



Bill No. CS for CS for SB 1388

Barcode 714306

1 ~~expenditures for long-term foster care. It is also the intent~~  
 2 ~~of the Legislature that placement without subsidy be the~~  
 3 ~~placement of choice unless it can be shown that such placement~~  
 4 ~~is not in the best interest of the child.~~

5 (2) DEFINITIONS.--As used in this section, the term:

6 (a) "Special needs child" means:

7 1. A child whose permanent custody has been awarded to  
 8 the department or to a licensed child-placing agency; ~~and~~  
 9 2.1. A child who has established significant emotional  
 10 ties with his or her foster parents~~r~~ or

11 ~~2.~~ is not likely to be adopted because he or she is:

- 12 a. Eight years of age or older;
- 13 b. Developmentally disabled ~~Mentally retarded~~;
- 14 c. Physically or emotionally handicapped;
- 15 d. Of black or racially mixed parentage; or
- 16 e. A member of a sibling group of any age, provided

17 two or more members of a sibling group remain together for  
18 purposes of adoption; and

19 3. Except when the child is being adopted by the  
 20 child's foster parents or relative caregivers, a child for  
 21 whom a reasonable but unsuccessful effort has been made to  
 22 place the child without providing a maintenance subsidy.

23 (b) "Adoption assistance" means financial assistance  
 24 and services provided to a child and his or her adoptive  
 25 family. Such assistance may include a maintenance subsidy,  
 26 medical assistance, Medicaid assistance, and reimbursement of  
 27 nonrecurring expenses associated with the legal adoption. The  
 28 term also includes a tuition exemption at a postsecondary  
 29 career program, community college, or state university, and a  
 30 state employee adoption benefit under s. 110.152.

31 (c) "Child within the child welfare system" or "child"

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1 means a special needs child and any other child who was  
2 removed from the child's caregiver due to abuse or neglect and  
3 whose permanent custody has been awarded to the department or  
4 to a licensed child-placing agency.

5 (d)(b) "Department" means the Department of Children  
6 and Family Services.

7 (e) "Licensed child-placing agency" has the same  
8 meaning as in s. 39.01.

9 (f)(c) "Maintenance subsidy" means a monthly payment  
10 as provided in subsection (4) ~~special services or money~~  
11 ~~payments.~~

12 (3) ADMINISTRATION OF PROGRAM.--

13 (a) The department shall establish and administer an  
14 adoption program for ~~special needs~~ children to be carried out  
15 by the department or by contract with a licensed child-placing  
16 agency. The program shall attempt to increase the number of  
17 persons seeking to adopt ~~special needs~~ children and the number  
18 of finalized adoptions ~~adoption placements~~ and shall extend  
19 adoption assistance ~~subsidies and services~~, when needed, to  
20 the adoptive ~~adopting~~ parents of a ~~special needs~~ child.

21 (b) The department shall collect and maintain the  
22 necessary data and records to evaluate the effectiveness of  
23 the program in encouraging and promoting the adoption of  
24 children.

25 (4) ADOPTION ASSISTANCE.--

26 (a)(b) A maintenance subsidy shall ~~Authorization for~~  
27 ~~subsidized adoption placement is to~~ be granted only when all  
28 other resources available to a place the child in question  
29 have been thoroughly explored and ~~when~~ it can be clearly  
30 established that this is the most acceptable plan for  
31 providing permanent placement for the child. The maintenance

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1 ~~Adoption~~ subsidy ~~may~~ will not be used as a substitute for  
2 adoptive parent recruitment or as an inducement to adopt a  
3 child who might be placed without providing a subsidy through  
4 ~~nonsubsidized means~~. However, it shall be the policy of the  
5 department that no child be denied adoption if providing a  
6 maintenance ~~when~~ subsidy would make adoption possible. The  
7 best interest of the child shall be the deciding factor in  
8 every case. This section does not ~~Nothing contained herein~~  
9 ~~shall~~ prohibit foster parents from applying to adopt a ~~special~~  
10 ~~needs~~ child placed in their care. Foster parents or relative  
11 caregivers must be asked if they would adopt without a  
12 maintenance subsidy.

