

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 11:</b> Older Youth Services	<b>Effective Date:</b> July 1, 2017
	<b>Section 5:</b> Driver's Training and Driver's License	<b>Version:</b> 3

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

**[REVISED]** The Indiana Department of Child Services (DCS) will ensure youth in out-of-home care who are interested in pursuing a driver's license or permit will be provided with information explaining the process. DCS will not prohibit youth in out-of-home care from participating in driver's education and/or obtaining a driver's license. DCS may fund driver's training.

DCS staff will not sign for youth to obtain a driver's license or permit. DCS does not assume responsibility for any injury or damage caused while driving.

**[NEW]** Per [IC 34-30-2-30.2](#), DCS, foster parent, or 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. 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.

**[REVISED]** DCS will not prohibit youth who are 16 years of age and older and a Child in Need of Services (CHINS) to participate in driver's training or obtain a driver's license. Youth under age 18 must receive court approval to participate in driver's education prior to enrolling in the driver's training course and also must receive court approval prior to obtaining a driver's license. 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.

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

**[NEW]** DCS will conduct a Child and Family Team (CFT) meeting to identify an individual to supervise the youth's required supervised driving practice hours and complete the [Log of Supervised Driving Practice \(SF 54706\)](#). DCS must approve of the individual identified to supervise the youth's supervised driving practice hours. The supervised driver must be either:

1. A valid licensed driver at least 25 years of age who is related by blood, marriage, or legal status,
2. A valid licensed driver at least 25 years of age who is approved by DCS,
3. A licensed driver education instructor who works under the direction of a driver training school, or
4. A certified driver rehabilitation specialist recognized by the BMV who is employed through a driver rehabilitation program.

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 (see Practice Guidance), assuming financial liability for the particular youth.

**[REVISED] Note:** Youth age 18 and older, including wards, do not require court permission to take driver's training and/or obtain a driver's license. Youth age 18 and older must sign the Agreement of Financial Liability for themselves. 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.

#### Code References

1. [IC 9-24-9-2: Information required by application for license or permit](#)
2. [IC 9-24-9-3: Applications of minors; signing and swearing by parents, guardians, custodians, employers, or responsible individuals](#)
3. **[NEW]** [IC 9-24-3-1: Issuance; conditions; fee](#)
4. **[NEW]** [IC 9-24-3-2.5: Age, experience, and examination requirements](#)
5. **[NEW]** [IC 9-24-7-4: Operating privileges](#)
6. **[NEW]** [IC 9-24-9-4: Minor applicants; liability of signers; cancellation of licenses and permits](#)
7. **[NEW]** [IC 9-24-16-10: Rules; no fee for identification used for voter identification purposes; fees](#)
8. **[NEW]** [IC 34-30-2-30.2: Application and operation of a motor vehicle by minors under the care and supervision of the department of child services](#)
9. **[NEW]** [IC 27-2-11.1-3: Individuals under the care and supervision of the department of child services: motor vehicle insurance](#)

### PROCEDURE

The Family Case Manager (FCM) and/or the Collaborative Care Case Manager (3CM) will:

1. **[NEW]** Conduct a CFT meeting to discuss the youth's desire to obtain a driver's license and develop a plan, which will include;
  - a. Identification of driver's training program,
  - b. Securing of driver's permit,
  - c. Identification and approval of an individual to provide supervised practice driving hours, and
  - d. Ensure the youth understand his or her liability and the need to secure his or her own insurance.
2. **[NEW]** Discuss the results of the CFTM with the Local Office Director (LOD) or Division Manager (DM) prior to seeking court approval;
3. **[REVISED]** Obtain court approval, via a court order, authorizing youth to participate in driver's education or obtain a driver's license;
4. **[NEW]** Obtain the signed [Foster Youth BMV Fee Waiver Letter](#) from the Local Office Director (LOD) (or approved personnel), 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;

**[REVISED] Note:** If the youth is 18 or older, a court order is not needed to participate in driver's education or obtain a driver's license. However, the youth will need the signed

[Foster Youth BMV Fee Waiver Letter](#) in order for his or her initial permit fee and initial driver's license fee to be waived.

5. **[REVISED]** Complete a referral for funds for youth 16 years of age and older who are currently participating in OYS and have court approval, if needed, to participate in driver's training;
6. **[REVISED]** Obtain documentation of the youth's driver's training and maintain this information in the youth's DCS case file and document in the youth's Management Gateway for Indiana's Kids (MaGIK) case record; and
7. **[NEW]** Verify, on a monthly basis, that the youth continues to have motor vehicle insurance.

**[NEW]** The LOD (or approved personnel) will sign the [Foster Youth BMV Fee Waiver Letter](#) to verify that the youth has obtained the necessary court approval to acquire a driver's permit or a driver's license and provide the signed [Foster Youth BMV Fee Waiver Letter](#) to the FCM or 3CM.

## PRACTICE GUIDANCE

### **Agreement of Financial Liability for 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 Information (including the order of preference of adults who sign the agreement and how to request to terminate the agreement), see <http://www.in.gov/bmv/2718.htm>.

### **[NEW] Agreement of Financial Liability for CHINS 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. However, a resource parent is not required to sign the Agreement of Financial Liability for youth age 16 and older who are a CHINS. If a resource parent signs the Agreement of Financial Liability, they may be held liable for any issues that arise from the youth's use of a motor vehicle.

Youth age 16 and older are able to 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 shall not be responsible for the payment of motor vehicle insurance premiums for youth. DCS will not assume liability when a youth chooses to drive a motor vehicle.

## FORMS AND TOOLS

1. [Log of Supervised Driving Practice \(SF 54706\)](#)
2. **[NEW]** [Foster Youth BMV Fee Waiver Letter](#)
3. **[NEW]** [BMV Documentation List](#)

## RELATED INFORMATION

**[NEW]** In order to secure an Indiana driver's license or identification card, the documents found on the [BMV Documentation List](#) must be presented.