



**FINAL REPORT OF THE
VIRGINIA COMMISSION ON YOUTH**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**

**Barriers to Obtaining a
Driver's License for
Virginia's Foster Youth**

**COMMONWEALTH OF VIRGINIA
RICHMOND
2018**



COMMONWEALTH of VIRGINIA
Commission on Youth

Delegate Richard P. "Dickie" Bell, *Chair*
Senator Dave W. Marsden, *Vice Chair*

Pocahontas Building
900 E. Main Street, 11th Floor
Richmond, Virginia 23219

Executive Director
Amy M. Atkinson

804-371-2481
FAX 804-371-0574
<http://vcoy.virginia.gov>

December 31, 2018

TO: The Honorable Ralph S. Northam, Governor of Virginia
and
Members of the Virginia General Assembly

At the Commission on Youth's November 8, 2017, meeting, presentations were made on the survey for children aging out of foster care. As part of the presentation, foster care youth gave testimony regarding the difficulty of obtaining a driver's license while in foster care. The Commission decided to investigate this topic during the 2018 study year. At the Commission on Youth's June 6, 2018, meeting, the Commission approved a study plan to undertake this investigation and to report findings prior to the 2019 General Assembly Session. At its November 20, 2018, meeting, the Commission approved the recommendations for this study. These recommendations are included in this report.

This report represents the work of many government and private agencies and individuals who provided input to the study. The Commission on Youth gratefully acknowledges their contributions to this effort.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dickie", written in a cursive style.

Richard P. "Dickie" Bell

MEMBERS OF THE VIRGINIA COMMISSION ON YOUTH

Virginia House of Delegates

Richard P. "Dickie" Bell, Chair
Emily M. Brewer
Jerrauld C. "Jay" Jones
Mark L. Keam
Christopher K. Peace
Todd E. Pillion

Senate of Virginia

David W. "Dave" Marsden, Vice-Chair
Charles W. "Bill" Carrico, Sr.
Barbara A. Favola

**Gubernatorial Appointments
from the Commonwealth at Large**

Avohom B. Carpenter
Deirdre S. "Dede" Goldsmith
Christian Rehak

Commission on Youth Staff

Amy M. Atkinson, Executive Director
Will Egen, Senior Policy Analyst
Christine Wilcox, Policy Editor

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I. Authority for Study

Section 30-174 of the *Code of Virginia* establishes the Commission on Youth and directs it to “study and provide recommendations addressing the needs of and services to the Commonwealth’s youth and their families.” This section also directs the Commission to “encourage the development of uniform policies and services to youth across the Commonwealth and provide a forum for continuing review and study of such services.” Section 30-175 of the *Code of Virginia* outlines the powers and duties of the Commission on Youth and directs it to “undertake studies and to gather information and data ... and to formulate and report its recommendations to the General Assembly and the Governor.”

At the Commission on Youth’s November 8, 2017, meeting, presentations were made on the survey for children aging out of foster care. As part of the presentation, foster care youth gave testimony regarding the difficulty of obtaining a driver’s license while in foster care. The Commission decided to investigate this topic during the 2018 study year.

At the Commission on Youth’s June 6, 2018, meeting, the Commission approved a study plan to undertake this investigation to identify the barriers to Virginia’s foster youth in obtaining a driver’s license.

II. Members Appointed to Serve

The Commission on Youth is a standing legislative commission of the Virginia General Assembly. It is comprised of twelve members: three Senators, six Delegates, and three citizens appointed by the Governor.

Members of the Virginia Commission on Youth are:

Delegate Richard P. “Dickie” Bell, Staunton, Chair
Delegate Emily M. Brewer, Smithfield
Delegate Jerrauld C. “Jay” Jones, Norfolk
Delegate Mark L. Keam, Vienna
Delegate Christopher K. Peace, Mechanicsville
Delegate Todd E. Pillion, Abingdon
Senator David W. “Dave” Marsden, Burke, Vice-Chair
Senator Barbara A. Favola, Arlington
Senator Charles W. “Bill” Carrico, Sr., Galax
Avohom B. Carpenter, Chester
Deirdre S. “Dede” Goldsmith, Abingdon
Christian Rehak, Radford

III. Executive Summary

Teens in foster care face significant barriers to obtaining a driver's license. These young people often miss out on age-appropriate adolescent experiences and opportunities made possible by driving that create a sense of normalcy and help them make a successful transition to adulthood. Foster youth who are forced to wait until they leave foster care to acquire a driver's license have a more difficult and less successful transition to adulthood. They also do not benefit from the enhanced safety protections provided by Virginia's provisional driver licensing program for youthful drivers.

At the Commission on Youth's November 8, 2017, meeting, presentations were made on the survey for children aging out of foster care. As part of the presentation, foster care youth gave testimony regarding the difficulty of obtaining a driver's license while in foster care. The Commission decided to investigate this topic during the 2018 study year. At the Commission on Youth's June 6, 2018, meeting, the Commission approved a study plan to undertake this investigation to identify the barriers to Virginia's foster youth in obtaining a driver's license.

After a presentation of the findings and recommendations at the Commission on Youth's September 18, 2018, meeting, and receipt of public comment, the Commission approved the following recommendations at its November 20, 2018, meeting:

Recommendation 1: Provide funding to support youth in foster care in obtaining their driver's license.

Introduce a budget amendment to increase funding available to local departments of social services to reimburse foster parents and foster youth for increases to their existing automobile insurance premiums that occur because a foster youth in their care has become a licensed driver and to add additional coverage (umbrella policy or the equivalent) that will provide additional liability protection should a licensed foster youth in their care get into or cause a catastrophic accident. Provide funding to the Virginia Department of Social Services to coordinate and administer the driver's licensing program based on best practices from similar programs in other states.

Recommendation 2: Introduce legislation to address foster parents' concerns about their automobile insurance policies being cancelled because they have foster youth in the household who drive.

Amend § 38.2-2212 of the *Code of Virginia* to require that no insurer shall refuse to issue or renew a motor vehicle insurance policy solely because of policy owner's status as a foster care provider or foster care youth.

Recommendation 3: Recognize developmental and behavioral challenges.

Support the present policy of DSS, in which the foster parent or private provider, with input from the foster care worker, determines if obtaining a driver’s license should be part of a foster youth’s transition plan, consistent with the prudent parent standard.

