

STATEWIDE PROGRAM IMPROVEMENT PLAN FOR MAINTENANCE ADOPTION SUBSIDIES

How	Lead	When	Status
<p>I. Submit legislative agenda to the Executive Office of the Governor for enactment of needed revisions to section 409.166, Florida Statutes, that will make state law consistent with federal law (section 473, Social Security Act) related to maintenance adoption subsidies.</p> <p>a. Develop draft revisions to section 409.166, F.S.</p> <p>b. Lobby for successful legislative passage of the proposed revisions to section 409.166, Florida Statutes, for submission to the Legislature.</p> <p>c. Approval obtained by Legislature and Governor's signature.</p>	Pat Badland, Director	07/01/07	Proposed legislative language has been drafted.
<p>II. Ensure adoption of revisions to Administrative Rule 65C-16 that will result in the adoption rule being consistent with the federal law related to maintenance adoption subsidies.</p> <p>a. Develop draft revisions to Administrative Rule 65C-16.</p> <p>b. Prepare and present Administrative Rule 65C-16 for promulgation process.</p> <p>c. Complete promulgation of rule process.</p>	Kathleen Waters, Adoption Program Mgr.	10/01/07	
<p>III. Disseminate Department of Children and Families Operating Procedure (DCF OP) 175-71 with revisions designed to align the state operating procedure (and applicable forms) for Title IV-E Adoption Assistance consistent with federal law related to maintenance adoption subsidies.</p> <p>a. Develop draft revisions to DCF Operating Procedure 175-71.</p> <p>b. Develop conforming revisions to adoption forms attached to and included as a part of DCF OP175-71.</p> <p>c. Publish revised DCF OP 175-71.</p>	Elizabeth Wynn, Chief	10/01/07	Interim instructions issued in August 2006 via statewide memorandum in advance of revised DCF OP 175-71.
<p>IV. Ensure adoptive parents receive appropriate reimbursement consistent with federal law.</p> <p>a. Analyze data report from the Interim Child Welfare Services Information System (ICWSIS) payment database regarding possible reductions/terminations in maintenance adoption subsidies.</p>	Kathleen Waters, Adoption Program Mgr.	06/01/07	

<ul style="list-style-type: none"> b. Based on the analysis, prepare and submit a report of identified potential incorrect reductions/terminations to the District Administrator for each district and lead agency. c. Require a review of each identified child and a written report from the lead agencies through the District Administrators regarding the status of reimbursements. d. Track each child with a possible reduction or termination and confirm if reimbursement is required and completed. e. Review Quality Assurance monitoring guidelines and tools for appropriate questions and instructions to monitor the adoption subsidy process and revise, if necessary. 			
<p>V. Disseminate approved training curriculum to Community Based Care Agencies. The curriculum will incorporate revisions to Florida law, rule and operating procedure related to maintenance adoption subsidies.</p> <ul style="list-style-type: none"> a. Develop a curriculum for staff and adoptive parents that clearly explains the revisions to law, rule and operating procedure. b. Collaborate with partners and stakeholders on draft curriculum c. Incorporate input from collaborative partners. d. Finalize adoption subsidy training curriculum. 	Kathleen Waters, Adoption Program Mgr.	11/01/07	
<p>VI. Submit amendment to Title IV-E State Plan to the Administration for Children and Families for approval.</p>	Elizabeth Wynn, Chief	01/01/08	
<p>VII. Submit quarterly progress reports to the Administration for Children and Families regarding the tasks in this Program Improvement Plan with the first quarter ending March 31, 2007.</p>	Kathleen Waters Adoption Program Mgr.	3/31/07	

BEST PRACTICE GUIDELINES FOR ADOPTION ASSISTANCE

Adoption assistance is defined as financial assistance and services to support and assist a special needs child and his or her adoptive family. Adoption assistance in Florida includes:

- maintenance adoption subsidy
- medical subsidy or assistance
- Medicaid assistance
- reimbursement of non-recurring expenses associated with completion of the adoption
- tuition exemption at a postsecondary career program, community college or state university in Florida according to s.1009.25, F.S.
- state employee adoption benefit according to s.110.152, F.S.

Section 409.166, F.S. is the statute that governs the maintenance adoption subsidy program. The child must meet the eligibility criteria for “special needs” in order to be approved for maintenance adoption subsidy, Medicaid, medical assistance, and reimbursement of non-recurring expenses. A child is “special needs” if:

- permanent custody of the child is awarded to the Department or licensed child-placing agency and
- Child has significant emotional ties to the foster parent, is eight years of age, mentally retarded, physically or emotionally handicapped, of black or racially mixed parentage or a member of a sibling group provided two or more members of a sibling group remain together for adoption.

Determining a child's eligibility requires the following considerations:

Identification of known and potential future needs of the child based on the child's abuse, neglect, medical, mental health, educational, placement history, as well as medical, social and family histories. For example, in-utero drug exposure, mental health history of a parent, and multiple placements while in care should be documented as high risk factors for potential emotional or mental health issues for the child.

Because a majority of subsidies are reimbursed with federal Title IV-E funds, the following requirement must be documented as a part of eligibility if the child is **NOT** being adopted by the current foster or relative/non-relative caregiver.

