

# OFFICE OF THE CHILD ADVOCATE

Statutory Authority: 29 Delaware Code, Section 9011A (29 **Del.C.** §9011A)

## PROPOSED

## PUBLIC NOTICE

### **904 Driver Education, Driver's License, and Motor Vehicle Insurance Program for Individuals who have Experienced Foster Care**

#### **A. TYPE OF REGULATORY ACTION REQUIRED**

Enactment of New Regulations

#### **B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION**

Pursuant to 29 **Del.C.** §9011A, the Office of the Child Advocate ("Office") proposes to enact regulations regarding the administration of the Driver Education, Driver's License, and Motor Vehicle Insurance Program. This program was established by the General Assembly in June 2022 to assist youth and young adults who have experienced foster care to overcome barriers to obtaining a driver's license and motor vehicle insurance. The costs of driver education, costs incidental to obtaining a driver's license, and motor vehicle insurance for an individual who has experienced foster care serve as an additional barrier to gaining independence and engaging in normal, age-appropriate activities and limit opportunities for obtaining employment and completing educational goals. It is the intent and purpose of the General Assembly to establish a program to help pay these costs for eligible individuals who have experienced foster care in Delaware. This program is administered by the Office of the Child Advocate. This is the first time regulations for this program have been submitted.

There will be no Public Hearing regarding these regulations, but Public Comments can be sent by email to: [oca.scholarships@delaware.gov](mailto:oca.scholarships@delaware.gov).

Public comments will be accepted until February 1st, 2023.

### **904 Driver Education, Driver's License, and Motor Vehicle Insurance Program for Individuals who have Experienced Foster Care**

#### **1.0 Legal Basis and Purpose**

The purpose of this regulation is to provide criteria for the Driver Education, Driver's License, and Motor Vehicle Insurance Program under 29 **Del.C.** §9011A, and to encourage individuals who have been in the custody of DSCYF to obtain a driver's license and motor vehicle insurance coverage.

#### **2.0 Definitions**

The following words and terms, when used in this regulation, have the following meaning:

"DSCYF" means the Delaware Department of Services for Children, Youth and their Families as established under Title 29, Chapter 90 of the Delaware Code.

"DSCYF Custody" means legal custody of a child that is granted to DSCYF by Delaware's Family Court under Title 13, Chapter 25 of the Delaware Code.

"Office" means the Office of the Child Advocate as established under Title 29, Chapter 90A of the Delaware Code.

"Program" means the Driver Education, Driver's License, and Motor Vehicle Insurance Program as established 29 **Del.C.** §9011A.

"Permanency" means guardianship, permanent guardianship, adoption, or placement with a fit and willing relative.

"Youth in Transition Unit" means the unit within the Office of the Child Advocate designated to administer the Program.

#### **3.0 Eligibility**

3.1 Applicants must meet one of the following eligibility requirements to be considered for the Program:

3.1.1 Children in DSCYF custody who are at least 15 years old are eligible to be considered for the Program until they turn 18 years old or achieve permanency.

3.1.2 Individuals who were in DSCYF custody when they turned 18 years old are eligible to be considered for the Program as follows:

- 3.1.2.1 For 1 year after turning 18, if the individual is not receiving independent living services.
    - 3.1.2.2 For any period of time the individual is receiving independent living services.
  - 3.1.3 Individuals who were in DSCYF custody and were at least 16 years old when they achieved permanency are eligible to be considered for the Program as follows:
    - 3.1.3.1 For 1 year after achieving permanency, if the individual is not receiving independent living services.
    - 3.1.3.2 For any period of time the individual is receiving independent living services.

#### **4.0 Eligible Expenses**

- 4.1 Expenses eligible under the Program are as follows:
  - 4.1.1 Costs related to a driver education course if the individual did not complete such a course in school.
  - 4.1.2 Costs related to driving lessons if necessary for the individual to achieve the required number of driving hours to be eligible for licensure or if the individual needs additional driving practice.
  - 4.1.3 Costs related to motor vehicle insurance premiums for individuals with a motor vehicle insurance policy or individuals added to the private passenger motor vehicle insurance policy of another person or agency. If a person or agency adds an individual eligible for the Program to the person's or the agency's motor vehicle insurance policy, the Office will not pay an amount that exceeds the increase in cost attributable to the addition of the individual.
  - 4.1.4 At the discretion of the Youth in Transition Unit, costs related to vehicle purchase, maintenance, or repair.

#### **5.0 Application Submission and Acceptance**

- 5.1 Applications must be submitted online via the Office's website.
- 5.2 Applications will be accepted on a continuous basis.

#### **6.0 Funding Determination and Payment**

- 6.1 There is no fixed funding amount. The Youth in Transition Unit determines the funding amount, if any, based on the available funds and financial needs of the applicants. The Office may set a maximum funding amount per individual in its discretion.
- 6.2 The Office will issue a written communication that reflects the amount of funding, if any, to the individual.
- 6.3 Payment for costs related to driver education and driving classes may be made directly to the institution providing the service or may be reimbursed to the person or agency responsible for payment.
- 6.4 Payment for costs related to motor vehicle insurance premiums for a person or agency who adds an eligible individual to the person's or the agency's motor vehicle insurance policy may be made directly to the insurance company or may be reimbursed to the person or agency.
- 6.5 Payment for costs related to motor vehicle insurance premiums for an individual who carries the individual's own insurance policy may be made directly to the insurance company or may be reimbursed to the individual.
- 6.6 The Office may terminate an individual's participation in the program if the individual demonstrates unsafe driving practices resulting in increased insurance premiums. The Office will maintain and distribute a policy that outlines safe driving expectations and the consequences of failure to meet these expectations. This policy will be distributed with an individual's funding communication and will be available to the public via the Office's website.