Recommendation 4: Educate foster parents, private providers, and foster youth on 1) insurance and liability issues; 2) how to navigate DMV’s licensing process; 3) whether funding is available for “Behind the Wheel,” and 4) why getting a driver’s license on time is important for normalcy and a successful transition to adulthood.

Request DSS and/or other agencies develop educational or training materials that educate foster parents, private providers, and foster youth about 1) liability issues, insurance laws, and common insurance practices (to include laws about renewal and cancellation, how long an accident can affect premiums, how to establish that a foster youth is no longer living in the residence, and other applicable topics); 2) DMV requirements to obtain a learner’s permit and driver’s license; 3) what funding and resources are available to assist in this process, to include paying school lab fees for “Behind the Wheel” or paying a private driving education company; and 4) why getting a driver’s license on time is important for normalcy and a successful transition to adulthood.

Recommendation 5: Support obtaining a driver’s license as part of the transitional plan for foster care youth.

Request DSS to institute policy or otherwise communicate to caseworkers, foster youth, and foster parents that obtaining a driver’s license before the age of 18 should be an element of consideration in the youth’s transition plan as part of normalcy and should be encouraged when possible.

IV. Study Goals and Objectives

Teens in foster care face significant barriers to obtaining a driver’s license. These young people often miss out on age-appropriate adolescent experiences and opportunities made possible by driving that create a sense of normalcy and help them make a successful transition to adulthood. Foster youth who are forced to wait until they leave foster care to acquire a driver’s license have a more difficult and less successful transition to adulthood. They also do not benefit from the enhanced safety protections provided by Virginia’s provisional driver licensing program for youthful drivers.

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A. IDENTIFIED ISSUES

- Youth who “age out” of the foster care system often face lifetime challenges, including homelessness, incarceration, and low educational attainment. One factor that contributes to these challenges is the lack of a driver’s license. Because of concerns about safety, liability, and cost, it is often very difficult for foster youth to get their driver’s licenses when their peers do, and most leave care without a license.
- To promote teen driving safety, Virginia has a graduated driver’s license program to ensure that young drivers have ample education and experience behind the wheel. Because foster youth often face barriers to completing graduated licensing requirements, many do not apply for their licenses until they are adults, when these safety measures are no longer required.
- Getting a driver’s license is a rite of passage that is part of the normal teenage experience. Foster youth who cannot get their licenses get the message that they are “different” or “less than” other teenagers. Child welfare researchers emphasize the importance of promoting normalcy for foster youth as part of a successful transition to adulthood.
- In many areas of Virginia, having a driver’s license as an adult is essential for self-sufficiency. Youth who age out of foster care before they have a driver’s license find it more difficult to secure housing, find a job, attend college, get important documents, and meet the obligations of adulthood.
- Foster youth face substantial barriers to getting their licenses. These barriers include:
 - Getting permission and assistance from their foster families
 - Paying substantial insurance increases and fees
 - Gaining access to a suitable driving teacher and a car with which to practice

B. STUDY ACTIVITIES

The Commission’s approved study plan includes the following activities:

- Research and review related federal and state law
 - Preventing Sex Trafficking and Strengthening Families Act of 2014
 - Foster Youth and Driving Act (H.R. 2512, pending federal legislation)
 - Family First Prevention Services Act of the Bipartisan Budget Act of 2018
 - Virginia law related to foster youth, normalcy, driver’s licensing, and insurance/liability

- Other states' legislation related to foster youth and driver's licenses, enacted or pending
- Conduct extensive background and literature reviews
 - National Conference of State Legislatures (NCSL)
 - Literature on topics such as normalcy, foster youth/driver's licensing barriers, provisional drivers licensing programs, and other related issues.
 - VDSS training (CWSE3030) and guidance on promoting normalcy for youth in foster care
 - Virginia DMV procedures for provisional licensing of teen drivers
 - Other states' programs that assist foster youth in obtaining their driver's licenses, including:
 - Keys to Independence, Community Based Care, Florida
 - Treehouse Driver's Assistance Program, Washington
 - Transportation is Really Possible (TRIP), North Carolina
 - State Policy and Advocacy Reform Center (SPARC), "Youth Going Places" initiative
- Work with VDSS Foster Care program staff to identify Virginia issues and barriers
- Gather information from issue experts
 - VDSS Foster Care and Independent Living/Fostering Futures program
 - Virginia Department of Motor Vehicles
 - Virginia State Corporation Commission
 - Virginia Automobile Insurance Plan (VAIP) (assigned risk insurance)
 - Missouri Automobile Insurance Plan (MAIP) (assigned risk insurance)
 - Virginia insurance industry experts
 - Community Based Care of Central Florida (administers "Keys to Independence" program)
- Present at the Great Expectations Conference, Richmond, May 18, 2018
 - Conduct discussion sessions/surveys with former foster youth (2 sessions)
- Conduct round table discussion groups at Virginia Community Colleges
 - Thomas Nelson Community College, August 16, 2018
 - Germanna Community College, August 30, 2018
- Synthesize findings of research, discussions, and analysis
- Develop findings and recommendations
- Convene a work group of stakeholders and solicit feedback on findings and recommendations
- Refine findings and recommendations
- Present findings and recommendations to the Commission on Youth
- Receive public comment
- Prepare final report

V. Methodology and Objectives

The findings of the study are based on several distinct research activities conducted by the Commission on Youth.

A. RESEARCH AND ANALYSIS

Commission on Youth (COY) staff reviewed literature related to the importance of establishing normalcy for foster youth, the barriers these youth face in obtaining their driver's licenses, and the impact this issue has on a successful transition to adulthood. To gain an understanding of what challenges are specific to Virginia, staff reviewed legislation, policy, and procedures related to normalcy, to Virginia's graduated driver's licensing program, and to liability and insurance requirements. Staff also reviewed related federal legislation and guidance, as well as policy initiatives undertaken in other states to address this problem.

Staff contacted a number of experts to gain insight into issues surrounding identified barriers. Discussions were conducted with key staff members from Virginia Department of Social Services (VDSS) Foster Care program; VDSS Fostering Futures program; Virginia Department of Motor Vehicles; Virginia State Corporation Commission; Insurance industry experts, including Virginia Automobile Insurance Plan and Missouri Automobile Insurance Plan (assigned risk insurance); and Community Based Care of Central Florida (administers "Keys to Independence" foster youth driver's licensing program).

