



Office of Children and Family Services

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Informational Letter

Transmittal:	24-OCFS-INF-02
To:	Local Departments of Social Services Commissioners Voluntary Authorized Agencies Executive Directors
Issuing Division/Office:	Office of Strategic Planning and Policy Development Division of Youth Development and Partnerships for Success
Date:	March 13, 2024
Subject:	Brochure and Guidance to Obtaining a Driver Permit or License for Youth in Foster Care
Suggested Distribution:	Local Departments of Social Services Directors Child Welfare Supervisors Education Training Voucher and Independent Living Coordinators Foster Care Supervisors
Contact Person(s):	Please see section IV.
Attachments:	<i>Keys to Success for Youth in Foster Care: A how-to guide to obtaining a driver license in foster care in New York State</i> (Pub. C-170)

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		18 NYCRR 428.5(c)(13), 18 NYCRR 430.12 (l).	Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183), Family Court Act §§ 355.5(7)(d), 756-a, 1089(c)(v).		Vehicle and Traffic Law §490(a)(iii).

I. Purpose

The purpose of this Informational Letter (INF) is to advise local departments of social services (LDSSs) and voluntary authorized agencies (VAs) of a new publication designed specifically for youth in foster care who want to obtain a learner permit or driver license. Entitled *Keys to Success for Youth in Foster Care*, this brochure is a how-to guide that is designed to assist and support youth in foster care through the often complicated process of obtaining a learner permit or driver license. The attached brochure has been developed by the Department of Motor Vehicles (DMV) in collaboration with the Office of Children and Family Services (OCFS).

This INF also informs LDSSs and VAs of changes to DMV forms and applicable fee waivers for a non-driver identification (NDID), and reminds districts of available funding sources that can be used toward the cost of obtaining a permit or license.

II. Background

Driving gives a person access to employment, education, connections, and community. Having a driver permit or license also provides a person with important documentation and identification. Research has found that youth in foster care who have a driver permit or license are 70% more likely to earn a high school diploma or equivalency diploma and are 45% more likely to be employed than their counterparts in foster care who do not have a driver permit or license.¹

Driving is a standard and healthy experience for adolescents. It can provide a young person with increased independence and allow them to participate in experiences such as driving to school or spending time with friends. Obtaining a driver license is typically experienced within a supportive family environment. For youth living in foster care, driving is a normative experience under the reasonable and prudent parent standard required by federal law.²

Youth living in foster care frequently face significant barriers to obtaining a driver license. The barriers can include the cost of driving fees, access to a vehicle, documentation, and lack of information on the requirements and process to obtain a driver permit or license. The process can be complex, bureaucratic, and difficult for youth, caseworkers, and foster parents to navigate. To reduce these barriers, OCFS and DMV collaborated to create the *Keys to Success for Youth in Foster Care* brochure designed to make the process easier to understand for youth, caseworkers, and other supportive adults.

The information below provides LDSSs and VAs with relevant updates, practice guidance, and available resources to assist with overcoming barriers that youth may encounter when applying for a learner permit, driver license, or NDID.

Available Funding

The rate received by a foster boarding home or congregate care facility is expected to cover costs for routine activity expenses. For funding costs of normative activities that are non-routine, such as obtaining a learner permit or driver license, the following funding options are available:

- *John H. Chafee Foster Care Program for Successful Transition to Adulthood (CFCP)*

The purpose of the CFCP is to assist current and former youth in foster care to achieve self-sufficiency. The Chafee program was established by the Foster Care Independence Act of 1999 (P.L. 106-169) and provides federal funding to states that can be used to provide and enhance independent living (IL) services for youth in foster care at the age of 14 or older. CFCP provides flexibility to states by making it clear that IL services are **any** services that will help youth in foster care transition to adulthood. For this reason, LDSSs are allowed to claim Chafee funds to cover costs related to obtaining a driver license and driving lawfully in the state.³ These costs may include, but are not limited to, obtaining a driver permit/license, vehicle insurance, driver education classes and testing fees, practice lessons, practice hours, license fees, roadside assistance, deductible assistance, and assistance in purchasing an automobile.

