

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



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Name of Department \_\_\_\_\_

Agency or Division Name \_\_\_\_\_

Other Subdivision or Department, If Applicable \_\_\_\_\_

Previous Agency Name, If Applicable \_\_\_\_\_

Contact Person \_\_\_\_\_

Contact E-mail \_\_\_\_\_

Contact Phone \_\_\_\_\_

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Name of Rule \_\_\_\_\_

Newspaper Name \_\_\_\_\_

Date of Publishing \_\_\_\_\_

Final Date for Public Comment \_\_\_\_\_

Location and Time of Public Meeting \_\_\_\_\_

## FINANCIAL IMPACT STATEMENT

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Department of Human Services

**DIVISION** Division of Children and Family Services

**PERSON COMPLETING THIS STATEMENT** Christin Harper

**TELEPHONE** (501)682-8541 **FAX** (501)683-4854 **EMAIL:** [Christin.Harper@dhs.arkansas.gov](mailto:Christin.Harper@dhs.arkansas.gov)

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** Foster Care Driving Program and Car Insurance Reimbursement Program

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☐ No ☒
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more costly rule justify its additional cost;

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(b) The reason for adoption of the more costly rule;

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(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

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(d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

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4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

**Next Fiscal Year**

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

**Next Fiscal Year**

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

\$ 0  
0

**Next Fiscal Year**

\$ 0

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$ 0  
0

**Next Fiscal Year**

\$ 0

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;

- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

## **Statement of Necessity and Rule Summary**

### **Foster Care Driving Program and Car Insurance Reimbursement Program**

#### **Statement of Necessity:**

This rule revision is necessary to allow the Division of Children and Family Services to update policy regarding its Foster Care Driving Program and Car Insurance Reimbursement Program to better align it with existing state law related to minors in DHS custody applying for their driving permit or license.

#### **Summary:**

- Policy XI-Q: Foster Care Driving Program and Car Insurance Reimbursement Program
  - To clarify the Foster Care Driving Program as it applies to instruction permits, learner's licenses, intermediate licenses, and motorcycle licenses, and follows all restrictions set forth at A.C.A. 27-16-804.
  - To update the information that will be considered by the Transitional Youth Services (TYS) Program Manager or designee when reviewing the Foster Care Driving Program application for youth in foster care who are under eighteen (18) years of age.
  - To make reference to the directive in A.C.A. § 27-16-702 that 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 driving permit or license application of a youth who is under eighteen (18) years of age and in the custody of DHS, nor shall they be held liable in conjunction with the minor for any damages caused by the negligence or willful misconduct of the minor.
  - To add timeframe and documentation parameters that must be met to reimburse a youth or foster parent for car insurance costs.
  - To make formatting, organizational, and other technical changes.

## NOTICE OF RULE MAKING

The Director of the Division of Children and Family Services of the Department of Human Services announces for a public comment period of thirty (30) calendar days a notice of rulemaking for the following proposed rule under one or more of the following chapters, subchapters, or sections of the Arkansas Code: §§ 9-28-103, 20-76-201, and 25-10-129.

### **Effective December 1, 2022:**

The Director of the Division of Children and Family Services amends Policy XI-Q: Foster Care Driving Program and Car Insurance Reimbursement Program. The revision clarifies the Foster Care Driving Program as it applies to instruction permits, learner's licenses, intermediate licenses, and motorcycle licenses, and follows all restrictions set forth at A.C.A. §27-16-804. DCFS is updating the information that will be considered by the Transitional Youth Services (TYS) Program Manager or designee when reviewing the Foster Care Driving Program application for youth in foster care who are under eighteen (18) years of age. The revised policy will also reference to directive in A.C.A. §27-16-702 that 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 driving permit or license application of a youth who is under eighteen (18) years of age and in the custody of DHS, nor shall they be held liable in conjunction with the minor for any damages caused by the negligence or willful misconduct of the minor. DCFS is adding timeframe and documentation parameters that must be met in order to reimburse a youth or foster parent for car insurance costs. Finally, DCFS makes formatting, organizational, and other technical changes.