VDSS Foster Care program staff provided COY staff with a summary of their findings from their efforts to understand barriers that foster youth face in obtaining their driver's licenses. Findings were based in part on feedback from local departments of social services foster care staff.

B. ROUND TABLE DISCUSSIONS

COY staff conducted a total of four round table discussions with former foster youth who were enrolled in or graduating from secondary education programs through the Great Expectations program. Great Expectations offers assistance to foster youth and former foster youth while they attend Virginia's community colleges and secondary education programs.

- On May 18, 2018, Commission staff conducted two round table discussions with groups of former foster youth at the Great Expectations conference and graduation celebration. Young adults in attendance were in their late teens and early twenties and had recently graduated from secondary education programs.
- On August 16, 2018, Commission staff conducted a round table discussion with foster youth and former foster youth enrolled at Thomas Nelson Community College.
- On August 30, 2018, Commission staff conducted a round table discussions with former foster youth enrolled at Germanna Community College.

Individuals who attended these round table discussions viewed a PowerPoint presentation about the issue to facilitate open discussion. They were also encouraged to fill out optional surveys on the barriers they faced when attempting to obtain their driver's licenses while in foster care. Approximately 50 foster youth and former foster attended the sessions.

C. WORK GROUP

On August 7, 2018, the Commission on Youth convened a work group in order to review and revise draft findings and recommendations. The work group was comprised of the following members:

Em Parente

Foster Care and Family Engagement Program Manager
Virginia Department of Social Services

Letha Moore-Jones

State Independent Living Coordinator
Virginia Department of Social Services

Sharon K. Brown

Director of Driver Services Administration
Virginia Department of Motor Vehicles

Allison Gilbreath

Voices for Virginia's Children

Tiffany Haynes

former foster youth

Lori McConnell

foster parent representative

Commission on Youth Staff

Amy Atkinson
Will Egen
Christine Wilcox

The work group agenda included an overview of the study, opening comments from members, and a review of draft findings and recommendations. Revised findings and recommendations were submitted to the Commission on Youth at their September 18, 2018, meeting for review.

VI. Background

Historically, adolescents in foster care have faced significant barriers to obtaining a driver's license. These barriers have created a situation where the vast majority of youth who age out of the foster care system do so without having learned to drive or obtained their driver's license.

As of June 2018, there were 1226 Virginia youth in foster care aged 16 to 18, the age in which teens typically get their licenses. 339 foster youth aged 19-20 were enrolled in Virginia's Fostering Future's program, which assists foster youth in their transition to adulthood. VDSS estimates that, in Virginia, less than 5 percent of foster care youth who age out of care and transition to adulthood

have obtained their driver's licenses. Foster care youth interviewed for this study confirm this statistic, which is in line with percentages from other states. For instance, Florida reports that, prior to addressing this issue, only about 2-3 percent of foster youth in the state had obtained their driver's licenses by the age of 18.

Because Virginia does not currently capture the number of youth in foster care who obtain learner's permits and driver's licenses, the Department of Social Services has added a question to their "Youth Aging Out of Foster Care" survey to better estimate how many youth are leaving foster care without their licenses.

A. IMPACT OF ISSUE ON FOSTER YOUTH

Foster care youth who fail to learn to drive and obtain their licenses at the same time as their peers are impacted in several ways:

- **Normalcy.** Foster youth who do not learn to drive at the same time as their peers miss this important rite of passage of adolescence. They can also miss out on crucial developmental experiences and opportunities that are typically made possible by being able to drive.
- **Safety.** Foster youth who wait until they are 18 to learn to drive do not benefit from Virginia's provisional driver's licensing program for youthful drivers, which has been proven to reduce accidents among teenaged drivers.
- **Transition to adulthood.** Foster youth who leave care without a license are less prepared to make the transition to adulthood, both because they have not had the same developmental experiences as their peers, and because they lack transportation.

The results of research and analysis conducted by Commission staff related to these issues are summarized below.

Normalcy^{1 2}

Research has established that normalcy is essential for social, emotional, and cognitive development of children. Adolescence in particular is a critical time for brain development. Executive function in the brain (e.g., judgement, planning, impulse control, and decision-making) continues to develop through age 25. By gradually interacting with the wider world, adolescents learn healthy decision making skills, develop good judgment, and practice reasoning and planning skills. Adolescents practice these skills by forming relationships in the community and interacting productively in society. In addition, relationships formed in adolescence can become part of a

¹ Charly Harper Browne. *Youth Thrive: Advancing Healthy Adolescent Development and Well-Being*. Center for the Study of Social Policy, September 2014.

² Jennifer Pokempner, Kacey Mordecai, Lourdes Rosado, and Divya Subrahmanyam. *Promoting Normalcy for Children and Youth in Foster Care*. Juvenile Law Center, May 2015.

support system. Youth who can master these skills and develop a support system are more likely to thrive as adults.

Foster youth experience “normalcy” when they participate in the same age- and developmentally-appropriate activities and experiences as other youth their age. However, historically, children and youth in the custody of the state have been unable to participate in these experiences because of various barriers, including safety and liability concerns. In many cases, foster parents could not give children in their care permission to participate in common activities such as sleeping over at a friend’s home, participating in after school activities, going on a field trip, and learning to drive.

Foster youth who age out of the foster care system face many challenges, including homelessness, incarceration, and low educational attainment. According to a 2017 report,³ 20 percent of the people who age out of foster care in the United States are homeless within two years, 25 percent are incarcerated, and 42 percent drop out of high school. Research indicates that many of these challenges are related to an absence of normalcy in childhood and adolescence, which has left the former foster youth unprepared to transition successfully to adulthood.

Driving as Part of Normalcy

Learning to drive is an important rite of passage for most teens. Foster youth who do not drive and have to rely on others for transportation can feel “different” or “less than” other teenagers and may experience negative attitudes from their peers. They also have fewer opportunities to practice independence, self-reliance, and responsibility, and miss out on age-appropriate adolescent experiences. This lack of normalcy related to driving and independence can impact a successful transition to adulthood.

For instance, youth who do not have a driver’s license are often unable to get a job and establish a work history. If they do secure a job, they are often unable to pick up shifts or work a flexible schedule and are more likely to lose that job. For foster youth, this can influence their chances of securing employment after they leave care.

