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To: Regional Managers
Directors, Local Offices, Department of Child Services

From: James W. Payne, Director
Jeffrey M. Lozer, General Counsel
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Department of Child Services

Subject: Travel Policies for Transporting Indiana Wards
DCS-08-12

Since 2005, the Indiana Department of Child Services (DCS) has more than doubled our Family Case Manager (FCM) staff to nearly 1,600 FCMs operating out of our DCS local offices in Indiana's 92 counties. Because the scope of the FCM duties includes transporting wards when safety or necessity demands it, understanding the state's travel policy on vehicle use is essential, especially how this specifically impacts our FCMs. Below is a compilation of existing policies from various sources as well as the state's positions on legal/tort liability and insurance.

Travel in General

Please refer to the DCS Administrative Policy [GA-5 – Travel](#). This policy states that, "For travel by automobile, a state car should always be used unless one is not available." Recently, the state entered into a contract with Enterprise Rent-a-Car to supply rental cars to be used for state travel purposes. This arrangement and the rules surrounding the use of these vehicles can be found at <http://intranet.dcs.in.gov/travel.htm>. In most cases, circumstances will not permit FCMs to access a state vehicle; however, this program should be used if feasible.

Travel in a Personal Vehicle

When an employee drives his or her personally-owned vehicle for state business, the state reimburses that employee based on their mileage. The state's mileage reimbursement is currently \$0.44 per mile.



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The Internal Revenue Service (IRS) provides that business mileage rates generally include items such as depreciation (or lease payments), maintenance and repairs, tires, gasoline (including all taxes thereon), oil, *insurance*, and license and registrations fees.

Car Insurance

Every person operating a motor vehicle on the highways of the State is statutorily required to maintain minimum insurance. See [IC 9-25-4-5](#). Therefore, the State does not take on the liability of the state employee's personal vehicle because the cost is incorporated into the mileage reimbursement the state pays the employee to drive his or her personal vehicle. Please examine your existing car insurance policy to determine if your use of your personal vehicle for state purposes is covered. If you have any questions about this coverage, please consult your insurance agent.

Accident Liability

If you get into an accident please make sure that it is reported to the police and that a written report is taken and provided to you. The following is the Indiana Department of Administration's (IDO's) position on liability:

A DCS employee driving his or her personal vehicle in the scope of employment and gets into an accident would be immune from a lawsuit by a passenger in their car or an injured third party. If the DCS employee is acting in his or her scope of employment, then the employee is immune. If the state employee is injured, the employee can file workers' compensation claim but may not sue the State and recovery is limited to worker's compensation. The employee may pursue a claim against a third party driver.

If a non-state employee passenger/child is injured, and some "fault" is placed upon the state employee, the child (through their parent or guardian) would have a proper tort claim and would have to file under the Tort Claim Act. If the state employee were sued for the incident by a passenger/child or a third party driver, the State would provide a defense. However, damage to the DCS employee's vehicle would not be covered by the Tort Claim Act but through his or her own insurance carrier.

The current DCS Travel Policy will be updated to reflect these important changes.

If you have any questions regarding this change please address them to the DCS policy mailbox at DCS.Policy@dcs.in.gov.

Sincerely,

James W. Payne, Director
Department of Child Services



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