13 ~~(c) The department shall keep the necessary records to~~  
14 ~~evaluate the effectiveness of the program in encouraging and~~  
15 ~~promoting the adoption of special needs children.~~

16 ~~(4) ELIGIBILITY FOR SERVICES.~~

17 ~~(b)(a)~~ The department shall provide adoption  
18 assistance ~~may pay either one or both of the following~~  
19 subsidies to the adoptive ~~adopting~~ parents, subject to  
20 specific appropriation,

21 ~~1-~~ in the amount of \$5,000 annually, paid on a monthly  
22 basis, for the support and maintenance of a ~~special needs~~  
23 child until the 18th birthday of such child or, ~~a monthly~~  
24 payment in an amount other than \$5,000 annually as determined  
25 by ~~through agreement between~~ the adoptive parents and the  
26 department and memorialized in a written agreement between the  
27 adoptive parents and the department. The agreement shall take  
28 into consideration the circumstances of the adoptive ~~adopting~~  
29 parents and the needs of the child being adopted. ~~and~~ The  
30 amount of subsidy may be adjusted ~~readjusted periodically~~  
31 based upon changes in the needs of the child or circumstances

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1 of the adoptive parents. Changes shall not be made without the  
 2 concurrence of the adoptive parents ~~those circumstances.~~

3 However, in no case shall the amount of the ~~adoption subsidy~~  
 4 monthly payment exceed the foster care maintenance payment  
 5 that ~~which~~ would have been paid during the same period if the  
 6 child had been in a foster family home. ~~Such payment shall be~~  
 7 ~~negotiated yearly between the parents and the department.~~

8 ~~(c)2.~~ The department may provide adoption assistance  
 9 to the adoptive parents, subject to specific appropriation,  
 10 for medical assistance initiated after the adoption of the  
 11 child for medical, surgical, hospital, and related services  
 12 needed as a result of a physical or mental condition of the  
 13 child which existed before the adoption and is not covered by  
 14 Medicaid, Children's Medical Services, or Children's Mental  
 15 Health Services. Such assistance, ~~a subsidy which may be~~  
 16 ~~initiated at any time but shall terminate on or before the~~  
 17 ~~child's 18th birthday.~~

18 (5) ELIGIBILITY FOR SERVICES.--

19 ~~(a)(b)~~ As a condition of providing adoption assistance  
 20 under this section ~~for continuation of the subsidy,~~ the  
 21 adoptive parents must enter into an adoption-assistance  
 22 agreement with the department which specifies the financial  
 23 assistance and other services to be provided ~~shall file a~~  
 24 ~~sworn statement with the department at least once each year to~~  
 25 ~~include any social or financial conditions which may have~~  
 26 ~~changed.~~

27 ~~(b)(c)~~ A child who is handicapped at the time of  
 28 adoption shall be eligible for services through ~~of the~~  
 29 ~~Division of Children's Medical Services network~~ established  
 30 under part I of chapter 391 if the child was eligible for such  
 31 services prior to the adoption.

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1           ~~(6)(5)~~ WAIVER OF ADOPTION FEES.--The adoption fees  
2 shall be waived for all adoptive parents ~~who participate in~~  
3 ~~the program~~ who adopt children in the custody of the  
4 department. Fees may be waived for families who adopt children  
5 in the custody of a licensed child-placing agency ~~agencies~~ or  
6 who adopt children through independent adoptions, and who  
7 receive or may be eligible for maintenance subsidies through  
8 the department. Retroactive reimbursement of fees is ~~may~~ not  
9 ~~be~~ required for families who adopt children in the custody of  
10 licensed child-placing agencies.

11           ~~(7)(6)~~ REIMBURSEMENT FOR EXPENSES.--The department is  
12 authorized to reimburse, retroactive to January 1, 1987, up to  
13 \$1,000 in nonrecurring expenses related to the adoption of a  
14 child which have been incurred by adoptive parents who  
15 ~~participate in the program for up to \$1,000 in nonrecurring~~  
16 ~~expenses the parents incurred relating to the adoption.~~ For  
17 purposes of this subsection, "nonrecurring expenses" means  
18 one-time expenses, such as attorney's fees, court costs, birth  
19 certificate fees, travel expenses, agency fees, and physical  
20 examination fees.

21           ~~(8)(7)~~ RULES.--The department shall adopt ~~promulgate~~  
22 ~~all necessary~~ rules to administer ~~implement the provisions of~~  
23 this section.

24           Section 6. The sum of \$2,991,305 in recurring funds  
25 from the General Revenue Fund, \$2,335,445 in recurring funds  
26 from the Federal Grants Trust Fund, and \$346,772 in recurring  
27 funds from the Welfare Transition Trust Fund are appropriated  
28 to the Department of Children and Family Services for the  
29 purpose of providing maintenance subsidies as provided in s.  
30 409.166, Florida Statutes.

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1 (Redesignate subsequent sections.)

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 1, line 25, after the semicolon,

7

8 insert:

9 amending s. 409.166, F.S.; providing an  
10 adoption assistance program for children within  
11 the child welfare system; revising legislative  
12 intent; revising and providing definitions;  
13 requiring the Department of Children and Family  
14 Services to collect and maintain certain data;  
15 providing adoption assistance in the form of  
16 maintenance subsidies, subject to specific  
17 appropriations; specifying conditions under  
18 which such subsidies are granted; providing for  
19 reimbursement for certain expenses; requiring  
20 the department to adopt rules; providing  
21 appropriations;

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