

## **Section 33: Obtaining a driver's permit and a driver's license for youth in care under age 18**

Obtaining a driver's permit and license is a privilege. For teens in substitute care, it is part of their personal growth, accepting and taking responsibility for actions leading to independence. Completing an approved driver's education course is necessary to develop the safe driving skills needed to obtain a driver's license. Access to education, employment, health care, and other community-based activities for older youth in care working toward independence is dependent on access to transportation. *There may also be times a youth wants to obtain a driver's license prior to exiting foster care with no intent to actually drive a vehicle.*

The Oregon Legislature has supported youth in care obtaining a driver's license through legislation in 2009 in which ODOT will provide reimbursement for the costs of driver's education courses (traffic safety education) to a number of youth in care (ORS [336.807](#)). The ILP Desk can assist with reimbursement of those costs.

Planning for and obtaining a driver's permit and a driver's license, by the nature of the activity, requires common understanding on a number of details related to the process of obtaining a driver's license. The steps for accomplishing this process are outlined in these procedures.

### **Procedure**

#### **A. Assessment**

There are several issues on which the youth and other adults involved in the youth's life must come to agreement in order to successfully achieve the goal of a driver's license and a safe driver.

- **Readiness**

The caseworker, in conjunction with other adults involved with the youth, must agree that the youth is ready to pursue obtaining a driver's license. Part of assessing a youth's readiness includes answering these questions:

1. Is the youth at least 15 years of age (minimum age to obtain an instruction permit)?
2. Is the youth enrolled and attending school, maintaining at least a "C" average, or is he or she actively working with a tutor or receiving academic assistance to improve his or her school performance? Has the youth's school attendance been regular without incidents of suspension, non-attendance or expulsion during the last six months?
3. Is the youth healthy and able to answer 'yes' to the medical questions on the application? Are there any documented medical or mental health recommendations that the youth not drive due to physical, mental or emotional conditions that would significantly impair the youth's functioning and judgment when operating a motor vehicle?

4. Is the youth free from any evidence of drug or alcohol use by the youth during the last year?
5. Does the youth display age-appropriate behavior generally, questioning and testing within normal limits, most often using good judgment, and avoiding unsafe, violent, or criminal behavior (within the past year)?
6. Does the youth have placement stability; has he or she been in the current placement at least six months or more and has no history of running away or other placement disruptions?

**Note:** These readiness criteria were developed in consultation with the Oregon Foster Youth Connection (OFYC).

- **Required documentation**

1. The DMV will need several documents prior to obtaining a learner's permit. See the ODOT web page for further information [here](#).
2. Ensure the youth has each of [these documents](#) available prior to applying, in person, at the DMV office:
  - a. Verification of school enrollment, completion, or exemption (which will also verify residency)
  - b. Completed application signed by the parent or legal guardian (for all youth in Department custody, this is the district manager or designee. In most instances, this will be the program manager.)
  - c. Proof of legal presence in the U.S.
  - d. Proof of full legal name. See the ODOT [list of acceptable documents](#) for proof. In most instances, this will be the youth's birth certificate.
  - e. Proof of Social Security number
  - f. A completed application

- **Insurance Coverage**

1. Ensure there is required insurance coverage prior to the youth driving a vehicle. The caregiver should check with the company that insures the vehicle the youth will be driving. Some insurers increase premiums when the young driver gets a permit. Others do not charge higher rates until a license is issued. In either case, the increased premium will apply – once the permit or license is obtained – as long as the young driver is a member of the household. It doesn't matter whether he or she regularly operates a vehicle. Private passenger auto policies generally include foster children in the definition of "Who is an Insured" under the policy.

<p><b>Note:</b> Remember, the Department is not responsible for the insurance premiums of the caregiver and, likewise, is not responsible for payment of the youth's insurance premium.</p>
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2. Understand that once a foster child obtains a license (or in some cases a permit), most insurance companies will increase the premium because foster children are considered members of the household. In other words, caregivers/parent(s) do not

have a choice about whether to “add” the youth to their policy; he or she will be added by the insurance company, and the caregiver/parent will be charged accordingly. Even if coverage exists for the foster child under a separate policy, the policy for the caregiver/parent’s household would also apply. If the youth’s parent, legal guardian, or other responsible adult is willing and able to provide adequate insurance coverage, or the youth is able to provide payment for his or her own policy, the insurance carrier for the foster family can still charge for the youth. There are only certain circumstances that allow for exclusion. Most insurers will not be willing to write a policy with exclusion and will elect not to write the auto insurance if the circumstances would allow an exclusion.

**Note:** Some insurance companies are willing to write a “Named Operator” or “Named Non-Owner” insurance policy for the youth. Though this option is not offered through every insurance company, such policies may be written when a youth does not own a car but wants insurance coverage while driving another person’s vehicle as a secondary insurance coverage. A named non-owner policy meets Oregon’s minimum liability-only insurance requirement. This means the person would be covered if he/she injured someone or damaged someone else’s property. It is important to check with the insurance carrier or agent prior to making insurance decisions.

- **Driver’s Education and Practice Hours**

1. Once the youth has obtained an instruction permit, the youth will need to enroll in a driver education course approved by ODOT. Check the DMV webpage for [DMV-approved driver education programs](#).
2. The youth must drive with supervision and log the practice hours. When the youth chooses not to attend a driver education class, the additional required hours of supervised driving must be logged.
3. The youth will need to have access to a vehicle for his or her practice hours.
4. There are certain restrictions on driving with a permit. All youth are expected to comply with DMV requirements. Check the DMV website frequently for the most current information. Also share with the youth the DMV information in [Appendix 4.28](#), “Road to Getting Your License” or [here](#).
5. The caseworker, youth, and others involved with the youth must come to agreement on who will supervise (and document) these practice hours.
6. The caseworker must confirm that the individual supervising the practice hours is over 21 years of age and has a valid class C or higher driver license.

