



State of Florida
Department of Children and Families

Rick Scott
Governor

Rebecca Kapusta
Interim Secretary

DATE: December 7, 2018

TO: Regional Managing Directors
Community-Based Care Lead Agency CEOs

THROUGH: David L. Fairbanks, Deputy Secretary 

FROM: JoShonda Guerrier, Assistant Secretary for Child Welfare 

SUBJECT: CFOP 170-15, Federal and State Funding Eligibility; Chapter 6, Extended Foster Care, and Chapter 7, Extension of Maintenance Adoption Subsidy

PURPOSE: The purpose of this memorandum is to advise that Chapter 6, Extended Foster Care, and Chapter 7, Extension of Maintenance Adoption Subsidy, have been added to CFOP 170-15, Federal and State Funding Eligibility. The update is effective December 15, 2018.

BACKGROUND: In preparation for the end of Florida's Title IV-E demonstration waiver, Florida initiated a Path Forward initiative to explore ways to maximize federal dollars received by the state. On January 1, 2019, Florida will offer a Title IV-E Extended Foster Care (EFC) Program and an Extension of Maintenance Adoption Subsidy Program (EMAS) as part of the ongoing efforts to maximize federal funding opportunities. The new operating procedure chapters outline the processes and procedures for determining Title IV-E eligibility for EMAS and EFC. The updates also provide guidance regarding the FSFN functionality designed to support Title IV-E payments. In addition, the new chapters clarify policy regarding General Information, Medicaid, and how funding sources are selected for Maintenance Adoption Subsidy.

ACTION REQUIRED: Please share this memorandum with all revenue maximization/eligibility staff, case management providers, and other service providers as appropriate.

CONTACT INFORMATION: If you have any questions or require additional information, please contact Jennifer Perez, Statewide Revenue Maximization Specialist, at 850-717-4537 or via email at Jennifer.Perez1@MyFLFamilies.com.

cc: Regional Family and Community Services Directors
Sheriffs Offices Conducting Child Protective Investigations
Center for Child Welfare

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

Mission: Work in Partnership with Local Communities to Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

CF OPERATING PROCEDURE
NO. 170-15

STATE OF FLORIDA
DEPARTMENT OF
CHILDREN AND FAMILIES
TALLAHASSEE, December 15, 2018

Child Welfare

FEDERAL AND STATE FUNDING ELIGIBILITY

This operating procedure describes the major funding sources used by the Department of Children and Families (herein referenced as DCF or Department) and Community-Based Care (CBC) lead agencies to support child protection activities and services. The operating procedure provides policy and procedures for determining eligibility, reporting and claiming funds. It also provides guidance for determining eligibility and using Title IV-E funding in child welfare programs.

BY DIRECTION OF THE SECRETARY:



JOSHONDA GUERRIER
Assistant Secretary for
Child Welfare

SUMMARY OF REVISED, DELETED, OR ADDED MATERIALS

The operating procedure was amended to add various policy clarifications regarding General Information, Medicaid, and how funding sources are selected for Maintenance Adoption Subsidy. Adds Chapter 6, Extended Foster Care, and Chapter 7, Extension of Maintenance Adoption Subsidy.

This operating procedure supersedes CFOP 170-15 dated August 8, 2016.

OPR: Office of Child Welfare

DISTRIBUTION: X: OSGC; PDES; PDFS; Region/circuit Child Welfare staff; Region/Circuit Economic Self-Sufficiency Services staff.

Chapter 6

EXTENDED FOSTER CARE

6-1. Overview. In 2008, the Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893/P.L. 110-351) allowed states to receive federal Title IV-E reimbursement for costs associated with supports for young adults to remain in foster care up to age 21. Florida has offered Extended Foster Care (EFC) services for young adults, ages 18-21, funded by state funds (general revenue). As of January 1, 2019, Florida has elected to exercise the option afforded in the Social Security Act to utilize Title IV-E funds to provide foster care services for eligible young adults up to 21 years of age. To be eligible for the program, young adults are required to meet Title IV-E eligibility criteria along with state option requirements (s. [39.6251](#), F.S., and Chapter [65C-41](#), F.A.C.)

