



State of Florida
Department of Children and Families

Rick Scott
Governor

Esther Jacobo
Interim Secretary

DATE: January 23, 2014
TO: Regional Managing Directors
THROUGH: H. Stephen Perrybacker, Esq., Assistant Secretary for Programs
Scott Stewart, Assistant Secretary for Administration
Elisa Cramer, Director of Family and Community Services
FROM: Andrea M. Tulloch, Esq., Director, Office of Child Welfare
SUBJECT: Adoption Subsidy Payments When an Adopted Child Enters Foster Care

PURPOSE: This memorandum provides policy clarification to Regions, Circuits and Community Based Care (CBC) Lead Agencies regarding adoption subsidy payments when an adopted child enters foster care.

BACKGROUND: When a child who has been adopted enters foster care, adoption assistance payments to the adoptive parents must continue without interruption. Section 473 (a)(4)(B) of the Social Security Act provides five reasons for terminating adoption assistance payments on behalf of a child: (1) the state determines that the adoptive parents are no longer legally responsible for the support of the child (the parental rights of the adoptive parents are terminated); (2) the state determines that the child is no longer receiving any support from the adoptive parents; (3) the child is emancipated as an adult; (4) the child dies or; (5) the adoptive parent, in a single parent adoption, dies.

However, the law does not prevent the Department or the court from requesting or ordering the adoptive parents to contribute toward the cost of the child's care.

POLICY CLARIFICATION: When a child who has been adopted enters care, the appropriate CBC adoption staff must meet with the adoptive parents and assist them in developing a plan for continuing involvement and support of their child, when appropriate. The plan may include a discussion of the extent to which the subsidy may be reduced, if at all. The decision to adjust the subsidy must be based on the needs of the child and the circumstances of the family. Alternatively, the court may require the adoptive parents to contribute toward the cost of the child's care, in the same manner as any other parents would be asked when their child enters foster care. In all cases, adoption subsidy payments will be terminated only after it can be documented that at least one of the five reasons outlined in this memorandum occurred.

ACTION REQUIRED: Please disseminate this memorandum to all Region, Circuit and Community-Based Care Agency staff who serve children and youth who have been adopted and enter foster care after the adoption finalization.

CONTACT INFORMATION: If you have any questions, please contact Mukweso Mwenene, Office of Child Welfare, at (850) 717-4672 or e-mail Mukweso_Mwenene@dcf.state.fl.us.

cc: Pete Digre, Deputy Secretary
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Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

Adoption Subsidy Payments When an Adopted Child Enters Foster Care

January 23, 2014

Explanation: When a child who has been adopted and receives adoption assistance payments enters foster care, adoption assistance payments to the parents must continue without interruption.

Benefit:

Compliance with state and federal funding requirements, as well as assurances and due process for adoptive families that adoption assistance payments are appropriate and based on current facts and circumstances.

Who is impacted:

- Child Protective Investigators and Supervisors
- Post Adoption Staff and Supervisors
- Adoption Case Managers and Supervisors
- Adoptive families
- Fiscal and Revenue Maximization Staff
- Case Managers and Supervisors

Policy / Decision surrounding practice:

Regions, Circuits and Community-Based Care agencies must:

- Identify adopted child or youth who receives adoption assistance payments at the time he or she enters foster care. If the adopted child receives adoption assistance from another county/CBC or state, the other county/CBC or state's adoption program must be notified.
- Meet with adoptive parents of such child and youth to develop a plan for the adoptive parents' involvement and support while their child is in foster care, if appropriate.
- Determine whether the amount of adoption assistance payments should be adjusted and create a new adoption assistance agreement if the amount changes.
- Determine if the court required child support from the adoptive parents at the shelter or another court hearing.
- Renegotiate the amount of the adoption assistance payments when the child returns to the adoptive parents, if appropriate.
- Determine if at least one of the five reasons, according to Section 473 (a)(4)(B) of the Social Security Act, exist in order to terminate adoption assistance payments on behalf of a child:
 - state determines that the adoptive parents are no longer legally responsible for the support of the child (the parental rights of the adoptive parents are terminated);
 - state determines that the child is no longer receiving any support from the adoptive parents;
 - child is emancipated as an adult;
 - child dies or
 - the adoptive parent, in a single parent adoption, dies.
- Terminate the adoption assistance agreement and adoption assistance payments if an adoption dissolution occurs. An adoption dissolution occurs when an adopted child enters foster care and the parental rights of the adoptive parents are terminated.

The Department/CBC must create, approve and send a denial letter to the adoptive parents if the decision is made to terminate adoption assistance payments. The denial letter must inform the family about the opportunity to appeal the Department's decision. If a child support court order exists at the time the Department/CBC determined adoption assistance payments will be terminated, the court must be notified.

Resources: Section 473 (a)(4)(B) of the Social Security Act

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