

**CLINTON COUNTY JOB AND FAMILY SERVICES  
FOSTER CARE PROGRAM  
POLICY ON LIABILITY INSURANCE AND  
COMPENSATION FOR DAMAGES**

Please note Clinton County Job and Family Services has extensively researched the possibility of implementing a program which includes providing foster parents with liability insurance and/or compensation for damages to their person, property, or other's property done by children placed in foster care. However, prior to the implementation of such a program, the agency conferred with Clinton County Assistant Prosecutor, its legal representation, for direction on how such action would affect the agency and its immunity from further liability suits.

Declarations of agency immunity from such liability are cited in section 5153.16 of the Ohio Revised Code and the opinions of the Ohio Attorney General. OAG 87-082 states in part "a county children services board is not a "parent" accordingly," therefore, "the board is not liable under RC 3109.09 or 3109.10 for the willful damage to or theft of property, or willful or malicious assault of a person, committed by a child in their custody." OAG 1402(1964) states in full "a child welfare board is not liable to third persons for personal injuries or property damage caused by children under the jurisdiction of the child welfare board who are placed in foster homes or child welfare receiving home." Therefore, as advised by Clinton County Assistant Prosecutor, Clinton County Job and Family Services is not responsible for damages done by children in its custody placed in foster care. As such, the agency will not provide any reimbursement to foster parents for said damages including personal injuries, property destruction, etc. done by foster children.

The Clinton County Assistant Prosecutor relates "that the Child Protection Unit at Clinton County JFS is responsible for protecting children, not brokering or advising on liability matters." Therefore, it should not act in such manner or role of an analyst or advisor.

Clinton County Job and Family Services has presented its position to not provide liability insurance or other compensation for damages incurred accordingly to foster parents at the time of their initial certification as foster parents and on-goingly at educational/training meetings and rule reviews. The foster parents are, however, advised that they can purchase such liability insurance on their own accord and with their personal funds if they so desire to ensure compensation by entities other than Clinton County Job and Family Services for damages done by foster children.

Foster parents with additional questions about liability insurance or compensation for damages done by a foster child may seek information from the agency itself or its legal representation accordingly.

Submitted by:

Updated: June 30, 2008

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Kathi Spirk, LSW, Adoption/Foster Care Supervisor

Approved by:

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John Hosler, Director