- a. A young adult's participation in the EFC program may be funded through Title IV-E federal financial participation or state-funding through general revenue.
- b. Participation in the EFC program authorizes a young adult to receive various program benefits such as foster care maintenance payment, Medicaid, judicial oversight, and case management services.
- c. The following paragraphs of this operating procedure apply to young adults participating in the EFC program: Chapter 4, paragraph 4-3; Chapter 4, paragraph 4-8; and Chapter 4, paragraph 4-12.

6-2. Program Requirements. The Extended Foster Care program is intended to serve young adults as defined in s. [39.6251](#), F.S. In order for a young adult to participate in EFC, the following requirements must be met:

- a. Been in the legal custody of the Department on the date of their 18th birthday, has not achieved permanency under s. [39.621](#), F.S., and has not reached the age of 21.
- b. Ongoing participation in a qualifying activity. Qualifying activities are as follows:
 - (1) Completing secondary education or a program leading to an equivalent credential;
 - (2) Enrolled in an institution that provides postsecondary or vocational education;
 - (3) Participating in a program or activity designed to promote or eliminate barriers to employment;
 - (4) Employed for at least 80 hours per month; or,
 - (5) Unable to participate in programs or activities listed in paragraphs (1)-(4) full time due to a physical, intellectual, emotional, or psychiatric condition that limits participation. Any such barrier to participation must be supported by documentation in the child's case file or school or medical records of a physical, intellectual, or psychiatric condition that impairs the child's ability to perform one or more life activities.
- c. Reside in a supervised living arrangement approved by the Department or community-based care lead agency. A supervised living arrangement may include a foster home, group home, college dormitory, shared housing, apartment, or another housing arrangement if the arrangement is approved by the Community-Based Care Lead Agency (CBC) and is acceptable to the young adult.
- d. Participation by young adult in case management and judicial proceedings.

6-3. Entry into Extended Foster Care. Per s. [39.6251](#), F.S., a child living in licensed care on his or her 18th birthday is automatically opted into the EFC program and remains under the jurisdiction of the court and in the care of the department. If a young adult opts out of the EFC program or is involuntarily terminated, he or she may apply for readmission prior to age of 21. For re-entry, the young adult and a Department representative must execute an Extended Foster Care Voluntary Placement Agreement (EFC VPA), pursuant to s. [39.6251](#), F.S. If the signing occurred on different dates, the date of the final signature is the date of the agreement and the date of removal/entry into EFC.

6-4. Program Funding. Title IV-E federal financial participation is the preferred funding source; therefore, a Title IV-E eligibility determination must be completed for all young adults entering the program. If a young adult is determined not to meet Title IV-E requirements, the young adult's participation in EFC will be state-funded. There are two paths to determine Title IV-E eligibility for EFC which is determined by the entry method of the young adult into the program.

a. A young adult who exercises the option to remain in foster care, immediately upon turning 18, retains their Title IV-E eligibility status which was made at the time the young adult entered foster care as a child. Therefore, if a child was determined Title IV-E Ineligible for the latest removal episode prior to turning 18, the young adult's EFC eligibility will remain Title IV-E Ineligible. A subsequent Title IV-E Eligibility Determination shall not be completed. A young adult's entry into foster care as a child must have met the requirements outlined in Chapter 4 of this operating procedure regarding Title IV-E eligibility.

b. A young adult who applies to re-enter EFC, after a voluntary opt-out or involuntary termination, must have a Title IV-E EFC Eligibility Determination completed based on the circumstances at the time of the removal/re-entry into care as a young adult pursuant to the EFC VPA.

6-5. Title IV-E Extended Foster Care Eligibility Determination. Upon execution of an EFC Voluntary Placement Agreement for a young adult's re-entry into EFC, a Title IV-E EFC Eligibility Determination must be completed in FSFN within 30 calendar days. Title IV-E EFC eligibility consists of federal Title IV-E and Aid to Families with Dependent Children (AFDC) technical and financial criteria according to the Title IV-A State Plan in effect on July 16, 1996. The AFDC determination is made without regard to the parent(s)/legal guardian(s) or others in the assistance unit in the home from which the youth was removed as a younger child, and without regard to the youth's spouse. To claim Title IV-E funding, the young adult must be determined Title IV-E Eligible Reimbursable.

a. Title IV-E EFC VPA Requirements.

