

	<b>GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL</b>			
	<b>Chapter:</b>	(13) Independent Living Program	<b>Effective Date:</b>	November 2014
	<b>Policy Title:</b>	Driver Education and Licensure		
<b>Policy Number:</b>	13.8	<b>Previous Policy #:</b>	1012.11 1012.12 1012.13	

### CODES/REFERENCES

O.C.G.A. § 15-21-170, Georgia Driver's Education and Commission (Joshua's Law [SB 226])  
O.C.G.A. § 40-5-20, Issuance, Expiration and Renewal of Licenses  
Teenage and Adult Driver Responsibility Act (TADRA)

### REQUIREMENTS

The Division of Family and Children Services (DFCS) shall obtain written consent from a youth's birth or adoptive parent; or by the County Director in the county that has legal custody of the youth prior to the youth seeking a driver's license or taking a community based driver's education course.

**NOTE:** Consent and signatures should be obtained based on the youth's current legal status and permanency plan.

DFCS shall ensure that any personal vehicle that a youth under age 18 in foster care will be driving is insured, and that the youth's name appears on the insurance declaration.

**NOTE:** This includes any vehicle used for instructional or practice experience.

DFCS shall allow all youth ages 18-21 who are participating in the Extended Youth Support Services (EYSS) program to seek a driver's license. Youth 18 and older can obtain their driver's license and purchase a vehicle without prior consent from DFCS or the youth's birth or adoptive parent.

**NOTE:** Independent Living Program (ILP) funds may not be used to purchase or maintain a vehicle. **EXCEPTION:** See policy [13.5 Independent Living Program: Individual Development Account \(IDA\)](#)

DFCS shall ensure that youth in foster care who obtain a driver's license adhere to the Teenage and Adult Driver Responsibility Act (TADRA) and Joshua's Law. ([See TADRA and Joshua's Law Practice Guidance](#))

### PROCEDURES

#### Consent to Obtain a Driver's License and/or Obtain Driver's Education

As a part of the Written Transitional Living Plan (WTLP) and Graduated Independence Plan (GIP), for youth ages 15-17 years or for youth participating in the EYSS program, the Social Services Case Manager (SSCM) may discuss with the youth their interest in obtaining driver's education and an Instructional Permit/Intermediate License. A driver's education plan should be developed and included in the WTLP/GIP when it is determined that a youth will pursue a driver's education courses or obtain a driver's license. The SSCM will:

1. For youth in foster care in the temporary custody of DFCS:
  - a. Contact the birth or adoptive parents (when applicable) to discuss the youth's request to obtain driver's education and/or licensure **within 7 business days of the request**;
  - b. Develop the Graduated Independence Plan to be incorporated into the WTLP with the youth, birth or adoptive parent (when applicable), and foster parent, or Room Board Watchful Oversight (RBWO) provider;
  - c. Determine if the birth or adoptive parent (when applicable) will be participating in the youth's driver education;
  - d. Discuss the requirement to place the youth on the caregiver's automobile insurance for full coverage if the youth will be operating their personal vehicle;
  - e. Explain DFCS policy on youth obtaining driver education and licensure and DFCS' non-assumption of legal liabilities related to youth driving;
  - f. Obtain the current caregivers as well as the, birth or adoptive parent's (when applicable) signature on the Acknowledgement of DFCS Driving Policy for Youth in Care Form and the Consent for Youth to Obtain Drivers Education, Driver's License and/or Drive a Motorized Vehicle;
  - g. Document the conversation with the current caregiver and birth or adoptive parent (when applicable) and their consent in Georgia SHINES;
  - h. If birth or adoptive parent(s) cannot be located, document the efforts made to locate them in Georgia SHINES;
  - i. Prepare a waiver request, authorizing the Consent for Youth to Obtain Drivers Education, Driver's License and/or Drive a Motorized Vehicle form to be signed and approved by the County Director that has legal custody of the youth if the birth or adoptive parents of the youth cannot be located;
  - j. **Within 30 calendar days** of the request from the youth, coordinate with the youth's school counselor and/or Independent Living Specialist (ILS) to enroll the youth in the next available driver's education course.
2. For youth in foster care for whom parental rights have been terminated:
  - a. Obtain written approval from County Director that has legal custody of the youth by completing the Consent for Youth to Obtain Drivers Education, Driver's License and/or Drive a Motorized Vehicle form;
  - b. Develop the Graduated Independence Plan to be incorporated into the WTLP with the youth, and foster parent, or Room Board Watchful Oversight (RBWO) provider; and
  - c. **Within 30 calendar days** of the request from the youth, coordinate with the youth's school counselor and/or Independent Living Specialist (ILS) to enroll the youth in the next available driver's education course.