The proposed rule is available for review at the Department of Human Services (DHS) Office of Rules Promulgation, 2nd floor Donaghey Plaza South Building, 7th and Main Streets, P. O. Box 1437, Slot S295, Little Rock, Arkansas 72203-1437. You may also access and download the proposed rule at <https://humanservices.arkansas.gov/do-business-with-dhs/proposed-rules/>. Public comments must be submitted in writing at the above address or at the following email address: [ORP@dhs.arkansas.gov](mailto:ORP@dhs.arkansas.gov). All public comments must be received by DHS no later than **September 17, 2022**. Please note that public comments submitted in response to this notice are considered public documents. A public comment, including the commenter's name and any personal information contained within the public comment, will be made publicly available and may be seen by various people.

If you need this material in a different format, such as large print, contact the Office of Rules Promulgation at 501-534-4138.

The Arkansas Department of Human Services is in compliance with Titles VI and VII of the Civil Rights Act and is operated, managed and delivers services without regard to religion, disability, political affiliation, veteran status, age, race, color or national origin. **4502024715**

  
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Mischa Martin, Director  
Division of Children and Family Services

## **POLICY ~~VI-QIX-C~~: FOSTER CARE DRIVINGER'S LICENSE PROGRAM AND CAR INSURANCE REIMBURSEMENT PROGRAMS FOR YOUTH IN OUT-OF-HOME PLACEMENT**

~~01219~~/202210

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.

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

- Driver's license examination;
- Instruction permit;
- Learner's license;
- Intermediate driver's license; or
- Motor driven or motorcycle license.

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.

~~In accordance with A.C.A. § 27-16-702 (a) (1) (D), the DCFS Director may authorize an employee of the Department or the foster parent to sign the youth's application.~~

~~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.~~

~~and participating in the Extended Foster Care Program.~~

~~Department of Finance and Administration, The youth in out of home placement shall be able to meet all state requirements listed in A.C.A. § 27-16-804 (Restricted licenses, learner's licenses, and intermediate licenses)~~Department of Finance and Administration:

- ~~A. Be at least 16 years of age;~~
- ~~B. Have tested uncorrected visual acuity of at least 20/40 OR 20/50 with corrective lenses;~~
- ~~C. Have tested field of vision of at least 140 degrees with two functioning eyes OR 105 degrees with one functioning eye; and~~
- ~~D. Be free of a serious accident and conviction of a serious traffic violation in the last 12 months.~~



In addition, DCFS must be provided with the following information that will be used to determine whether the Division Director will authorize an employee or foster parent to sign for a driver's license for a youth in out-of-home placement:

~~Delinquent acts and history of behavior~~Youth's behavior history and placement stability over the last six (6) months;

~~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 youth is currently struggling in school, there may need to be a plan built in around how to support the youth in school and ensure that learning to drive or earning a license will not be a further distraction);~~

~~A. Participation in Transitional Youth Services (TYS) Life Skills classes (either through DCFS or another provider) or explanation of why youth does not currently participate in Life Skills (youth who are not actively participating in Life Skills are still eligible for the Driver's License Program);~~

~~B. A minimum 2.0 [C] grade point average, OR record of regular attendance AND satisfactory progress in an adult education program, OR documentation of compliance with an Individual Education Plan;~~

~~C. DCFS review and acceptance of the driving history and record of violations over the last 12 months; and,~~

~~D. Placement stability;~~

~~E. Enrollment of the youth in the Chafee Foster Care Transitional Youth Services (TYS) by the FSW; and~~

~~F. Other pertinent information deemed necessary.~~

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. **DRIVER'S LICENSE PRIVILEGE**

Participating in the DCFS Foster Care Driver's License Program and Driving Insurance Reimbursement Program is a privilege, not an entitlement, requiring compliance with both Arkansas state laws and DCFS policy. Any youth, age 16 or older, who is in DHS custody, may request permission to obtain a driver's permit or license and be reimbursed for car insurance. Completion of a driver's education course is encouraged, but not a requirement required. If a foster parent elects to have the youth participate in one, DCFS funds may be utilized to pay enrollment or tuition fees directly to the program providing the driver's education course or to the resource parent on a reimbursement basis.

~~Youth who remain in care past the age of 18, do not need approval to apply for a driver's license.~~

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

- ~~A. Operate a motor vehicle on public streets and highways only when all passengers are wearing their seat belts;~~
- ~~B. Not use a cell phone or any other electronic device that may distract the driver; and~~
- ~~C. Not transport anyone under 18 years of age without licensed adult (21 years of age or older) supervision in the vehicle.~~

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's Services to cancel, revoke, or suspend any learner's permit or driver's license upon request.

