



State of Florida  
Department of Children and Families


Rick Scott  
Governor


Rebecca Kapusta  
Interim Secretary

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**DATE:** December 7, 2018

**TO:** Regional Managing Directors  
Community-Based Care Lead Agency CEOs

**THROUGH:** David L. Fairbanks, Deputy Secretary 

**FROM:** JoShonda Guerrier, Assistant Secretary for Child Welfare 

**SUBJECT:** CFOP 170-12, Adoptions; Chapter 2, Extension of Maintenance Adoption Subsidy

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**PURPOSE:** The purpose of this memorandum is to advise that Chapter 2, Extension of Maintenance Adoption Subsidy, has been added to CFOP 170-12, Adoptions. The new chapter is effective December 15, 2018.

**BACKGROUND:** In preparation for the end of Florida's Title IV-E demonstration waiver, Florida initiated a Path Forward initiative to explore ways to maximize federal dollars received by the state. On January 1, 2019, Florida will offer an Extension of Maintenance Adoption Subsidy Program (EMAS) as part of the ongoing efforts to maximize federal funding opportunities. EMAS allows for additional support to young adults, whose parents entered into an initial adoption assistance agreement at the age of 16 or 17 and elected to participate in the EMAS program until the age of 21. The new operating procedure chapter outlines the process and procedure for determining eligibility for EMAS and provides guidance regarding the FSFN functionality designed to support the program.

**ACTION REQUIRED:** Please share this memorandum with all adoption staff, case management providers, and other service providers as appropriate.

**CONTACT INFORMATION:** If you have any questions or require additional information, please contact Valerie Proctor, Adoption Policy & Program Specialist, at 850-717-4673 or via email at [Valerie.Proctor@MyFLFamilies.com](mailto:Valerie.Proctor@MyFLFamilies.com).

cc: Regional Family and Community Services Directors  
Sheriffs Offices Conducting Child Protective Investigations  
Center for Child Welfare

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Mission: Work in Partnership with Local Communities to Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

CF OPERATING PROCEDURE  
NO. 170-12

STATE OF FLORIDA  
DEPARTMENT OF  
CHILDREN AND FAMILIES  
TALLAHASSEE, December 15, 2018

Child Welfare

ADOPTIONS

This operating procedure provides guidance and minimum procedure requirements to promote adoption of foster children who have an adoption goal or who have been determined to be on the path toward adoption. The guidance includes the necessary processes and services for the child and the potential or approved adoptive parent(s) prior to and after the adoption is finalized.

This operating procedure is applicable to all Department child welfare staff, child welfare community-based providers, child welfare subcontracted case management organizations, and all circuit/regional child protective and sheriff's office child protective investigations staff.

BY DIRECTION OF THE SECRETARY:



JOSHONDA GUERRIER  
Assistant Secretary for  
Child Welfare

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

The operating procedure was amended to create Chapter 2, Extension of Maintenance Adoption Subsidy, as established in s. 409.166, Florida Statutes.

## Chapter 2

## EXTENSION OF MAINTENANCE ADOPTION SUBSIDY

2-1. Purpose. Extension of Maintenance Adoption Subsidy is available to prospective adoptive parents who adopt a special needs child who age 16 or 17 years old. Through the provisions of extension of maintenance adoption subsidy, young adults are able to receive maintenance adoption subsidy until the age of 21.

2-2. Definitions.

a. "Extension of Maintenance Adoption Assistance Agreement" is a legally binding written contract that outlines the terms and conditions for an extension of maintenance subsidy.

b. "Extension of Maintenance Adoption Subsidy" means benefits provided to a family for a child who meets the eligibility criteria established in s. [409.166\(4\)](#), Florida Statutes (F.S.).

c. "Qualifying Activity" is activity in which a young adult is required to participate in order to receive Extension of Maintenance Adoption Subsidy after turning 18 years old. A qualifying activity includes the following:

- (1) Completing secondary education or a program leading to an equivalent credential;
- (2) Enrolled in an institution which provides post-secondary or vocational education;
- (3) Participating in a program or activity designed to promote, or remove barriers to, employment;
- (4) Employed for at least 80 hours per month; or,
- (5) Documentation that they are incapable of doing any of the above due to a medical condition.

2-3. Determination of Extension of Maintenance Adoption Subsidy.

a. The purpose of the Extension of Maintenance Adoption Subsidy is to make available to prospective adoptive parents' financial aid that would enable them to adopt a special needs child who is 16 or 17 years of age. Every adoptive family adopting a child at the age of 16 or 17 must be advised of the availability of Extension of Maintenance Adoption Subsidy and the purpose for which it is intended.

b. Extension of Maintenance Adoption Subsidy payments may be made until the young adult reaches age 21, if the child is engaged in one of the qualifying activities specified in paragraph 2-2c above.

c. The young adult and the family's need for subsidy must be determined prior to the young adult's 18<sup>th</sup> birthday and no subsidy payment will be made until after the young adult turns 18 years old and all parties have signed the "Extension of Maintenance Adoption Assistance Agreement Between DCF, Young Adult and Adoptive Parents Regarding Subsidy Payments and Services" (form CF-FSP [5433](#), available in DCF Forms).