Youth who do not have a driver’s license are also more likely to be isolated from the larger community, particularly if they live in an area that does not have reliable public transportation. Participating in volunteer activities, in after school activities such as sports, and in community events are more difficult, and opportunities to meet and work with adult mentors are limited. This lack of opportunity prevents foster youth from establishing relationships with people who can assist them with the transition to adulthood. For example, foster youth who cannot participate in extracurricular activities may have less of a chance to be accepted to a college that emphasizes these activities or that emphasizes letters of recommendation from members of the community.

³ Gareth Fryar, Elizabeth Jordan, and Kerry DeVooght. *Supporting Young People Transitioning from Foster Care: Findings from a National Survey*. Child Trends, November 2017.

Finally, foster care youth who do not drive have fewer opportunities to practice independence and responsibility while having the support of their foster parents, who can help mitigate the consequences of bad decisions and assist them in learning from experiences. In addition, many of these youth have fewer opportunities to socialize with friends or have not interacted in the community independently. Because they have not experienced a gradual transition to independence, they are often ill-prepared for the challenges of independent living when they leave foster care at 18.

Federal and Virginia Legislation Related to Normalcy

Federal legislation recognizes the importance of normalcy for foster youth. The Preventing Sex Trafficking and Strengthening Families Act of 2014 (hereafter referred to as the “Strengthening Families Act”), Subtitle B, “Improving Opportunities for Children in Foster Care and Supporting Permanency,” promotes normalcy by empowering foster caregivers to independently make decisions for the children in their care. It does this by directing states to create a “reasonable and prudent parent standard” that caregivers can use when deciding whether to allow their foster child to participate in extracurricular, enrichment, cultural, and social activities. Foster parents who follow their states’ reasonable and prudent parent standard have expanded ability to make decisions for the foster youth in their care, including giving them permission to obtain a driver’s license, signing learner’s permit and driver’s license applications, and teaching them to drive.

§ 63.2-904 of the *Code of Virginia* was amended in 2016 to comply with the Strengthening Families Act. § 63.2-904 (D) states: *Consistent with the reasonable and prudent parent standard defined in 42 U.S.C. § 675(10)(A), caregivers of children in foster care shall support normalcy for such children. The Board shall adopt regulations to assist local boards and licensed child-placing agencies in carrying out practices that support careful and sensible parental decisions that maintain the health, safety, and best interest of the child while at the same time encouraging his emotional and developmental growth.*

In compliance with federal and state law, the Virginia Department of Social Services (VDSS) has integrated normalcy into its policy and practices. It has developed mandatory training for foster care providers on normalcy that defines the prudent parent standard (CWSE3030). In addition, Foster Care program policy allows the foster care provider, with input from the foster care worker, to determine if obtaining a driver’s license should be part of a foster youth’s transition plan, consistent with the prudent parent standard.

Despite Virginia's compliance with the Strengthening Families Act, due to various barriers approximately 95 percent of foster youth in Virginia fail to obtain their driver's licenses before

they turn 18. In comparison, only 27 percent of high school seniors nationwide do not have a driver's license.⁴

Safety

Foster youth who exit care without a license also do not benefit from the additional training and protections provided through Virginia's provisional driver's license program. Because these youth often face significant barriers to obtaining their licenses, many wait until they are 18 to learn to drive, when training and safety requirements of the provisional licensing program no longer apply.

Virginia's provisional licensing program requires young drivers to become autonomous in stages, ensuring that they have ample practice behind the wheel. According to the Centers for Disease Control, provisional licensing programs such as Virginia's have consistently proven to be effective at reducing the crash risk for beginning drivers, including teens. The National Safety Council found that such programs are proven to reduce crashes involving teen drivers by as much as 40 percent.⁵

The following is a description of the practice and safety requirement of Virginia's provisional driver's licensing program for youthful drivers:

Teens may apply for a learner's permit when they are fifteen years, six months of age. These teen drivers:

- Must hold a permit for at least 9 months, during which they may only drive with a licensed adult driver
- Are required to take a state-approved driver's education course
- Must complete 45 hours of driving practice
- Must attend a safety class with their parents (Northern Virginia counties)
- Must attend a court ceremony with their parents to be issued a license, in which a judge stresses responsible driving

After they receive their restricted licenses, teen drivers:

- Are protected from distracted driving
 - During first year with license, may not carry more than 1 minor in car without an adult driver in the passenger's seat
 - After one year with license, may not carry more than 3 minors, and only to or from a school-sponsored activity or with a licensed adult in passenger's seat
 - May not use a cell phone or other telecommunication device while driving

⁴ Pew Charitable Trusts, Monitoring the Future survey, 2017.

⁵ "Graduated Licensing Protects Teen Drivers," National Safety Council, n.d. Retrieved from <https://www.nsc.org/road-safety/safety-topics/teen-driving/whats-working>

- Are protected from driving tired
 - May not drive between the hours of midnight and 4 am until they are 18

In contrast, youth who wait until they are 18 to apply for a license:

- Have the option of skipping driver's education
- Have no holding period for learner's permit (if driver's education is skipped, must hold a permit for 60 days)
- Are not required to accumulate 45 hours of driving practice (a licensed driver must certify that certain driving skills have been mastered)
- Do not attend a safety class (in Northern Virginia counties) or a court ceremony
- Have no safety restrictions on their license

Studies have found that drivers who wait until they are older to obtain their licenses are more dangerous on the road. For instance, a 2013 study by Washington State Department of Licensing found that drivers who got their licenses at 18 were more likely to fail their driver's test and received about three times as many citations as those who began driving at 16. In addition, a Nebraska study that followed 150,000 drivers over eight years found those who never took driver's education classes were 24 percent more likely to be involved in a fatal wreck.⁶

Transition to Adulthood

Foster youth who exit care without a license face additional challenges that can increase the likelihood of adverse experiences and poor outcomes in their transition to adulthood. The following challenges were identified through research and discussions with stakeholders:

- Former foster youth who do not drive are limited in where they can live, especially if they are in an area with no public transportation. They are also limited in the jobs they can take, especially jobs that require working at times when public transportation is not available. These barriers can cause isolation and economic hardship, and can contribute to poverty and homelessness.
- Former foster youth who do not drive may not be able to attend college classes or other post-secondary education or training opportunities, especially if they are located in rural areas. Many of Virginia's community colleges that are located in rural or suburban areas do not offer transportation services, and students must provide their own transportation.
- Necessary activities such as shopping, getting to appointments, attending to health care needs, taking care of children, travelling, or participating in social activities can be much more difficult. Although all non-driving adults face these challenges, they are especially

⁶ "Study: Driver's ed significantly reduces teen crashes, tickets," University of Nebraska-Lincoln, August 13, 2015. Retrieved from <http://newsroom.unl.edu/releases/2015/08/13/Study:+Driver%27s+ed+significantly+reduces+teen+crashes,+tickets>

burdensome to young adults who are attempting to transition to adulthood without the benefit of family support.

