

Florida's Children First: Placement Status / Independent Living Benefit Comparison Table

	Licensed Care	Relative Care under Relative Caregiver Program	Non-relative Care under Relative Caregiver Program	Relative / Nonrelative NOT in Relative Caregiver Program
Who has Custody?	The state has legal custody.	Caregivers have legal custody under protective supervision of state.	Caregivers have legal custody under the protective supervision of the state.	Caregivers have legal custody under the protective supervision of the state.
Do Parents Retain Rights?	Yes, unless TPR granted, or parent deceased.	Yes, unless TPR granted, or parent deceased.	Yes, unless TPR granted, or parent deceased.	Yes, unless TPR granted, or parent deceased.
Where is the child placed?	In foster care or other licensed facility.	With the court-ordered relative.	With the court-ordered custodian.	With the court-ordered relative or custodian.
Does DCF supervision and court jurisdiction continue?	DCF supervision and court jurisdiction continue.	DCF supervision and court jurisdiction continue.	DCF supervision and court jurisdiction continue.	DCF supervision and court jurisdiction continue.
How can this placement be changed?	DCF may move children in its custody, but must follow the provisions in §409.145(2)(c) and FAC 65C-28.005	Any interested person may seek a court order to move children placed in relative care, but must follow the provisions in §409.145(2)(c) and §39.522.	Any interested person may seek a court order to move children in non-relative care but must follow the provisions in §409.145(2)(c) and §39.522.	Any interested person may seek a court order to move children in non-relative care but must follow the provisions in §409.145(2)(c) and §39.522.
Financial support for caregivers?	The Foster Care Room and Board rates are set by §409.145(4) with annual cost of living increases. DCF provides additional funds provided for IL skills and negotiates enhanced rates for some caregivers. Medical and therapeutic homes receive funds through Medicaid.	DCF supports through TANF funds, §39.5085, unless the child receives social security benefits, the parents pay child support, or the parents live in the home with the child.	DCF supports through state funds. §39.5085, unless the child receives Social Security benefits, the parents pay child support, or the parents live in the home with the child.	DCF does <u>not</u> support. Financial support may come through Social Security benefits or child support.
Medical Assistance up to age 18	Medicaid. CBCs pay for care of immigrant children not eligible for Medicaid.	Medicaid (except to some immigrant children).	Medicaid (except to some immigrant children).	Medicaid (except to some immigrant children).
Medical Assistance after age 18	Medicaid eligibility continues to age 26 under the Affordable Care Act.	Medicaid eligibility continues to age 26 under the Affordable Care Act.	Medicaid eligibility continues to age 26 under the Affordable Care Act.	Medicaid eligibility continues to age 26 under the Affordable Care Act.
Tuition & Fee exemption for Florida Schools	Yes- . §1009.25(1)(c)	Yes. §1009.25(1)(d)	Yes. §1009.25(1)(d)	No. (But ask the court to order placement under §39.5085 to qualify)
Eligible for Post Secondary Educational Support Services	Yes, if in this category of care at age 18 and was in licensed care for at least six months prior to age 18. 409.1451(2)(a)2	No.	No	No.
Extended Foster Care	Yes.	No.	No.	No.
Eligible for After Care Support Services	Yes , - if not in EFC or getting PESS §409.1451(5)(a)(3)	No.	No.	No.
Keys to Independence	Yes.	Yes.	Yes.	Yes.

Florida's Children First: Placement Status / Independent Living Benefit Comparison Table

