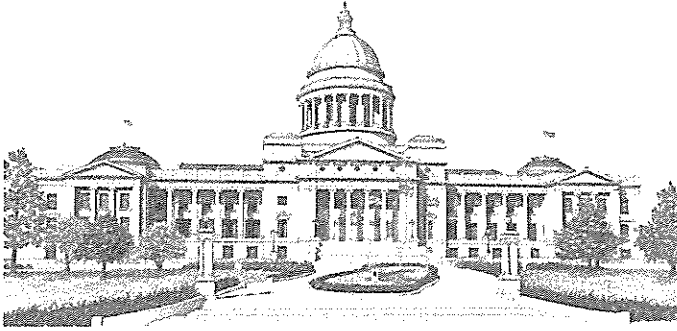


ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Department of Human Services

Department Division of Children and Family Services

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Statutory Authority for Promulgating Rules A.C.A. § 9-28-103, 20-76-201, and 25-10-129

Rule Title: Foster Care Driving Program and Car Insurance Reimbursement Program

Intended Effective Date
(Check One)

☐ Emergency (ACA 25-15-204)

☐ 10 Days After Filing (ACA 25-15-204)

☒ Other 12/01/2022
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

08/19/2022

09/17/2022

11/18/2022

12/01/2022

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Toni Roy toni.roy@dhs.arkansas.gov

11/18/2022

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

(501) 320.6331

Mischa.Martin@dhs.arkansas.gov

Phone Number

E-mail Address

Director, Division of Children and Family Services

Title

11/18/2022

Date

POLICY VI-Q: FOSTER CARE DRIVING PROGRAM AND CAR INSURANCE REIMBURSEMENT PROGRAM FOR YOUTH IN OUT-OF-HOME PLACEMENT

12/2022

An important rite of passage for many young adults is learning to drive and earning their driver's license. The Division of Children and Family Services (DCFS or Division) Foster Care Driving Program and Car Insurance Reimbursement Program provide a mechanism to support youth in foster care in achieving this milestone.

Foster Care Driving Program

Any youth who is under eighteen (18) years of age and in DHS custody may apply for the Foster Care Driving Program once they are eligible for an instruction permit, learner's license, or intermediate license pursuant to Arkansas law and applicable rules promulgated by the Department of Finance and Administration. Youth who are eighteen (18) years of age and older and participating in the Extended Foster Care Program do not have to apply to the Foster Care Driving Program to obtain their driver's permit or license. However, both populations shall be able to meet all state requirements listed in A.C.A. § 27-16-804 and any applicable rules promulgated by the Department of Finance and Administration.

For youth who are under eighteen (18) years of age in DHS custody, the following information will also be considered by the Transitional Youth Services (TYS) Program Manager or designee:

- A. Behavior history and placement stability over the last six (6) months;
- B. For youth still in high school, current grade point average (GPA) and summary statement on recent academic performance and progress in school (there is not a minimum GPA requirement, but if a youth is currently struggling in school, there may need to be a plan built around how to support the youth in school and ensure that learning to drive or earning a license will not be a further distraction);
- C. Participation in Life Skills classes, either through DCFS or another provider, or explanation of why the youth does not currently participate in Life Skills (youth who are not actively participating in Life Skills are still eligible for the Foster Care Driving Program);
- D. Driving history and record of violations over the last twelve (12) months; and
- E. Other pertinent information deemed necessary.

Following said review and in accordance with A.C.A. § 27-16-702, the DCFS Director or designee may authorize an employee of the department or the resource parent to sign the application of a youth who is under eighteen (18) years of age and in the custody of the Department of Human Services (DHS) for any of the following:

- A. Driver's license examination;

- B. Instruction permit;
- C. Learner's license;
- D. Intermediate driver's license; or
- E. Motor-driven or motorcycle license.

Also pursuant to A.C.A. § 27-16-702, for a person who is under eighteen (18) years of age in the custody of the department, any negligence or willful misconduct of the person, when driving a motor vehicle upon a highway, shall not be imputed to the authorized employee or authorized resource parent who signed the application of the minor for a permit or license. The authorized employee or authorized resource parent shall not be held liable in conjunction with the minor for any damages caused by the negligence or willful misconduct of the minor.

Completion of a driver's education course for youth in DHS custody and participating in the Extended Foster Care Program is encouraged but not required. DCFS funds may be utilized to pay enrollment and tuition fees directly to a program providing the driver's education course or to a resource parent or other placement provider on a reimbursement basis provided all necessary documentation is provided.

