

Critical Documents for Children and Youth



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Child Protection Court Convening

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Texas Foster Youth Justice Project

Educating foster youth about their legal rights

Hotline: (877) 313-3688

Email: info@texasfosteryouth.org

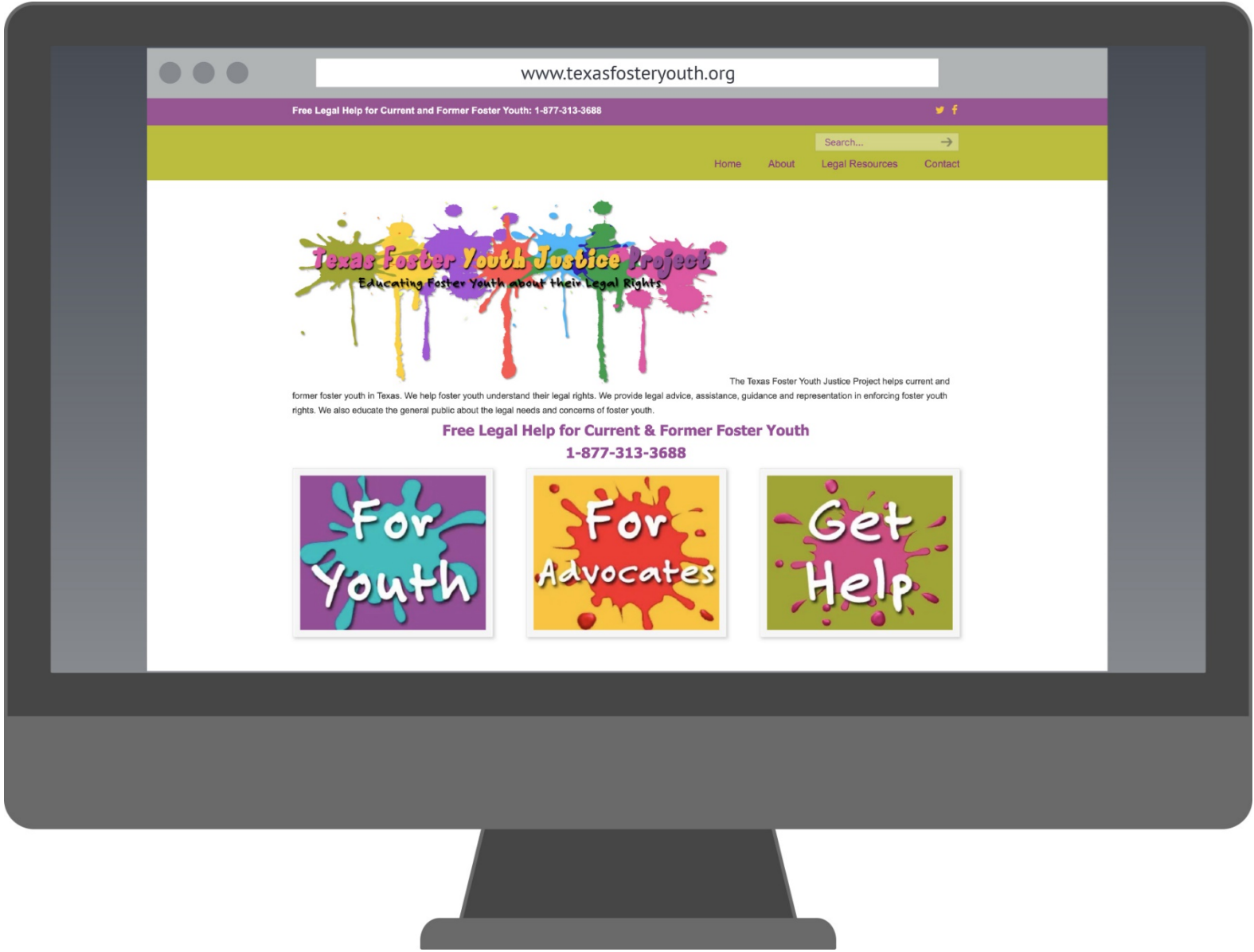
Website: www.texasfosteryouth.org

Statewide
program

Assists current and
former foster youth
with legal problems

Provides guidance
for those that work
with current and
former foster youth

Assists homeless,
unaccompanied youth
with legal problems



www.texasfosteryouth.org

Free Legal Help for Current and Former Foster Youth: 1-877-313-3688



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The Texas Foster Youth Justice Project helps current and former foster youth in Texas. We help foster youth understand their legal rights. We provide legal advice, assistance, guidance and representation in enforcing foster youth rights. We also educate the general public about the legal needs and concerns of foster youth.

