

**MAINTAINING A BUDGET PLAN AS ANOTHER ADVOCACY TOOL FOR CBCs**

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Community Law Program  
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**WHAT IS THE MASTER TRUST?**

- Legal Document
- Grants DCF authority to create accounts for the children in its custody
- Managed by the CBC
- Separate accounting for each child

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**SHOW ME THE MONEY!**  
SOURCES OF INCOME FOR A CHILD IN CARE

- Public Benefits
  - Based on the child's disability
    - Supplemental Security Income
  - Based on the parents/grandparents work history
    - Survivor
    - Disability
    - Retirement
    - Railroad Workers
- Legal Settlements
- Inheritance
- Child Support

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10 SHOW ME THE MONEY



Where does the money come from?

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11 WHY IS IT IMPORTANT TO KNOW WHAT YOU OBTAIN FROM THE CHILDREN?

- ⓐ Asset limit for SSI
  - ⓐ \$2000.00
  - ⓐ Stop benefits
  - ⓐ Overpayment
- ⓐ Asset limits for other programs

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12 THE DEPARTMENT'S RESPONSIBILITIES

- ⓐ Hold the money in trust
- ⓐ Act in accordance with usual fiduciary standards
- ⓐ Protect short-term and long-term interests
- ⓐ And...

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**THE DEPARTMENT'S RESPONSIBILITIES**

- ⊗ Pay the cost of care from the child's benefits

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**BUT YOU JUST SAID...**



Protect short-term and long-term interests!

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**WHY ARE THE CHILD'S BENEFITS USED TO PAY FOR...**



Cost of Care = Foster Care Board Rate

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**10** USING A CHILD'S BENEFITS TO PAY FOR THE COST OF CARE

- Ⓢ Authorized by statute
- Ⓢ Keffeler

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**10** USING A CHILD'S BENEFITS TO PAY FOR THE COST OF CARE

- Ⓢ Authorized by statute  
(Florida Statutes, Sec. 402.33)
- Ⓢ Keffeler  
(537 U.S. 371 (2003))

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**10** COST OF CARE DO ADVOCATES AGREE?

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**10** **DUE PROCESS RIGHTS**

**NOTICE = TELL ME WHAT IS HAPPENING.**

**DUE PROCESS = TELL ME WHAT CAN I DO IF I DO NOT ACREE WITH WHAT IS HAPPENING.**

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**10** **DUE PROCESS RIGHTS**

**NOTICE**

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**10** **DUE PROCESS RIGHTS**

**DUE PROCESS**

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**NOTICE OF WHAT?**

- Ⓢ An account has been established
- Ⓢ Fee assessment & fee waiver rights...
- Ⓢ Accounting
- Ⓢ Large expenditures

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**AN ACCOUNT HAS BEEN ESTABLISHED**

**Notarized Designation of Client Money and Property**  
Form CF-FSP 5222

**Hey You!**

You have some money or property and we are setting up an account for your benefit pursuant to the Master Trust.

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**FEE ASSESSMENT & RIGHT TO REQUEST A FEE WAIVER**

**Notice of Fee Assessment and Rights of Foster Child**  
Form CF285D

**Hey You!**

We are the rep payee for your benefits  
 You get \$100.00 each month in this type of benefits  
 We take \$70 each month to pay for your cost of care.  
 We save \$30.00 each month and put that into your trust account  
 You can ask us not to take the \$70.00 by filling out a special form

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- ⊙ What?
- ⊙ Who?
- ⊙ How?
- ⊙ Why?

Florida Statutes, Sec. 402.17

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**What? Florida Admin. Code 65C-17.005**

- Notice of Fee Assessment and Rights of Foster Child
  - Each and every Judicial Review
    - Child, GAL, child's attorney, parents, foster parents and case manager
    - Filed with the court

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**Who? Florida Admin. Code 65C-17.005**

To: DFWRC/DFWC/FWC  
 ○ DCF & CBC folks

From: Anyone can request on the child's behalf

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**THE MECHANICS OF PERMANENCY WAIVERS**

How? Florida Admin. Code 65C-17.004 & 17.005(3)-(5)

- ✓ Submit a request
- ✓ Participate in the review
- ✓ Recommendation within 30 days of request
- ✓ Notice of decision within 10 days of recommendation
- ✓ Consider an administrative appeal if denied

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**THE MECHANICS OF PERMANENCY WAIVERS**

Why? Florida Admin. Code 65C-17.005

Prepare for IL	Clothing
Educational/vocational goals	Uniforms
Specialized training, classes & equipment	Trips
Physical therapy	Furniture
Tutoring	Car
Visual aids	Bus passes
Specially adapted computers/wheelchairs	What else would help the child thrive or obtain permanency?

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**Introducing...**

Johnny Cash  
Anita Little  
Ivana Seymour

**THE CHILDREN & YOUTH**

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 **DISBURSEMENT OF FUNDS**

Florida Statute, Sec. 402.17

- > **Under age 18**
  - > Permanency
  - > Funds returned to SSA
- > **At age 18**
  - > Is there a need for a rep. payee? Something else?
- > **Court order**
  - > Timely submitted to ECA folks

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**QUESTIONS?**

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