenses to subrogation claims, i.e., even though the Department compensates the foster/pre-adoptive parents, it may still defend itself if they or another party brings a lawsuit against the Department related to the damage or theft.

PROCEDURES: FOSTER/PRE-ADOPTIVE PARENTS

1. **Notification to the Department.** It is required that the foster/pre-adoptive parents notify the Department immediately following any incident involving a foster/pre-adoptive child so that the child's behavior can be appropriately addressed/assessed by the Social Workers involved with the child and the foster/pre-adoptive parents.

Foster/pre-adoptive parents must notify their Family Resource Supervisor that damage/loss, caused by the foster/pre-adoptive child in their home, within 30 calendar days after the incident has occurred. The Family Resource Supervisor will then arrange for them to be provided with the Department report form, i.e., ***Foster/Pre-Adoptive Parent Damage and Theft Report and Compensation Form***.
2. **Written Report and Compensation Request.** Within 30 calendar days after receipt of the report form from the Department, the foster/pre-adoptive parent completes and returns to the Family Resource Supervisor the following:
 - The fully completed Department report form.
 - **An estimate of damage/theft value.** Value may be documented by presenting a purchase receipt, appraisal statement or photograph. An appraisal can be an advertisement for the same item, an estimate from a business where a replacement can be ordered or a signed appraisal describing the item and its replacement cost. When a request is made to repair damaged property, a repair estimate that includes a description of damages and itemized repair costs, including labor and materials, must be submitted. *NOTE: Standard depreciation rates are applied to the verified market value of the damaged or stolen items. The Department uses the IRS Modified Accelerated Cost System (MACRS) from section B of the IRS code.*
3. **Claim Involving Insurance Deductible and/or Denied Compensation.** Foster/pre-adoptive parents using their insurance must submit the following to the Family Resource Supervisor:
 - Written verification of the amount of the deductible required by their policy.
 - To receive compensation from the Department for the amount of the insurance deductible or a claim denied or incompletely compensated by an insurer:
 - a copy of the written claim form with attached documentation,

- written decision of the insurer, and
- the reasons for any denial of coverage.

NOTE: If the foster/pre-adoptive parent has not received the insurer's decision within 30 calendar days after receiving the Department report form, she/he must nevertheless submit to the Family Resource Supervisor the completed form and all available support documents, indicating that a claim is being processed with the insurer within the Department's required time frame. The written copy of the claim decision should be sent to the Family Resource Supervisor within 30 calendar days after the foster/pre-adoptive parent receives it from the insurer.

4. **Police Notification NOT REQUIRED by the Department.** It is not necessary to file a police report to document damages or loss in order to submit a request for compensation from the Department. A decision to notify the police is based on the circumstances involved in the incident and should be discussed with the Area Office Staff.

PROCEDURES: AREA OFFICE

1. **Area Office Receives Request.** Area Office staff date-stamps the form and supporting documentation received from the foster/pre-adoptive parent and forwards it to the appropriate Family Resource Supervisor.
2. **FR Supervisor/Liaison Review and Decision and SW Notification.** The Family Resource Supervisor and/or the Family Resource Liaison reviews the request form and verifies that all necessary supporting documents have been submitted.

She/he then forwards the form and supporting documents to the Area Director/designee, with a copy sent to the Social Worker assigned to the child involved in the incident.