(1) Age. Young adult must have reached the age of 18, but not yet 21 years of age.

(2) Placement and Care Responsibility. Young adult must be in foster care under the placement and care responsibility of the Title IV-E agency.

(a) The young adult is Title IV-E Not Reimbursable for any month in which the Department does not have placement and care responsibility.

(b) The EFC VPA authorizes the Department to have placement and care responsibility of the young adult in the EFC program.

(3) Best Interest Judicial Finding. Within 180 days of a young adult's entry into foster care pursuant to an EFC VPA, a judicial determination to the effect that such placement is in the best interest of the child is required for the individual to be eligible for continued Title IV-E funding. If the finding is not made within 180 days, the young adult is Title IV-E Ineligible as of the 181st day and for the remainder of the foster care episode.

(4) Supervised Independent Living Setting. A young adult must reside in a supervised living arrangement that is approved by the CBC and acceptable to the young adult. The young adult is Title IV-E Not Reimbursable if not living in an approved supervised living setting.

b. AFDC Technical Requirements. A young adult is Title IV-E Ineligible for the entire foster care episode if any of the AFDC requirements are not met.

(1) Citizenship or Qualified Non-Citizen Status. A young adult must be:

(a) A United States citizen; or,

(b) A qualified non-citizen as defined by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), P.L. 104-193. Under Section 431 of PRWORA, a qualified non citizen's access to federal public benefits is restricted for five years beginning on the date of entry into the United States, unless subsection (b), (c), or (d) of Section 431 applies. Under PRWORA, a qualified non-citizen is:

1. An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (the "Act");

2. An alien granted asylum under section 208 of the Act;

3. A refugee admitted to the United States under section 207 of the Act;

4. An alien paroled into the United States under section 212(d)(5) of the Act for a period of at least one year;

5. An alien whose deportation is being withheld under section 243(h) of the Act;

6. An alien granted conditional entry under section 203(a)(7) of the Act as in effect prior to April 1, 1980;

7. If the child is a qualified alien who is placed with a qualified alien or United States citizen, the date the child entered the United States is irrelevant and the five-year restriction on federal public benefits does not apply; or,

8. If the child is a qualified alien who entered the United States on or after August 22, 1996, and is placed with an unqualified alien, the child would be subject to the five-year residency requirement for federal public benefits under section 403(a) of PRWORA unless the child is in one of the excepted groups.

(2) Living With/Removed from Home of a Specific Relative. A young adult is considered to be his or her own specified relative, thus meeting the requirement described in section 472(a) of the Act.

(3) Deprivation. A young adult is deemed to be deprived as long as the young adult is not residing with his or her natural or adoptive parent(s).

c. AFDC Financial Requirements. A young adult is Title IV-E Ineligible for the entire foster care episode if any of the AFDC requirements are not met.

(1) Income Limit. This requirement is a two-step process based on the income of the young adult. This determination is calculated by FSN based on the entries made in the FSN Assets & Employment module.

(a) Step One of the Income Test – Gross Income Limitation. Determine if the SFU's gross countable income is less than 185% of the consolidated need standard (CNS), after applying appropriate disregards. If the SFU's adjusted gross income is more than 185% of the CNS, the young adult would have been ineligible for AFDC and, thus, is not eligible for Title IV-E. If the SFU's adjusted gross income does not exceed 185% of the CNS, proceed to the second step.

(b) Step Two of the Income Test – Determination of Need. Compare SFU's countable income, after applying further appropriate disregards, to 100% of the CNS. If the SFU's income is in excess of 100% of the CNS, the young adult would not have been eligible for AFDC and, thus, is not eligible for Title IV-E. If the SFU's adjusted gross income does not exceed 185%, the young adult is Title IV-E eligible.

