

NORTH DAKOTA

FOSTER OR ADOPT

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WHEN IS A YOUTH READY TO DRIVE?

Driving is not a right, it is a privilege. Age is defined by state law, however age is not the only factor when determining if a youth is ready to take on the rules of the road. Also, consider the youth's:

- Maturity
- Responsibility
- Compliance with rules
- Attitude and motivation
- Ability to oppose negative peer pressure
- Desire to drive vs. need to drive
- Impulse control
- Awareness of surroundings
- Anger management skills

This brochure was created by the N.D. Department of Human Services for foster youth, foster parents, and case managers in an effort to answer questions related to getting a permit or driver's license.

**If you have further questions, contact:
Children and Family Services Division**

Direct: 701.328.2316
Toll-free: 1.800.245.3736
711 TTY
Email: dhscfs@nd.gov

NORTH
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DN 271 (10-21)



NORTH DAKOTA FOSTER CARE DRIVING

A GUIDE FOR MOTOR
VEHICLE OPERATIONS BY
FOSTER YOUTH

ND STATE LAWS

North Dakota has law specific to motor vehicle licensure for youth. Individuals (parents, relatives, foster parents, etc.) considering the signature on an application for a foster youth to obtain a license should review law and policy.

State law outlines conditions in which an application on behalf of a minor can be made. NDCC Section 39-06-08 provides:

“The application of any minor for an operator’s license must be signed and verified before an individual authorized to administer oaths or the director, by the father, mother, or legal guardian, or if there is not a parent or legal guardian, then by another responsible adult who is willing to assume the obligation imposed under this chapter upon an individual signing the application of a minor. If the father, mother, or legal guardian is unable to appear, a father, mother, or legal guardian may designate, through a notarized document, an individual temporarily authorized to sign the application.”

With respect to the obligations assumed by an individual signing an application on behalf of a minor, NDCC Section 39-06-09 provides:

“Any negligence of a minor when driving a motor vehicle upon a highway must be imputed to the individual who has signed the application of the minor for an operator’s license, or upon the father, mother, or legal guardian if signing authority has been temporarily transferred under section 39-06-08. This individual is jointly and severally liable with the minor for any damages caused by the negligence, except as provided in section 39-06-10.”



Although not common, the state law, NDCC Section 39-06-10 specifies, “If a minor provides proof of financial responsibility for the operation of a motor vehicle, then the NDDOT director may accept the application of the minor.”



Individuals electing to sign an application for the operation of a motor vehicle by youth in foster care, must be provided information detailing ND laws and policy.



If a foster youth is under the custody of a public agency, he/she may be eligible to apply for a driver’s license if approved by the custodial agency. Note: NDDHS no longer has custody of children in foster care and is prohibited from signing applications.

FOSTER CARE POLICY

If an individual is willing to sign as the responsible party on behalf of a foster youth for a permit or driver’s license, the foster care case manager should:

1. Involve the custodian and child’s parents in decision making. The child’s parent is the first resource to consider in terms of assuming responsibility and providing insurance coverage for the child while he/she is placed in foster care.
2. Review with the individual, it is not an expectation to assume responsibility or provide insurance coverage for motor vehicle operation by a foster child.
3. Encourage the individual to consult with their insurance agency and attorney before they assume responsibility and authorize for a minor to secure a motor vehicle license.
4. Review with the individual the significant risk they are assuming. An individual signing the application may be liable for the youth’s negligence when they assume responsibility for the foster child’s actions by authorizing the minor to secure a driver’s license. The ND Department of Human Services does not provide automobile insurance coverage to foster parents on behalf of foster children.
5. Notify the individual who has signed the application of a minor for a driver’s license that he/she may file a verified written request that the minor’s license be canceled at any time by contacting the ND Department of Transportation.
6. Acknowledgment (DN 310) signed by the foster parents must be retained in the licensing file (initial, annual, as needed).