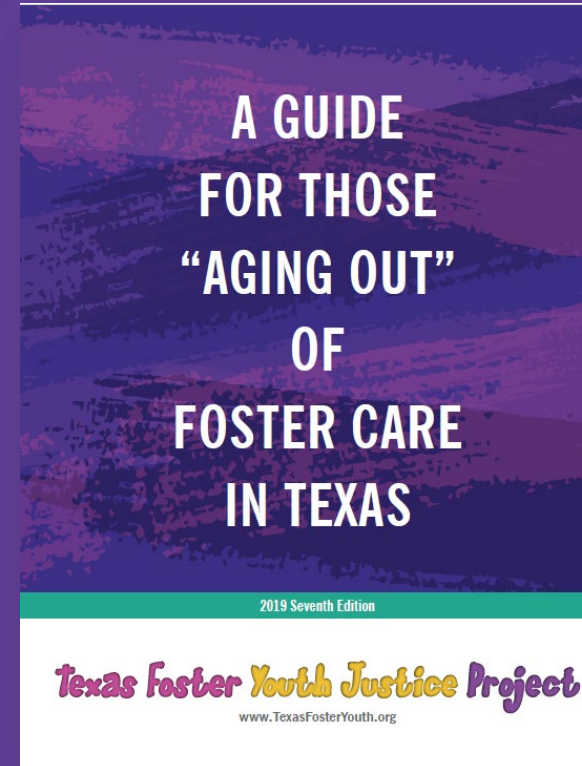
Free Legal Help for Current & Former Foster Youth
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www.texasfosteryouth.org

TFYJP's Guide for Those "Aging Out" of Foster Care in Texas

- 7th edition (2019)
- Download for free at www.texasfosteryouth.org
- Order bound copies for free by emailing info@texasfosteryouth.org



TFYJP Common Types of Cases:

- CPS records
- Extended Foster Care/ Return to Foster Care/ Supervised Independent Living
- Representation in CPS court
- Healthcare issues
- Access to transition services
- Education issues
- Juvenile/criminal records
- Name change/correction
- Identity documents
- Foster youth benefits
- Immigration/Citizenship
- Contact with/access to siblings
- General advocacy

Materials

How Foster Youth Can Get Their Texas Birth Certificate and Texas ID Card and Texas Driver's License (English and Spanish versions)

DFPS Foster Care Residency Verification Form K-908-2042

DPS Foster Youth Driver License Fact Sheet

DPS Foster Youth ID Fact Sheet

Materials Continued

DPS What it Takes to Apply DL-57 for ID/License brochure

DPS License and ID Applications DL-14A (Minor) and DL-14B (Adult)

HB 123 (2019 ID Docs Law)

SB 2054 (2021 Fees Driver Ed Courses and Exams)

Why Do Children and Youth Need Identification Documents?

- ❑ Critical for functioning in our society and permanency
- ❑ Public Benefits
- ❑ Housing
- ❑ School enrollment
- ❑ Employment
- ❑ Participation in activities/normalcy

Why Do Children and Youth Need Identification Documents?

- ❑ You can identify problems before they become huge barriers
- ❑ Original, certified copies (not photocopies)
- ❑ Track down birth certificate
- ❑ Delays in ordering/obtaining original/certified documents
- ❑ Visits to Social Security and DPS office—closure/delay
- ❑ Time-consuming process

Why Do Children and Youth Need Identification Documents?

