



Driver's License for Foster Youth Resource Page

As you are likely all too aware, there are many barriers to our foster youth being able to obtain their driver's licenses. However, many of these barriers are based on outdated information. The following resource lays out how a youth in foster care may obtain their driver's license and other helpful information:

Three main ways a foster youth can obtain their driver's license:

Traditional Method – §42-2-108(1)(a)(I)

Any person under 18 can apply for an instruction permit or minor's driver's license. The **application** must be accompanied by:

- **Affidavit of Liability** signed and verified by a parent, stepparent, foster parent, grandparent with power of attorney, guardian, spouse (if spouse is over 18), or any other responsible adult who assumes the obligation by signing the affidavit.

By Obtaining Proof of Financial Responsibility - §42-2-108 (1)(a)(I)(B)

Any person under the age of 18 can apply for a minor's driver's license and be accepted if the application is accompanied by **proof of financial responsibility** (otherwise known as car insurance) held in the name of the minor, if the minor is a foster child. Foster youth are now eligible to contract for their own car insurance.

With the Signature of the GAL or Caseworker - §42-2-108 (1)(a)(II) and §42-2-108(1)(b)

This allows a caseworker or GAL to sign the **application** of the minor **without having to sign the affidavit of liability** if the minor is a ward of any court in the state and has been placed in foster care and if the foster parents consents (for youth under 17) or if foster parents have been consulted (for youth over 17).

- The one caveat: §42-2-108(1)(a)(III) states that the GAL or caseworker who signed the application (without signing the affidavit of liability) shall accompany the minor if he/she is required to appear before the department for a hearing, or if they cannot appear they should submit a verified signed statement that he/she is aware of the purpose of the hearing and cannot attend.

DMV Identification Requirements

Regardless of which procedure you use above, the foster youth will be required to show their identification documents, provide proof of social security, provide proof of current address and bring the required to the DMV. This link will take you to the various requirements and what documents suffice: <https://www.colorado.gov/pacific/dmv/foster-children-driver-licenses>. If you are unable to get one of the required documents, you may want to pursue exemptions processing detailed here: <https://www.colorado.gov/pacific/dmv/exceptions-processing>.

Other Considerations

Instruction Permit

§42-2-104(4)(II)(C) now allows a youth in foster care with an instructional permit to obtain their driving hours with any individual who is at least 21 and holds a valid driver's license.

DHS Prohibited?

Nowhere in Volume 7 is there a prohibition on allowing foster youth to obtain driver's license. Volume 7 is largely silent on this issue, however there are a few places where driver's licenses are referenced, clearly illustrated that they are contemplated/allowed, for example:

- 12CCR2509-4:7.305.5 states that all youth in foster care who have reached the age of 18 and who have been in foster care for at least 6 months SHALL be provided with certain documents at least 90 business days prior to the projected emancipation date and this list includes a State ID or Driver's License.

Volume 7 Requirements

The department is required to document for all youth with an OPPLA goal that the youth is being supported in age or developmentally appropriate activities and social events (12CCR2509-4:7.301.24(R)(3)). For youth turning 15 or above, obtaining a permit and/or driver's license is certainly an age appropriate activity. Similarly, if the department is putting pressure on foster/kin homes to not allow a youth to drive, volume 7 requires that a youth's foster home/placement following the reasonable and prudent parent standard and that the youth have regular and ongoing opportunities to engage in age or developmentally appropriate activities which certainly could include driver's ed, driving for permit hours, etc. (id.).

This reasonable and prudent parent standard is applicable to all placements and is deeply buried in volume 7. While cited as 12CCR2509-8:7.701.200 you can only find it by going to 7.701.9. This further defines what a reasonable activity is under the standard by specifying that the activity must:

- Maintain the health, safety, and best interests of each child or youth;
- Encourage his/her emotional and developmental growth;
- Be age or developmentally appropriate; and,
- Be otherwise appropriate for the provider to approve.

This section further lays out what the provider must take into account when applying this standard:

- Adequate information about the child or youth, including the youth's particular religious, cultural, social, or behavioral attributes and preferences;
- Behavioral and/or mental health stability of the child or youth;
- The age or developmental appropriateness of the activity; and,
- Whether the risk of reasonably foreseeable harm involved in the activity is at an acceptable level.

Reasonable Efforts

There is also an effective argument to be made, especially for youth with a goal of OPPLA-Emancipation, that a driver's license is necessary to effectuate the permanency goal and reasonable efforts require the department to provide support/services (see Motion for Driver License sample on the Litigation Toolkit for further legal cites/argument re: reasonable efforts).