



TITLE	POLICY NUMBER	
Motor Vehicle Transportation Safety	DCS 15-43	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Office of Licensing and Regulation	September 24, 2018	1

## I. POLICY STATEMENT

Children in the care, custody, and control of the Department of Child Safety (DCS, or the Department) shall be transported in the safest and most secure way possible. The Department complies with Arizona statutes and rules regarding licensure of drivers, registration of vehicles, use of motor vehicle restraints, and all other laws and practices that enhance motor vehicle safety.

The Office of Licensing and Regulation (OLR) establishes this policy to define the Department's expectations for the safe transportation of children whose living arrangements include foster, kinship and group homes.

## II. APPLICABILITY

This policy applies to all foster homes licensed under Title 21 Chapter 6 and to all Child Welfare Agencies operating Residential Group Care Facilities licensed under Title 21, Chapter 7.

## III. AUTHORITY

<a href="#">A.A.C. R21-6-218</a>	Routine Monitoring and Verification of Ongoing Compliance
<a href="#">A.A.C. R21-6-315</a>	Smoking Restrictions
<a href="#">A.A.C. R21-6-316(B)(2)</a>	Transportation Responsibilities
<a href="#">A.A.C. R21-6-403</a>	Application for an Initial License

<a href="#">A.A.C. R21-7</a>	Department of Child Safety-Child Welfare Agency Licensing
<a href="#">A.R.S. § 8-503</a>	Powers and duties
<a href="#">A.R.S. § 8-505</a>	Issuance of licenses; application; investigation; renewal
<a href="#">A.R.S § 8-509</a>	Licensing of foster homes; renewal of license; provisional license; exemption from licensure; immunization requirements
<a href="#">A.R.S. § 28-907</a>	Child restraint system; civil penalty; exemptions; notice; child restraint fund; definitions

#### IV. DEFINITIONS

Motor Vehicle: A self-propelled vehicle which uses motor vehicle fuel including gasoline or other petroleum distillates, biofuel, electricity, or any combination of these fuels; an automobile, truck, bus, or similar motor-driven conveyance excluding motorcycles.

Safe operating condition: A motor vehicle is:

- Is mechanically sound and in good repair;
- Is appropriately equipped for the terrain and weather in which the motor vehicle will operate as evidenced by functioning heat and/or air conditioning, snow treads and/or chains, high clearance, four-wheel capability, etc.;
- Has required accessories that are in good working order; and
- Conforms to applicable federal and state laws.

#### V. POLICY

- A. Licensees shall ensure any motor vehicle used to transport children placed in their care by the Department is in good working order and maintained in safe operating condition. The motor vehicle shall have sufficient seatbelts to accommodate all passengers and if required under A.R.S. 29-807 and/or A.A.C R21-6-316, appropriate child restraint systems/devices.

- B. All foster parent licensees, their household members, and congregate care staff providing transportation for children placed by the Department shall have:
1. A valid Level 1 Fingerprint Clearance Card without driving restrictions.
  2. A valid Arizona driver's license unless an exception has been granted by OLR.
  3. Vehicle insurance for at least the limits dictated by [A.R.S. § 28-4009](#) for licenses issued under [A.A.C. Title 21, Chapter 6](#) or at least meeting the minimum requirements for licenses issued under A.A.C. Title 21, Chapter 7.
  4. A valid Arizona vehicle registration unless an exception has been granted by OLR.
  5. Valid Arizona license plates unless an exception has been granted by OLR.
- C. It is the responsibility of the foster care licensee to assure that all others transporting children have:
1. A valid driver's license.
  2. Vehicle insurance for at least the limits dictated by [A.R.S. § 28-4009](#) for licenses issued under [A.A.C. Title 21, Chapter 6](#).
  3. A valid vehicle registration.
  4. Valid license plates.
- D. All individuals transporting children placed by the Department shall be able to successfully and correctly install required child restraint systems.
- E. No child placed by the Department shall be transported in a truck bed, cargo area, camper, or in a trailer attached to a motor vehicle.
- F. To reduce the risk of secondhand smoke, the smoking of any substance, including tobacco, e-cigarettes, and prescribed marijuana through any delivery system, is prohibited and shall not occur at any time when a foster child is present, including while in a motor vehicle.

## VI. PROCEDURES

- A. At least annually, the licensing specialist or designee will perform a vehicle safety review to assure all vehicles used to transport children are in safe operating condition. Deficiencies shall be noted and the licensee shall bring the vehicle into compliance within the time frame documented on the CSO-1132A Facility/Home Visit Report, Supplement to Notice of Inspection and Due Process Rights.
  
- B. The family home licensing agency specialist or the Child Welfare Team Lead or designee shall also check for the following items for all persons providing transportation for children placed by the Department, and the vehicles used for transport:
  - 1. Current vehicle registration.
  - 2. Valid Level 1 Fingerprint Clearance Cards without driving restrictions.
  - 3. Proof of valid insurance to meet at least the minimum state limits or specific limits required by rule.
  - 4. Valid driver's licenses.
  - 5. Valid vehicle license tags.
  - 6. Evidence that the applicant or licensee has, or can obtain prior to placement, the correct number and type of child car seats for the conditions of the license.
  - 7. Availability of any special devices or specialized equipment needed to provide transportation to accommodate children's special needs and disabilities.

## VII. FORMS INDEX

[Facility Home Visit Report Supplement to Notice of Inspection and Due Process Rights \(CSO-1132A\)](#)