(2) Asset Limit. The young adult must not have combined assets/resources in excess of \$10,000, after applying appropriate disregards.

d. Standard Filing Unit (SFU). For Title IV-E EFC Eligibility, the SFU consists of the young adult only.

(1) The SFU size correlates to the Consolidated Need Standard (CNS) amount that is used in the income limit tests.

SFU Size	1
185% Income Limit	\$1,194
100% Income Limit	\$645

(2) If the young adult is a recipient of Supplemental Security Income (SSI), he or she shall be excluded from the SFU and all income and resources are excluded from the income and asset limit calculations.

6-6. Title IV-E Extended Foster Care Ongoing Eligibility.

a. Reasonable Efforts to Finalize Permanency Plan. For court-ordered entry into foster care, to continue reimbursable status of Title IV-E eligibility, there must be a judicial finding that reasonable efforts were made to finalize the permanency plan (REFPP) every twelve months. The judicial finding shall be based on the permanency plan that is in effect. For young adults, this may include activities outlined in the young adult's transition and/or case plan that are intended to prepare the young adult for independence.

(1) For a young adult who remained in foster care continuously upon turning 18, the twelve-month timeframe is based upon the last finding prior to the young adult turning 18. Subsequent REFPP judicial findings must be made no later than twelve months from the preceding finding as long as the young adult remains in extended foster care.

(2) Failure to obtain the initial and subsequent judicial findings, as prescribed above, results in the foster care maintenance payment being non-reimbursable for federal financial participation. Title IV-E reimbursement may resume for the month in which the REFPP finding is made.

b. Placement and Care Responsibility. For young adults who remain in foster care continuously via a court order, the court order shall provide the Department with placement and care responsibility. The young adult is Title IV-E Not Reimbursable for any month in which the Department does not have placement and care responsibility.

6-7. Termination of Title IV-E Extended Foster Care Eligibility. A young adult's eligibility continues until one of the following occurs:

- a. Young adult turns 21;
- b. Young adult voluntarily opts out; or,
- c. Young adult is involuntarily terminated.

6-8. Children of Young Adult in Extended Foster Care. Section 475(4)(B) of the Act requires that foster care maintenance payments for a young adult in foster care cover the foster care maintenance costs for the young adult's child if that child is placed with the young adult in the same supervised independent living setting. Further, consistent with section 472(h)(2) of the Act, a child of the young adult in foster care whose costs are covered by the Title IV-E foster care maintenance payment is categorically eligible for the Title XIX Medicaid program.

6-9. Dual Eligibility – Determining Title IV-E Eligibility When a Young Adult Receives Third Party Benefits in Extended Foster Care.

a. A young adult may receive Social Security survivor's benefits (SSA), Veteran's Administration (VA) benefits, or Railroad Retirement (RR) benefits and be determined Title IV-E, Reimbursable. Such benefits shall be considered countable unearned income in a Title IV-E eligibility determination. The young adult's cost of care may be shared between Title IV-E and the federal benefit received, and should be pursued when appropriate.

b. A young adult may receive Supplemental Security Income (SSI) benefit and be determined Title IV-E Non-Reimbursable. Such benefit is not considered countable income. Cost sharing between the Social Security Administration and Title IV-E is not an option. The state of Florida elects to claim the federal benefit through the Social Security Administration, thus resulting in the cost of care not being reimbursable under Title IV-E.

6-10. FSFN Documentation.

a. Initial Title IV-E EFC Eligibility Determination for Re-Entry.

(1) An initial Title IV-E EFC eligibility determination shall be completed in FSFN within 30 calendar days of the young adult re-entering the EFC program. The appropriate modules of FSFN must be completed for the young adult and any minor children of the young adult.

(2) The Title IV-E EFC Eligibility Determination module for a voluntary removal is automatically generated upon the approval of an out-of-home placement with a service category type of Independent Living. The following data must be entered into FSFN before working on the Title IV-E EFC Eligibility Determination:

- (a) Person Management must document citizenship status and date of birth.
- (b) Maintain Case Relationship tab must document parent-child relationship between the young adult and children, if applicable.

