



State of Florida
Department of Children and Families

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Governor

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Secretary

DATE: January 26, 2024

TO: Community-Based Care Lead Agency CEOs

THROUGH: Casey Penn, Deputy Secretary *Casey Penn*

FROM: April E. Rolle, Esq., Director of Strategic Initiatives

SUBJECT: Adoption Processes

PURPOSE: The purpose of this memo is to provide instructions to child welfare professionals to create consistency in the adoption processes across the state.

BACKGROUND: Rules 65C-16.001-16.021, Florida Administrative Code (F.A.C.), outline the rules that control adoptions of children permanently committed to the Department. Those rules specifically address the processes for completing adoption home studies, performing child studies, approving subsidies, and conducting abuse and neglect history checks and criminal records checks.

ACTION REQUIRED: In order to comply with administrative code in the most efficient manner for children who have been permanently committed to the Department and are in pre-adoptive placements, child welfare professionals must adhere to the following procedures when finalizing cases for adoption:

- a. **Concurrent Case Planning.** The following shall be completed within 30 days of the Termination of Parental Rights Petition being filed:
 1. The child welfare professional will request the child's birth records and upload into the Comprehensive Child Welfare Information System (CCWIS).
 2. The child welfare professional will ensure that all medical, psychiatric, and dental records that are relevant are requested and uploaded into CCWIS.
 3. The child welfare professional shall confirm documents referenced in the disclosure form are uploaded into CCWIS.
- b. **Adoption Documentation/Package.** The lead agencies have created the term "Adoption Packet" to represent the documentation they require from the prospective adoptive parent prior to initiating the adoption home study. Only the following document shall be required from the prospective adoptive parent prior to initiating the adoption home study: "Adoptive Home Application" form, CF-FSP 5071, July 2021, which is incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-13385>. See 65C-16.004(10)(a)(4).
- c. **Adoption State and Local Background Checks.** Rule 65C-16.007(3), F.A.C., provides in pertinent part, "For foster parents and relative caregivers who are the current caregivers adopting a Department child, federal background checks must be current within five (5) years of the date of adoption placement. For nonrelatives or for potential

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adoptive parents who are not the current caregivers of the child, federal background checks must be current within one (1) year of the date of adoption placement. All potential adoptive parents must have state and local background checks that are current within 90 days of the date of adoption placement.” Rule 65C-16.009(1), F.A.C., provides that the effective date of the adoption placement may be either the date the child is placed in the physical custody of the adoptive parent or the date the Memorandum of Agreement is signed.

1. **Children Living With Adoptive Applicant.** For purposes of determining the date of adoption placement to conduct state and local background checks within 90 days of that date, the “date of adoption placement” shall be:
 - i. One Application – The child will be considered to be in the physical custody of the adoptive parent when the Adoption Home Study is approved; or
 - ii. Multiple Applications – The child will be considered to be in the physical custody of the adoptive parent when the Adoption Home Study is approved and the Memorandum of Agreement is signed.

Therefore, a state and local background check that is completed within 90 days of the “date of adoption placement” as outlined above should not need to be repeated prior to finalization of adoption if completed within 12 months. *For example: If there is only one application and the backgrounds were completed January 1, 2023, and the Adoption Home Study was approved March 1, 2023, the backgrounds would be valid until December 31, 2023.*

2. **Children Not Living With Adoptive Applicant.** For purposes of determining the date of adoption placement to conduct state and local background checks within 90 days of that date, the “date of adoption placement” shall be the date the child is physically placed with the adoptive applicant.
- d. **Adoption Home Study.** The following shall be the Adoption Home Study process when the child is placed and there is a launched, completed, and approved home study in CCWIS for the prospective adoptive parent:
1. Pre-Assessment with the Family
 - i. Review the information from the last approved home study with the prospective adoptive parent to determine if any information has changed. This can be in person or virtually.
 - ii. Have the prospective adoptive parent initial the pages to confirm review. The child welfare professional should note the information that has changed. An electronic review and signature tool may be used.
 - iii. **The child welfare professional must ask the prospective adoptive parent whether they are willing to adopt without the subsidy and note the response.**
 - iv. If the prior home study is printed and reviewed with the prospective adoptive parent or an electronic review tool is used, the child welfare professional must write the following statement on the signature page, “Home Study reviewed with prospective adoptive parent on (insert date).”
 2. Creation of the Adoption Home Study
 - i. The child welfare professional must update the information that the prospective adoptive parent stated has changed manually or electronically.

- ii. The child welfare professional and prospective adoptive parent must sign and date the Signature page manually or electronically.
- iii. All home studies must be uploaded in the CCWIS Provider file cabinet under image category of Unified Home Study and titled "Adoption Home Study (Date)".

