

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Children, Families, and Elder Affairs Committee

BILL: SB 2876

INTRODUCER: Children, Families, and Elder Affairs Committee

SUBJECT: Special Needs Children

DATE: March 14, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Jameson	CF	Favorable
2.			HA	
3.				
4.				
5.				
6.				

I. Summary:

Senate Bill 2876 modifies provisions relating to adoption of special needs children to make Florida law consistent with Title IV-E of the Social Security Act, which is required for the state to receive federal funds.

This bill substantially amends s. 110.152 and s. 409.166, F.S.

II. Present Situation:

Section 409.166, F.S., describes the subsidized adoption program for special needs children. This program provides financial aid to prospective adoptive parents to enable them to adopt children in foster care who, because of their special needs, have proven difficult to place in permanent homes. For the purpose of this program a “special needs child” is a child in the permanent custody of the department or a licensed child placing agency and who:

1. Has established significant emotional ties with his or her foster parents; or
2. Is not likely to be adopted because he or she is:
 - a. Eight years of age or older;
 - b. Mentally retarded;
 - c. Physically or emotionally handicapped;
 - d. Of black or racially mixed parentage; or
 - e. A member of a sibling group of any age provided two or more members of a sibling group remain together for purposes of adoption.¹

¹ s. 409.166(2)(a), F.S.

Families who adopt these children are eligible for financial assistance, including maintenance adoption subsidies. The primary source of funding for maintenance adoption subsidies is Title IV-E, Section 473 of the Social Security Act. Currently, adoptive parents must file a sworn statement with the department at least once a year including any changes in their social or financial condition in order to continue to receive a subsidy.²

Section 409.166, F.S., is not consistent with the federal law requirements in Section 473 of the Social Security Act regarding the initial and ongoing eligibility for maintenance adoption subsidy. The two primary inconsistencies are the requirement for yearly negotiations and allowing changes to maintenance adoption subsidies without concurrence of the adoptive parents. The federal Administration for Children and Families did not approve Florida's Adoption Assistance section of the Title IV-E State Plan and required a Program Improvement Plan. A Program Improvement Plan was developed and recently approved with the primary tasks being alignment of Florida law, rule, and operating procedures with the federal law.

Section 110.152, F.S., provides a one-time monetary benefit to state employees who adopt a special needs child or child in the custody of DCF. Employees who adopt a special needs child receive a \$10,000 one-time benefit paid over one year or \$5,000 paid over one year if they adopt a foster child. The current definition of "special needs" does not include a child under age eight with significant emotional ties to a foster parent. A qualified state employee who is a foster parent and adopts a young child with no special needs is only eligible for the "non-special needs" monetary benefit of \$5,000.

III. Effect of Proposed Changes:

The bill amends the definition of "special needs" children in s. 110.152, F.S., to match the definition in s. 409.166, F.S. With this definition change, a qualified state employee who adopts a young child and is also a foster parent may be eligible for \$10,000 rather than the current \$5,000.

The bill amends language in s. 409.166, F.S., to conform Florida law with requirements in federal law related to Title IV-E funding for maintenance adoption subsidies. These changes ensure compliance with federal Title IV-E, which reimburses the state for the care and maintenance of children in foster care as well as maintenance adoption subsidies.

The bill defines "adoption assistance" to include financial assistance, medical assistance, reimbursement of legal expenses associated with the adoption, tuition exemption at postsecondary career programs, community colleges or state universities, and state employee adoption benefits.

The bill clarifies the definition of a "maintenance subsidy" as a monthly payment that is an element of adoption assistance, and corrects references to these terms throughout this section. The bill also amends s. 409.166(4) (b)., F.S., to conform Florida law to federal law by specifying that a subsidy cannot be changed without concurrence of the adoptive parents, and deletes the

² s. 409.166(4)(b), F.S.

requirement for yearly negotiations. This proposed change is a task in Florida's Program Improvement Plan regarding adoption subsidies.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
