



State of Florida
Department of Children and Families

Charlie Crist
Governor

Robert A. Butterworth
Secretary

DATE: February 8, 2008

TO: Region Directors

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

FROM: Patricia A. ^{Badland} Badland, Director of Office of Family Safety

SUBJECT: Guidance for Requests for Increases to Maintenance Adoption Subsidies

Purpose: The attached document provides guidance for staff when an adoptive parent requests an increase to an existing maintenance adoption subsidy.

Action Required: Please disseminate this memo and the attachment to circuit administrators, community-based care lead agencies and case management organizations. This information should be shared with all staff who receive requests for increases to existing maintenance adoption subsidies such as post adoption services counselors or adoption specialists within the lead agency or sub contract provider agencies.

Background: When the needs of adopted children increase, the adoptive parents may request an increase in the maintenance adoption subsidy that was agreed upon by and memorialized in an adoption subsidy agreement prior to finalization of the adoption. The 2007 Legislature provided additional funding for an increase in initial maintenance adoption subsidies, however, this increase is related to adoptions completed on or after July 1, 2007 and no funding was provided to increase all existing adoption subsidies. Therefore, as in years past, each request for an increase must be assessed and approved on a case by case basis with a focus on the increased needs of the child and the community resources that can be accessed to meet the increased needs. It is important that each request be considered an opportunity to assess for and provide post adoption services such as temporary case management support, referral to one or more community resources, approval of a temporary medical subsidy or approval of an increase to an existing maintenance adoption subsidy.

Related Information: Our office has received requests to clarify the provisions regarding medical subsidy in administrative code as well as provide training regarding post adoption services including medical subsidy. As more information is available, we will be requesting your input regarding rule revisions and providing information about training availability.

Contact Information: For additional information, please contact Kathleen Waters at Kathleen_waters@dcf.state.fl.us or by telephone at 850-922-5055. Thank you.

Attachment

cc: Melissa Jaacks, Assistant Secretary for Administration

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

Guidelines for Assessing a Request for an Increase of an Existing Adoption Subsidy

The following steps are provided as guidance to ensure the best utilization of all resources when adoptive parents request an increase to an existing maintenance adoption subsidy because the needs of the child have increased.

Step 1 – A request for an increase in maintenance adoption subsidy will be considered a request for post adoption services.

- The caseworker shall consider a request for an increase to be an opportunity to assess and provide post adoption services, including short term case management services to assist the family with emotional support, educational advocacy, information and referral or simply accessing a community resource.
- The caseworker should open a case on the statewide automated child welfare information system, FSFN, with a reason of post adoption services in order to document and track the workload of post adoption services cases. Until the next release of FSFN in September 2008, post adoption services cases cannot be opened in FSFN, however, lead agencies may choose to track this workload manually or on a spreadsheet.

Step 2 - Assessment of the increased needs of the child will be completed.

- The caseworker and adoptive family must focus on and discuss the specific increased need(s) of the child and what service(s) is needed to meet the increased needs of the child.
- The discussion shall include potential resource(s) that can be accessed to provide the needed service such as the family's insurance, Medicaid, local school systems, children's mental health services, Children's Medical Services, etc.
- When the needed service(s) is identified, the caseworker shall assist the family in accessing the post-adoption services.

Step 3 – Approval of a temporary medical subsidy is considered when no community resource(s) is available to meet the child's needs.

- If the signed subsidy agreement included approval for medical subsidy due to the potential need for physical or mental health services in the future, approval of medical subsidy shall be considered rather than an increase in the maintenance adoption subsidy. At the time of the signing of the subsidy agreement when medical subsidy is approved, no dollar amount must be documented. However, there must be documentation that the child has been diagnosed with or is at potential risk for medical or mental health services based on family or medical history. For example, a case record documents that the mother has a history of bipolar or schizophrenia and therefore the child is at potential risk for this same mental illness in the future. As stated in 65C-16.014, F. A. C., the request for the needed service, including frequency, duration and unit cost, must be pre-approved by the lead agency prior to the service being provided.