d. If the Department or Community-Based Care Lead Agency (CBC) was responsible for the placement and care of the young adult, the CBC in the county where the court has jurisdiction is responsible for entering into the Extension of Maintenance Adoption Assistance Agreement and paying

the Extension of Maintenance Adoption Subsidy, even if the young adult and family live in another county.

e. If the Department or CBC was not responsible for the placement and care of the young adult at the time of adoption, the CBC in the adoptive parents' county of residence is responsible for determining whether the young adult meets the requirements to receive the Extension of Maintenance Adoption Subsidy. If so, that CBC must enter into the Extension of Maintenance Adoption Agreement and pay the Extension of Maintenance Adoption Subsidy.

f. When the need for the Extension of Maintenance Adoption Subsidy is not determined prior to the child's 18<sup>th</sup> birthday and the adoptive parents feel they have been wrongly denied the subsidy benefits on behalf of an adopted child, they have the right to appeal the denial pursuant to Chapter [120](#), F.S. If it is found that the subsidy was wrongly denied, retroactive payment will be made dating back to the date the family requested the subsidy in writing.

g. If an enhancement to the Extension of Maintenance Adoption Subsidy is needed that exceeds the statewide standard foster care board rate and the young adult's initial subsidy amount, medical and/or mental health evaluations shall be required to document the need for the enhancement. Medical and/or mental health evaluations must be no more than 12 months old.

h. The CBC or subcontracted adoption agency staff shall inform the adoptive parent(s) that the Extension of Maintenance Adoption Subsidy, unlike foster care board rate payments, is not intended to cover the complete cost of the young adult's care. The Extension of Maintenance Adoption payment is intended to be a continuation in assisting the adoptive parent with the extra costs associated with supporting the young adult with special needs.

i. The determination of the monthly Extension of Maintenance Adoption Subsidy is based on the needs of the young adult at the time of the negotiation and the projected future needs of the young adult, based on the family and medical history of the young adult and birth family or, for adoptions finalized on or after January 1, 2019, as stated in s. [409.166\(4\)](#), F.S.

j. An Extension of Maintenance Subsidy may be negotiated up to 100% of the statewide foster care board rate. A subsidy may exceed 100% of the statewide foster care board rate only when an exception is granted by the Department's regional managing director or designee and documented on the "Maintenance Adoption Subsidy Approval" (form CF-FSP [5077](#), available in DCF Forms). Requests for exceptions must be in writing. In determining whether to grant an exception, the regional managing director or designee shall consider the medical, behavioral, and therapeutic needs of the young adult at the time of the negotiation, as well as the projected future needs of the young adult based on the mental health, substance use and/or misuse, and medical history of the young adult and birth family. In no case shall the subsidy exceed the foster care maintenance payment for which the young adult is or would be eligible if the young adult had been placed in a family foster home. The Extension of Maintenance Adoption Subsidy is not intended to cover services which can be obtained through family insurance, Medicaid, Children's Medical Services, medical subsidy, or through special education plans provided by the public school district.

k. The "Extension of Maintenance Adoption Assistance Agreement" must be signed and dated by all parties prior to the young adult's 18<sup>th</sup> birthday and uploaded into the post adoption case in the FSFN file cabinet. The effective date of the agreement is the date the young adult turns 18 years old. Payments may not be made for any months in which there is no Extension of Maintenance Adoption Assistance Agreement in place and/or the child is not participating in a qualifying activity.

l. The child welfare professional shall advise the family that it is their responsibility to notify the Department or CBC of any change in circumstances, including moving out of state, no later than 48 hours after the change.

m. The Extension of Maintenance Adoption Assistance Agreement remains in effect until whichever of the following occurs first:

(1) The young adult reaches 21 years of age.

(2) The young adult no longer meets one of the qualifying activities specified in paragraph 2-2c of this operating procedure.

(3) The adoptive parents are no longer providing any support to the young adult, the young adult marries, or the young adult enters the military. Support includes emotional and/or financial support, even in situations where the young adult is no longer living in the home.

(4) The young adult dies.

(5) The adoptive parent(s) die.

n. If the adoptive parent and young adult have not provided documentation that the young adult is participating in a qualifying activity, the Department or designee party must retain the maintenance subsidy payment until such documentation is provided.

o. The adoptive parent and young adult can re-enter the Extension of Maintenance Adoption Subsidy Program until the youth reaches the age of 21 if they provide documentation to support that the young adult meets one of the qualifying activities pursuant to paragraph 2-2c of this operating procedure.

p. Adoptive parents may request an increase in the maintenance subsidy after the Extension of Maintenance Adoption Assistance Agreement was approved if the increase is being requested due to increased needs of the young adult or a change in the family's ability to meet the needs of the young adult.

q. The negotiation of any increase shall be based on the family foster, therapeutic foster, or medical foster home board rate at the time of the request. Requests for increases must be submitted in writing by the adoptive parents to the CBC who issued the subsidy payment and approval shall be based on the merits of each case.

r. If the increase request is approved, retroactive payment will be made dating back to the date the family requested the increased subsidy in writing.

s. If the increase request is denied, the designated Department staff shall send a denial letter with notification of the adoptive parents' right to appeal the denial pursuant to Chapter 120, F.S. If it is found that the increase was wrongfully denied, the effective date of the new subsidy will be the date the written request for an increased was received. A new Extension of Maintenance Adoption Assistance Agreement must be signed by all parties with the new approved amount documented.

t. No change shall be made to an Extension of Maintenance Subsidy without concurrence of the adoptive parents except as provided by federal regulation or state law. The Extension of Maintenance Adoption Assistance Agreement is not transferable to another caregiver.

