

FINANCIAL ASPECTS OF ADOPTION v. LONG-TERM RELATIVE CARE

	Adoption	Long-term relative care
Basic subsidy	<p>80% of the standard foster care board rate Fla. Admin. Code 65C-16.013(7).</p> <p>Generally, the subsidy rates will be: 0-5 yrs: \$276; 6-12 yrs: \$284; 13-18 yrs: \$340. Fla. Admin. Code 65C-24.006.</p> <p>Supplemental maintenance payments are available if the child has a specific diagnosed problem requiring care beyond that in a normal family setting, which cannot be provided through Medicaid or other sources. Fla. Admin. Code 65C-16.013(8).</p> <p>Total subsidy cannot exceed the actual board rate the child was receiving prior to the adoption without approval from the Department’s Secretary. Fla. Admin. Code 65C-16.013(10).</p>	<p>70% of the standard foster care board rate. Fla. Admin. Code 65C-24.012(4).</p> <p>Generally, the subsidy rates will be: 0-5 yrs: \$242; 6-12 yrs: \$249; 13-18 yrs: \$298. Fla. Admin. Code 65C-24.006.</p> <p>“The statewide average monthly rate for children judicially placed with relatives who are not licensed as foster homes may not exceed 82 percent of the statewide average foster care rate, nor may the cost of providing the assistance described in this section to any relative caregiver exceed the cost of providing out-of-home care in emergency shelter or foster care.” § 39.5085(2)(d), Fla. Stat. (2005).</p>
Medical subsidy	<p>Available to cover medical costs for a documented condition that existed prior to adoption if expenses not covered by Medicaid or another benefit. Fla. Admin. Code 65C-16.014.</p>	N/A
Flexible funds	N/A	<p>Additional support may be paid, as long as the total support paid to the caregiver does not exceed the cost to the state of caring for the child in foster care. § 409.165, Fla. Stat. (2005).</p>
Social security	<p>If the child is receiving survivors benefits prior to the adoption, the child may continue receiving the benefits after the adoption. www.ssa.gov</p> <p>If the child is eligible for social security disability, the adoptive parents may become the payee. However, the adoptive parents must qualify financially, and the child’s SSI benefits will be reduced by the amount of the adoption subsidy. The total funds the adoptive parents</p>	<p>A relative caregiver may not receive both SSI and relative caregiver funds for the child.</p>

	are receiving for the child cannot exceed the maximum SSI benefit for which the child is eligible.	
Tuition waiver	Tuition and fees are waived for Florida state universities, community colleges, and postsecondary career programs provided through a school district for up to four years after the child graduates from high school. § 1009.25(2)(c), Fla. Stat. (2005); Fla. Admin. Code 65C-16.012(7).	Tuition and fees are waived for Florida state universities, community colleges, and postsecondary career programs provided through a school district for up to four years after the child graduates from high school. § 1009.25(2)(c), Fla. Stat. (2005).
Tax benefits	<p>May claim tax credit (differs from a deduction in that credit is subtracted from taxes owed, rather than income earned) of \$10,390 if child is “special needs” child adopted from state dependency system. Special needs is a legal term that may include sibling groups, minority children, children over a certain age, as well as children with medical or mental disabilities. Child is special needs if the parents are receiving an adoption subsidy. Tax credit can be carried over for 5 years, or until total amount has been used. IRS Publication #968 (for using form 8839). www.irs.gov.</p> <p>Additionally, if the adoptive parents received any reimbursement from their employers for adoption-related expenses, it is deductible. IRS Publication #968 (for using form 8839). www.irs.gov.</p> <p>May also claim child as a dependent for deductions.</p>	May claim child as a dependent on taxes for purposes of deductions if nobody else can claim child as dependent.
Subsidized daycare	Eligibility is based on household income. If eligible, the child may move to the bottom of the list when the adoption is finalized and lose his or her daycare spot. § 411.01(6)(a).	<p>Eligible for subsidized daycare based on status, and are eligible for priority placements under the school readiness programs. § 411.01(6)(a)(4), Fla. Stat. (2005).</p> <p>Child should not lose daycare spot when relative caregiver status becomes permanency placement.</p>
Medicaid	Medicaid is provided to the child, and eligibility is not based on income.	Medicaid is provided to the child, and eligibility is not based on income. § 39.5085(2)(f), Fla. Stat. (2005)
TANF	May be eligible for TANF as a “child-only case,” but household income must be below	A relative caregiver may not receive both TANF and relative caregiver funds

	<p>200% of the poverty level. § 414.45(1)(b)(5), Fla. Stat. (2005).</p> <p>Family may qualify (not child-only case) for TANF depending on household income. Adoption subsidy may count as household income.</p>	<p>for the child. If the family was receiving TANF prior to the child being placed, the family may continue to receive TANF. In that case, the TANF benefits may be increased to add the child to the TANF, or the family may receive relative caregiver payments for the child while continuing to receive TANF for the rest of the family. Relative caregiver payments are generally greater than TANF, and have no work requirements or time limits.</p>
Food stamps	<p>Eligibility depends on household income. Income from adoption subsidy may count as household income to determine need.</p>	<p>Eligibility depends on household income. Income from relative caregiver payments may count as household income to determine need.</p>
Child support	<p>When the adoption is finalized, the biological parents no longer have any obligation to support the child. Child support is not available.</p>	<p>Child support orders remain in effect, and the relative caregiver may receive child support provided the parents pay it.</p>
Adoption expenses	<p>Subsidy available to cover adoption-related expenses up to \$1,000. This usually goes straight to the attorney.</p>	<p>N/A</p>
What if the caretaker moves out of state?	<p>Adoption rates continue to be paid. Medicaid is provided by the new state in accordance with ICAMA. § 409.406, Fla. Stat. (2005).</p>	<p>Some states will agree to continue the relative caregiver payments, but the amount of the payments may change. Other states will not continue the payments. Florida will not make the payments if the relative moves out of state.</p>
Can the benefits ever be taken away?	<p>Adoption subsidies must be “re-negotiated” every year. Usually the subsidy continues unchanged. If you are receiving medical subsidies you may be required to document the continuing medical need. The subsidy is discontinued when the child reaches 18.</p>	<p>Relative caregiver payments are subject to the availability of funds. § 39.5085, Fla. Stat. (2005).</p>

This chart is intended to provide information only. It is not meant to provide legal advice. Because situations differ based on individual facts, it is always wise to obtain the assistance of an attorney in making legal decisions.