

<i>Child Protection Act R.S.P.E.I. 1988, Cap. C-5.1</i>	Program	Children in Care	
	Subject	Operation of a Motor Vehicle for Highway Use	Policy # 2.7
Effective Date: December 3, 2012		Authorized by: Carol Anne Duffy	
Revised Date: July 18, 2013		Deputy Minister	

1.0 PURPOSE

- 1.1 The Director of Child Protection, as the legal guardian for children in care, must demonstrate the parental responsibility of providing children with skills necessary to achieve and promote independence while exercising due diligence in decision-making specific to children operating a motor vehicle for highway use.

2.0 POLICY STATEMENT

- 2.1 No employee of Child & Family Services will provide driving access (including access to car keys / remote starters, unattended idling vehicle, etc.) of a personal or government vehicle to any child in the care of the Director of Child Protection.
- 2.2 The Director of Child Protection has a heightened responsibility to prepare children in permanent care with the skills and abilities necessary to transition to independence. The Director of Child Protection supports the acquisition of a driver's license for children in permanent care.
- 2.3 For children coming into temporary care with a plan to return home, unless the child is already enrolled in a Driver Education School as defined by the *PEI Highway Traffic Act* and assessed as appropriate to continue while in care, the Director of Child Protection will not support acquisition of a driver's license. The Child Protection Social Worker's assessment will include any behavioral, emotional or social problems that have potential to impact the child's ability to drive responsibly.
- 2.4 For children in temporary care over the age of sixteen (16) years with a plan to remain in temporary care until the child reaches eighteen (18) years, assessed by the Child Protection Social Worker as sufficiently responsible to have the privilege of driving, the Director of Child Protection may support the acquisition of a driver's license.
- 2.5 Children in the permanent care of the Director of Child Protection, assessed by the Child Protection Social Worker as sufficiently responsible to have the privilege of driving, will be encouraged and supported to attain a provincial driver's licence.

- 2.6 Children in permanent care and eligible children in temporary care, with significant behavioral, emotional, and/or social problems that have potential to impact their ability to drive responsibly, may be supported to pursue attaining a driver's license. To be considered, they must successfully demonstrate, for a period of not less than six (6) months, that the problems have been sufficiently addressed and no longer likely to negatively impact their driving ability.
- 2.7 Children in care, assessed by a Child Protection Social Worker as being eligible, appropriate and wishing to attain a driver's licence, must be registered with a Driver Education School.
- 2.8 Prior to attaining a valid driver's licence, children in care will only be permitted to drive a designated vehicle as provided by the Driver Education School.
- 2.9 Children in temporary care of the Director of Child Protection who have a valid driver's license will not be permitted to operate a motor vehicle for highway use until custody and guardianship has been returned to the parent. This excludes children in temporary care with a plan to remain in temporary care until they reach eighteen (18) years.
- 2.10 Children in permanent care of the Director of Child Protection and children in temporary care with a plan to remain in temporary care until reaching eighteen (18) years, who have a valid driver's license, may be permitted to operate a motor vehicle for highway use that is registered and insured in their name with a valid Motor Vehicle Inspection.
- 2.11 Children in permanent care of the Director of Child Protection and children in temporary care with a plan to remain in temporary care until reaching eighteen (18) years, who have a valid driver's license, may be permitted to operate a Foster Parent(s) motor vehicle for highway use if the vehicle is registered to the Foster Parent(s) and insured with a valid Motor Vehicle Inspection.
- 2.12 Children in permanent care of the Director of Child Protection and children in temporary care with a plan to remain in temporary care until reaching eighteen (18) years, who have a valid driver's license, will not be permitted to operate a motor vehicle for highway use with the exception of the above-mentioned.
- 2.13 Any motor vehicle, as identified above, operated by a child in the permanent care of the Director of Child Protection and children in temporary care with a plan to remain in temporary care until reaching eighteen (18) years must carry a minimum two million dollar (\$2,000,000.00) insurance coverage.

**Driver's License Acquisition Process:
Children in Permanent Care and Children in Temporary Care With a Plan to
Remain in Temporary Care Until Reaching Eighteen (18) Years**

2.14 At least six (6) months prior to the child's sixteenth (16th) birthday, the Child Protection Social Worker will assess the ability and capacity for the child to be able to exercise responsible, courteous and safe driving practices. In making this assessment, the Child Protection Social Worker should consider the following:

- active / unresolved behavior
- criminal behavior (whether charged or not including theft and bullying)
- school issues including absenteeism and / or poor grades
- limited ability / capacity
- impulsive behavior
- aggressive behavior / anger management
- substance use
- medications
- suicidal and / or reckless behavior
- physical, mental, emotional health
- maturity
- any factor which may impact driving ability / responsibility

2.15 If the Child Protection Social Worker favorably assesses the child's ability to be supported in attaining a driver's license, the Child Protection Social Worker will engage the child in a discussion to determine their comfort, interest and commitment for attaining a driver's license to become part of their case plan.