- Documentation that one or more families were considered who would adopt without subsidy prior to a particular family being chosen as the placement of choice for this child and
- that the family of choice requested subsidy.

This documentation can include registration of the child on the adoption exchange or a list of families from the adoption exchange who will consider adoption without subsidy but this family was chosen because it is in the child's best interest to be adopted by this family. **No other family must be considered when the child is being adopted by the current foster or relative/non-relative caregiver**, however, documentation must include that the family was asked if they would adopt this child without subsidy.

If it is determined that the child is not eligible for maintenance adoption subsidy or other requested services, a denial letter must be sent to the family. The denial letter must clearly state the legally sufficient reason for the denial and the family's right to a fair hearing if they feel they have been wrongly denied a subsidy for their child. Additionally, the letter must detail the process for requesting a fair hearing and include timeframes and contact information.

The following best practice Do's and Don'ts should be utilized for determining eligibility and negotiating the amount of subsidy:

- **Do** consider the current and projected needs of the child based on the family and medical history of the child and birth parents and the child's foster care history, especially the number of placements. For example, the child is now age two and mother or father were diagnosed with bipolar, therefore the child is at high risk for the same mental health issue. Or, the child had two or more placements before age three and therefore the child is at high risk for attachment issues.
- **Do** consider the overall ability of the family to incorporate the individual child into their household in relation to their past and present lifestyle and standard of living, including future plans such as additional children. The adoption subsidy is intended to provide some financial assistance that allows a family to maintain their same standard of living with the addition of the adopted child.
- **Do** appreciate the cost of child care which is not provided with Florida's adoption program and the benefits our children receive from interactions with peers.
- **Do** appreciate that only a few mental health professionals are adoption competent and most of the mental health professionals that have experience with the adoptive families are not approved Medicaid providers. The adoptive parents are **not** required to use Medicaid providers for mental health services.
- **Do** consider negotiating a subsidy up to 80% or 100% of the **statewide standard** foster care board rate when a child has needs and a subsidy is needed in order for the adoptive family to have the necessary resources for ensuring the child's safety, well-being and permanency. For children who require extraordinary care, an enhanced subsidy may be approved by the Secretary up to the **actual** foster care board payment that was paid for the child while in a foster home.
- **Do** consider negotiating a subsidy agreement that **does not** provide for a payment when the child does not have current needs, however, the child has been established to be at high risk for potentially significant issues and will still be eligible for Medicaid. The agreement will be a placeholder if there are latency issues at a future time before the child turns 18 that the family cannot address with their own resources. The signed agreement allows the family to request and negotiate a maintenance subsidy payment at a later time when the child's needs or the family's circumstances change. Examples: Child's needs change-An infant was cocaine exposed in-utero and adopted at age 18 months with no significant concerns. Significant learning disabilities, ADHD, and respiratory health problems emerge and the resources needed exceed the adoptive family's resources. Family's circumstances change: An adoptive parent loses her job after constantly needing to leave work to handle school and court issues for an adopted child who is diagnosed with reactive attachment disorder. In both of these examples, an adoption assistance agreement with a zero dollar payment was negotiated and signed and later negotiated to a monthly subsidy payment when the needs of the child or the circumstances of the family changed.
- **Do** provide a process that allows adoptive parents to request a change in the subsidy if the needs of the child or the circumstances of the family change. The rejection of a request by the family for an increase requires notification of their right to appeal and have a fair hearing, including reasons for the rejection.
- **Do** establish a process for TANF renewals as described in the memorandum of November 2006.

- **Do not** require that adoptive parents sign a yearly subsidy agreement. Proposed language has been submitted to the Legislature to delete this requirement from state law and a September 2006 memorandum requested staff to no longer complete subsidy renewals. The initial subsidy agreement is a binding contract between the adoptive parents and the Department.
- **Do not** delete the Department's name on the subsidy agreement. Ultimately, the Department is responsible and the subsidy agreement must continue to contain the Department's name.
- **Do not** consider the family's income as a factor in negotiating the amount of the subsidy. No documentation of ongoing need or actual expenditures is required from the adoptive parents and subsidies cannot be assigned for specific purposes (medical, non-medical) by the state or provider.
- **Do not** establish a subsidy that exceeds the **actual** amount the child would have received if the child resided in a foster home.
- **Do not** change the amount of the subsidy without **concurrence of the adoptive parents**.
- **Do not** deny maintenance adoption subsidy when a child does not meet the requirements for Title IV-E. The state law does not delineate the funding sources for maintenance adoption subsidy and does not require that a subsidy be federally funded. A child's eligibility for subsidy is one set of criteria and the child's eligibility for the type of funding of the subsidy is another set of criteria. The following list provides the order in which the type of funding must be determined after the child's eligibility is determined.
 1. First, determine if the child is eligible for Title IV-E funding of the adoption subsidy.
 2. If the child is determined to be non-Title IV-E, determine if the child is eligible for TANF funding of the adoption subsidy.
 3. If the child is determined to be non-Title IV-E and non-TANF, the child's subsidy must be funded with general revenue.