The child welfare professional must follow all requirements outlined in Chapter 65C-16, F.A.C., for adoptive applicants who do not have the child placed with them.

- e. **References.** Rule 65C-16.005(q), F.A.C., provides in pertinent part, "A minimum of five (5) written references shall be required. Only one (1) reference may be obtained from an employer and only two of the references may be obtained from a relative. All other references must be obtained from persons who either: 1) have observed the applicants in situations that give some indication for their capacity for parenthood, or 2) who as the result of their relationship to the applicant, possess documentation or knowledge of the applicant's capacity for parenthood."
 - 1. References may include child welfare professionals who have been assigned to the prospective adoptive parent.
 - 2. References may include Guardian ad Litem Volunteers or Child Advocate Mangers (CAMs) who have been assigned to the prospective adoptive parent.
 - 3. All references shall only be obtained verbally and documented.
- f. **Study of the Child (Child Study).** The child welfare professional may reference assessments and evaluations that satisfy the requirements in Rule 65C-16.002(7), F.A.C., to the extent that the documents address the child's developmental, medical, educational, or family history.
 - 1. Any assessment or evaluation that includes the information required in 65C-16.002(7), F.A.C., may be referenced as: See "Name of Document" dated (insert date) page (insert page). For example: "See Comprehensive Behavioral Health Assessment dated 1/1/23 page 3."
 - 2. The referenced document must be either attached or linked to the Child Study when uploaded into CCWIS.
- g. **Adoption Application Review Committee (AARC) – Single Family AARC Process.** Section 65C-16.005(9)(b), F.A.C., provides in pertinent part, "While the committee is available to review any challenging case, all cases with the following issues, except as set forth below, must be referred to the committee."
 - 1. "Applicants in which the Child Abuse, Abandonment, and Neglect Record Check reveals verified findings of abuse, neglect, or abandonment which did not result in a disqualifying felony conviction, and cases in which abuse or neglect was not substantiated." 65C-16.005(9)(b)(3), F.A.C.
 - i. This section applies to child abuse, abandonment, and neglect record check findings for:
 - (a) An Applicant, not a household member;
 - (b) An Applicant who was the alleged perpetrator or caregiver responsible in the investigation, not just mentioned in the report.
 - ii. The following process shall be used to streamline the AARC staffing process:
 - (a) The child welfare worker shall discuss the reason(s) for requesting the AARC with the Applicant and include the Applicant's feedback

- in section 1 of Form CF-FSP 5448 "Request for Review by Adoption Applicant Review Committee (AARC)" (Request for Review).
- (b) The Request for Review form and required documentation shall be submitted to the AARC members no less than seven (7) business days before the AARC convenes.
 - (c) AARC members are responsible for reviewing documentation prior to the staffing. If additional information is needed, the request for such documentation needs to occur prior to the date of the staffing.
 - (d) When the AARC convenes, the Chair and committee members shall not read aloud and repeat the information already reviewed by the committee but may ask questions to clarify the information previously submitted.
 - (e) No indicator cases, cases in which the Applicant is identified as a household member, or cases in which the Applicant was not convicted, will not be addressed in the staffing unless one of the committee members has a clarifying question based on their review.
 - (f) After the Participants are asked to exit the meeting space to allow for additional discussion among the AARC members, each member must verbally advise of their recommendation, which shall be documented by the Chair in CCWIS.
 - (g) If the verbal recommendation of the committee is to "approve" the prospective adoptive parent's application, the Chair shall notify the Applicant, child welfare professional, and the Guardian ad Litem Program, if assigned, the same day. The adoption application is considered "approved" as of this date, and the child welfare professional must resume steps to complete the adoption processes.
 - (h) Each committee member shall submit Form CF-FSP 5449 "Adoption Applicant Review Committee Recommendation" with their recommendations to the Chair within five (5) business days of the AARC staffing.
2. "If the criminal history check reveals that the applicant or other household member was convicted of a law violation listed in Section 39.0138(4), F.S., within the last five (5) years, the applicant cannot be considered for approval, until five (5) years after the date of conviction. After five (5) years have passed, the applicant shall be referred to the Adoption Applicant Review Committee if the applicant submits a new Adoptive Home Application, CF-FSP 5071, incorporated in Rule 65C-16.004, F.A.C." 65C-16.005(9)(b)(4), F.A.C.
- i. An AARC is not required if the Applicant was not "convicted" of a law violation listed in Section 39.0138(4), F.S. For example: If the Applicant was found not guilty or the law violation was dropped, an AARC is not required.
 - ii. Section 65C-16.007(2)(c), F.A.C., provides, "If the criminal records checks reveal that the applicant or household member has been found guilty or entered a plea of guilty or nolo contendere for crimes other than those listed in Section 39.0138(3) or (4), F.S., the applicant shall be evaluated as to the extent of his or her rehabilitation. Factors to be

considered will include the severity of the action resulting in the record, how much time has elapsed since the offense, circumstances surrounding the incident, and whether records indicate single or repeated offenses. Referral of these applicants to the Adoption Applicant Review Committee is not required but they must be submitted to the appropriate entity in the community-based-care lead agency or designee for approval."