- To ensure that foster youth can find housing and pursue employment and educational opportunities, foster youth who do not drive are sometimes moved into a placement in an urban area as they approach 18, or they relocate to the city once they leave care. These young adults must leave their communities and their support systems, which increases their vulnerability by separating them from supportive adults and peer networks.
- Youth who pursue getting their driver's licenses after age 18 are burdened with having to learn to drive while they are establishing themselves as independent adults. This can delay employment or enrollment in secondary education programs.
- Youth who wait until 18 to learn to drive can feel less confident and be less safe on the road because they were not subject to the increased practice requirements and safety restrictions required of youthful drivers in Virginia.

B. BARRIERS IDENTIFIED IN LITERATURE REVIEW

A literature review by Commission staff has found that the main barriers that foster youth face in obtaining a driver's license fall under four general categories. They are: insurance costs, foster care provider concerns about liability or impact on insurance, general lack of information, and lack of program support. All four barriers, together or separately, can result in the foster care provider withholding his or her permission or support. In fact, these barriers are often viewed as so insurmountable that many stakeholders—including foster youth—believe that it is better to simply wait until they are older to get their licenses.

The result of research and analysis conducted by Commission staff related to the most significant of these barriers is summarized below.

Cost of Insurance: The cost of motor vehicle insurance is the most significant barrier to foster youth obtaining their driver's licenses.

- The cost of an annual motor vehicle policy increases by \$1439 (national average) when a youth in the household obtains a driver's license. Costs can be significantly higher in urban areas and if the youthful driver is male.
- Foster youth who purchase their own insurance policies pay even higher premiums. In Virginia, these premiums can be as high as \$5343 per year.
- Present funding streams in Virginia that support foster youth transitioning to adulthood cannot cover these costs, and most foster care providers are unable to pay for increases to their insurance policy premiums.

Liability and Insurance Concerns: Foster care providers often do not support a foster youth in their care getting a driver's license because:

- They are concerned they will be held personally liable should a youthful driver in their household get into or cause a catastrophic accident and liability exceeds their present insurance coverage limits; and/or
- They are concerned that their standing with their insurer will be negatively affected because they have a foster youth in their household who drives.

Lack of Information: Because it is extremely uncommon for foster youth to obtain their driver's licenses while in foster care, most stakeholders (foster care workers, foster parents, foster care youth, etc.) lack fundamental information about the issue. Most stakeholders:

- Are unaware that getting a driver's license at the same time as their peers is critical to normalcy and to a successful transition to adulthood; and
- Lack information about a) liability issues, insurance laws, and common insurance practices; b) funding currently available to support driver's education programs and driving schools; and c) how to navigate the process of obtaining a driver's license.

Lack of Support: Because it is extremely uncommon for foster youth to obtain their driver's licenses while in foster care, many foster care systems have no program in place to assist foster youth with the process of getting their licenses. This lack of program supports perpetuates the problem of a lack of information about the issue among stakeholders.

C. STATE AND FEDERAL RESPONSES TO BARRIERS

As of 2018, 19 states have passed or introduced legislation that addresses various aspects of this issue. Notable state programs are summarized below:

Keys to Independence Program, Florida

The most comprehensive state response is Florida's "Keys to Independence" program. In 2014, Florida launched a three-year pilot program to provide foster children in Florida with assistance in getting their driver's licenses. Florida contracted with Community Based Care of Central Florida, a not-for-profit child welfare organization, to develop a program that provided education, outreach, and technical assistance, and which guided foster youth through the process of obtaining their licenses. The program:

- Pays increases on foster parents' insurance that occur because a foster youth in the household has obtained his or her driver's license
- Pays individual insurance for foster youth who have their own cars
- Pays all driver's licensing fees
- Pays for driver's education by arranging contracts with local driving schools

- Provides ongoing education and outreach of foster youth/parents, caseworkers, DSS staff, and other stakeholders
- Consults with foster parents individually to address their concerns
- Tracks foster youth enrolled in the program and guides them through stages of the process
- Tracks foster youth who change placement

To combat low enrollment in some rural counties, the program was expanded to include children in kinship care placements, to allow guardian ad litem to sign applications, and to mandate that, when possible, the goal of getting a driver's licenses is part of a foster youth's transition plan.

Keys to Independence was made permanent in May of 2017. According to correspondence with program management, by 2018, 790 foster youth had obtained their learner's permits under the program (up from 88 in 2013) and 387 youth had obtained their driver's licenses (up from 20 in 2013).

Total expenditures of Florida's program were \$191,983 in FY 2014-2015 and \$330,185 in FY 2015-16.⁷ Costs are projected to increase each year as more youth enrolled in the program become eligible to obtain their driver's licenses and require insurance reimbursement. The program does not support youth who are over 18 years of age.

Lessons learned from the Keys to Independence Program include the following:

- Effecting a cultural shift through education and outreach is a key part of the program's success.
 - Foster parents are nervous about letting their foster youth drive. Education about insurance and liability is critical.
 - Education must be ongoing due to frequent turnover among caseworkers.
 - The program conducts hundreds of in-person trainings throughout the state and established a web/social media presence with FAQs and other information.
- Reimbursement models can be a barrier, because foster care providers or foster youth may not be able to pay for insurance or driving school fees up front.
 - Program established subcontracts with private driving schools for competitive rates and unique services.
 - Program arranged direct pay of youth policies with insurance companies.
- The most frequent reason for youth to leave the program was they were moved into kinship care.