#### 2-4. Documentation Prior to 18 Years Old.

a. Adoptive parents who enter into the initial adoption assistance agreement when the child was 16 or 17 years old, must elect into the Extension of Maintenance Adoption Assistance program.

b. Prior to the child's 18<sup>th</sup> birthday, an Extension of a Maintenance Adoption Assistance Agreement (EAAA) must be executed by adoptive parents, the child, child welfare professional, and regional department staff, if necessary.

c. Written notification regarding the need to execute the EAAA and program requirements must be mailed to the adoptive parents 60 days prior to the child's 18<sup>th</sup> birthday.

d. If the EAAA is not received prior to the child's 18<sup>th</sup> birthday, an additional attempt to notify the adoptive parents should occur 30 days prior to the child's 18<sup>th</sup> birthday. Notification may include telephonic, email, or other correspondence

e. Upon receipt of the EAAA from the adoptive parents, supporting documentation that the young adult meets one of the qualifying activities must be attached.

f. The EAAA must be signed by the CBC within 10 business days of receipt by the agency. The EAA signed by all parties must be uploaded into FSFN under the Image Category of Adoption and Image Type of Adoption Assistance Agreement.

g. Extension of Maintenance Adoption Subsidy payments are not authorized until all parties have signed the agreement and supporting documentation of the qualifying activity has been received by the designated child welfare professional to process payment.

#### 2-5. Documentation Post 18 Years Old.

a. Documentation for qualifying activities include, but are not limited to:

(1) Completing secondary education or a program leading to an equivalent credential.

(a) Copy of the most recent report card documenting that the young adult is in good standing based on his or her academics and attendance.

(b) Copy of the young adult's attendance record.

(c) If the young adult has an IEP, a copy of young adult's IEP must accompany one of the items above.

(2) Enrolled in an institution which provides post-secondary or vocational education.

(a) Copy of the most recent transcript documenting that the young adult is in good standing based on his or her academics and attendance.

(b) A letter from the academic advisor, on the institution's letterhead, stating that the young adult is in good standing based on his or her academics and attendance

(3) Participation in a program or activity designed to promote or remove barriers to employment.

(a) Copy of the most recent transcript documenting the young adult is in good standing based on his or her academics and attendance

(b) A letter from the academic advisor, on the institution's letterhead, stating that the young adult is in good standing based on his or her academics and attendance

(4) Employed for at least 80 hours per month.

(a) Copies of the most recent pay stubs that equate to at least 80 hours per month.

(b) A letter from the employer, on the employer's letterhead, stating that the young adult is employed and has worked a minimal of 80 hours per month.

(c) Documentation that the young adult is incapable of doing any other qualifying activities due to a medical condition.

b. A young adult who is on a semester, summer, or other break, but was enrolled in the school the previous semester and will be enrolled after the break, is considered enrolled in school.

c. Re-determination of the young adult's participation in a qualifying activity must be completed by the child welfare professional every 6 months.

(1) Each re-determination must be completed in FSFN in the Youth/Young Adult module.

(2) Written notification requesting proof of continued participation in a qualifying activity may be sent to the adoptive parent/young adult 30 days prior to the 6-month re-determination period.

(3) Documentation regarding the young adult's continued participation in a qualifying activity must be received no later than 45 business days after the 6-month re-determination period.

(4) If the qualifying activity is not received, program eligibility in FSFN should reflect ineligible; adoption subsidy must be held and written notification to regional DCF staff should occur to initiate the letter of denial and inform the recipient of the Chapter 120, F.S., appeal process.

(5) If the Department prevails in the denial process, the young adult's program eligibility should remain ineligible, Medicaid will end, and the EAAA must be terminated.

d. Documentation received is considered current if the young adult was engaging in a qualifying activity within 30 business days of redetermination.

e. All documentation to support that the young adult is engaged in a qualifying activity must be uploaded into the FSFN File Cabinet under the respective drop-down (e.g., education documentation under Education, employment information under Employment, etc.).

## 2-6. Readmission to Extension of Maintenance Adoption Subsidy Program.

a. The adoptive parent(s) and young adult who were previously receiving an Extension of Maintenance Adoption Subsidy payment must provide documentation that that the young adult currently meets one of the qualifying activities.

b. A new Extension of Maintenance Adoption Assistance Agreement does need to be executed at the time of readmission if the child has been terminated from the program.