3. **AD/Designee Review and Decision.** The Area Director/designee reviews the form and support documents, and approves or denies the request, in consultation with the Family Resource Supervisor, Family Resource Liaison and/or child's Social Worker as needed.
 - **If the request is denied,** the Area Director/designee arranges for the Family Resource Supervisor and/or the Family Resource Liaison to inform the foster/pre-adoptive parent, in writing, of the decision, including information regarding her/his right to a review of the decision by the Deputy Commissioner of Field Operations /designee.
 - **If the request is preliminarily approved for an amount different from the requested amount,** the Area Director/designee determines whether to confer with the Family Resource Supervisor/Family Resource Liaison and/or foster/pre-adoptive parent regarding the compensation prior to forwarding the form and support documents to the Central Office Procurement Unit for approval and processing.
 - **If the request is preliminarily approved for the requested amount,** the Area Director/designee forwards the form and support documents to the Area Administrative Manager/designee, who sends it to the Central Office Procurement Unit for approval and processing.
4. **Time Frames.** To provide for timely processing and notification to foster/pre-adoptive parents, Area Office staff will submit approved requests for compensation to the Central Office Procurement Unit within 15 calendar days after receipt of all required documentation from the foster/pre-adoptive parent.

PROCEDURES: CENTRAL OFFICE

1. **Director of Procurement/Designee Reviews Request.** She/he determines one the following outcomes and notifies the Area Director/designee of her/his decision:
 - **The request is approved for the requested amount.** The Director of Procurement/designee arranges for all documents to be forwarded to bill paying staff for processing and notification to be sent to the Area Director/designee indicating the amount of payment approved and date payment is processed. All material is then filed at Central Office.
 - **The request is approved for an amount different from the requested amount.** The Director of Procurement/designee arranges for all documents to be forwarded to bill paying staff for

processing and filing, with a copy sent to the Area Director/designee indicating that the approved payment amount differs from the requested amount. The Area Director/designee:

- Determines whether to request a review of the Director of Procurement/designee's decision by the Deputy Commissioner of Field Operations/designee (see Procedure 3 below).
 - Following resolution of that determination, arranges for the Family Resource Supervisor and/or the Family Resource Liaison to inform the foster/pre-adoptive parent in writing that the amount approved is different from the amount requested.
 - Arranges for the copied request material, the documentation of any review completed by the Deputy Commissioner/designee and a copy of the notification letter to be filed in the Foster/Adoptive Family Record.
- **The request is denied.** The Director of Procurement/designee notifies the Area Director/designee who:
 - Determines whether to request a review of the Director of Procurement/ designee's decision by the Deputy Commissioner of Field Operations/ designee (see Procedure 3 below).
 - Following resolution of that determination, if the request continues to be denied, arranges for the Family Resource Supervisor and/or the Family Resource Liaison to inform the foster/pre-adoptive parent, in writing, of the denial.
 - Arranges for the copied request material, the documentation of any review completed by the Deputy Commissioner/designee and a copy of the notification letter to be filed in the Foster/Adoptive Family Record.
2. **Time Frames:** To provide for timely processing and notification to foster/pre-adoptive parents, Central Office staff processes requests for compensation and notifies the Area Office of their disposition of the claim, within 30 calendar days after receiving the completed/required request documentation from the Area Office.
 3. **AD/Designee Reviews Denials and Compensation Amounts.** Whenever a request is denied or approved for an amount different from the requested amount, the Area Director/designee reviews the request, including any relevant information. If the Area Director/designee disagrees with the Director of Procurement's decision to deny the foster/pre-adoptive parent's request for compensation or the amount of compensation, the Area Director/designee may email a request for review of the claim to the Deputy Commissioner of Field Operations/designee.
 4. **Foster/Pre-Adoptive Parent's Right to Review.** The foster/pre-adoptive parent has the right to request a review of the denial and/or amount of compensation by Central Office. To request a review, the foster/pre-adoptive parent sends a letter to the Deputy Commissioner of Field Operations/designee within 30 calendar days after receipt of the letter notifying her/him of the Department's decision regarding her/his request for compensation.
 5. **Periodic Reviews of Decisions.** The Deputy Commissioner of Field Operations/designee conducts periodic random reviews of decisions made regarding foster/pre-adoptive parent requests for damage/theft compensation to evaluate adherence to established case practice and policy standards and to identify and address concerns or issues occurring in the implementation and administration of these procedures.

Appendix A

DAMAGE AND THEFT REPORTING AND COMPENSATION PROCESS