### **Obtaining Driver's Education and an Instructional/Intermediate Licensure for Youth Age 15-17**

Upon obtaining written consent from a youth's birth or adoptive parents, or the County Director that has legal custody of the youth, the three (3) step process of obtaining a driver's license under the regulations outlined in Joshua's Law may proceed. (See [TADRA and Joshua's Law Practice Guidance](#)) The SSCM will:

1. Assist the youth in obtaining the required identification and documentation necessary to enroll in Driver's Education and/or obtain their Instructional Permit/Intermediate License;
2. Assist the youth in enrolling in an accredited Driver's Education course through their school or local community;

**NOTE:** Request the ILS to enroll and pay all applicable fees for the youth to complete a

community based driver's education course if there is not a course offered through the youth's local school system. Funds are based on availability. Also, note that there is a cap for these costs, therefore, if the cost of the course is more than the cap, the DFCS county office will be responsible for the additional costs or will need to seek a course within the budget limit.

3. Upon completion of a Driver's Education course and subsequent written examination, assist the youth in obtaining an instructional permit through the Georgia Department of Driver's Services (DDS);
4. As a part of the evaluation of the youth's Graduated Independence Plan, evaluate regularly the youth's driving experience with the foster parent or RBWO provider and the birth or adoptive parent (when applicable), making adjustments as necessary based on the youth's performance and maturity; and
5. As the youth completes the requirements of Joshua's law, assist the youth in obtaining upgrades in licensure.

### **Obtaining Driver's Education and an Licensure for Youth Age 18-21 Participating in the Extended Youth Support Services (EYSS) Program**

As written permission is not required for youth ages 18-21 participating in the EYSS program, upon the youth's decision to obtain their driver's license the SSCM will:

1. Assist the youth in obtaining the required identification and documentation necessary to enroll in Driver's Education and/or obtain their driver's license;
2. Assist the youth in enrolling in an accredited Driver's Education course through their school or local community;

**NOTE:** Request the ILS to enroll and pay all applicable fees for the youth to complete a community based driver's education course if there is not a course offered through the youth's local school system. Funds are based on availability. Also, note that there is a cap for these costs, therefore, if the cost of the course is more than the cap, the DFCS county office will be responsible for the additional costs or will need to seek a course within the budget limit.

3. Upon completion of a Driver's Education course and subsequent written examination, assist the youth in obtaining a driver's license through the Georgia Department of Driver's Services (DDS); and
4. Incorporate responsible driving privileges into the youth's WTLP/GIP.

**NOTE:** Youth who are over the age of 18 are not subject to all of the requirements of Joshua's Law, however for youth participating in the EYSS program a Driver's Education Course is still highly recommended. At least forty (40) hours of supervised driving experience is still required (6 hours at night) prior to obtaining a driver's license. EYSS youth who seek to own a vehicle or obtain a license should also do so in consultation with their placement provider and SSCM as these youth will be legally responsible for all acts or omissions that result from them driving or owning a vehicle.

### **PRACTICE GUIDANCE**

#### **Determining When a Youth is Ready to Obtain a Driver's License**

Youth in foster care may be granted permission to obtain an Instructional Permit, Provisional or Full License to drive a car and/or participate in a community based driver's education program beginning at 15 years of age. Youth and their caregiver's (birth parents and/or foster or adoptive parents) will be required to meet all requirements beginning at the time the youth reaches the age of 16 years in order to obtain and maintain a valid Georgia driver's license. Before

determining that a youth is ready to begin the process of obtaining a driver's license the SSCM in collaboration with the Social Services Supervisor (SSS) and the youth's birth/adoptive parent and/or foster parent should be consulted to determine:

1. The judgment and maturity of the youth;
2. Relationship between youth and caregiver;
3. Completion of a formal driver's education course or informal instruction;
4. School performance;
5. Intended use of the vehicle (needed for school, work, etc.);
6. Previous driving record, if appropriate;
7. History of runaway or other status offenses;
8. History of drug/alcohol use; and
9. Progress with the WTLP/GIP.

So that all expectations are clear if the caregiver is going to allow youth to drive their vehicle, there should also be a "Driving Contract" between the youth and caregiver regarding the use of the vehicle (See Sample Driving Contract).

In addition to the youth's behavior and maturity level, Georgia State Law also states that in order to obtain an Instructional Permit/Intermediate License, the youth must provide acceptable proof that he/she has received a:

1. High school diploma;
2. GED;
3. Special education diploma;
4. Certificate of high school completion;
5. Has terminated high school and enrolled in a post-secondary school;
6. Has withdrawn from school with permission of parent or guardian; and
7. Is enrolled in, not suspended from, and attending a public, private school or the youth is being home schooled.

Georgia State Law also states that an Instructional Permit/Intermediate License will be suspended if any of the following occur:

1. If the youth drops out of school without graduating and has remained out of school for 10 consecutive days;
2. If the youth has more than 10 consecutive school days of unexcused absences in any semester or combination of two (2) consecutive quarters; or
3. The youth has been suspended from school for:
  - a. Threatening, striking or causing bodily harm to a teacher or other school personnel;
  - b. Possession or sale of drugs or alcohol on school property; or
  - c. Possession or use of a weapon on school property.