65C-16.014

(3) The medical subsidy is not to include those costs which can be or are covered by the adopting family's medical insurance, Children's Medical Services, Children's Mental Health Services, Medicaid or local school districts.

(4) The adoptive parents must obtain the approval of the department or the community based care provider agency prior to planning for the use of medical subsidy funds. The adoptive parents must submit a copy of the bill for the service to the department or to the community based care provider agency to initiate reimbursement. The bill must be clearly legible and must specify the name of the child, the service rendered and the date of the service, in addition to the charge for the service.

Step 4 – When no community resource is available to provide the needed service and medical subsidy is not appropriate, the following must be considered when negotiating an increase in maintenance adoption subsidy.

- The caseworker shall discuss the following limitations with the adoptive parents when negotiating an increase to an existing maintenance adoption subsidy:
 1. The amount of the subsidy cannot exceed the **actual** foster care board rate the child would have received if the child was in a **family foster home** at the time of the request for the increase. This does not include a residential or group setting but does include a family foster home that receives higher than the statewide standard foster care board rate because of the therapeutic or medical needs of the child. Although there is not a statewide therapeutic rate for children with significant mental health issues, the actual board rate paid for a child in a therapeutic foster home would be considered the actual foster care board rate.
 2. At the time of the request for the increase, the statewide standard foster care board rate of July 1, 2006 or \$5000 annually must be the limit for negotiation purposes unless the child would have been in a setting where the actual foster care board rate would have been higher than the statewide standard foster care board rate. For example, a child that would have received a medical foster care board rate.
 3. When negotiating a subsidy higher than 100% of the statewide standard foster care board rate but equal to or lower than the actual foster care board rate, the Secretary’s approval is required per 65C-16.013, F. A. C.
 4. The following table is based on the statewide standard foster care board rates as of July 1, 2006 and should be used as a guideline for negotiating the amount of the subsidy.

	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	\$403.20
or \$5000 annually	\$416.66	\$416.66	\$416.66	416.66

Relevant Federal and State Policy Cites regarding Maintenance Adoption Subsidy

Florida Law – s.409.166, F. S.

Florida Administrative Code – 65C-16.012, 16.013, 16.014

Federal Policy – The Child Welfare Policy Manual is published by the Children’s Bureau, Administration of Children and Families. The requirements published in this manual are based on the relevant sections of the Social Security Act and the Code for Federal Regulation.

http://www.acf.hhs.gov/j2ee/programs/cb/laws_policies/laws/cwpm/policy_dsp_pf.jsp?id=8

A specific issue has been cut and pasted below. We have received several questions regarding this issue and wanted you to have the federal policy readily available.

Federal Child Welfare Policy Manual

8.2A.2 TITLE IV-E, Adoption Assistance Program, Agreements, Means Test

Question: May a State employ a means test when negotiating adoption assistance agreements?

Answer: The use of a means test is prohibited in the process of selecting a suitable adoptive family, or in negotiating an adoption assistance agreement, including the amount of the adoption assistance payment. Once a child has been determined eligible under section 473 of the Act, adoptive parents cannot be rejected for adoption assistance or have payments reduced without their agreement because of their income or other resources. In addition, the State cannot arbitrarily reject a request for an increase in the amount of subsidy (up to the amount the child would have received in foster care) in cases where the adoptive parents make life choices such as resigning one's job to stay at home with the adopted child or to return to school. Adoptive parents can request a fair hearing if the State rejects such requests.

The circumstances of the adopting parents must be considered together with the needs of the child when negotiating the adoption assistance agreement. Consideration of the circumstances of the adopting parents has been interpreted by the Department to pertain to the adopting family's capacity to incorporate the child into their household in relation to their lifestyle, standard of living and future plans, as well as their overall capacity to meet the immediate and future needs (including educational) of the child. This means considering the overall ability of the family to incorporate an individual child into their household. Families with the same incomes or in similar circumstances will not necessarily agree on identical types or amounts of assistance. The uniqueness of each child/family situation may result in different amounts of payment.