

	<b>INDIANA DEPARTMENT OF CHILD SERVICES</b> <b>CHILD WELFARE POLICY</b>	
	<b>Chapter 11:</b> Older Youth Services <b>Section 05:</b> Driver's Training and Driver's License for Youth in Out-of-Home Care	
	<b>Effective Date:</b> July 1, 2023	<b>Version:</b> 5

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## POLICY OVERVIEW

*This policy does not pertain to youth who are residing in in-home care.*

To help normalize adolescence for youth in out-of-home care, youth should have the opportunity to pursue a driver's license or permit if wanted. The youth needs to receive appropriate support from their Child and Family Team (CFT) and be provided with information to explain the requirements and process to obtain a driver's license or permit and participation in driver's training, including the need for a court order.

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## PROCEDURE

The Indiana Department of Child Services (DCS) will not prohibit youth from participating in driver's training or obtaining a driver's license. Youth under 18 years of age, who are in out-of-home care, must receive court approval to participate in driver's education prior to enrolling in the driver's training course, and the youth must also receive court approval prior to obtaining a driver's license.

DCS may fund driver's training. The initial permit fee and initial driver's license fee will be waived by the Bureau of Motor Vehicles (BMV) if all requirements are met.

**Note:** The identification card fee will be waived for youth 16 years of age and older who do not have a valid Indiana driver's license.

The Agreement of Financial Liability is required to obtain a driver's license or permit. However, DCS staff will not sign the Agreement of Financial Liability for youth to obtain a driver's license or permit. DCS does not assume responsibility for any injury or damage caused while driving. Any other adult (including a resource parent, who is not a custodian, caregiver, or legal guardian) is allowed to sign the Agreement of Financial Liability, which is required to obtain a driver's license or permit. However, a resource parent is not required to sign the Agreement of Financial Liability for youth 16 years of age and older who are a Child in Need of Services (CHINS). Any person who signs a minor's application to obtain a driver's license or permit is accepting joint responsibility for any injury or damage caused by the minor and may be held liable for any issues that arise from the youth's use of a motor vehicle. The person signing the application must provide documents to prove identity and age.

**Note:** Youth 16 years of age and older may sign the Agreement of Financial Liability if they provide proof of motor vehicle insurance and meet any other requirements as

required by statute or the BMV. DCS will provide the youth with the list of insurance providers.

DCS will not prohibit youth who are 16 years of age and older and adjudicated as Juvenile Delinquent/Juvenile Status (JD/JS) to participate in driver's training when there is an appropriate adult (not DCS staff) willing to sign the Agreement of Financial Liability, assuming financial liability for the particular youth.

Per IC 34-30-2-30.2, DCS, foster parent, or an entity providing services to the minor is not liable for costs and damages associated with the minor's application for a driver's license or permit or the operation of a motor vehicle. The liability protection provided to a foster parent or entity providing services to the minor is waived if the foster parent or person providing services signs the Agreement of Financial Liability discussed above. Per IC 9-24-9-4, the minor applicant is responsible for paying all costs of the policy of motor vehicle insurance and is liable for any damages caused because of the minor applicant's operation of a motor vehicle. A state or local government agency, foster parent, or entity providing services to the minor applicant under a contract or at the direction of a state or local government agency shall not be required to pay any costs associated with the policy of motor vehicle insurance and shall not be held liable for any damages that result from the operation of a motor vehicle owned by the minor applicant.

The Family Case Manager (FCM) and/or the Older Youth Case Manager (OYCM) will:

1. Discuss the youth's desire to obtain a driver's license with the CFT (including the youth's parent, guardian, or custodian if applicable) and develop a plan, which will include:
  - a. Identification of a driver's training program,
  - b. Securing of driver's permit,
  - c. Educating the youth and ensuring the youth understands liability-related issues and the need for the youth to secure insurance,
  - d. Providing the list of insurance providers to the youth, and
  - e. Identification and approval of an individual to provide supervised practice driving hours. The individual must meet one (1) of the following:
    - i. A valid licensed driver at least 25 years of age who is related by blood, marriage, or legal status,
    - ii. A valid licensed driver at least 25 years of age who is approved by DCS,
    - iii. A licensed driver education instructor who works under the direction of a driver training school, or
    - iv. A certified driver rehabilitation specialist recognized by the BMV who is employed through a driver rehabilitation program.
2. Discuss the results of the CFT Meeting with the FCM Supervisor and/or OYCM Supervisor and the Division Manager (DM) or Local Office Director (LOD) prior to seeking court approval;
3. Request court approval, via a court order, authorizing the youth to participate in driver's education or obtain a driver's license;

**Note:** If the youth is 18 years of age or older, a court order is not needed to participate in driver's education or obtain a driver's license.