	Permanent Guardianship entered b/w 16 & 18	Permanent Guardianship entered before age 16	Adoption prior to age 16	Adoption after age 16
Who has Custody?	Caregivers have legal custody.	Caregivers have legal custody.	Caregivers have legal custody.	Caregivers have legal custody.
Do Parents Retain Rights?	Yes, unless TPR granted, or parent deceased.	Yes, unless TPR granted, or parent deceased.	No. The caregivers/adoptive parents have full parental rights.	No. The caregivers/adoptive parents have full parental rights.
Where is the child placed?	With the court-ordered permanent guardian.	With the court-ordered permanent guardian.	With the adoptive parents.	With the adoptive parents.
Does DCF supervision and court jurisdiction continue?	DCF supervision ends, but court jurisdiction continues. No further hearings are scheduled.	DCF supervision ends, but court jurisdiction continues. No further hearings are scheduled.	No.	No.
How can this placement be changed?	The parent or guardian may seek a court order to dissolve the guardianship and reopen the case under §39.621.	The parent or guardian may seek a court order to dissolve the guardianship and reopen the case under §39.621.	Adoptions are permanent and children can only be removed by opening a new case.	Adoptions are permanent and children can only be removed by opening a new case.
Financial support for caregivers?	Not guaranteed. Possible sources: social security benefits, child support, relative or nonrelative caregiver payments under §39.5085.	Not guaranteed. Possible sources: social security benefits, child support, relative or nonrelative caregiver payments under §39.5085.	DCF may provide adoption subsidy and the child may continue to receive social security benefits.	DCF may provide adoption subsidy and the child may continue to receive social security benefits.
Medical Assistance up to age 18	Medicaid, most likely secondary to guardian's insurance.	Medicaid, most likely secondary to guardian's insurance.	Medicaid continues as secondary to parent's insurance.	Medicaid continues as secondary to parent's insurance.
Medical Assistance after age 18	Medicaid eligibility continues to age 21, if eligible for IL benefits. §409.903(4).	No, unless the child is independently Medicaid eligible.	No, unless the child is independently Medicaid eligible.	Medicaid eligibility continues to age 21, if eligible for IL benefits. §409.903.
Tuition & Fee exemption for Florida Schools	Yes, if child spent 6 months after age 16 in DCF custody, .	Yes, if the original placement in the guardian's home was made under the relative caregiver statute. Otherwise, no.	Yes, if adopted after 5/5/97 - §1009.25(1)(d).	Yes, if adopted after 5/5/97 - §1009.25(1)(d).
Eligible for Post Secondary Educational Support Services	Yes, if the child spent at least 6 months (of the 12 months) immediately preceding the guardianship in foster care. §409.1451(2)(a)1.	No.	No.	Yes. If the child spent at least 6 months (of the 12 months) immediately preceding the adoption in foster care. §409.1451(2)(a)1.
Eligible for Extended Foster Care	No.	No.	No.	No.
After Care Support Services	No per rule 65C-42.003 (1)(a). For students eligible for PESS the rule's limit contravenes 409.1451(3) which has no such limitation.	No.	No.	No per rule 65C-42.003 (1)(a). For students eligible for PESS the rule's limit contravenes 409.1451(3) which has no such limitation.
Keys to Independence	Only if the child was enrolled prior to guardianship, then will continue for 6 months.	Only if the child was enrolled prior to guardianship, then will continue for 6 months.	No.	Only if the child was enrolled prior to adoption, then will continue for 6 months.

1009.25(1)(c).

Florida's Children First: Placement Status / Independent Living Benefit Comparison Table

	Reunification with a parent	Emancipation
Who has Custody?	The parent has legal custody .	No one has custody.
Do Parents Retain Rights?	Yes.	No.
Where is the child placed?	With the parents.	Young person selects own housing.
Does DCF supervision and court jurisdiction continue?	DCF supervision ends when the court closes the case. The court has the option to retain or relinquish jurisdiction.	No.
How can this placement be changed?	Reunification is permanent and children can only be removed by opening a new case.	Emancipated children are free to choose their own living arrangement.
Financial support for caregivers?	DCF does <u>not</u> support. Financial support may come through Social Security or child support.	DCF does not support. The child is expected to support self.
Medical Assistance up to age 18	No, unless family is independently Medicaid eligible.	No, unless the child is independently Medicaid eligible.
Medical Assistance after age 18	No, unless the child is independently Medicaid eligible.	No, unless the child is independently Medicaid eligible.
Tuition & Fee exemption for Florida Schools	No.	Possibly: if adopted from care after 5/5/97 or is homeless. §1009.25 (1)(d).
Eligible for Post Secondary Educational Support Services	No.	No.
Eligible for Extended Foster Care	No.	No.
After Care Support Services	No.	No.
Keys to Independence	Only if the child was enrolled prior to reunification, then will continue for 6 months.	No.

This table was prepared by Florida's Children First based on work of the Community Law Program, and revisions by the University of Miami Children and Youth Law Clinic. It is intended to assist attorneys as a starting point for research. We do not warrant that it is complete or accurate and it is not intended to provide a legal opinion. Updated 8/2017.