



**TEXAS**

**Department of Family  
and Protective Services**

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*Child Protective Services*

**Driver Licenses for Youth  
in Conservatorship  
Resource Guide**

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## **Resource Guides**

The purpose of Resource Guides is to provide information that helps you do your job better. This information includes reference material, procedures, and guidelines that help you complete the tasks you are required to do by policy.

It's important to remember that the information in Resource Guides **does not substitute for policy**. We may sometimes include policy statements, but only to show you the policy to which the information is related. We will highlight any policy that actually appears in the Resource Guide, and will almost always include a link to the actual policy. For example:

***Per [4222.2 Re-Allowing Placement](#):***

If the caseworker learns of a detailed justification for changing the status of and considering placements in a foster family that is on Disallowed Placement status, the caseworker must elevate this consideration through the regional chain of command to the regional director.

The policy in the handbook always takes precedence over what is in the Resource Guide. We try to keep policy and Resource Guides synchronized, but sometimes there is a delay. **If you have questions, always follow the policy in the Policy Handbook.**

Resource Guides provide important information on a range of topics, for the purpose of assisting and guiding staff to:

- make essential decisions
- develop strategies to address various issues
- perform essential procedures
- understand important processes
- identify and apply best practices

The information in the Resource Guides is not policy (except where noted), and the actions and approaches described here are not mandates. You should adapt the way you perform critical tasks to the individual needs and circumstances of the children and families with whom you work.

State office and field staff are working together to identify Resource Guide topics, define the content, and develop the appropriate guides. CPS will regularly post Resource Guides as they are developed, and update them as needed. Check the Resource Guides page, in the CPS Handbook, to see new or revised Guides.

We hope these Guides provide useful information to guide and assist CPS staff in effectively performing their job tasks. These Guides, combined with clear and concise policy in the Handbook, should help staff provide a high level of service to children in Texas.



A youth under age 18 in DFPS conservatorship may request to take driver's education courses or apply for a driver license at any time. The youth's caregiver may make the request on the behalf of the youth.

## ASSESSMENT

The primary caseworker conducts an assessment when the request is first received. The assessment determines if:

- it is appropriate for the youth to take a driver's education course or obtain a driver license, and
- any safety risks exist that make driving not in the youth's best interest.

As part of the assessment, the caseworker considers these elements:

- placement restrictions;
- age (at least 15 years old);
- individual needs;
- current situation;
- impulse control or any recent high risk behaviors;
- emotional maturity;
- background, including current or past substance abuse issue and medical issues; and;
- any other safety issues associated with the youth driving.

When appropriate, the caseworker consults with:

- the youth's attorney ad litem;
- the youth's Court Appointed Special Advocate (CASA) worker;
- PAL staff (if the youth participated in PAL classes); or
- other appropriate persons involved with the youth, such as the youth's therapist or caretaker.

The caseworker may consider the recommendations of the parents, if:

- DFPS conservatorship is temporary;
- parental rights have not been terminated; and
- the parents can be located with reasonable efforts.

See:

[6454.1](#) Driver License Assessment

[6454.11](#) Approval Process.

## INSURANCE

The youth, caseworker, and the caregiver are responsible for ensuring that the youth is properly insured when taking the driver's education course and the DPS driving test required for the driver license. The caregiver has the option to put the youth on his or her insurance policy.

After the youth obtains the license, the youth must be covered under an automobile insurance policy if the youth drives a vehicle.

***Per [6454.11](#) Approval Process:***

The youth's primary caseworker must inform the youth that he or she must not drive a vehicle at any time without having the proper insurance. If the youth does drive without insurance, DFPS will cancel the license. The caseworker must document the discussion with the youth in the *Narrative* section of the *Contact Detail* page in IMPACT.

If the youth is covered under the caregiver's insurance policy, the youth's primary caseworker informs the caregiver that if the youth is removed from this policy, the caregiver must inform the caseworker 30 days before the change, or as soon as the change occurs. The caseworker counsels the youth that he or she cannot drive any vehicle until the youth is covered under a new insurance policy. Caseworkers document their discussions with the caregiver and the youth in IMPACT.

If the youth is changing his or her placement and the youth is on the current caregiver's insurance policy, the youth must obtain new insurance in order to drive a vehicle. The caseworker discusses this issue with the youth before the placement change, and works with the youth to see whether there is another way the youth can be placed on an automobile insurance policy. If insurance cannot be obtained, the caseworker counsels the youth that he or she cannot drive a vehicle, and documents this conversation in IMPACT.