If at any time, ~~at the~~ 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, ~~maintaining possession of that license is subject to meeting all state and DCFS requirements. The~~ youth must complete the CFS-388: Application and Agreement to Participate in ~~DCFS~~ Foster Care ~~Driver's License~~ Program and Car Insurance Reimbursement Program. The form will with all of the required attachments ~~indicating~~ that the youth already has a driver's license and submit the form, ~~attachments as outlined above,~~ and a copy of the driver's license. ~~Upon review, the Division Director or designee may determine that the youth can continue to drive and will authorize the youth to keep possession 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. If the Division Director or designee denies the request to keep the driver's license, the FSW shall obtain possession of the~~

~~driver's license and the youth will not be able to drive. DCFS will notify the appropriate state Office of Driver Services to cancel the driver's license.~~

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 they 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 FOR YOUTH IN OUT-OF-HOME PLACEMENT**

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.

Any motor vehicle a youth operates must be owned by the foster parent or the youth. A youth in an out-of-home placement, including any youth participating in the Extended Foster Care Program, must MUST be insured to drive a specific vehicle before he or she is they are allowed to operate that motor vehicle, and the youth must 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 insurance policy must meet minimum Arkansas motor vehicle liability standards or DCFS requirements, if higher, as determined by OCC. The Division will reimburse the resource foster 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 include resource foster parent must 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. All reimbursement requests will be reviewed and approved by the DCFS Director or designee, provided that all necessary documentation is submitted by the youth for the reimbursement process.

## **REQUIREMENTS FOR PARTICIPATION IN THE INSURANCE REIMBURSEMENT PROGRAM**

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 minimum requirements to participate in the Division's Insurance Reimbursement Program are approval and permission to participate in the Driver's License Program for youth in out-of-home placement.~~

~~When participating in the Insurance Reimbursement Program, the youth agrees to give the Division authority to take possession of their driver's license, suspend driving and insurance reimbursement privileges, and to petition the Arkansas Revenue Office for revocation of their driver's license.~~

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~~foster~~ 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).

## **~~PROCEDURE IX-C1: Driver's License Program for Youth in Out-of-Home Placement~~**

~~10/2022~~

The Family Service Worker will:

- ~~A. Provide written notification to every youth in out-of-home placement age 16 or older, that they may submit a request to DCFS for permission to apply for an Arkansas Learner's or Intermediate Driver's License as appropriate.~~
- ~~B. Advise the youth and foster parents of criteria to be considered by DCFS in determining whether to approve a request for an Arkansas Learner's or Intermediate Driver's License.~~

- ~~C. Provide the youth with a copy of CFS-388: Application & Agreement to Participate in DCFS Foster Care Driver's License Program.~~
- ~~D. Assist OR arrange for the foster parent or other adult approved by the County Supervisor or Area Director to assist the youth in completing and submitting the CFS-388 along with all required documentation which includes:
  - ~~1) A written statement addressing placement stability~~
  - ~~2) The youth's report card or school transcript showing cumulative and current GPA, OR record of regular attendance and satisfactory progress in an adult education program, OR documentation of compliance with the individual education plan; the youth making the application must obtain the appropriate official document from the appropriate authority~~
  - ~~3) Statement of behavior history. The FSW must review and write a statement concerning the youth's behavior over the last six (6) months~~
  - ~~4) Proof of participation in Transitional Youth Services (TYS) program. The FSW must attach proof of the youth's enrollment in the YYS program. If the youth isn't already enrolled, the FSW must enroll the applicant and attach proof of enrollment.~~~~
- ~~E. If requested, assist the youth and foster parent in:
  - ~~1) Finding a state approved driver's education program~~
  - ~~2) Arranging DCFS reimbursement funding for any reasonable driver's education program cost if the location is reasonably accessible by the youth~~~~
- ~~F. Compile the original CFS-388: Application & Agreement to Participate in DCFS Foster Care Driver's License Program and supporting documents into a packet and document in CHRIS.~~
- ~~G. Submit the packet to the County Supervisor.~~
- ~~H. Ensure the youth is enrolled in the YYS. If not, the FSW must enroll the youth in YYS.~~
- ~~I. File a copy of the CFS-388: Application & Agreement to Participate in DCFS Foster Care Driver's License Program and CFS-389: DCFS Foster Care Driver's License Program and Car Insurance Reimbursement Program Central Office Approval Certification and supporting documents in the foster care record and provide copies to the foster parent and youth.~~
- ~~J. If approved, assist OR arrange for the foster parent to take the youth to an Arkansas Revenue Office. in the Division's information management system~~
- ~~K. Document in CHRIS.~~