¹ Embrace Families. (2022). *Keys to Independence Report to Congress*. <https://embracefamilies.org/wp-content/uploads/2022/07/KEYS-TO-INDEPENDENCE-Report-to-Congress-FINAL-May-2022.pdf>.

² See 18 NYCRR 441.25; [15-OCFS-ADM-21](#), *Supporting Normative Experiences for Children, Youth, and Young Adults in Foster Care: Applying a Reasonable and Prudent Parent Standard*; Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183).

³ LDSS funding is subject to LDSS Chafee allocations and funding issued via the annual LCM.

All driving-related costs can be claimed under POS 84, *IL-Career Preparation*. For information on claiming Chafee expenditures, see [23-OCFS-LCM-07, FFY 2023 John H. Chafee Foster Care Program for Successful Transition to Adulthood: Independent Living Allocations](#); [Attachment B, Definitions of Independent Living Services](#); and [Attachment C, Purchase of Service Codes Chart](#).

- *Special Payments 18 NYCRR 427.3(c)*

New York State regulation allows LDSSs to authorize payments for “special payments” made on behalf of a child residing in a foster boarding home for items, costs, or services that are approved pursuant to 18 NYCRR 427.3(c) as being necessary for the child but not included in established rates for board, care, and clothing.

Driving lessons may be an allowable expense for reimbursement under special payment category “lessons” by using purchase of service (POS) code 70.⁴ The foster parent(s) or VA staff will need to pay for the cost of driving lessons and the LDSS will reimburse the foster parent(s) or VA for the eligible costs. Documentation to support the cost of the driving lessons is required. Therefore, receipts or invoices from the vendor must be provided prior to authorizing a special payment in the Welfare Management System (WMS).

Note: Additional funding to cover driving costs could potentially come from unclaimed Foster Care Block Grant (FCBG) funds. LDSSs that claim less than their FCBG allocation can apply the unexpended balance for IL services under child welfare expenditures. See [22-OCFS-LCM-21, State Fiscal Year \(SFY\) 2022-23 Foster Care Block Grant Allocations](#).

New York State Non-Driver ID Card (NDID)

An NDID is a photo ID card for someone of any age who does not drive and provides valid proof of age, identity, and address. Applications for the NDID must be submitted at the DMV office. If the youth is under 21 years of age, the caseworker or other worker responsible for the youth must verify their identity by completing and signing a *Statement of Identity – For Applicants Represented by Government or Government-Approved Facilities* (MV-45A).

The fee for an NDID is waived for all Medicaid recipients who have not been issued a driver license or whose driver license is expired or surrendered in accordance with the Vehicle and Traffic Law § 490(a)(iii). Therefore, youth who are in foster care or who have left foster care and are enrolled in Medicaid do not have to pay the NDID fee. Youth will need to bring proof of their identity (see DMV form [ID-44](#)⁵ and the documentation section of this INF) as well as their Medicaid approval letter to receive the fee waiver. LDSSs who open Medicaid cases for children in foster care can generate the approval letter and provide it to child welfare caseworkers and VAs upon request. For children in foster care in New York City, the approval letter can be requested from the Human Resources Administration (HRA), which is the contracted entity that opens foster care Medicaid cases.

The benefit of youth obtaining an NDID before they are 16 years of age is that it can serve as proof of identity or residence when they apply for their driver permit or license as well as serve as additional proof that is required to upgrade to a REAL or Enhanced ID. Starting in May 2025, a REAL or Enhanced ID will be necessary to travel on all domestic flights within the United States (U.S.). For more information on how to apply for an NDID, visit [New York DMV | Get a non-driver ID card \(ny.gov\)](#).⁶

Updated DMV Forms

The following two forms have been updated by DMV with changes requested by OCFS:

⁴ See *Title IV-E Foster Care Purchase of Service (POS) Required Backup Documentation*; <https://ocfs.ny.gov/programs/fostercare/assets/docs/Title-IV-E-POS-Documentation.pdf>.

⁵ <https://dmv.ny.gov/forms/id44.pdf>.

⁶ <https://dmv.ny.gov/id-card/get-non-driver-id-card-ndid>.

- Statement of Identity and/or Residence ([MV-45A](#))⁷
- Certification of Supervised Driving ([MV-262](#))⁸

DMV has updated the print and web versions of the forms as well as issued an internal memo to notify their local offices and motor vehicle representatives of the change in the forms.