⁷ Florida House of Representatives Staff Analysis Bill CS/HB 217, March 8, 2017. Retrieved from <https://www.flsenate.gov/Session/Bill/2017/217/Analyses/h0217c.HCA.PDF>

- Program staff assisted with the passage of legislation that allows teens in kinship care to participate in the program.
- Foster care providers want to keep their current level of insurance if they add a foster youth.
 - The program pays at the policyholder’s rate, instead of only reimbursing state minimum insurance levels on the foster youth.
- Insurance reimbursement is a minimal cost in the first few years of the program, when most youth have their learner’s permits (learner’s permits must be held for 12 months in FL and 9 months in Virginia). Successful programs can expect to scale up costs as more foster youth become eligible for their driver’s licenses.

Treehouse Driver's Assistance Program, Washington

In January of 2018, Washington state contracted with Treehouse, a nonprofit organization that supports youth in foster care and assists them with their transition to adulthood, to create the Treehouse Driver's Assistance Program.

- 18 month pilot program based on the Florida model.
- Provides assistance and funding for driver's education courses, learner's permits and driver's licenses, and automobile insurance.
- Youth in state foster care and kinship care aged 15-21 are eligible to participate.
- Supported by a \$500,000 grant from Washington Department of Social and Health Services.

TRIP Program, North Carolina

In July of 2017, North Carolina launched a program called Transportation is Really Possible (TRIP) administered by the North Carolina Department of Health and Human Services.

- Two-year pilot program based on a reimbursement only model.
- Provides reimbursement for driver's education courses, learner's permit and driver's license fees, automobile insurance up to \$1000 total, and fees associated with foster youth's vehicle (registration, etc.).
- Youth in state foster care aged 14.5 – 21 are eligible to participate.
- Supported by a yearly appropriation of \$75,000. Funds available on a first-come, first-served basis.

D. RESULTS OF FOSTER YOUTH ROUND TABLE DISCUSSIONS

Great Expectations is nationally recognized program that helps Virginia's foster youth successfully transition to adulthood by supporting them in their pursuit of postsecondary credentials. On May 18, 2018, Commission staff conducted two round table discussions with former foster youth at the Great Expectations' graduation event. Young adults in attendance were in their early twenties and were graduating from secondary education programs.

On August 16 and August 30, 2018, Commission staff conducted round table discussions with foster youth and former foster youth enrolled in Thomas Nelson Community College and Germanna Community College, respectively, through the Great Expectations program. Participants were in their late teens to early twenties.

In all four round table discussions, Commission staff delivered a PowerPoint presentation on barriers that foster youth face in obtaining their driver's licenses. Throughout the presentation, participants were prompted to share their own experiences while in foster care and their insights on which barriers were the most significant. Participants shared their experiences in group discussion and filled out an optional survey.

Written and oral feedback from participants generally confirmed the issues and barriers identified in the literature review. Of the approximately 50 foster youth and former foster youth who attended the four round table discussions, only two said they had obtained their driver's license while in foster care in Virginia (4%), and only about one-third currently had a license. There was general agreement among participants that it was rare for foster teens to get their licenses when they were 16, and that almost all foster youth waited until they were at least 18.

Participants cited costs of insurance as the most significant barrier to getting their licenses, both now and when they were in foster care. Most said they could not afford insurance, and that their foster parents could not cover insurance costs. One participant who did have his license said he currently paid \$350 per month (\$4200/yr.) for insurance. Several participants expressed the "Catch-22" nature of their predicament: they couldn't get a job without a car, but couldn't afford insurance without a job.

Another significant barrier was completing the "Behind the Wheel" portion of driver's education. Several participants said that they or their foster families could not afford the lab fees (approximately \$300) associated with driver's education in high school or to pay a private driving company for driver's education. None of the participants were aware that funding is available through their local departments of social services to cover these costs.

Other barriers cited were lack of access to a car to practice on. "It's hard to practice with no one to let me use their car," one participant wrote. Participants were also not aware that funding was

available for private driving schools to assist students in learning how to drive and in accumulating 45 hours of driving practice.

Some participants claimed they were not interested in getting their license when in foster care because they would not be allowed to drive their foster family's car.

Most participants generally agreed that their foster parents had not been helpful or encouraging to them in getting their licenses. One said that her foster mother simply didn't care and put her biological children first. Another said her foster parents cared but were overwhelmed by the process. A third said there were ten people in her foster home and therefore her foster parents had no time or money to help her get her license. "Foster parents just don't want to deal with it even though it's an absolutely necessary skill," another participant wrote. The two participants who had gotten their licenses on time both said their foster parents had been very supportive.

Many participants said that their case workers had not been helpful or encouraging. One participant said she had been asked at fifteen years old if she was interested in getting her license. She had said no, and the issue was never brought up again. Other participants agreed that they had also been asked only once and never encouraged. In general, participants said they had not been told that funding was available to cover costs associated with learning to drive.

The majority of participants said that not having a driver's licenses had affected their ability to participate in normal teenaged activities such as getting a job, socializing, or playing sports. One participant, who was graduating from a secondary education program, was currently unable to find a job because she had been unable to get a job as a teenager, and therefore had no work history. Another participant, who was a talented soccer player, had been forced to quit his high school's soccer team because he couldn't travel to away games. Others agreed that it was "impossible to do sports without a car." Another participant could not attend her prom because she did not have transportation. Several said they were not able to drive to school like their friends, and one said that he stood out from his peers because he had been the only senior who rode the school bus. Another had to be picked up by her foster parent from social events as an older teenager. "It was very embarrassing," she wrote.

Participants who still did not have their licenses as young adults said it affected their ability to work, go to college, get to appointments, shop and run errands, and find housing. One participant said that she had to walk through a dangerous area to get to work every day and, after being accosted several times, started carrying a taser for protection. Several others were unable to get jobs or get to appointments because they didn't have a car. One responded wrote, "We live in a rural area. There is extremely limited public transportation, so you need a ride to get anywhere at all." Another wrote, "When I make appointments I have to find my own ride which means gas money. Without having a job it's hard to give gas money. Or I have to make appointments when my counselor is available, and that goes for getting to a job interview as well." One participant

who had a license wrote, “If I didn’t drive I couldn’t go to college, I couldn’t work. I would be stuck.”

At Germanna Community College, the Great Expectation program manager noted that it was not uncommon for foster youth in the community to withdrawal their acceptance from Germanna because of transportation issues. These foster youth were sometimes moved out of their communities and away from their support systems to new placements, often in group homes in urban areas, so they could have access to public transportation as they transitioned to adulthood.