Name Issues

- ❑ Failure to update birth certificate and Social Security card post paternity/OAG order or post adoption (failed adoption)
- ❑ Incorrect name on birth certificate (e.g., “Infant Smith”)
- ❑ Variations of name used throughout child’s life
- ❑ Locating court orders proving name change

Identification Document Basics



Need original/certified documents



Make paper and electronic copies of front and back for records of youth/department



Youth store documents in secure place

ID/License is the only document that youth carries around
Access when needed



Proper care of identification documents is a life skill

Ongoing coaching



Advocate assistance required for success in gathering required documentation to obtain identification documents

Identification Document Basics: Youth Born in Another Country

No U.S. birth certificate showing youth was born in a U.S. state, must assume not a citizen unless there is other certified documentation of citizenship

Must sort out whether they have some sort of legal status in the U.S. and obtain documentation of their status, if any. No immigration status or proof of it—no Texas ID/License

Consult immigration specialist for possible forms of relief

TFYJP: possible assistance if youth has status but needs assistance in obtaining proof

Laws on Foster Youth Identification Documents

By age of 16, the Texas Department of Family and Protective Services (DFPS) must provide youth with original or certified copies of:

Birth Certificate

Social Security Card

Texas Driver's License or Identification Card

Tex. Fam. Code § 264.121(e), (e-1)

Laws on Foster Youth Identification Documents

DFPS must designate PAL staff as contact person to assist youth who has not received document by 16.

Youth must be given contact information of the contact

Youth who misplace documents should receive assistance in obtaining a replacement or information about obtaining duplicate copy as appropriate

Tex. Fam. Code § 264.121(e)

Laws on Foster Youth Identification Documents

When youth is discharged from foster care and is 18+ or emancipated, must provide copy and certified copy/original (unless youth already has)

Birth Certificate, ID Card or License, Social Security Card

Immunization records and Information in Health Passport

Medicaid proof of enrollment

Tex. Fam. Code § 264.121(e-1)

Laws on Foster Youth Identification Documents

DFPS and CASA “shall develop procedures to ensure that a foster child obtains a driver's license or personal identification card before the child leaves the conservatorship of the department”

Tex. Fam. Code § 264.1213

Laws on Foster Youth Identification Documents

Attorney Ad Litem AND Guardian Ad Litem (CASA) are required to make sure youth 16+ has:

Birth Certificate, Social Security card, DPS License or ID Card

Tex. Fam. Code § 107.003(b)(3)(B) and § 107.002(b-1)(3)

**New Law:
Identification
Documents Youth
Experiencing
Homelessness or
in Foster Care**

**HB 123 (2019) Identification Documents
for Homeless and Foster Youth**

- Texas Birth Certificate
 - No Parent/Guardian Consent Required
 - No Fee
- DPS ID or License
 - No additional proof of residency required (See also 37 TAC 15.49 Proof of Domicile)
 - No Fee
 - Fees covered by donations—but more than enough has been donated
- DFPS Form 2042 Foster Care Residency
 - Does not cover Social Security cards (federally issued)

Even Newer Law: Funding Driver Education/Exam Fees

SB 2026 (2021) Funding for Driver Education and License Exam Fees

- ❑ Covers current and aged out foster youth up to age 26 and youth experiencing homelessness (McKinney-Vento certified)
- ❑ Funds are excess funds donated to DPS for identification cards and licenses for foster and homeless youth
- ❑ Any fee associated with meeting requirements to become licensed driver to appropriate entities (driver's education schools)
- ❑ Texas Workforce Commission will administer funds
- ❑ Don't expect quick setup or access

Handout: *How Foster Youth Can Get Their Texas Birth Certificate and Texas ID Card and Texas Driver's License*

- ❑ Step by step guidance for youth, caseworkers, judges, CASA, foster parents . . .
- ❑ Consult for details of navigating the process
- ❑ Insist caseworkers review and use it
- ❑ CPS handbook provides limited information
- ❑ DFPS Form 2042 Foster Care Residency Does not cover Social Security cards (federally issued)
- ❑ Youth must have assistance





**YOUTH OR YOUNG ADULT IN FOSTER CARE RESIDENCY VERIFICATION FOR A
DRIVER LICENSE OR STATE IDENTIFICATION CARD FEE WAIVER**

Purpose: This form is completed by DFPS staff to confirm that the applicant identified below meets the requirements in the Texas Transportation Code Section [§521.1811](#) or [§521.1015](#) that authorizes the Texas Department of Public Safety (DPS) to waive fees related to the issuance of a driver license or state identification card as long as there is funding available in the DPS identification fee exemption account. Refer to the DFPS Driver License and State Identification Resource Guide for guidance on completion of this form.

Directions: If the applicant is a minor in the managing conservatorship of DFPS, this certification must be signed by the applicants' DFPS primary caseworker or supervisor.