4. Obtain the signed Older Foster Youth Bureau of Motor Vehicles (BMV) Waiver Letter form from the LOD or designee, verifying that the youth has obtained approval to participate in driver's education or obtain a driver's license, and provide the signed form to the youth;

**Note:** While a youth 18 years of age or older does not need a court order, the youth will need the signed Older Foster Youth Bureau of Motor Vehicles (BMV) Waiver Letter form in order for the initial permit fee and initial driver's license fee to be waived, and the youth is responsible for signing the Agreement of Financial Liability.

5. Complete a referral for funds for youth 16 years of age and older who are currently participating in Older Youth Services (OYS) and have court approval, if needed, to participate in driver's training;
6. Obtain documentation of the youth's driver's training (e.g., copy of the Log of Supervised Driving Practice) and maintain this information in the youth's DCS case file and document in the case management system;
7. Ensure the youth has the documents found on the BMV Documentation List that are necessary to secure an Indiana driver's license or identification card; and
8. Verify the youth continues to have motor vehicle insurance on a monthly basis.

The FCM Supervisor or OYCM Supervisor will guide and assist the FCM or OYCM in completing the steps as outlined above.

The LOD or designee will sign the Older Foster Youth Bureau of Motor Vehicles (BMV) Waiver Letter form to verify the youth has obtained the necessary court approval to acquire a driver's permit or a driver's license and provide the signed Older Foster Youth Bureau of Motor Vehicles (BMV) Waiver Letter form to the FCM or OYCM.

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## RELEVANT INFORMATION

### Definitions

#### Older Youth Services

The purpose of OYS is to:

1. Assist identified youth who are expected to remain in foster care until their 18th birthday or after in making the transition to self-sufficiency;
2. Help identified youth receive the necessary education, training, and services to overcome potential barriers to employment;
3. Help youth prepare for and enter post-secondary education and/or training programs;
4. Provide personal and emotional support for youth aging out of foster care;
5. Assist youth in locating and identifying community resources that will be available to the youth after DCS involvement has ended; and
6. Encourage positive personal growth in older youth through "teachable moments".

### Forms and Tools

- [BMV: Agreement of Financial Liability](#)
- [BMV Documentation List](#)
- [Car Insurance for Foster Youth](#)
- [Log of Supervised Driving Practice \(SF 54706\)](#)
- [Older Foster Youth Bureau of Motor Vehicles \(BMV\) Waiver Letter \(SF 57314\)](#)

### Related Policies

N/A

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## LEGAL REFERENCES

- [IC 9-24-3-1: Issuance; conditions; fee](#)
- [IC 9-24-3-2.5: Age, experience, and examination requirements](#)
- [IC 9-24-7-4: Operating privileges](#)
- [IC 9-24-9-2: Information required by application for license or permit](#)
- [IC 9-24-9-3: Applications of minors; signing and swearing by parents, guardians, custodians, employers, or responsible individuals](#)
- [IC 9-24-9-4: Minor applicants; liability of signers; expiration of licenses and permits](#)
- [IC 9-24-9-4.1: Applicants who are homeless or under the supervision of the department of child services; financial liability](#)
- [IC 9-24-16-10: Adoption of rules; fees](#)
- [IC 27-1-22-20.1: Foster youth auto insurance availability; list of insurers; payment of costs of auto insurance](#)
- [IC 27-2-11.1-3: Individuals under the care and supervision of the department of child services; motor vehicle insurance](#)

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## PRACTICE GUIDANCE- DCS POLICY 11.05

*Practice Guidance is designed to assist DCS staff with thoughtful and practical direction on how to effectively integrate tools and social work practice into daily case management in an effort to achieve positive family and child outcomes. Practice Guidance is separate from Policy.*

### **Agreement of Financial Liability for Juvenile Delinquent/Juvenile Status (JD/JS) Youth**

Any adult, including an adult who is not a custodian, caregiver, or legal guardian, is allowed to sign the Agreement of Financial Liability, which is required to obtain a driver's license or permit. A resource parent may legally sign the application. By signing, the resource parent assumes responsibility both for authorizing the child to receive driver's training and for providing auto insurance coverage for the youth. Any person signing a minor's application must also provide documents to prove identity and age, and the person is accepting joint responsibility for any injury or damage caused by the minor. For further information regarding the Agreement of Financial Liability (including the order of preference of adults who sign the agreement and how to request to terminate the agreement), see BMV: Agreement of Financial Liability.

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