
ORANGE COUNTY SOCIAL SERVICES AGENCY CFS OPERATIONS MANUAL

Effective Date: August 1, 1993

Number: D-0404

Revised: May 27, 2011

Dependent Youth Driver License Application

Purpose	To provide guidelines regarding consent for a dependent youth's California driver license application.
Approved	This policy was approved by Gary Taylor, Director of CFS, on May 27, 2011. <i>Signature on file.</i>
Background	<p>California law allows for a youth under 18 years of age to obtain a provisional driver license. To do so, youth under 18 years of age must obtain consent (i.e., written authorization) from an authorized party.</p> <p>Prior to 1993, the State of California Department of Motor Vehicles (DMV) was prohibited from accepting a driver license application from any youth, including a dependent youth, without written consent from the parent(s), legal guardian, or other person(s) having legal custody of the youth. Assembly Bill 2691 (Chapter 865, Statutes of 1992) expanded the list of persons permitted to provide written consent for a dependent youth's driver license application, as detailed in this policy.</p> <p>Refer to the DMV website for additional requirements to obtain a provisional license.</p>
Legal Mandates	California Department of Social Services (CDSS) All County Letter 01-30 states foster youth will be permitted to apply for a driver license whenever possible and identifies parties authorized to sign for a dependent foster youth's driver license application.

[Health and Safety Code section \(§\) 1530.6](#) outlines the scope of legal consent that may be provided by licensed out-of-home caregivers on behalf of a dependent youth.

[Vehicle Code § 12650](#) authorizes youth attending school to apply for a student license, identifies those authorized to sign for a student license, and provides that written verification of acceptance of liability must be provided by the authorized party providing consent.

[Vehicle Code § 12652](#) details the time periods and limitations for which a student license is valid.

[Vehicle Code § 12814.6](#), also known as the Brady-Jared Teen Driver Safety Act of 1997, sets in place the rules of the provisional driver license program for the State of California.

[Vehicle Code § 16020](#) provides that drivers and owners of a motor vehicle be able to establish proof of financial responsibility.

[Vehicle Code § 16430](#) details the minimum levels of financial responsibility required for the operation of a motor vehicle.

[Vehicle Code § 17701](#) identifies the parties authorized to sign for a minor dependent youth's driver license application.

[Vehicle Code § 17705](#) provides that if an authorized party consents to a minor's driver license application, but is unwilling to accept liability, the minor must demonstrate proof of financial responsibility at the time of application.

[Vehicle Code § 17707](#) indicates the parties providing consent for a minor's driver license application will face liability for any damages caused by a minor in the operation of a motor vehicle. Also, identifies exceptions to liability for child welfare services workers.

[Vehicle Code § 17708](#) provides the parent(s) or person(s) having custody of a minor, who consent for a minor to operate a motor vehicle, will face potential joint and several liability.

[Vehicle Code § 17712](#) provides guidelines regarding cancellation of a minor dependent youth's provisional driver license and the transfer of liability upon a change of custody and/or placement.

[Welfare and Institution Code § 362.04\(a\)\(2\)](#) defines the “reasonable and prudent parent standard.”

[Welfare and Institution Code § 362.05](#) provides that dependent foster youth are entitled to participate in age-appropriate, extracurricular, enrichment, and social activities.

Definitions

Joint and Several Liability: If two or more parties are found to be responsible for a debt or judgment, they are each individually and together, responsible to pay the debt or judgment in full.

Provisional Driver License: Driver license provided to youth under 18 years of age that sets specific limitations on the driver (e.g., restrictions on passengers, hours of operation, use, etc.).

Reasonable and Prudent Parent Standard: A standard characterized by careful and sensible decisions that maintain the youth’s health, safety, and best interest.

POLICY

Consent Guidelines

In accordance with CDSS All County Letter 01-30, dependent youth will be permitted to apply for a driver license whenever possible. A dependent youth between the ages of 15½ and 18 years of age may apply for a provisional driver license provided written consent is obtained from an authorized party.

When a minor dependent youth expresses interest in obtaining a provisional driver license, the assigned social worker will use the *Dependent Youth Driver License Information Brochure (F063-25-660)* to advise the youth, out-of-home caregiver, parent/legal guardian and/or other party considering whether to provide consent, of the following:

- A. The DMV will accept a driver license application from a youth under 18 years of age with consent from the parent/legal guardian or other person having legal custody of the youth.
 1. Parents receiving Family Maintenance (FM) services retain the legal authorization to provide written consent for a minor dependent youth.

2. For minor dependent youth in out-of-home care, any of the following parties may sign the driver license application:
 - Foster parent with whom the minor dependent youth resides (this may include a relative/non-relative extended family member [NREFM])
 - Grandparent
 - Sibling over 18 years of age
 - Aunt/Uncle
 3. **CFS staff are not authorized to sign an application for a provisional driver license for a dependent youth.**
- B. To contact the DMV directly for further information about the rules and regulations governing the licensure process.

**Advisements
Prior to
Consent**

Whenever possible, before any authorized party provides consent for a minor dependent youth's driver license application or operation of a motor vehicle, the following advisements will be provided:

- A. **Liability Disclosure:**
The assigned social worker will:
1. Advise the minor dependent youth and the party providing consent that both face potential joint and several liability for damages incurred by the youth's operation of a motor vehicle when:
 - Signing the youth's driver license application. (**Note:** If an authorized party provides consent for the driver license application but is unwilling to accept liability, the youth must be able to demonstrate proof of financial responsibility at the time of application)
-AND/OR-
 - Providing implicit and/or explicit permission for the youth to operate a motor vehicle
 2. Discuss with the minor dependent youth and the party providing consent, the youth's suitability to operate a motor vehicle. This includes, but is not limited to, consideration of the following characteristics of the youth:

- Age, maturity, and developmental level
- Physical capability
- Criminal history (if any)
- Behavior/Mental health history
- History of substance abuse (if any)

The assigned social worker will communicate any concerns regarding the above.