E. ANALYSIS OF IDENTIFIED BARRIERS IN VIRGINIA

Barrier 1 – Insurance Costs and Liability Concerns

The cost of motor vehicle insurance is the most significant barrier to foster youth obtaining their licenses. It is common practice for insurance companies to cover youth who have learner’s permits at no additional charge on their foster parents’ insurance policy. However, once youth are licensed, their foster family’s insurance premiums will go up simply because there is a youthful driver living in the household. Virginia law requires that automobile insurance automatically cover everyone who drives the insured vehicle, whether or not they have permission to do so. For this reason, if a foster youth gets a driver's license, the insurer will add the youth to the vehicle owner's insurance policy and charge a corresponding rate increase.

This rate increase is substantial. Adding a teen driver increases car insurance premiums by 167 percent, or \$1439 annually, on average.⁸ This amount can be much higher, depending upon the value of the vehicle, the type of insurance, the locality (urban areas are more expensive), and the sex of the teen (boys are charged higher premiums than girls). This rate increase places an undue burden on foster families, who often cannot afford to pay increased premiums.

Foster youth who are over 18 and enrolled in Virginia's Fostering Futures program also need assistance with car insurance costs to be able to attend secondary education programs and live independently. Currently, funding that supports transitional services and independent living for foster youth are not adequate to cover these costs, and typically can only provide a month or two of insurance premium reimbursement.

Commission staff explored several options to overcome this barrier and provide insurance coverage for foster youth. These options are discussed below:

Assist foster youth in getting their own insurance policies. Because motor vehicle insurance in Virginia covers the vehicle, not the driver, only foster youth who have their own vehicles can purchase their own insurance. Costs for individual policies is extremely expensive, and can be as high as \$5343 per year through the Virginia Automobile Insurance Plan (assigned

⁸ Retrieved from www.insure.com, an independent consumer insurance website.

risk insurer). Staff explored the idea of working with insurers to offer group rates to foster youth, but again, since the vast majority of foster youth do not have cars, this would not benefit them. However, direct reimbursement to foster youth would benefit youth who are over 18 and transitioning to adulthood through Virginia's Fostering Futures program.

Purchase non-owner insurance policies for foster youth. Non-owner policies offer secondary insurance on the driver, rather than the vehicle. Non-owner policies are purchased by people who frequently rent vehicles or who drive their employer's vehicle and want additional insurance coverage. However, because non-owner policies are secondary insurance, they do not pay out until primary insurance on the vehicle is exhausted. This means that foster care providers' insurance rates would still increase once a youthful driver was living in the household.

Reimburse the foster care provider for increase to his or her insurance policy. This is the model most frequently used in other states, and is by far the most economical way to provide insurance to foster care youth who are under 18.

An additional barrier related to insurance costs is the concerns of some foster care providers that they would be found personally liable should a foster youth covered on their insurance policy get in a catastrophic accident, in which liability exceeds the insurance coverage they currently hold. Virginia requires that all vehicles registered in the state carry minimum insurance levels of 25/50/15 (\$25,000 / \$50,000 bodily injury / \$15,000 property damage).⁹ These levels are adequate to cover the vast majority of accidents, but would not be adequate to cover a catastrophic accident.

It is unclear if foster care providers would be found personally liable in a court of law if they were sued for damages caused by a foster youth driving their car, but foster parents do have some protection. The Strengthening Families Act and the *Code of Virginia* specifically directs foster parents to support normalcy for foster youth, which includes getting a driver's license. In addition, unlike in some states, Virginia does not automatically hold a vehicle owner personally liable if someone else gets in an accident while driving their vehicle. Car owners can be liable if they "negligently entrusted" their vehicle (for instance, loaned car knowing driver was intoxicated). However, following the "reasonable and prudent parent standard" is an argument against negligent entrustment.

Florida's Keys to Independence (K2I) model has had experience with this issue. They shared with Commission staff that foster care providers have varying levels of comfort with assuming this risk of liability. K2I staff have had success with overcoming this barrier by addressing foster care providers' concerns on a case-by-case basis. They educate foster care providers about liability issues and, as necessary, purchase additional insurance in the form of a supplemental non-owner's

⁹ In lieu of insurance, vehicle owners may certify financial responsibility with a \$500 annual certification fee that they can pay for any damages out-of-pocket.

policy for the foster youth, which provides coverage if the foster care provider's primary insurance is exhausted due to an accident. Other options for supplemental insurance include umbrella policies—low cost insurance with high limits that can be added onto policies that already have the highest level of coverage.

Barrier 2 – Concerns About Insurance Non-Renewal

Another significant barrier is foster care provider's concerns about how having licensed foster youth in their households will affect their standing with their insurance companies. Foster care providers are concerned that their insurance may be cancelled or not renewed, or that their rates may be permanently affected by having foster youth on their policies.

Some of these fears are due to a lack of information about insurance law and common practices in Virginia. For instance, § 38.2-2212 of the *Code of Virginia* prevents insurers from cancelling a policy due to an accident. Although an insurer may refuse to renew a policy due to an accident, insurance companies expect teen drivers to get in accidents and set their rates accordingly. In addition, insurance rates hikes are not permanent, and insurers who raise rates due to an accident can only do so for three years. Furthermore, according to discussions with major insurance companies operating in Virginia, a foster care provider's insurance rates should return to previous levels once it is established that the foster youth is no longer living in the household.

Despite these protections, there is nothing in Virginia law that prevents insurers from refuse to renew an insurance policy simply because a policy holder is a foster care provider. § 38.2-2212 prevents insurers from refusing to renew a policy for a variety of reasons, including age, sex, race, marital status, and lack of driving experience. Amending this *Code* section to include "status as a foster care provider or foster youth" would ensure that foster care providers are be treated in the same way as all other adults who have teenaged drivers in their households, and would help allay foster parents' concerns about policy nonrenewal.

Barrier 3 – Driver's Licenses Are Inappropriate for Some Youth

As may be the case with any youth of driving age, there are situations where it is not appropriate for a youth to obtain a driver's license. For instance, some foster youth in Virginia do not get their licenses on time because:

- They are not ready, developmentally or because of behavioral challenges;
- They have issues with substance abuse;
- They have a history of running away or acting irresponsibly; or
- The courts have prohibited them from getting a license based on past offenses.