- **MV-45A**: This form is for applicants represented by government or government-approved facilities. The form allows an agency representative (LDSS or VA) to complete the form to use as proof of name and/or residence for youth in foster care. Previously, the form required that the youth's representative complete the form and provide their own driver permit/license or NDID identification number. The form could only be completed by an agency representative. At the request of OCFS, DMV has made the following changes to the MV-45A form:
 - A foster parent or guardian can now complete the form instead of the agency representative, and they will be required to provide their own New York State driver license or NDID.
 - When an agency representative (LDSS or VA) completes the form, they can provide their facility or agency employee identification number and no longer have to provide their driver license or NDID identification number.
- **MV-262**: This form certifies that any driver license applicant under the age of 18 years old has driven at least 50 hours with supervision. This form must be provided to the DMV license examiner at the time of the road test. The previous form required a parent or guardian only to sign and certify the hours. The changes made to this form now give the additional option for a foster parent or a representative of a government agency/facility to sign the form and certify that the youth has completed the 50 hours of supervised driving.

Note: Anyone who is over the age of 21 years old and has a valid driver license can supervise the driving hours. The person signing the form does not have to have supervised all 50 driving hours with the youth, but by signing, they attest that the hours were completed.

III. Program Implications

A valid government-issued photo identification is critical to meeting daily needs (e.g., picking up medication, entering public and private buildings, picking up a package). It is also vital to access essential supports (e.g., employment, college/vocational enrollment, public benefits) that are critical to the successful transition of youth from foster care.⁹

A driver's license or NDID is required to be provided to a youth who is leaving foster care due to turning 18 if the youth has been in foster care for six months or more and is eligible to receive a driver license or NDID.¹⁰ Other essential documents required to be provided to a youth that is leaving foster care due to turning 18 if the youth has been in foster care for six months or more include:

- An official or certified copy of the youth's U.S. birth certificate.
- Social Security card.
- Health insurance information.
- A copy of the youth's medical records.

A birth certificate and a Social Security card are both needed for a youth to obtain a driver license or NDID.

⁷ <https://dmv.ny.gov/files/mv45apdf>.

⁸ <https://dmv.ny.gov/files/mv262pdf>.

⁹ National Network for Youth. (2016). *A State-By-State Guide to Obtaining ID Cards*. https://nn4youth.org/wp-content/uploads/Field-Guide_Obtaining-ID-Cards.pdf.

¹⁰ Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183), 18 NYCRR 430.12 (l).

For more information on obtaining an official or certified U.S. birth certificate and a Social Security card for a child/youth, please see [17-OCFS-INF-01](#), *Free Certified Copy of a United States Birth Certificate for Youth in Foster Care*.

Best Practice Guidance:

Youth in foster care should be given the opportunity and support to pursue a driver permit or license. This is a normative experience and falls under the reasonable and prudent parent standard.¹¹ For youth with a permanency planning goal of another planned living arrangement with a permanency resource, the caseworker should monitor whether the youth is being given the opportunity to obtain their driver license when documenting the steps taken to determine that the reasonable and prudent parent standard is being followed in the youth's foster home or congregate care facility.¹² The youth will need appropriate support from their case planning team and be provided with information to explain the requirements and process to obtain a driver license or permit and participation in driver training.

The procedure below is recommended for LDSSs and VAs to use and adapt to ensure that all youth in foster care are given the opportunity to obtain a driver permit/license.

The caseworker and the case planning team is strongly encouraged to do the following:

1. Discuss the youth's desire to obtain a driver permit/license and provide the youth with Attachment (*Pub. C-170*), *Keys to Success for Youth in Foster Care*, and additional information explaining the driver education and licensing process.
2. If the youth is interested in pursuing a driver permit/license, arrange to have a discussion with the youth about the process and requirements needed to obtain a driver permit/license, and together develop a plan on how it will be accomplished. The plan should be reviewed during their next scheduled service plan review (SPR)¹³ conference and should include:
 - a. Potential barriers and/or concerns to driver permit/license obtainment.
 - b. Identification of a driver training program.
 - c. Ensure the youth has the documents found on the [ID-44](#) documentation list that are necessary to secure a New York permit/license or NDID card.
 - d. Securing of driver permit.
 - e. Identification of individual(s)¹⁴ to provide supervised practice driving hours (only applicable to youth under 18 years of age).

