

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

	For Open Dependency Cases				Permanent Guardianship entered b/w 16 & 18	Permanent Guardianship entered before age 16
	Licensed Care	Relative Caregiver Program	Non-Relative Caregiver Program	Relative / Non-Relative NOT in the Relative Caregiver Program		
Who has Custody?	The state has legal custody for levels 2 - 5, but the caregiver has legal custody under the protective supervision of the state for level 1.	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.	Caregivers have legal custody.	Caregivers have legal custody.
Do Parents Retain Rights?	Yes, unless parental rights have been terminated.	Yes, unless parental rights have been terminated.	Yes, unless parental rights have been terminated.	Yes, unless parental rights have been terminated.	Yes, unless parental rights have been terminated.	Yes, unless parental rights have been terminated.
Where is the child placed?	In foster home or other licensed facility.	With the court-ordered relative.	With the court-ordered custodian.	With the court-ordered relative or custodian.	With the court-ordered permanent guardian.	With the court-ordered permanent guardian.
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.	DCF supervision ends, but court jurisdiction continues. No further hearings are scheduled.	DCF supervision ends, but court jurisdiction continues. No further hearings are scheduled.
How can this placement be changed?	DCF or any interested person may seek a court order to change a child's placement. §39.522(3).*	DCF or any interested person may seek a court order to change a child's placement. §39.522(3).*	DCF or any interested person may seek a court order to change a child's placement. §39.522(3).*	DCF or any interested person may seek a court order to change a child's placement. §39.522(3).*	The parent or guardian may seek a court order to dissolve the guardianship and reopen the case under §39.621. The Department, the child or the GAL may also file a motion to re-open, dissolve, PG, and modify placement due to placement breakdown or child safety.	The parent or guardian may seek a court order to dissolve the guardianship and reopen the case under §39.621. The Department, the child or the GAL may also file a motion to re-open, dissolve, PG, and modify placement due to placement breakdown or child safety.
Financial support for caregivers?	All levels of licensure receive a Foster Care Room and Board payment. The Foster Care Room and Board rates are set by §409.145(4) with annual cost of living increases for levels 2-5. Level 1 payment is presumptively \$333 a month 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, per §39.5085, unless the child receives Social Security benefits, or the parents live in the home with the child.	DCF supports through state funds, per §39.5085, unless the child receives Social Security benefits, or the parents live in the home with the child.	DCF does not support. Financial support may come through Social Security benefits or child support. May be eligible for cash assistance through TANF.	Not guaranteed. Possible sources: Social Security benefits, child support, relative or nonrelative caregiver payments per §39.5085, or cash assistance.	Not guaranteed. Possible sources: Social Security benefits, child support, relative or nonrelative caregiver payments per §39.5085 or cash assistance.
Medical Insurance or Coverage for Medical Expenses up to age 18.	Medicaid. CBCs pay for medical expenses of children not eligible for Medicaid.	Medicaid. CBCs pay for medical expenses of children not eligible for Medicaid.	Medicaid. CBCs pay for medical expenses of children not eligible for Medicaid.	Medicaid. CBCs pay for medical expenses of children not eligible for Medicaid.	Medicaid - Guardian must complete application for Medicaid to continue.	Medicaid - Guardian must complete application for Medicaid to continue.
Medical Insurance or Medical Coverage after age 18	If young adult turned 18 while in out-of-home care, Medicaid eligibility continues to age 26 under the Affordable Care Act.	If young adult turned 18 while in out-of-home care, Medicaid eligibility continues to age 26 under the Affordable Care Act.	If young adult turned 18 while in out-of-home care, Medicaid eligibility continues to age 26 under the Affordable Care Act.	If young adult turned 18 while in out-of-home care, Medicaid eligibility continues to age 26 under the Affordable Care Act.	Medicaid eligibility continues to age 21, if eligible for IL benefits which includes youth placed into guardianship after 16 if they had 6 months in licensed care in the 12 months prior to the placement in guardianship. §409.903(4)(a) and §409.1451(2)(a)1.	No, unless the young adult is independently Medicaid eligible.
Tuition & Fee exemption for Florida Schools	Yes-. Note, students under age 18 are eligible to use the tuition and fee exemption, §1009.25(1)(c)	Yes. §1009.25(1)(d)	Yes. §1009.25(1)(d)	No.	Yes, if the child spent 6 months after age 16 in DCF custody. §1009.25(1)(c).	No.