(c) Assets & Employment module must document all income (earned and unearned) and assets/resources for the month of entry.

(d) Upload, as a Legal Document, the court order containing Best Interest finding, if determination has been made.

b. Ongoing Title IV-E EFC Eligibility Determination for Voluntary Removal. For a young adult who is determined Title IV-E eligible, ongoing eligibility requirements must be documented in FSN within 30 calendar days of the event.

(1) Best Interest. If a judicial finding that it is in the young adult's best interest to remain in foster care has not been made by the time the Initial Title IV-E EFC Eligibility Determination was completed, a Redetermination must be completed to document when the Best Interest finding was made or after the 180-day period has lapsed, whichever occurs first. If the Best Interest finding is not made, a young adult becomes Title IV-E Ineligible for the remainder of the removal episode on the 181st day from entry into care.

(2) Change in SSI. If a change in the Supplemental Security Income (SSI) benefit occurs, such as approval or termination of benefits for a Title IV-E eligible young adult, the FSN Assets & Employment module must be updated and a Redetermination completed in FSN to accurately document the change in Title IV-E reimbursability.

c. Ongoing Title IV-E EFC Eligibility Determination for Court-Ordered Removal. For a young adult who is determined Title IV-E eligible as a child, ongoing eligibility requirements must be documented in FSN within 30 calendar days of the event. The following events must be documented on the Redetermination tab of the Title IV-E Eligibility Determination module in FSN:

(1) Reasonable Efforts to Finalize Permanency Plan (REFPP).

(a) A Redetermination must be completed to document the REFPP judicial finding 12-month requirement. The court order containing the finding must be linked to the Redetermination entry in FSN. The effective date of the Redetermination should reflect the date of the REFPP judicial finding. The young adult remains Title IV-E Eligible, Reimbursable as long as the young adult is otherwise IV-E Eligible, Reimbursable.

(b) If the REFPP judicial finding is not obtained within the 12-month timeframe, based on the month of the last REFPP judicial finding, a Redetermination is completed to reflect the young adult as Title IV-E Eligible, Not Reimbursable effective on the first day of the 13th month.

(c) A Redetermination is completed with an effective date on the first day of the month in which the REFPP judicial finding is made to regain Reimbursable status, as long as the young adult is otherwise IV-E Eligible, Reimbursable.

(2) Change in SSI. If a change in the Supplemental Security Income (SSI) benefit occurs, such as approval or termination of benefits, for a Title IV-E eligible young adult, the FSN Assets & Employment module must be updated and a Redetermination completed in FSN to accurately document the change in Title IV-E reimbursability.

Chapter 7

EXTENSION OF MAINTENANCE ADOPTION SUBSIDY

7-1. Overview. In 2008, the Fostering Connections to Success and Increasing Adoptions Act (H.R. 6893/P.L. 110-351) allowed states to receive federal Title IV-E reimbursement for costs associated with supports for young adults up to age 21. Effective January 1, 2019, Florida will utilize Title IV-E funds to provide adoption assistance for eligible young adults up to 21 years of age. To be eligible for the program, young adults are required to meet Title IV-E eligibility criteria along with state option requirements outlined in s. [409.166](#), F.S. and Chapter [65C-16](#), F.A.C.

a. A young adult's participation in the Extension of Maintenance Adoption Subsidy (EMAS) program may be funded through Title IV-E federal financial participation or state-funding through general revenue.

b. Participation in the EMAS program authorizes a young adult to receive benefits such as adoption subsidy payment and Medicaid.

c. The following sections of this operating procedure apply to young adults participating in the EMAS program: Chapter 5, paragraph 5-3; Chapter 5, paragraph 5-4; Chapter 5, paragraph 5-8; Chapter 5, paragraph 5-17; Chapter 5, paragraph 5-18; and Chapter 5, paragraph 5-20.