The Strengthening Families Act empowers foster parents to decide if foster youth are ready to drive. Currently, foster parents consult with caseworkers to help them make this determination. This position is supported by the Commission.

Barrier 4 – Lack of Information

Because insurance costs are usually an insurmountable barrier to foster youth getting their driver's licenses, the practice is extremely uncommon. For this reason, there is no process in place in the foster care system that educates stakeholders about the issues, or assists foster care providers and foster youth with the process of licensing. Discussions with stakeholders have revealed that many lack fundamental information. For instance, many stakeholders:

- Are unaware that getting a driver's license on time is critical to normalcy and to a successful transition to adulthood;
- Are unaware of the added difficulties youth who age out of foster care without a driver's license experience;
- Lack information about liability issues, insurance laws, and common insurance practices;
- Are not aware that there is funding currently available to support driver's education programs and driving schools, which can assist foster care providers in teaching a foster youth how to drive;
- Do not know how to navigate the process of obtaining a driver's license; and
- Are not aware of the safety benefits provided by Virginia's provisional driver's licensing program.

Educating stakeholders has been shown to be a fundamental component to overcoming the widely-held belief within foster care systems that foster youth must wait until 18 to get their licenses. Best practices of other state programs, such as Florida's Keys to Independence program, emphasizes stakeholder education. For this reason, the Commission supports making stakeholder education part of a foster youth driver's licensing assistance program in Virginia.

Barrier 5 – Some Foster Youth Lack Interest

Discussions with foster youth, and VDSS's discussions with foster care workers in local departments of social services, revealed that some foster youth are not interested in getting their licenses. Some reasons include:

- The youth is too busy or finds the process overwhelming.
- The youth's foster care provider will not help or support them, or the youth does not have access to a car or a driving teacher.
- The youth does not think getting a license is important, especially if they will not be allowed to drive the foster care provider's car.

- The youth believes that they, or their foster parent, must pay for the "Behind the Wheel" component of driver's education (this can be paid for by the local department of social services).
- Multiple placements, or moving in and out of foster care, has interrupted the process.
- The youth does not receive encouragement from the foster care worker.
- The youth has learned that almost all foster care youth wait until they are 18 to get their licenses and does not understand why it would be beneficial to get a license earlier.

In many of these cases, a lack of interest by the foster care youth is directly related to a lack of support and encouragement by foster care providers and foster care workers. This lack of encouragement is understandable since, in almost all cases, insurance costs are an insurmountable barrier. However, it is important to note that once the importance of getting a license on time has been deemphasized within the foster care system, the idea that it is "normal" for foster care youth to wait until they are 18 can become entrenched in foster care culture. For this reason, if a program that assists foster youth in getting their driver's licenses is put in place, it is important to reverse this cultural belief among foster care workers. This may be accomplished through education, training, and/or policy directives.

VII. Findings and Recommendations

After presenting the findings and recommendations at the Commission on Youth's September 18, 2018, meeting and receipt of public comment, the Commission approved the following recommendation:

Finding: Cost and adequacy of insurance is a major barrier to foster youth obtaining their driver's license while in foster care.

Recommendation 1 – Provide funding to support youth in foster care in obtaining their driver's license.

Introduce a budget amendment to increase funding available to local departments of social services to reimburse foster parents and foster youth for increases to their existing automobile insurance premiums that occur because a foster youth in their care has become a licensed driver and to add additional coverage (umbrella policy or the equivalent) that will provide additional liability protection should a licensed foster youth in their care get into or cause a catastrophic accident. Provide funding to the Virginia Department of Social Services to coordinate and administer the driver's licensing program based on best practices from similar programs in other states.

Finding: Foster care providers' concerns about their automobile insurance policies not being renewed because they have foster youth in the household who drive is a barrier to foster youth obtaining their driver's licenses while in foster care.

Recommendation 2 – Introduce legislation to address foster parents' concerns about their automobile insurance policies being cancelled because they have foster youth in the household who drive.

Amend § 38.2-2212 of the *Code of Virginia* to require that no insurer shall refuse to issue or renew a motor vehicle insurance policy solely because of policy owner's status as a foster care provider or foster care youth.

Finding: Some foster youth do not get their licenses on time because they are not ready, developmentally, because of behavioral challenges, or because they are not permitted to do so by the juvenile courts due to past infractions.

Recommendation 3 – Recognize developmental and behavioral challenges.

Support the present policy of DSS, in which the foster parent or private provider, with input from the foster care worker, determines if obtaining a driver's license should be part of a foster youth's transition plan, consistent with the prudent parent standard.

Finding: Foster parents, private providers, and foster youth lack information and/or have misinformation relating to 1) insurance and liability issues; 2) how to navigate DMV's licensing process; 3) whether funding is available for "Behind the Wheel," and 4) why getting a driver's license on time is important for normalcy and a successful transition to adulthood.

Recommendation 4 – Educate foster parents, private providers, and foster youth on 1) insurance and liability issues; 2) how to navigate DMV's licensing process; 3) whether funding is available for "Behind the Wheel," and 4) why getting a driver's license on time is important for normalcy and a successful transition to adulthood.

Request DSS and/or other agencies develop educational or training materials that educate foster parents, private providers, and foster youth about 1) liability issues, insurance laws, and common insurance practices (to include laws about renewal and cancellation, how long an accident can affect premiums, how to establish that a foster youth is no longer living in the residence, and other applicable topics); 2) DMV requirements to obtain a learner's permit and driver's license; 3) what funding and resources are available to assist in this process, to include paying school lab fees for "Behind the Wheel" or paying a private driving education company; and 4) why getting a driver's license on time is important for normalcy and a successful transition to adulthood.

Finding: Foster youth who are not interested in getting their driver's licenses because of various barriers report that foster parents and/or caseworkers often do not encourage them to make getting a license a priority or help them overcome barriers.

Recommendation 5 – Support obtaining a driver's license as part of the transitional plan for foster care youth.

Request DSS to institute policy or otherwise communicate to caseworkers, foster youth, and foster parents that obtaining a driver's license before the age of 18 should be an element of consideration in the youth's transition plan as part of normalcy and should be encouraged when possible.

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Rachel Strawn, Program Director

Allyson Roberts, Assistant Director

Taylor Landrie, Great Expectations Coach, Germanna Community College

Sonja Vega, Great Expectations Coach, Thomas Nelson Community College

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