2.16 Given the heightened risks and liabilities associated with operating a motor vehicle for highway use, the Child Protection Social Worker must consult with the Child Protection Supervisor for support of a child in care's plan to attain a driver's license.

- 2.17 If the plan is supported, the Child Protection Social Worker, in consultation with the Foster Parent(s) or Residential Services Supervisor, will assist the child to register with a Driver Education School. The child shall contribute fifty percent (50%) of the registration fee unless there are exceptional circumstances approved by the Child Protection Supervisor. In the event that additional driving time is required / recommended to complete the driver's education program, this cost will be paid from the Child in Care file. The Child Protection Social Worker will provide support and encouragement while monitoring the child's commitment to attaining a driver's license.
- 2.18 Upon successful completion of the driver's education program, the Child Protection Social Worker will assist the child in obtaining their driver's license. Only the cost of the initial driver's license will be paid from the Child in Care file. If replacements are required, the costs will be the responsibility of the child.

Driving Privilege:

Children in Permanent Care and Children in Temporary Care With a Plan to Remain in Temporary Care Until Reaching Eighteen (18) Years

- 2.19 Driving is a privilege and a responsibility. At all times while operating a motor vehicle for highway use, children in care must abide by the *PEI Highway Traffic Act* and Regulations and related Federal, Provincial and Territorial statutes.
- 2.20 Those responsible for the care of the child, including Child Protection Social Workers, Foster Parents, Youth Workers, etc, must continuously monitor and assess the child's ability and capacity to maintain this privilege. If at any time, the Child Protection Social Worker assesses it to be unsafe for the child to have this privilege, in consultation with the Child Protection Supervisor, driving privileges may be suspended pending demonstration of corrected behavior.
- 2.21 The Child Protection Social Worker, in consultation with the Child Protection Supervisor, will immediately contact, in writing, the Registrar for Motor Vehicles, to request suspension of the child's driving privilege, for any actual or perceived violation of the *PEI Highway Traffic Act* and / or related Federal, Provincial, Territorial statutes. This is in accordance with the *PEI Highway Traffic Act*.
- 2.22 Reinstatement of driving privileges will require recommendation of the Child Protection Social Worker and Child Protection Supervisor and the approval of the Provincial Coordinator of Child Protection Services. Once approved, the Child Protection Social Worker will contact, in writing, the Registrar of Motor Vehicles to request reinstatement of the child's driving privilege.

- 2.23 If a child in care drives a vehicle other than authorized by policy, with the exception of emergency / life saving situations, the Child Protection Social Worker will suspend the child's driving privilege. Driving privilege may be reinstated based on recommendation of the Child Protection Social Worker and Child Protection Supervisor and approval of the Provincial Coordinator of Child Protection Services.
- 2.24 If a child in care of the Director of Child Protection acquires a vehicle for highway use, the child assumes full responsibility for all costs related to the vehicle and will not be permitted to drive the vehicle unless it is registered, inspected and insured for their use.
- 2.25 A child in the care of the Director of Child Protection, living in foster care, may be permitted to drive the Foster Parent's vehicle where initiated by the Foster Parent and approved by the Child Protection Social Worker and Child Protection Supervisor, with consideration to the following:
- the proposal is Foster Parent initiated with their continued agreement
 - the vehicle has valid insurance, inspection and is registered to the Foster Parent
 - the insurance provider has been advised of the child's status and this is documented in the insurance policy
 - a minimum of two million dollar (\$2,000,000.00) insurance coverage
 - the child's need to drive the vehicle
- 2.26 If the Foster Parent is approved to provide driving access of their motor vehicle to a child in care, the terms of how and under what circumstances driving privileges are granted, must be discussed in advance with the child, Foster Parent and Child Protection Social Worker and documented on the child's file. The Foster Parent has discretion to withdraw from this agreement at any time by informing the child and the Child Protection Social Worker. This will be documented on the child's file.
- 2.27 If including the child in care on the Foster Parent insurance policy results in a premium increase, this cost will be the responsibility of the child while the agreement for the child to drive the Foster Parent vehicle is in place.
- 2.28 Any Foster Parent who provides driving access to their motor vehicle (including access to car keys / remote starters, unattended idling vehicles, etc) without approval of the Child Protection Social Worker automatically assumes full responsibility for any and all damages and costs and will be in violation of their Foster Care Contract with the Director of Child Protection.

- 2.29 The Child Protection Social Worker will include a copy of the child in care's valid driver's license on the Child in Care file.
- 2.30 When a child in care is approved to drive their own motor vehicle or that of a Foster Parent, the Child Protection Social Worker will include a copy of the motor vehicle registration, insurance and inspection on the Child in Care file.

3.0 REFERENCES

Foster Care Contract 3.1
Highway Traffic Act, R.S.P.E.I. 1988, Cap. H-5

HISTORY:

July 18, 2013 - Editorial and format changes