7-2. Program Requirements. The Extension of Maintenance Adoption Subsidy program is intended to serve young adults as defined in s. [409.166\(4\)\(a\)](#), F.S. In order for a young adult to participate in EMAS, the following requirements must be met:

a. Adoptive parent(s) entered into an initial adoption assistance agreement after the child reached 16 years of age but before the child reached 18 years of age and the agreement identifies the election to opt into the program.

b. Ongoing participation in a qualifying activity. Qualifying activities, pursuant to s. [409.166](#), F.S., are defined as:

- (1) Completing secondary education or a program leading to an equivalent credential;
- (2) Enrolled in an institution that provides postsecondary or vocational education;
- (3) Participating in a program or activity designed to promote or eliminate barriers to employment;
- (4) Employed for at least 80 hours per month; or,
- (5) Unable to participate in programs or activities listed above full time due to a physical, intellectual, emotional, or psychiatric condition that limits participation. Any such barrier to participation must be supported by documentation in the child's case file or school or medical records of a physical, intellectual, or psychiatric condition that impairs the child's ability to perform one or more life activities.

7-3. Program Funding. Adoptive parent(s) and young adults may participate in the EMAS program regardless of the Title IV-E Eligibility status of which adoption subsidy is funded prior to age 18. If a young adult is determined not to meet Title IV-E Adoption eligibility requirements, the young adult's participation in EMAS will be state-funded through general revenue.

7-4. Extension of Maintenance Adoption Subsidy Eligibility Determination. A determination must be made in FSFN verifying all program criteria are met, along with obtaining supporting documentation, before executing an Extended Adoption Assistance Agreement.

7-5. Extended Adoption Assistance Agreement. An Extended Adoption Assistance Agreement (EAAA) shall be executed between the adoptive parent(s), young adult, and Department designee.

a. The effective date of the EAAA shall be the date of the young adult's 18th birthday.

b. EMAS payments are not authorized until all parties have signed the EAAA and supporting documentation of a qualifying activity has been received by the designated child welfare professional. The payment shall only be authorized for the period in which supporting documentation reflects participation in a qualifying activity.

c. The subsidy type shall remain Title IV-E if the eligibility as a child was Adoption IV-E eligible. If the young adult's eligibility as a child was Non IV-E or TANF, the subsidy type shall reflect Non IV-E.

d. If the eligibility from child to young adult is changing from TANF to Non IV-E, a final Adoption TANF eligibility determination shall be completed in FSFN to reflect the eligibility change as the age criteria for TANF is no longer met.

7-6. Ongoing Extension of Maintenance Adoption Subsidy Eligibility Determination. Every 6 months the young adult must provide supporting documentation of his or her participation in a qualifying activity, pursuant to s. [409.166](#), F.S.

a. If supporting documentation is not provided, payment will not be released for the period until documentation is provided.

b. Payment may resume upon the young adult providing supporting documentation effective for the timeframe in which supporting documentation verifies participation in a qualifying activity.

7-7. Termination of Extension of Maintenance Adoption Subsidy. Pursuant to s. [409.166](#), F.S., a young adult's eligibility continues until one of the following occurs:

a. Young adult turns 21;

b. Adoptive parent and young adult voluntarily opt out;

c. Adoptive parent(s) or young adult is deceased; or,

d. Adoptive parent(s) is no longer providing any support to the young adult, the young adult marries, or the young adult enters the military. Support includes emotional and/or financial support, even in situations when the young adult is no longer living in the home.

7-8. FSFN Documentation.

a. Initial EMAS Eligibility Determination.

(1) The EMAS program eligibility determination must be completed in FSFN prior to the adoptive parent(s) and young adult signing the EAAA.

(2) If the young adult's adoption eligibility prior to age 18 was determined as TANF Eligible, a final Adoption TANF eligibility determination must be completed to document the young adult as TANF Ineligible due to no longer meeting the age requirement.

b. Ongoing EMAS Program Eligibility Determination.

(1) Eligibility shall be monitored and determined by the designated child welfare professional as outlined in CFOP [170-12](#).

(2) If a young adult fails to meet program eligibility, the designated child welfare professional shall notify appropriate staff of the period in which the young adult does not qualify for payment.