*Effective October 1, 2021

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 & others as a starting point for research.

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Eligible for Extension of Guardianship Assistance Program	No.	No.	No.	No.	No.	No.	
Eligible for Extension of Maintenance Adoption Subsidy	No.	No.	No.	No.	No.	No.	
Eligible for Post- Secondary Educational Support Services (funding: ETV, Chafee)	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.	Yes. If the child spent at least 6 months (of the 12 months) immediately preceding closing out Permanent Guardianship. §409.1451(2)(a)1.	No.	
Eligible for Extended Foster Care (funding Title IV-E, General Revenue)	Yes.	No.	No.	No.	No.	No.	
Eligible for After Care Support Services (funding: Chafee)	No. However, young adults who are in EFC and receive PESS are eligible for emergency funds only. §409.1451(3)	No.	No.	No.	No per rule 65C-42.003 (1)(a). However, students who receive PESS are eligible for emergency funds. §409.1451(3).	No.	
Keys to Independence	Yes. Eligibility continues while the young adult is in Extended Foster Care or receiving PESS. Otherwise, it ends six months after the young adult turns 18. §409.1454 (4)*	Yes.	Yes.	Yes.	Yes if either the youth was enrolled prior to guardianship, then will continue for 6 months; or if the youth is receiving PESS. §409.1454 (4)*	Only if the child was enrolled prior to guardianship, then will continue for 6 months.	

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	Guardianship Assistance Program (GAP) prior to age 16	Guardianship Assistance Program (GAP) after age 16	Extension of Guardianship Assistance Program after 18, if opted in at 16 or 17 on the Guardianship Assistance Agreement	Adoption prior to age 16	Adoption after age 16	Extended Maintenance Adoption Subsidy (EMAS) after 18, if opted in at 16 or 17 on the Adoption Assistance Agreement	Reunification with a parent	Emancipation
Who has Custody?	Caregivers have legal custody	Caregivers have legal custody	N/A. Child is over 18,	Adoptive Parents have legal custody.	Adoptive Parents have legal custody	N/A. Child is over 18	The parent has legal custody.	No one has custody. N/A.
Do Parents Retain Rights?	Yes, unless parental rights have previously been terminated.	Yes, unless parental rights have previously been terminated.	N/A Child is over 18.	No, adoptive parents have full parental rights.	No, adoptive parents have full parental rights.	N/A. Child is over 18	Yes.	N/A. No.
Where is the child placed?	With the court-ordered permanent guardian.	With the court-ordered permanent guardian.	N/A. Child is over 18	With the adoptive parents or in a placement chosen by the adoptive parents.	With the adoptive parents or in a placement chosen by the adoptive parents.	N/A. Child is over 18	With the parents or in a placement chosen by the parents..	N/A.
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.	No.	No.	DCF supervision ends when the court closes the case. The court must keep the case open so long as there is an open safety plan, and otherwise it may close the case after six months	No.
How can the placement be changed?	The parent or guardian may seek a court order to dissolve the guardianship and reopen the case under §39.621. The Department or the child may also file a motion to re-open, dissolve PG, and modify placement due to placement breakdown or child safety.	The parent or guardian may seek a court order to dissolve the guardianship and reopen the case under §39.621. The Department or the child may also file a motion to re-open, dissolve PG, and modify placement due to placement breakdown or child safety.	N/A. Child is over 18.	Adoptions are permanent and children can only be removed through a voluntary or involuntary change in placement.	Adoptions are permanent and children can only be removed through a voluntary or involuntary change in placement.	N/A. Child is over 18.	Reunification with parent includes six-month postplacement supervision prior to closure. A child can be removed at any time for child safety.	Emancipated children are free to choose their own living arrangement.
Financial support for caregivers?	Yes, caregivers receive a minimum of \$333 a month guardianship assistance payment until child's 18 th birthday.	Yes, caregivers receive a minimum of \$333 a month until child's 18 th birthday. The child may continue to receive Social Security benefits.	Yes, caregivers receive a minimum of \$333 a month until young adult's 21 st birthday. The child may continue to receive Social Security benefits.	DCF may provide maintenance adoption subsidy payments until age 18. The child may continue to receive Social Security benefits.	DCF may provide maintenance adoption subsidy payments until age 18. The child may continue to receive Social Security benefits.	DCF to continue to provide adoption subsidy until age 21.	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 Insurance or Coverage for Medical Expenses up to age 18	Medicaid continues to age 18 if citizenship criteria is met. §39.6225 and §409.903(4)(c)	Medicaid continues to age 18 if citizenship criteria is met. §39.6225 and §409.903(4)(c)	N/A	Medicaid continues to age 18. §409.903(4)	Medicaid continues to age 18. §409.903(4)	N/A	No, unless child is independently Medicaid eligible.	No, unless the child is independently Medicaid eligible.

