



State of Florida
Department of Children and Families

Ron DeSantis
Governor

Shevaun L. Harris
Secretary

DATE: November 12, 2024

TO: Community Directors
Community Based Care Lead Agency CEOs

FROM: Kate Williams, Assistant Secretary for Child and Family Well Being

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

PURPOSE: The purpose of this memorandum is to provide information regarding updates to Children and Families Operating Procedure (CFOP) 170-12, Chapter 2: Extension of Maintenance Adoption Subsidy.

BACKGROUND: The existing CFOP outlines the Federal Title IV-E Extension of Maintenance Adoption Subsidy (EMAS) program that allows adoptive families who entered into the initial Adoption Assistance Agreement (AAA) when the child was either 16 or 17 years of age to receive adoption subsidy and Medicaid until the young adult reaches the age of 21.

With the passage of Chapter 2024-177, Laws of Florida (HB 1083), effective July 1, 2024, the CFOP has been updated to include the state EMAS program which allows young adults whose adoptive parent(s) signed their initial AAA when the child was 14 or 15 years old to be potentially eligible for adoption subsidy and Medicaid until the young adult reaches the age of 21.

NEW INFORMATION: CFOP 170-12, Chapter 2, has been updated to include the state EMAS program and to remove obsolete language.

ACTION REQUIRED: Please share this memorandum with all staff who will be completing tasks associated with the state EMAS program.

CONTACT INFORMATION: If you have any questions or need clarification regarding this memorandum, please contact Sonya Graham, Adoption Policy & Program Specialist, at Sonya.Graham@myflfamilies.com.

cc: Community-Base Care Lead Agency CFO's
Office Of CBC/ME Financial Accountability
Child Protection Directors

Chapter 2

EXTENSION OF MAINTENANCE ADOPTION SUBSIDY

2-1. Purpose. Extension of Maintenance Adoption Subsidy is available to prospective adoptive parents who adopt a difficult to place child who age 14 or 17 years old. Through the provisions of extension of maintenance adoption subsidy, young adults can receive maintenance adoption subsidy until the age of 21.

2-2. Definitions.

a. "Extension of Maintenance Adoption Assistance Agreement (EAAA)" 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 to receive Extension of Maintenance Adoption Subsidy benefits 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 federal 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. The purpose of the state 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 14 or 15 years of age. Every adoptive family adopting a child at the age of 14 or 15 must be advised of the availability of Extension of Maintenance Adoption Subsidy and the purpose for which it is intended.

c. 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 2-2.c. above.

d. The young adult and the family's need for subsidy must be determined prior to the young adult's 18th 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).

e. If the Department or community-based care lead agency (lead agency) was responsible for the placement and care of the young adult, the lead agency in the county where the court has jurisdiction is responsible for entering into the EAAA and paying the Extension of Maintenance Adoption Subsidy, even if the young adult and family live in another county.

f. If the Department or lead agency was not responsible for the placement and care of the young adult at the time of adoption, the lead agency 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 lead agency must enter into the EAAA and pay the Extension of Maintenance Adoption Subsidy.

g. When the need for the Extension of Maintenance Adoption Subsidy is not determined prior to the child’s 18th 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.

h. 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.

i. The lead agency 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.

j. 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.

k. An Extension of Maintenance Adoption Subsidy may be negotiated up to 100% of the statewide foster care board rate. A subsidy may exceed 100 percent of the statewide foster care board rate only when an exception is granted by the Department 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 Department 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.

l. The EAAA must be signed and dated by all parties prior to the young adult’s 18th birthday and uploaded into the post adoption case in the Comprehensive Child Welfare Information System (CCWIS). 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 EAAA in place and/or the child is not participating in a qualifying activity.

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

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 participates in one of the qualifying activities outlined in paragraph 2-2.c. of this operating procedure.

p. Adoptive parents may request an increase in the maintenance subsidy after the EAAA is 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 in effect at the time of the request. Requests for increases must be submitted in writing by the adoptive parents to the lead agency 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 EAAA must be signed by all parties with the new approved amount documented.

t. No change shall be made to an Extension of Maintenance Adoption Subsidy without concurrence of the adoptive parents except as provided by federal regulation or state law. The EAAA 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 one of the specified ages referenced in section 2-3 above, must opt into the Extension of Maintenance Adoption Assistance program.

b. Prior to the child's 18th birthday, an EAAA must be executed by the adoptive parents, the child, the 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 18th birthday.

d. If the EAAA is not received prior to the child's 18th birthday, an additional attempt to notify the adoptive parents should occur 30 days prior to the child's 18th 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 participates in one of the qualifying activities must be attached.

f. The EAAA must be signed by the lead agency within 10 business days of receipt by the agency. The EAAA signed by all parties must be uploaded into CCWIS 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 academic performance 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 academic performance 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 academic performance 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 academic performance 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 minimum 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 six months.

(1) Each re-determination must be completed in the CCWIS 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 six-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 six-month re-determination period.

(4) If the qualifying activity is not received, program eligibility in the CCWIS should reflect ineligible; adoption subsidy must be held and written notification to regional Department 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 shall remain as 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 CCWIS 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 which indicates that the young adult currently participates in one of the qualifying activities.

b. A new EAAA must be executed at the time of readmission if the child has been previously terminated from the program.