- h. **Enhanced Subsidy Approval Process.** The following shall be the enhanced subsidy approval process:
1. All lead agencies must submit a foster care board rate matrix to the DCF Regional Licensing Chief for approval each calendar year.
 2. Lead agencies must submit a rate matrix that outlines the enhanced amounts they would like to pay over the COLA memo amounts. This matrix should include justifications for the enhanced rates.
 3. If a licensed or unlicensed prospective adoptive parent requests an enhanced subsidy amount within the DCF approved matrix, only the Maintenance Adoption Subsidy Approval form CF-FSP 5077, approved adoption home study and child study is required to be submitted to DCF for approval.
 4. If a licensed or unlicensed prospective adoptive parent requests an enhanced subsidy amount above the DCF approved matrix rates, the request must include the Maintenance Adoption Subsidy Approval form CF-FSP 5077, approved adoption home study, child study, and any supporting documentation of the child meeting the difficulty to place requirement to justify the increased rate.
 5. For out-of-county enhanced subsidy requests, the lead agency that has jurisdiction of the case is responsible for submitting the subsidy packet to DCF in their region for approval.
- i. **REVMAX Subsidy Approval Checklist.** For the preliminary funding eligibility determination, no more than the following documents may be required for submission to REVMAX for subsidy eligibility approval:
- SUBSIDY INFORMATION:**
1. Memorandum of Agreement (CF-FSP 5072) – Uploaded to CCWIS Adoption File Cabinet labeled "Memorandum of Agreement to Adopt"
 2. Adoption Information CCWIS Page Completed
 3. Child Study – Uploaded to CCWIS File Cabinet labeled "Adoption Documents Other".
 4. Physical Exam (within 12 months of placement) – Uploaded to CCWIS File Cabinet labeled "Adoption Documents Other".
 5. CBHA/Psychological, if applicable – Uploaded to CCWIS File Cabinet labeled "Adoption Documents Other".
 6. Adoption Home Study - **must confirm uploaded into CCWIS Provider File Cabinet**
 7. Adoption Application Review Committee Report, if applicable
 8. Adoption Application (must be signed) (CF-FSP 5071) – Uploaded to CCWIS Provider File Cabinet
- ELIGIBILITY INFORMATION:**
1. Foster Care Eligibility related information including AFDC
 - i. Shelter Petition - Uploaded in CCWIS file cabinet as Legal Document
 - ii. Shelter Order – Uploaded in CCWIS file cabinet as Legal Document

2. Birth Certificate (**with birth name**)
3. Social Security Card (print out from person page) (optional)
4. SSI verification award letter/Social Security documentation, if applicable
5. TPR Petition - Uploaded in CCWIS file cabinet as a Legal Document
6. TPR Order - Uploaded in CCWIS file cabinet as a Legal Document
7. Surrenders, if applicable - Uploaded in CCWIS as Legal Document
8. TANF-MAS-Specific documentation: State of Residence and child income supporting documentation

BACKGROUND CHECKS

1. National/Federal Background checks
2. State Background checks
3. Local Background checks
4. Florida Abuse Registry Checks
5. Department of Juvenile Justice (DJJ) checks
6. Abuse Registry (Adam Walsh) checks in all other relevant states (placements after 10-1-2006)

SUBSIDY INFORMATION: Upon execution of the Adoption Assistance Agreement and for payment to be issued the following are required for submission to REVMAX:

1. Initial Adoption Assistance Agreement (CF-FSP 5079) (fully signed) – Uploaded to CCWIS File Cabinet
2. Maintenance Adoption Subsidy Approval (CF-FSP 5077) (fully signed) – Uploaded to CCIS File Cabinet
3. Upon adoption finalization, the Final Decree Order must be provided to REVMAX to process Medicaid updates.

j. Adoption Consents Pending.

1. “Consents Pending” means that the adoption packet that includes the Consent has been sent to the adoption attorney, but the Adoption Petition or Adoption Hearing is still pending.
2. Lead agencies must track the “Consents Pending” and send the following information to the assigned Judges and/or adoption attorneys at least monthly:
 - i. Case Name
 - ii. Child Name
 - iii. Case Number
 - iv. Date of Consent
 - v. Judge
 - vi. Adoption Attorney

CONTACT INFORMATION: Should you have questions about this communication, please contact April E. Rolle, Esq., Director of Strategic Initiatives, at April.Rolle@MyFLFamilies.com or (850) 694-4893.

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