~~The Youth in out of home placement will:~~

- ~~A. Inform the foster parent or FSW that he or she wants to obtain an Arkansas Learner's or Intermediate Driver's License.~~
- ~~B. Meet all DCFS criteria before applying for a learner's or intermediate driver's license.~~
- ~~C. Work with the FSW, foster parent, and/or other approved adult to complete and submit the CFS-388 and supporting documents. It will be the youth's responsibility to request and obtain the appropriate academic records and documents.~~

~~The Foster Parents will:~~

- ~~A. Document on the CFS-388: Application & Agreement to Participate in DCFS Foster Care Driver's License Program if they are willing to support the youth's application for an Arkansas learner's or intermediate driver's license.~~

~~B. Assist the youth in completing and submitting the CFS 388: Application & Agreement to Participate in DCFS Foster Care Driver's License Program and supporting documents, if needed.~~

~~C. Transport the youth to and from the state approved driver's education program as needed.~~

~~Sign any needed documents not signed by the FSW or youth.~~

~~— Fiscal Support Specialist or designee~~

~~Complete the CFS 389: DCFS Foster Care Driver's License Program and Car Insurance Reimbursement Program Central Office Approval Certification and submit to the TYS Program Manager or designee for signature.~~

~~Scan and email or otherwise return the signed CFS 389: DCFS Foster Care Driver's License Program and Car Insurance Reimbursement Program Central Office Approval Certification to, as applicable, the youth, youth's FSW, FSW Supervisor, TYS Coordinator, placement provider, and attorney ad litem notifying these individuals of the youth's approval to participate in the DCFS Foster Care Driver's License Program and/or Car Insurance Reimbursement Program, as applicable.~~

~~— This notification will include a request for the youth's driver's license number once issued.~~

~~Document youth's approval to participate in the DCFS Foster Care Driver's License Program and/or Car Insurance Reimbursement Program and associated activities in the Division's information management system, to include entering youth's driver's license number in the applicable screens upon receipt.~~

~~The TYS Program Manager or designee will:~~

~~Review the CFS 389: DCFS Foster Care Driver's License Program and Car Insurance Reimbursement Program Central Office Approval Certification and attachments and approve or deny, as applicable.~~

~~Return the signed CFS 389: DCFS Foster Care Driver's License Program and Car Insurance Reimbursement Program Central Office Approval Certification to the TYS Fiscal Support Specialist or designee.~~

~~The DCFS County Supervisor will:~~

~~A. Review the CFS 388: Application & Agreement to Participate in DCFS Foster Care Driver's License Program and supporting documents for completeness and prepare the Request Packet.~~

~~B. Forward the Request Packet to the Area Director for review and certification.~~

~~The DCFS Area Director will:~~

~~A. Review the packet, certify its completeness and accuracy and recommend approval or disapproval.~~

~~B. Document the approval or disapproval in CHRIS.~~

~~C. Forward the packet to Central Office Vehicle Safety Coordinator.~~

~~The DCFS Vehicle Safety Coordinator will:~~

~~A. Check the youth's driving record, if any, and document any traffic violations and/or at-fault accidents.~~



- ~~B. Add appropriate documentation to the packet and forward it to the Director or designee for approval or disapproval.~~

~~The Director or designee will:~~

- ~~A. Review the packet and approve or disapprove the youth's request.~~
- ~~B. If the youth is approved to obtain a driver's license, the Director or designee will send a notarized letter designating the person authorized to sign the application. The youth will take the notarized letter to the Arkansas Driver's License Office.~~