If the applicant is an individual 18 years of age but under age 21 and in a DFPS-paid placement, this certification must be signed by the applicant's DFPS primary caseworker or other authorized DFPS staff. This form does not need to be notarized.

The Application for Texas Driver License or Identification Card DPS [Form DL-14A](#) or [Form DL-14B](#) must be completed and signed. For youth under age 18, the DFPS primary caseworker signature of authorization is required on the driver license application to issue a driver license. If the DFPS primary caseworker does not go with the youth to the driver license office, they must ensure the driver license application is notarized before the youth goes to the driver license office. DFPS primary caseworker authorization is not required to obtain a state identification card. For the state identification card, the youth can sign the application at the Driver License Office in the presence of a DPS employee.

YOUTH OR YOUNG ADULT INFORMATION

Full name of the youth or young adult:	DFPS Person ID (PID)	Date of birth:
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Mailing Address
 Note: A youth or young adult may use the caseworker's address as the Mailing Address. This eliminates the requirement to make a change of address when a youth or young adult changes placements.
 Caseworker's Name (Attention of):

 Caseworker's DFPS office address:

Current Address
 A youth or young adult may use their current, physical address as the mailing address if the youth is in an intended to be permanent placement or a young adult chooses to have mail sent directly to them and plans to inform DPS every time they change placements:
 Placement Name:

 Placement Address:

The applicant meets the following requirement (check the appropriate boxes):
 Is a minor in the managing conservatorship of DFPS; or
 Is an individual at least 18 years of age but under age 21 and in a paid DFPS placement;
 and
 Resides at the current address listed above

**Documentation of Coverage
DFPS Form 2042 Foster Care
Residency Verification**

**Form K-908-2042,
Youth or Young Adult in
Foster Care Residency
Verification for a Driver
License or State ID Fee
Waiver**

Documentation of Coverage

DFPS Form 2042 Foster Care Residency Verification

DFPS Caseworker is responsible for making sure youth obtains ID documents before they turn 16.

- ❑ Form facilitates process, but does not end involvement
- ❑ Provides proof that in DFPS conservatorship
- ❑ Establishes Texas Residency
- ❑ Fee waiver for Texas ID/License and birth certificate
- ❑ Complete for youth in foster care or extended foster care
- ❑ Single Source Community Care (SSCC) caseworker=DFPS Caseworker (page 2)
- ❑ Help youth gather all required documents and send with caring adult
- ❑ Can order caseworker to issue so others can assist youth or they can act on their own

Birth Certificate Basics

- ❑ Must be obtained from state where youth was born
- ❑ Different rules about obtaining for each state
- ❑ Local birth certificate offices sometimes are more flexible/quick
- ❑ If youth was adopted, still obtain from state where youth was born
- ❑ Foreign born youth with adoption in Texas may have Texas birth certificate but not proof of US citizenship



Birth Certificate DFPS Procedures

CPS Handbook Sec. 1520-1521

- ❑ Verification needed for federal foster care funding eligibility
- ❑ Try to obtain copy from family
- ❑ Printed screenshot of the birth record from the TxEVER system sufficient
- ❑ For out of Texas births, a copy is probably required
- ❑ Only order copy if needed for special reasons including applying for Social Security number or Social Security benefits, adoption , ID or license when older youth
- ❑ Theoretically ordering and delivering to all youth in care who are 15

Delayed Birth Certificate

- Texas births must be registered in first year
- If not registered in first year, must apply for certified birth certificate, even if you know there is not one
- When birth certificate is NOT FOUND, will be issued forms and instructions to apply for delayed birth certificate
 - Different requirements based on age of child – Ages 1-4 simplest
 - Complicated, confusing process
 - DFPS can apply as legal guardian
 - Try not to let child leave conservatorship without the delayed birth certificate—requires parent cooperation
- Child Welfare Court cannot order birth certificate be issued – statutory process Texas Health and Safety Code Sec. § 192.027
- More details at [Texas Vital Statistics Delayed Birth Registration](#)

Social Security Number/Card

- ❑ DFPS Eligibility Specialist required to verify Social Security Number for federal foster care funding CPS Handbook Sec. 1512
- ❑ Verification needed for federal foster care funding eligibility
- ❑ Through use of SSA's Wire Third Party Query System (WTPY) system and include a copy in the child's eligibility file
- ❑ Caseworker required to apply for Social Security number if child/youth does not have one CPS CPS Handbook Sec. 1511
- ❑ Undocumented immigrant or immigrant without unexpired proof of immigration status can't get social security number or card