- **Planning for the Unexpected**

1. The caseworker, youth, substitute caregiver and others need to plan for the unexpected, such as changes in placement, insurance coverage, school status, legal status of the child, and so forth.
2. It is a caseworker’s responsibility to ensure everyone understands the steps to obtaining a driver’s license and is aware of the steps that need to be taken and the people responsible to achieve each step of the process.

## B. Agreements

However the caseworker proceeds with the process of assisting the youth in obtaining a driver's license, there will be several people involved in the process. It's likely that several people will need to come to an agreement for the youth to obtain a driver's license.

- Provide the youth with the guidance he or she needs to prepare for and make his or her case for obtaining a driver's license. Help the youth actively participate in the transition planning in preparation for obtaining the driver's permit. If the Transition Plan needs to be updated, make sure the youth is involved, and the written update has been completed prior to further planning.
- It makes good sense, but it's not required, to have a meeting with everyone who will be or could be a participant in the process so that all people who are contributing support, time, money, or other investment into the process understands their specific role and responsibility. A meeting also provides the opportunity to put agreements in writing, and ensure there is a common understanding of each step of the process.
- Consider who should be invited to the meeting or must have an understanding of the steps to be taken in this process. Consider who, in addition to the youth, will be involved or should be informed in the process, such as:
  1. The substitute caregiver
  2. The parents or legal guardians
  3. The CASA
  4. The child's attorney
  5. Other significant adults in the youth's life
  6. Other persons who might assist with time, resources, or financing
- Prepare for the meeting by understanding the process, having information available, and ensuring the youth is informed of the process. Review the DMV/ODOT web pages for understanding of any requirements that might apply for the specific youth.
- Invite persons to the meeting, after having prepared them for the discussion. Have some indications of who is able and willing to offer time, resources, or financing for this process.
- During the meeting: (A template for the meeting is provided in [Appendix 4.29](#).)
  1. Review the youth's readiness for this process. If there are additional steps the youth must take to demonstrate readiness, clearly outline those steps and ensure the youth fully understands what is being asked/required of him or her.
  2. Review options and come to an agreement on who is taking on the responsibility for insurance coverage.
  3. Review and come to an agreement on who will provide the youth with transportation to the local DMV office and who will supervise practice hours once the youth receives the driver's permit.
  4. Review and come to an agreement on who can and who cannot be in the car during practice hours and ensure these people meet with DMV requirements. Ensure that any person supervising practice hours has a current, valid driver license. Obtain a copy of the driver's license.

5. Review and come to agreement how driver's education classes will be paid for and how the youth will be transported to and from the classes.

**Note:** DHS has funding to assist a youth with the cost of a driver's education class. The youth must be eligible for ILP services and must have or obtain his or her driver's permit prior to enrolling for driver's education. To access the funds, the DHS caseworker will need to complete form [CF78](#) (Youth Transition Funds request). Whenever possible, youth are to use an ODOT-approved school for their driver's education class. For additional assistance, contact the ILP/Youth Transition Support Staff at 503-945-5722. Also see the Driver's Education Course Payments document ([Appendix 4.30](#)).

6. Review and come to agreement on what vehicle(s) will be used by the youth and that there is adequate insurance coverage.
  7. Review all the required documentation needed to obtain a valid driver's permit and come to an agreement on who will obtain any needed documents.
  8. Review and come to an agreement on circumstances under which driving privileges will be suspended or limited due to the youth's behavior or actions.
  9. What vehicle(s) will be used for practice hours and for the required road test?
  10. Review and come to an agreement on any contingency plans. What if, for example:
    - a. Insurance coverage needs to change?
    - b. The youth's behavior changes?
    - c. School achievement drops or behaviors change?
    - d. A change in placement is forthcoming?
    - e. The agreed upon plan for obtaining and logging practice hours needs to change?
    - f. Other unexpected circumstances arise?
  11. Come to agreement on when and how the caseworker and others will be notified of any changes.
- After the meeting, ensure all the agreements have been put in writing. This documentation provides the caseworker with the information needed to support approval from the district manager or child welfare program manager.

**Note:** The district manager or designee (child welfare program manager) must provide consent for the youth to obtain a driver's permit and driver's license under OAR [413-020-0140\(4\)\(e\)](#).

- Review the agreement with the supervisor, and obtain the management approval required.
- When the youth has successfully completed the driver education course, submit driver education course payment receipts to the ILP Desk. The receipt is needed for documentation of the course payment (previously requested) or to issue reimbursement to the youth or their foster parent. You must also submit the Driver's Education Course Payments sheet providing the necessary details regarding the youth's completion of the course.
- When agreement has not been reached on any of the necessary steps or resources, or the youth is not ready to pursue getting a driver's license at this time, outline the steps that will be necessary to move forward. Come to an agreement on when decisions will be

reviewed and reconsidered. Let participants know of the complaint procedure if agreement has not been reached. See OAR [413-010-0420](#).

### **The Supervisor's Role**

- Ensure the caseworker has a working knowledge of current DMV/ODOT regulations.
- Review with the caseworker the youth's readiness for driver education and a driver permit. Explore any known obstacles, and develop strategies to overcome them.
- Support the ongoing independence of the youth, and develop strategies to gain support from others involved with the youth.
- Review and approve the comprehensive transition plan.
- Support the caseworker in getting the approval of the district manager or child welfare program manager.

### **Legal References**

ORS [336.807](#)

### **Child Welfare Policy**

OAR [413-010-0400 to 413-010-0480](#)

OAR [413-020-0100 to 413-020-0170](#)