## **~~PROCEDURE IX-C2: Insurance Reimbursement Program for Youth in Out-of-Home Placement~~**

~~10/2022~~

~~The Family Service Worker (FSW) will:~~

- ~~A. Check if the youth has a valid driver's license and submit required documentation.~~
- ~~B. Advise the youth and foster parents that motor vehicle liability insurance is required before the youth is allowed to operate any specific motor vehicle.~~
- ~~C. Advise the youth and the foster parents that they may submit CFS-389: Application & Agreement to Participate in DCFS Foster Care Driving Insurance Reimbursement Program along with all required documentation which includes:
  - ~~1) A copy of the foster parents' insurance policy listing the youth as an insured driver and delineating the actual additional premium increase, OR~~
  - ~~2) A copy of the youth's insurance policy including the actual cost~~~~
- ~~D. Ensure that everyone has completed their part of the CFS-388: Application & Agreement to Participate in DCFS Foster Care Driver's License Program and CFS-389: Application & Agreement to Participate in DCFS Foster Care Driving Insurance Reimbursement Program, that the original forms are filed in the foster case record, and that the youth and foster parents each have a copy.~~
- ~~E. Ensure that the youth and the foster parents understand the program and answer any questions they may have.~~
- ~~F. Submit the completed CFS-388: Application & Agreement to Participate in DCFS Foster Care Driver's License Program and CFS-389: Application & Agreement to Participate in DCFS Foster Care Driving Insurance Reimbursement Program to the County Supervisor for Fiscal Support Specialist or review and approval.~~
- ~~G. Ensure that a copy of proof of insurance regarding each specific vehicle is received from the foster parents or the youth, if they own their own car, and filed in the case file before the youth is allowed to operate that motor vehicle.~~
- ~~H. Ensure that the foster parents or youth are reimbursed for the actual amount of additional costs of adding a specific youth to the insurance policy of a specific motor vehicle.~~
- ~~I. Monitor the youth's driving record for current and continued compliance with all state and DCFS requirements.~~

- ~~J. Take possession of and hold the youth's driver's license, as soon as practical, following any ticketed traffic violation, at fault motor vehicle accident, or other legal problem involving the youth as a driver, or whenever the youth no longer meets the state's requirements.~~

~~The Youth in out-of-home placement will:~~

- ~~A. Sign the CFS 389: Application & Agreement to Participate in DCFS Foster Care Driving Insurance Reimbursement Program.~~
- ~~B. If the youth owns a vehicle, provide DCFS with proof of insurance covering the youth and his or her specific vehicle.~~
- ~~C. If the youth owns a vehicle, provide DCFS with documentation of the actual additional cost of insuring the youth when claiming reimbursement.~~
- ~~D. Carry his or her driver's license when operating any motor vehicle.~~
- ~~E. Follow all state motor vehicle laws.~~
- ~~F. Abide by all Division guidelines and program requirements.~~
- ~~G. Immediately report any traffic ticket received or motor vehicle accident in which they are involved in as a driver to the foster parents or FSW and give their license to the foster parent or FSW until the situation can be reviewed.~~

~~Youth who remain in care past the age of 18 participating in the Extended Foster Care Program will work with their FSW or TYS sponsor to complete the required documents.~~

~~The Foster Parents will:~~

- ~~A. Insure the youth for each specific motor vehicle that he or she will be allowed to operate.~~
- ~~B. Provide DCFS with proof of insurance covering the youth on each specific vehicle.~~
- ~~C. Provide DCFS with documentation of the actual additional costs of insuring the youth when claiming reimbursement.~~
- ~~D. Immediately report to the FSW any traffic ticket received by the youth or motor vehicle accident in which they are involved as a driver within twenty four (24) hours of the incident.~~
- ~~E. Immediately take possession of the youth's driver's license and give it to the FSW as soon as practical, following any ticketed traffic violation or motor vehicle accident involving the youth as a driver.~~

~~The DCFS County Supervisor will:~~

- ~~A. Review CFS 388: Application & Agreement to Participate in DCFS Foster Care Driver's License Program and CFS 389: Application & Agreement to Participate in DCFS Foster Care Driving Insurance Reimbursement Program and supporting documents for completeness.~~
- ~~B. Forward the packet to the Area Director for review and certification.~~
- ~~C. Notify the Division Director's office when a youth's driver's license has been taken because of a ticketed traffic violation, at fault motor vehicle accident, or other legal problem involving the youth as a driver so that the youth's driving privileges can be reviewed.~~

~~The DCFS Area Director will:~~

- ~~A. Review the packet, certify its completeness and accuracy and recommend approval or disapproval.~~
- ~~B. Document the approval or disapproval in CHRIS.~~

~~C. Forward the packet to Central Office.~~

~~The Division Director or designee will:~~

~~A. Review the packet and approve or disapprove the youth's request.~~

Mark-UP

## **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).