## REASSESSING A YOUTH BEFORE OR AFTER RECEIPT OF A DRIVER LICENSE

### *Per [6454.12](#) Reassessing a Youth Before or After Receipt of a Driver License:*

Once the youth completes all DPS requirements to apply for a driver license, the youth's caseworker may only reassess the youth if circumstances change. If, based on a reassessment, the caseworker determines that the license should be cancelled or withdrawn the caseworker must submit a request following policies in [6454.5](#) Canceling or Withdrawing a Driver License.

If the caseworker becomes concerned there is a safety risk for a youth to drive, the caseworker may request that the youth's driver license be canceled or withdrawn. Concerns may include, but are not limited to:

- substance abuse issues;
- medical issues; or
- safety risk behaviors demonstrated by the youth.

If a youth comes into foster care with a driver license, the caseworker consults with the regional attorney to determine the best course of action if the caseworker:

- is concerned that it is a safety risk for the youth to drive; or
- learns that the youth is driving and not covered under an automobile insurance policy.

Even though DFPS has conservatorship of the youth, DFPS is not the signatory on the youth's driver license and a court order is needed to cancel the driver license.

## YOUTH PLACED OUT OF STATE

Laws differ from state to state for youth who are trying to obtain a driver license. The primary caseworker consults with the regional attorney for youth in DFPS conservatorship who reside in another state, when the caseworker is first notified of the youth's desire to obtain a license.

## APPLYING FOR A DRIVER LICENSE

When applying for a Texas driver license at a local DPS office, the youth or young adult presents:

- [Form 2042](#) DFPS Foster Youth Driver License Fee Waiver Letter;

- A completed, signed [DPS Form DL-14A](#) Application for Texas Driver License or Identification Card; and
- [DPS Form DL-5](#) Texas Residency Affidavit.

### THE DRIVER LICENSE FEE WAIVER LETTER

Texas law waives certain fees related to applying for a driver's license, for a youth in DFPS conservatorship or a young adult in DFPS-paid foster care. Form 2042 is the waiver letter that DFPS provides to the youth or young adult, to present to DPS when applying for the driver license.

*Texas Transportation Code [521.1811](#)*

See [6454.2](#) Eligible Youth Applying for a Driver License.

### TEXAS RESIDENCY AFFIDAVIT (DPS FORM DL-5)

See [6454.3](#) Affidavit Requirements.

DPS requires proof that a driver lives in Texas. Both the driver license applicant and a representative, who provides services to the applicant at the address on the form, must fill out and sign [Form DL-5](#) Texas Residency Affidavit. This form is used to certify the youth's or young adult's current address.

The representative can be a person such as a foster parent, kinship caregiver, or residential child care provider.

For youth under age 18, the representative accompanies the youth to the DPS driver license office and provides acceptable proof of residency. DPS Form DL-5 provides instructions and a list of acceptable residency documents. Form DL-5 may be notarized or another notarized letter may be presented. Young adults over age 18 may also present a notarized letter or a notarized Form DL-5 affirming that the young adult receives mail and services at the representative's address. The representative is not required to accompany young adults over age 18.

The address where the youth or young adult resides is entered on [DPS Form DL-14A](#) Application for Texas Driver License or Identification Card.

## ADDRESS CHANGES

#### **Per [6454.41](#) Address Changes:**

DFPS staff and caregivers must inform the youth or young adult that, if he or she has a placement change or is discharged from DFPS conservatorship, he or she must notify DPS of a new address change within 30 days.

Individuals can access address change information on the DPS website at [Change Information on Your Driver License or ID Card](#).

The fee waiver does not apply to fees associated with address changes, replacing lost licenses, or reinstating a driver license.

## CANCELING OR WITHDRAWING A DRIVER LICENSE

See [6454.5](#) Canceling or Withdrawing a Driver License.

Examples of when a youth's driver license should be canceled include:

- the youth's unauthorized use of a caregiver's or other individuals motor vehicle;
- major traffic violations; or
- behaviors exhibited by the youth that indicate that it is a safety risk for the youth to continue driving.

A driver license should not be canceled or have the threat of cancellation because a youth is not attending school, or for program infractions.

### ***UNPAID TRAFFIC VIOLATIONS OR CITATIONS***

If the caseworker becomes aware that a youth has incurred a citation or traffic ticket and has failed to pay the fine or any associated costs in a timely manner, the youth's primary caseworker may work with the youth to find a way to pay for the traffic ticket and other costs, such as using funds a youth earned from a job, asking for funds from a relative or the child welfare board. If traffic violations or citations cannot be resolved, the regional director may withdraw the driver license after discussions with the youth, caregiver, and primary caseworker.