In order to maintain the privilege of driving, youth in DHS custody shall abide by all Arkansas state laws pursuant to the permit or license type currently issued to that minor.

DCFS will monitor the following items when a youth in an out-of-home placement has a driver's license:

- A. Youth's driving record;
- B. Youth's behavior;
- C. Youth's school performance; and
- D. Compliance with state law and DCFS requirements as outlined above.

The Division Director or designee may cancel the authorization for the driver's license for youth who are under eighteen (18) years of age. State law permits the Arkansas Department of Finance and Administration, Office of Driver Services to cancel, revoke, or suspend any learner's permit or driver's license upon request.

If at any time, a youth who is under eighteen (18) years of age in an out-of-home placement no longer meets all of the state and DCFS requirements, the Division may take possession of the youth's learner's permit or driver's license until all requirements are again met.

If a youth enters foster care with a valid learner's permit or driver's license from any state, the youth must complete the CFS-388: Application and Agreement to Participate in Foster Care Driving Program and Car Insurance Reimbursement Program. The form will indicate that the youth already has a driver's license and submit the form and a copy of the driver's license. Consideration will be given to encouraging the youth to apply for their Arkansas driver's license depending on the dynamics of a youth's case and expected time to reside in the State of Arkansas.

Youth participating in the Foster Care Driving Program must immediately report any traffic ticket received or motor vehicle accident in which they are involved in as a driver to their resource parent or other placement provider, as applicable. The youth or placement provider must report any traffic ticket received by the youth, or motor vehicle accident in which the youth is involved, to the youth's assigned FSW no later than twenty-four (24) hours following the incident and provide a copy of any ticket issued for any violation to the youth's FSW. The youth and their Transitional Team will schedule a time to discuss the incident to determine if any action needs to be taken, following the ticket or at-fault accident (for example, participation in a driver's education course or restricting driving privileges).

Car Insurance Reimbursement Program

The Car Insurance Reimbursement Program exists to safely support youth in foster care as they work toward their driver's license, which for many is a critical step to successfully transitioning to adulthood.

A youth in an out-of-home placement, including any youth participating in the Extended Foster Care Program, must be insured to drive a specific vehicle before they are allowed to operate that motor vehicle, and the youth must be included as a driver on the insurance policy for that specific vehicle. The insurance policy must meet minimum Arkansas motor vehicle liability standards. Any motor vehicle that a youth operates must be owned by the resource parent or the youth.

The Division will reimburse the resource parents for the actual amount of the additional cost of adding a specific youth in foster care as a driver on the insurance policy for a specific motor vehicle, provided all necessary documentation is submitted by the resource parent for the reimbursement process. This includes presenting documentation, from the insurance company, of the actual amount of the additional cost to qualify for reimbursement.

If the youth owns their own car, they must present documentation of the cost of the policy that insures them. The Division will reimburse the youth for the actual amount of the insurance policy provided that all necessary documentation is submitted by the youth for the reimbursement process.

A car insurance reimbursement payment to a resource parent or a youth cannot be made without:

- A. Approval from the TYS Program Manager or designee, that the youth has been approved to participate in the DCFS Car Insurance Reimbursement Program. (Reimbursement will be made for either up to thirty (30) calendar days preceding this approval date or for the amount paid from the date the youth was added to an insurance policy, if that date is less than thirty (30) calendar days from the DCFS Central Office approval date, unless extenuating circumstances apply as assessed by the TYS Program Manager or designee);
- B. Legible copy of the insurance policy, premium notice that specifically lists the youth in foster care as a designated driver for a particular car, or both; and
- C. Proof of payment of this amount.

The Division will monitor the driving record, behavior, and school performance, as applicable, of all youth in DHS custody or in the Extended Foster Care Program who have elected to participate in the Division's Car Insurance Reimbursement Program. If at any time, the youth no longer meets all of the state and DCFS requirements, the Division may elect to discontinue reimbursing the resource parents or the youth for the actual costs of insuring the youth.

Youth participating in the Car Insurance Reimbursement Program must immediately report any traffic ticket received or motor vehicle accident in which they are involved in as a driver to their Family Service Worker, as well as resource parent or other placement provider, as applicable. A copy of any ticket issued for any violation will be requested by the FSW. The youth and their Transitional Team will schedule a time to discuss the incident to determine if any action needs to be taken following the ticket or at-fault accident (for example, participation in a driver's education course or discontinuing car insurance reimbursement).