### **Department of Driver Services (DDS) Secure Identification Requirements**

DDS has implemented procedures that enhance the integrity and security of Driver's License (DL) and Identification Cards (ID) resulting from the Federal requirements of the Real ID Act. The following documents are required:

1. At least one (1) original or certified document to prove primary identity;
2. At least one (1) document to prove the youth's social security number;
3. At least two (2) documents to prove the youth's residential address (non-essential information may be redacted or crossed out such as account numbers, financial figures

or other information as long as name and address remains visible). Youth may present the following to show proof of their residential address:

- a. School records or transcripts showing the youths' residential address;
- b. A letter from placement provider on official letterhead that includes the youth's name, date of birth, the address of the facility, and the name and phone number of an official representative of the facility; or
- c. A valid Georgia driver's license, permit or identification card issued to the youth's parent, guardian, spouse, or child.

### **Drivers Education Courses**

Driver's Education Courses may consist of classroom learning, on the road practice or a combination of both. Courses that are conducted in the classroom only do not require any type of license or permit to complete. Courses that include driving experience outside the classroom will require an instructional permit. For youth who are in foster care or participating in the EYSS program it is preferred that the Driver's Education Course they attend include the Alcohol and Drug Awareness Component (ADAP), as the youth will be required to take this portion of driver's education separately if not included in the curriculum.

Youth who are delayed in obtaining the identification required to obtain a driver's license or who do not have a caregiver who is able to provide on the road practice experience may only obtain classroom driver's education until these requirements can be met.

Youth may obtain a copy of the Georgia Driving Manual from the Georgia Department of Public Safety, a Georgia State Patrol Office, or may access the manual online at [www.georgianet.org/dps](http://www.georgianet.org/dps).

### **Teenage and Adult Driver Responsibility Act (TADRA) and Joshua's Law<sup>1</sup>**

All youth in Georgia are subject to the Teenage and Adult Driver Responsibility Act (TADRA), which incorporates Joshua's Law. TADRA requires a graduated driver's license program for driver's age 15 to 18 years old and involves an intense, three-step education process that allows young drivers to gain more experience behind the wheel.

#### **Three-Step Process in TADRA**

**STEP ONE - INSTRUCTIONAL PERMIT** (CP) is granted to 15-year-olds upon successfully passing a written examination. The driver with this permit must be accompanied by a passenger who is at least 21 years old and possesses a valid Class C driver's license at all times while driving.

**STEP TWO - INTERMEDIATE LICENSE** (Class D) The license is granted to drivers between 16 and 18 years of age who have held an Instructional Permit for 12 months and passed a driving test. The Intermediate License has the following restrictions:

1. No driving between the hours of 12 a.m. and 6 a.m. No exceptions;
2. Passenger restrictions:
  - a. **For the initial six-month period immediately following the issuance of a Class D license**, any Class D license holder shall not drive a motor vehicle upon the public roads, streets or highways of this state when any other passenger in the vehicle is not a member of the driver's immediate family.

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<sup>1</sup> Georgia Department of Driver's Services Website-Teen Drivers [www.dds.ga.gov](http://www.dds.ga.gov).

- b. **During the second six-month period immediately following issuance of a Class D license**, any Class D license holder shall not drive a motor vehicle upon the public roads, streets or highways of this state when more than one other passenger in the vehicle (who is not a member of the driver's immediate family) is less than 21 years of age.
  - c. **After the second six-month period**, any Class D license holder shall not drive a motor vehicle upon the public roads, streets or highways of this state when more than three other passengers in the vehicle (who are not members of the driver's immediate family) are less than 21 years of age.
3. **Joshua's Law** - On or after January 1, 2007, any 16 year old who obtains an initial Class D license must have completed:
- a. A driver education course approved by the Department of Driver Services; and
  - b. A cumulative total of at least forty (40) hours of other supervised driving experience, including at least six (6) hours at night.

**NOTE:** If the youth has not completed an approved driver's education course, they cannot get their Class D driver's license until they reach age seventeen (17).

**STEP THREE - A FULL LICENSE** (Class C) driver's license is granted to drivers ages 18 years of age and older who hold the class D license and have incurred no major traffic convictions during the previous 12 months. The following violations must not occur during this period:

- 1. DUI;
- 2. Eluding a police officer;
- 3. Drag racing;
- 4. Reckless driving;
- 5. Hit and run; or
- 6. Any violation that assesses four or more points on the driver's license

Drivers under the age of 18 years in a 12-month license suspension period must not incur a violation point count over four points.

Georgia has a zero tolerance for underage drunk driving. Convicted drivers with a blood-alcohol content level of .08 grams or higher will face a 12-month license suspension on the first offense.

For more information on TADRA or Joshua's Law, visit the Georgia Department of Driver's Services website at [www.dds.ga.gov](http://www.dds.ga.gov)

<b>FORMS AND TOOLS</b>
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- [Acknowledgement of DFCS Driving Policy for Youth in Care Form](#)
- [Consent for Youth to Obtain Drivers Education, Driver's License and/or Drive a Motorized Vehicle](#)
- [Sample Driving Contract](#)
- [Vehicle Georgia Department of Driver's Services website](#)