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Medical Insurance or Medical Coverage after age 18	No, unless the young adult is independently Medicaid eligible.	No, unless young adult is independently Medicaid eligible.	Medicaid continues to age 21 if citizenship criteria is met. §39.6225(8) and (9) and §409.903(4)(c)	No, unless the young adult is independently Medicaid eligible.	Medicaid eligibility continues to age 21 for youth adopted after 16 if they had 6 months in licensed care in the 12 months prior to the adoption. § 409.903(4)(a) and §409.1451(2)(a)1.	Medicaid eligibility continues to age 21. §409.166(4)(d), and §409.903(4)	No, unless the young adult is independently Medicaid eligible.	No, unless the young adult is independently Medicaid eligible.
Tuition & Fee exemption for Florida Schools	Yes. §1009.25(1)(d).	Yes. §1009.25(1)(d).	Yes. §1009.25(1)(d).	Yes, if adopted after 5/5/97 - §1009.25(1)(d).	Yes, if adopted after 5/5/97. §1009.25(1)(d).	Yes. §1009.25(1)(d).	No.	Possibly: if adopted from care after 5/5/97 or is homeless. §1009.25 (1)(d) and (f).
Eligible for Extension of Guardianship Assistance Program	No.	Yes, if meets requirements of GAP and GAA signed after the youth turn 16. §39.6225 (9).	Yes. §39.6225 (9).	No.	No.	No	No.	No.
Eligible for Extension of Maintenance Adoption Subsidy	No.	No.	No.	No.	Yes, if the initial adoption assistance agreement was signed by the adoptive parents when the child was 16 or 17 years old. §409.166(4)(d),	Yes. §409.166(4)(d),	No.	No.
Eligible for Post-Secondary Educational Support Services (funding: ETV, Chafee)	No.	Yes. §409.1451(2)(a). But siblings who are added to a GAP and did not have 6 months in licensed care will not be eligible.	No. The child cannot be in EGAP and PESS. Youth who opt out of EGAP are eligible for PESS §39.6225(5)(a).	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.	No. The child cannot be in EMAS and PESS. Youth who opt out of EMAS can go on PESS if they spent at least 6 months (of the 12 months) immediately preceding the adoption in foster care. §409.166(4)(e).	No.	No.
Eligible for Extended Foster Care (funding Title IV-E, General Revenue)	No.	No.	No.	No.	No.	No.	No.	No.
Eligible for After Care Support Services (funding: Chafee)	No.	No. Per rule 65C-42.003 (1)(a). Except that students receiving PESS are eligible for emergency funds. §409.1451(3).	No.	No.	No per rule 65C-42.003 (1)(a). Except that students receiving PESS are eligible for emergency funds. §409.1451(3).	No.	No.	No.
Keys to Independence	Only if the child was enrolled prior to guardianship, then will continue for 6 months after the guardianship. §409.1454(4).	Yes if either the youth was enrolled prior to guardianship, then will continue for 6 months; or if the youth is receiving PESS. §409.1454 (4)*	Only if the child was enrolled prior to guardianship, then will continue for 6 months after the guardianship. §409.1454(4).	Only if the child was enrolled prior to adoption, then will continue for 6 months after the adoption. §409.1454(4).	Yes, if either the youth was enrolled prior to adoption, then will continue for 6 months; or if the youth is receiving PESS. §409.1454 (4)*	Only if the child was enrolled prior to adoption, then will continue for 6 months after the adoption. §409.1454(4).	Only if the child was enrolled prior to reunification, then will continue for 6 months after reunification. §409.1454(4).	No.

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