Documentation

DMV assigns a certain number of points to each document that is provided to prove an individual's identity. When applying for a driver permit/license, or NDID, the following documentation is required to verify the following:

- Proof of Social Security number.
- Proof of date of birth.
- Proof of name/identity (6 points).

¹¹ 18 NYCRR 441.25.

¹² FCA §§ 355.5(7)(d), 756-a(d)(iv) and 1089(c)(v); 18 NYCRR 428.5(c)(13).

¹³ See Chapter 12, "Family Engagement and Services," page D-1 "Service Plan Reviews (SPRs)" of the OCFS *Foster Care Practice Guide*. <https://ocfs.ny.gov/main/publications/Pub5202.pdf>.

¹⁴ Individual(s) supervising practice driving hours must have a valid driver license and be at least 21 years of age.

- DMV assigns a certain number of points to each document and requires that an applicant provide at least 6 points when applying.
- Proof of New York State residence
 - Not required for a standard NDID.

The following chart is an abridged version of acceptable documents to obtain a state-issued NDID card based on documents youth are most likely to have access to. For the much longer, unabridged list, see DMV form [ID-44](#).

Social Security Number	Date of Birth
<ul style="list-style-type: none"> ● U.S. Social Security card (original) ● Social Security ineligibility letter 	<ul style="list-style-type: none"> ● U.S. birth certificate (original or certified) ● U.S. passport ● Certificate of naturalization or citizenship
Proof of Name/Identity (6 points)	Proof of Residence (2 proofs required for Enhanced or REAL ID, or 1 proof for Standard permit/license)
<p><u>Six-points documents:</u></p> <ul style="list-style-type: none"> ● NYS Driver license/permit/NDID card <p><u>Four-points documents:</u></p> <ul style="list-style-type: none"> ● U.S. passport or passport card ● Statement of identity and/or residence (MV-45A) for applicants represented by government or government-approved facilities <p><u>Three-points documents:</u></p> <ul style="list-style-type: none"> ● NYS benefit/Medicaid card (with photo) ● Certificate of naturalization or citizenship <p><u>Two-points documents:</u></p> <ul style="list-style-type: none"> ● Social Security card ● U.S. high school photo ID card with report card or official transcript ● U.S. college photo ID card and official transcript (if issued within 1 year) ● NYS benefit/Medicaid card (without photo) <p><u>One-point documents:</u></p> <ul style="list-style-type: none"> ● U.S court document with applicant named as a party (remand order, PH report, etc.) ● Valid credit card ● Cash card (ATM) ● U.S. high school diploma or GED ● Health insurance card 	<ul style="list-style-type: none"> ● NYS driver license/permit/NDID card ● Statement of identity and/or residence (MV-45A) for applicants represented by government or government-approved facilities ● Cancelled check ● U.S. high school photo ID card with report card or official transcript (if issued within 1 year) ● U.S. college photo ID card and official transcript (if issued within 1 year) ● Bank statement ● Utility bill ● Postmarked mail (dated within one year of office visit) ● Voter registration notification card ● Welfare benefit statement ● Credit card statement ● U.S. computer printed pay stub ● SSI award letter/statement

The *Keys to Success for Youth in Foster Care* brochure is a supplementary document that should be provided to all youth in foster care who are over the age of 16 and have an interest in obtaining a driver permit/license. It can also be provided to caseworkers, foster parents, and any other individuals who support

the youth. OCFS will not be printing copies of the brochure for ordering purposes. LDSSs and VAs are encouraged to reproduce copies as needed as well as post the brochure on their respective websites. The web and print versions are available online via the websites below:

Youth in Progress: <https://youthinprogress.org/news/keys-to-success-for-youth-in-foster-care/>

OCFS publications: <https://ocfs.ny.gov/publications/> (English and Spanish versions available)

IV. Contacts

Any questions concerning this release should be directed to the appropriate regional office in the OCFS Division of Child Welfare and Community Services:

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