



State of Florida
Department of Children and Families

Charlie Crist
Governor

Robert A. Butterworth
Secretary

DATE: July 9, 2007

TO: District and Regional Administrators, Community-Based Care CEOs

THROUGH: George Sheldon, Assistant Secretary for Operations
David Fairbanks, Assistant Secretary for Programs

FROM: Patricia Badland, Director of Office of Family Safety

SUBJECT: 2007 Legislative Changes Affecting Maintenance Adoption Subsidies

Purpose: The purpose of this memorandum is to provide guidance and clarification for implementing the 2007 legislative changes related to determining maintenance adoption subsidies.

Action Required: Please disseminate this to all staff involved in the process of determining and approving adoption subsidies. The 2007 legislative changes related to adoption subsidies are effective as of July 1, 2007. Determination of a maintenance adoption subsidy for a child who has an adoption finalization on or after July 1, 2007 and is eligible for maintenance adoption subsidies must be based on this legislation.

Background: The 2007 Legislature revised Section 409.166, F. S., and appropriated additional funding for an increase in maintenance adoption subsidies.

The legislative revisions include:

- s. 409.166(5)(a), F. S., Eligibility for Services: The language related to annual renewals of the initial subsidy agreement was deleted. The initial subsidy agreement is a binding agreement between the adoptive parents and the Department until the child reaches age 18 or there is a valid reason to terminate the subsidy. Conducting annual renewals are not permitted by federal policy. A September 1, 2006 memorandum, pending deletion of this language in the statute, required staff to terminate the renewal process as soon as possible. This memorandum is attached for your information as it relates to the following provision as well.
- s. 409.166(4)(b), F. S., Adoption Assistance: New language was added that provides "Changes shall not be made without the concurrence of the adoptive parents." This language is necessary in order to be consistent with federal policy as no subsidy can be reduced or terminated without concurrence of the adoptive parents.
- s. 409.166(2)3, F. S., Definitions: New language was added to the definition of "special needs" that requires, except when the child is being adopted by the child's foster parents or relative caregivers, that a reasonable but unsuccessful effort be made to place the child without providing a maintenance subsidy. This has been a required process for Title IV-E subsidies and now will be required for all subsidies, regardless of the funding stream.
- s. 409.166(2)(c), F. S., Definitions: New language was added that allows a non-special needs child to be eligible for a maintenance adoption subsidy when the "child" was removed from the

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

2007 Legislative Changes Affecting Maintenance Adoption Subsidies

July 9, 2007

Page 2

child's caregiver due to abuse or neglect and permanent custody was awarded to the department or a licensed child-placing agency. This should be a very insignificant number as over 90% of the children adopted from the foster care system have one or more special needs.

- s. 409.166(4)(a), F. S. Adoption Assistance: The "best interest of the child" language remains and will require that special needs children adopted privately and determined eligible for Title IVE reimbursable subsidy, especially children who are eligible for or were receiving SSI benefits prior to finalization of the adoption, have subsidy requests processed just as if the child had entered the child welfare system. Although most of our adoptive families are not income eligible for the SSI benefits after adoption finalization, the Social Security Administration will adjust the monthly SSI benefit based on the amount of the subsidy if the adoptive family is determined eligible for SSI after finalization. The amount of SSI must not be considered when determining the amount of the adoption subsidy.

The Legislature appropriated additional funds for the maintenance adoption subsidy program in order to increase basic maintenance adoption subsidies for the first time since FY00-01. The new language provides that a subsidy will be "in the amount of \$5000 annually, paid on a monthly basis.....or in an amount other than \$5000 annually as determined by the adoptive parents and the department and memorialized in a written agreement between the adoptive parents and the department." The initial basic maintenance subsidy **must** be based, at a minimum, on 80% of the statewide standard foster care board rates that were implemented on July 1, 2006. The following chart is provided as minimum subsidy amounts, by age group, with the understanding that negotiation is based on the needs of the child and circumstances of the family.

| | 0-5 years | 6-12 years | 13 years and older | Medical foster care |
|---|------------------|-------------------|---------------------------|----------------------------|
| FY 06-07 new foster care board rates | \$429 | \$440 | \$515 | \$504 |
| 80% of new rate | \$343.20 | \$352 | \$412 | \$430.20 |
| or \$5000 annually | \$417 | \$417 | \$417 | Same |

When negotiating a subsidy higher than 100% of the statewide standard foster care board rates because of the child's needs or circumstances of the family, the subsidy may not exceed the foster care maintenance payment which would have been paid during the same time period if the child had been in a family foster home. In addition, the Secretary's signature is still required for subsidy requests that are higher than 100% of the statewide standard foster care board rate.

Contact Information: Please contact Kathleen Waters, Adoption Program Manager, at 850-922-5055 or by email at Kathleen_waters@dcf.state.fl.us if you have questions.

cc: Melissa Jaacks, Assistant Secretary for Administration

Attachment