

SUBJECT: Revising ID application requirements for foster and homeless children

COMMITTEE: Human Services — committee substitute recommended

VOTE: 8 ayes — Frank, Hinojosa, Deshotel, Klick, Meza, Miller, Noble, Rose

0 nays

1 absent — Clardy

WITNESSES: For — Brett Merfish, Texas Appleseed; Sarah Crockett, Texas CASA; Tymothy Belseth; (*Registered, but did not testify*: Jackie Gardner, CASA of Travis County; Jo DePrang, Children's Defense Fund-Texas; Lee Spiller, Citizens Commission on Human Rights; Chris Masey, Coalition of Texans with Disabilities; Will Francis, National Association of Social Workers; Kate Murphy, Texans Care for Children; Kathryn Freeman, Texas Baptist Christian Life Commission; Sabrina Gonzalez, Texas CASA; Joshua Houston, Texas Impact; Lauren Rose, Texas Network of Youth Services; Lee Nichols, TexProtects; Jennifer Allmon, Texas Catholic Conference of Bishops; Katie Olse, Texas Alliance of Child and Family Services; Nataly Saucedo, United Ways of Texas; Knox Kimberly, Upbring)

Against — None

On — Mimzie Dennis, Texas Department of Public Safety; Mary Christine Reed, Texas RioGrande Legal Aid; (*Registered, but did not testify*: Liz Kromrei, Department of Family and Protective Services)

BACKGROUND: Transportation Code sec. 521.101(j) prohibits the Department of Public Safety from issuing a personal identification certificate to a person who has not established a domicile in the state. Sec. 521.101(d-1) requires applicants for this certificate to furnish proof of U.S. citizenship, or, if not a U.S. citizen, evidence of lawful presence.

37 TAC part 1, ch. 15, subch. B, sec. 15.30 requires applicants for an identification certificate to present proof of identity. Sec. 15.24 names three categories of documents that may be presented to establish proof of identity and stipulates that an original or certified copy of a birth certificate is not in itself adequate to establish identity but must be accompanied by two pieces of support identification or another piece of secondary identification, if no primary identification is provided.

Transportation Code sec. 521.1811 waives the driver's license fee for foster children and youth.

DIGEST:

CSHB 123 would allow foster children and youth, homeless children and youth, and unaccompanied youth to apply for and receive a personal identification certificate without permission from a parent or guardian and without paying a fee.

"Homeless child or youth" and "unaccompanied youth" would be defined using the definition in federal law, and a foster child or youth would be defined in the bill as a child in the managing conservatorship of DFPS or a young adult aged 18 to 20 who resides in a foster care placement paid for by DFPS.

Alternative address. Homeless children or youth, unaccompanied youth, and foster children would be allowed to use a Department of Family and Protective Services (DFPS) regional office address in lieu of a home address when applying for a personal identification certificate if the child or youth had a caseworker based at that address. Alternatively, an applicant could provide a letter certifying that the applicant was homeless issued by a school district, emergency shelter, center for runaways, or transitional living program.

Birth record. The bill also would require the state registrar, a local registrar, or a county clerk to issue at the child or youth's request, without fee or parental consent, a certified copy of a child's or youth's birth record. The bill would allow these children or youth to provide a copy of their birth certificate as proof of identity and citizenship when applying for an

identification certificate.

Fee waivers. The bill would expand the existing driver's license fee waiver for foster children and youth to include homeless children and youth and unaccompanied youth. The bill also would exempt all these categories of children and youth from the payment of any fee for the issuance of a personal identification certificate.

The bill would take effect September 1, 2019, and would apply to applications for a driver's license, personal identification certificate, or birth record submitted on or after that date.

**SUPPORTERS
SAY:**

CSHB 123 would help children and youth who are in the foster care system or who are homeless by making it easier for them to obtain personal identification documents.

When members of this vulnerable population are unable to obtain identification documents, they face greater difficulty transitioning into functional adulthood. The bill would help them more easily secure documents that generally are needed to secure a job, enroll in school or college, secure housing, and access medical services. Children and youth who have identification papers also are less likely to become victims of human trafficking.

Cost is a significant barrier faced by foster and homeless children and youth seeking to obtain identification papers and keep them up to date. CSHB 123 would address this by waiving several fees. Current statute already exempts foster children and youth from driver's license fees, but no similar waiver exists for identification certificates, which are more in demand by foster children. The bill would waive this fee while also extending the same fee waivers to homeless children and youth.

The bill would provide another key benefit to these vulnerable populations by allowing them to use a DFPS office as their mailing address. Members of the foster care population may change placements frequently and with little notice, which can leave them without up-to-date identification cards.

This makes it more difficult for these children and youth to be notified of legal charges pending, and it puts them out of compliance with state law that requires individuals who move to update their driver's license or identification card.

Concerns regarding the constitutionality of provisions of the bill impacting the Texas Mobility Fund could be addressed in an amendment.

**OPPONENTS
SAY:**

By waiving fees for driver's licenses and personal identification certificates, CSHB 123 would reduce, rescind, or repeal the dedication of a specific source or portion of revenue dedicated to the Texas Mobility Fund. This would be prohibited under the Texas Constitution unless the Legislature by law substituted a different source of revenue for the Texas Mobility Fund that was projected to be of equal or greater value.

NOTES:

The bill author intends to offer a floor amendment to create an identification fee exemption account, which would consist of grants and donations made for the purpose of depositing to the Texas Mobility Fund amounts equal to the fee waivers given to foster children and youths and homeless children and youths. The amendment would allow persons applying for or renewing a driver's license, personal identification card, or duplicate license or card to donate \$1 or more to this fund. DPS could not grant a fee waiver exemption if an insufficient amount of money were available in the identification fee exemption account.

The bill amendment also would:

- remove references in the bill to “unaccompanied youth”; and
- direct DFPS, when obtaining a copy of a birth certificate for a foster youth, or assisting a foster youth in obtaining one, first to seek a copy from the state registrar, then from a local registrar or county clerk if DFPS were unable to obtain the copy at the state registrar.