Tips: Birth Certificates and Social Security Card

- ❑ Request DFPS provide copies of birth verification
- ❑ No parental/DFPS consent required if under 18!
- ❑ Verify name, date of birth, parentage, Social Security number consistent, correct and match what is in pleadings
- ❑ Issue orders with hearings sooner than 6 months for DFPS/Attorney Ad Litem to take action (obtain, amend, correct, update)
- ❑ Ask and verify if it is a certified/original document or just a photocopy



Tips: Birth Certificates and Social Security Card (Cont. Part 2)

- When certified documents or original documents are obtained, get confirmation at every hearing about location/possession
- For youth 16 or older, ask them if they know where docs are, and double check after every move
- If caseworker request to Eligibility Specialist for birth certificate lingers, order DFPS to take youth to local birth certificate office to obtain with DFPS Form 2042 Foster Care Residency Verification Form. (see How Foster Youth Can Get Their Texas Birth Certificate and Texas ID Card and Texas Driver's License)
- Order DFPS to obtain assistance from DFPS Legal Department or Texas Foster Youth Justice Project for non-routine problems/delays

Tips: Birth Certificates and Social Security Card

(Cont. Part 3)

- Getting prior orders including name change requires attorney (district/county, AAL, DFPS Legal). First, attorney must contact the district clerk/court to determine what is needed to obtain the document (letter, motion)
- Be concerned about problems even if child/youth is on track to permanency—don't kick the can
- Just because DFPS policy does not require obtaining actual birth certificate or Social Security card does not mean court can't order DFPS to do it
- Order DFPS to obtain assistance from DFPS Legal Department or Texas Foster Youth Justice Project for non-routine problems/delays
- Order DFPS to have SSI Coordinator assist with problems related to getting Social Security card, updating name, number issues

Tips: Name Change, Adoption, Parentage

- ❑ Submit Court of Continuing Jurisdiction Inquiry (VS-168) with Texas Vital Statistics to locate name change based on prior child support parentage determination order
- ❑ DFPS should have records of prior child welfare court proceedings or adoption where name might have been changed, although might be in different cause number in that county
- ❑ Not uncommon for adoptive parents to have not completed process to update birth certificate, Social Security records
- ❑ Not uncommon for a child's birth certificate, Social Security records to have not been updated after parentage determination, name change
- ❑ Can order DFPS to gather necessary documentation and complete required Texas Vital Statistics form: VS-170 Birth Certificate Correction Application (parentage and name change) and VS-132 Certificate of Adoption to make needed changes

Tips: Name Change, Adoption, Parentage (Cont. Part 2)

- When there has been a name change make sure name gets updated on birth certificate, Social Security card, Texas ID card, Medicaid. Make sure current medical providers, current school, and any other important organizations are notified
- Obtain several certified copies of name change and keep with other critical documents of youth – may need in the future
- When there is a name change not based on parentage determination, the name listed on birth certificate will be original name with name change reflected in a notation at bottom of certificate
- Always obtain long form birth certificate – needed for passport and has critical information, especially in complex name histories (cost is same)

Tips: Immigrant Children/Youth

- Make sure youth who is not U.S. citizen understands that they are not a citizen and must apply for naturalization to become citizen
 - Subject to deportation for certain crimes
 - Non-citizen youth should not say to anyone they are a citizen, never fill out any form checking citizen box, do not register to vote
- During Special Immigrant Juvenile Status (SIJS) process youth (and adults involved in youth's life) frequently are told/think they are getting citizenship
- Youth will be required to present proof of immigration status every time they interact with DPS or Social Security
- Youth don't have to wait until 16 to start SIJS process; can begin as soon determination is made that cannot be returned to one parent
- Immigration status is critical to permanency

How to get help from Texas Foster Youth Justice Project

- Those that work with current and former foster youth can contact TFYJP for guidance: (877) 313-3688; info@texasfosteryouth.org
- Ongoing representation or assistance will require us to form an attorney/client relationship with youth child.
 - Intake, client representation documents
 - Court appointment for the specific critical document issue is helpful and may be required in certain situations (services are free)
 - Cooperation/support from caseworker required



Contact Information

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