3. When applicable, advise the out-of-home caregiver to use a “reasonable and prudent parent standard” when deciding whether or not to provide consent. Refer to CFS P&P [Extracurricular Activities \(D-0402\)](#) for information regarding application of the “reasonable and prudent parent standard.”

B. Proof of Financial Responsibility:

The assigned social worker will advise the dependent youth and/or party providing consent that the youth must be able to demonstrate proof of financial responsibility.

Proof of financial responsibility may include:

- Automobile Insurance
- Bond. (**Note:** The bond must cover the minimum limits as set by state law)
- Deposit of \$35,000 or other amount specified by state law

Provision of the above advisements will be completed through review of the *Dependent Youth Driver License Information Brochure (F063-25-660)* and documented in the narrative section of the CWS/CMS Contact page. The contact narrative will identify:

- To whom the information was provided
- AND–
- A summary of the advisements, disclosures, and other relevant information discussed

Cancellation of Provisional Driver License

A minor dependent youth’s provisional driver license may be cancelled:

- A. At any time through written request to the DMV, by the party who previously provided consent for the minor dependent youth’s driver license application.

- B. If the youth has a change in placement or is returned to the custody of the parent/legal guardian. In such instances, the assigned social worker will:
1. Advise the person with whom the youth now resides (i.e., parent, legal guardian, or out-of-home caregiver) of the following:
 - That the youth holds a provisional driver license
 - Of the potential joint and several liability and proof of financial responsibility requirements detailed in the Policy section entitled "Advisements Prior to Consent"
 - To contact the DMV to:
 - Obtain the appropriate forms to change the youth's license status
 - Provide written documentation to the DMV regarding willingness or unwillingness to assume liability/financial responsibility for the youth's provisional driver license
 2. Advise the person that previously provided consent for the youth's driver license application (e.g., prior out-of-home caregiver) that they will continue to accept joint and several liability unless the DMV is notified otherwise.

Note: A minor dependent youth's provisional driver license will be cancelled if the DMV does not receive written notification of acceptance of liability from the parent/legal guardian/current out-of-home caregiver before receiving a request to cancel the license from the party who previously provided consent for the youth's driver license application.

Student License

Youth 15 years of age and older may apply for a student license for driver training courses offered through a high school. The student license is valid only for driver training and instruction purposes.

For a student license, in addition to the minor dependent youth's signature, a school principal or authorized school representative may sign for a youth in foster care if no authorized party is able to provide written consent.

Non-Minor Dependent Youth

Non-minor dependent youth may apply for a driver license at 18 years of age without consent from any other party.

When a non-minor dependent youth expresses interest in obtaining a driver license, the assigned social worker will use the *Dependent Youth Driver License Information Brochure (F063-25-660)* to:

- A. Direct the youth to contact the DMV directly for information about the rules and regulations governing the licensure process.
- B. Advise the youth regarding potential civil liability regarding any damages incurred by the youth in the operation of a motor vehicle.
- C. Advise the youth of the requirement to demonstrate proof of financial responsibility (as indicated in the “Proof of Financial Responsibility” Policy subsection above).
- D. Advise any out-of-home caregiver or other party expressing a willingness to provide (implicit and/or explicit) permission for the non-minor dependent youth to operate their motor vehicle and/or to assume financial responsibility for the youth, that they face potential joint and several liability for damages incurred by the youth.
- E. Discuss with the youth and any party providing consent, the youth’s suitability to operate a motor vehicle. This includes, but is not limited to, consideration of characteristics of the youth detailed in the “Liability Disclosure” Policy subsection above.

The assigned social worker will communicate any concerns regarding the youth’s suitability to operate a motor vehicle.

- F. Advise the out-of-home caregiver (if any) to use a “reasonable and prudent parent standard” when deciding whether or not to:
 - Provide consent for the youth to operate their motor vehicle

-AND/OR-

 - Assume financial responsibility for the youth

Refer to CFS P&P [Extracurricular Activities \(D-0402\)](#) for information regarding application of the “reasonable and prudent parent standard.”

Provision of the above advisements will be completed through review of the *Dependent Youth Driver License Information Brochure (F063-25-660)* and documented in the narrative section of the CWS/CMS Contact page. The contact narrative will identify:

- To whom the information was provided
- AND/OR-**
- A summary of the advisements, disclosures, and other relevant information discussed
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REFERENCES

Attachments and CWS/CMS Data Entry Standards Hyperlinks are provided below to access attachments to this P&P and any CWS/CMS Data Entry Standards that are referenced.

None.

Hyperlinks Users accessing this document by computer may create a direct connection to the following references by clicking on them.

- CFS P&P [Extracurricular Activities \(D-0402\)](#)
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Other Sources Other printed references include the following:

None.

REQUIRED FORMS

Online Forms Required forms listed below may be printed out and completed, or completed online, and may be accessed by clicking on the link provided.

	Form Name	Form Number
None.		

**Hard Copy
Forms**

Forms listed below must be completed in hard copy (including multi-copy NCR forms). **For reference purposes only**, links are provided to view these hard copy forms, where available.

	Form Name	Form Number
	None.	

**CWS/CMS
Forms**

The following required forms may **only** be obtained in CWS/CMS. **For reference purposes only**, links are provided to view these CWS/CMS forms, where available.

	Form Name	Form Number
	None.	

Brochures

Brochures to distribute in conjunction with this procedure include:

	Brochure Name	Brochure Number
	Dependent Youth Driver License Information Brochure	F063-25-660
