



Florida's Recovery of Cost of Care from Foster Children "Master Trust"

Overview

When the state receives benefits intended for foster children, the money is placed into a "Master Trust" account to be used to meet both their current and their long-term needs. State law requires that children be provided notice of the state's intention to withdraw funds to pay for their cost of care - "a fee assessment." The amount assessed is the actual cost of care for that month – but DCF must leave a minimal personal allowance – at least \$15 a month or the minimum set by the Social Security Administration. That personal allowance accrues and cost of care cannot be deducted from it. The notice must be provided at least twice a year at the time of the judicial review. A quarterly accounting must be attached to the notice, though the child and others can request a full accounting at any time.

Children are to be notified of all expenditures from their account and must receive notice in writing of expenditures \$500 and over. Case managers are supposed to create an expenditure plan with the child's input. Children can apply for a waiver of the fee assessment, so that they can use more of the money themselves, by using [DCF Form 285e](#)

State law requires that the balance of the fund in the account be provided to the youth when they turn 18 or leave the custody of the Department of Children and Families prior to 18. Children who are placed with relatives and non-relatives are placed in the legal custody of those individuals and DCF will work with the caregiver and the Social Security Administration to make the caregiver the rep payee.

Advocates have been successful in recouping money for children in a variety of circumstances: when notice was not provided, when the cost of care was improperly deducted (e.g. child was incarcerated or on runaway and DCF was not paying cost of care; actual cost of care was lower than what was deducted.) Advocates report that requests for waiver of assessments are granted except in situations where the request fails to specify what the money is needed for.

Statutes

[Florida Statute §402.33](#)

This section of the law requires DCF to assess fees for services it provides. It is not specific to child welfare. The law permits DCF to apply for benefits and act as the representative payee. It permits DCF to use benefits received to pay the assessed fees. But it requires that DCF provide for incidental personal expenses. It also requires DCF to provide a procedure for clients to request a review of assessed fees and requires notice of right to appeal a denial of a reduction or waiver of fees.

[Florida Statute §402.17](#)

This section of law authorizes the creation of a trust fund to administer and act as a fiduciary for clients of the department. This law requires the department to act in both the current and long-term interests of the clients.

For purposes of this paragraph, "current needs" includes payment of fees assessed under s. 402.33. The amount of money withdrawn shall take into account the need of the department or agency, as the trustee of a client's money and property, to provide for the long-term needs of a client, including, but not limited to, ensuring that a client under the age of 18 will have sufficient financial resources available to be able to function as an adult upon reaching the age of 18, meeting the special needs of a client who has a disability and whose special needs cannot otherwise be met by any form of public assistance or family resources, or maintaining the client's eligibility for public assistance, including medical assistance, under state or federal law.

Fla. Stat. §402.17(2)(c)

Florida Administrative Code 65C-17

[65C-17.002 Definitions](#)

[65C-17.003 Planning and Budgeting Functions](#)

[65C-17.004 Criteria](#)

[65C-17.005 Fee Waiver and Change in Allowance Procedures](#)

[65C-17.006 Department Caseworker and Legal Responsibilities](#)

Forms

Notice of Fee Assessment & Rights of Foster Child: [DCF Form 285D](#)

Application for Review of Assessed Fee: [DCF Form 285e](#)

Master Trust Expenditure Plan: [DCF Form 5312](#)

Operating Procedure

Master Trust for Benefit of Family Safety Program Clients – [CF-OP 175-59](#)

Dependency Court Bench Book – Office of State Court Administrator

[General Legal Issues: Master Trusts.](#)

Statewide Resource Page on Master Trust

DCF has a page dedicated to Master Trust materials.

<https://www.myflfamilies.com/kids/services/master-trust>

Know Your Rights: Money

Youth can read more about their rights to money while in foster care in Florida Children's First's [booklet](#).