



CESAR A. PERALES  
 Commissioner

[An Administrative Directive is a written communication to local Social Services Districts providing directions to be followed in the administration of public assistance and care programs.]

**ADMINISTRATIVE DIRECTIVE**

TRANSMITTAL NO.: 85 ADM-22  
 [Family & Children Services]

TO: Commissioners of Social Service

SUBJECT: Interstate Compact on the Placement of Children

DATE: May 31, 1985

SUGGESTED DISTRIBUTION:  
 Child Welfare Executives and Supervisory Staff  
 Child Caring Institutions  
 Child Placement Agencies  
 Family Court Judges  
 Surrogate Court Judges

CONTACT PERSON: Any questions concerning this release should be directed to Ric Reo, Interstate Compact Coordinator, Division of Services, 1-800-342-3715, extension 4-9570.

**I. PURPOSE**

The purpose of this release is to explain when and how the Interstate Compact network is to be used for placement of children between states. All staff who provide services to children and families, and their supervisors, should be familiar with the Interstate Compact on the Placement of Children (Section 374-a of the Social Services Law). Every effort should be made to explore the possibility for placement of a child in another state when there is reason to believe that such a placement will be in the child's best interest. Such consideration is appropriate when the service plan for a child is developed or revised. Staff with children's services responsibilities should have a knowledge of the steps which should be followed when there is a possibility of a child being placed in another state. They should have an understanding of their respective roles both as a sending agency and as a receiving agency. Section IV of this Letter details these functions and may be used as a guide by casework staff. The Interstate Compact staff in the State Department of Social Services are also prepared to respond to specific questions regarding the applicability of the Compact in various circumstances and to assist in obtaining approval for placement from Compact staff of other states. A copy of the Interstate Compact may be found in Appendix A of this Directive.

**FILING REFERENCES**

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
74 ADM-143 77 ADM-132	74 ADM-143 77 ADM-132		SSL 371.10(c) 374-a 382		

DSS-296 ( 8/82)

## II. BACKGROUND

In 1960, New York became the first state to enact Interstate Compact legislation. Forty-seven states and the Virgin Islands are members of the Compact at this time. Only Hawaii, Nevada and New Jersey are not members. Before making a placement in a non-Compact state (or the District of Columbia or Puerto Rico which are also not members), staff of local districts and voluntary agencies should follow the same procedures as those utilized in Compact state placements. While the use of Compact procedures is not legally binding in these instances, their use does insure that appropriate services will be provided. (Agencies in New York State which seek to place children in facilities in other states must also comply with Social Services Law 398.6(g) which requires that such placements be made in authorized agencies.)

The Interstate Compact was conceived and developed with a recognition that large numbers of children can benefit from out-of-state services and resources. The Compact establishes responsibilities for agencies in the "sending" and "receiving" states, and requires that the child be placed only after the designated Compact authorities in the receiving state have approved the placement. Such approval is given after these authorities have reviewed background information on the child and a report on the proposed home or facility for the child. Compact procedures also call for the receiving state to provide supervisory services and to assist in obtaining other kinds of services from community agencies, if these are needed. These procedures must be followed in order to prevent a child from being placed in a setting which is either not suitable, or which will not make available the supportive services which he or she needs.

Interstate Compact Law is uniform and reciprocal legislation which requires the sending party in each placement to retain jurisdiction over the child as well as financial responsibility for the period of time that the Compact agreement is in place. Form ICPC 100-A (Request to Place Child) establishes that responsibility and should accompany every request for a home evaluation by an agency in another state except for instances where the sending agency or court will not have custody or responsibility for the child after he or she leaves the State. The latter instance may arise in cases where a child has been in foster care on a voluntary agreement and the child is to be sent to live with a parent in another state. In cases where the sending agency will not retain jurisdiction, an ICPC 100-A should not accompany the request for a home evaluation if such a request is sent to the Compact office. A cover letter explaining the nature of the placement as well as any responsibility that the sending agency can or will retain, should accompany the request.

## III. PROGRAM IMPLICATION

Whenever the transfer of a child to or from another state is contemplated, agencies or individuals involved in such a transfer should be aware of the Interstate Compact and take the prescribed steps to assure compliance with the law. The steps are outlined in the Required Action section of this Directive.

This Directive also contains specific information regarding adoptive placements into New York State as well as a section on institutional and group placements into and out of New York State. These sections are found in appendix C and D.

## Definitions

- a. "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.
- b. "Sending Agency" means a party state, officer or employee thereof; a subdivision of a party state or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.
- c. "Receiving State" means the state to which a child is sent, brought or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.
- d. "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility. It should be noted, however, that as long as a facility is licensed by a state as a child-caring agency or institution, it is subject to the compact, even though children accepted may also be mentally ill, mentally retarded, or epileptic.

## IV. REQUIRED ACTION

The Interstate Compact procedures must be adhered to in the following instances:

1. A child is to be placed in a pre-adoptive home in another state. (This applies to private adoptive placements as well as those in which public or private agencies are involved.)
2. A child in placement in a foster family home or pre-adoptive home moves with the foster family or pre-adoptive family to another state. (The Compact is applicable here because while the foster/adoptive parent may have physical custody the child is still under the legal custody of the authorized agency.)
3. A child is to be placed in a foster family home in another state. (The foster home must be certified by an agency in the other state).
4. A child is to be placed in another state with non-relatives, a non-agency guardian or relatives other than his or her parents, step parents, grandparents, adult brothers or sisters, or adult aunts or uncles. (Such a placement is subject to Compact approval even if made by parent, step parent, brother sister, aunt, uncle, or legal guardian. The home must also be certified as a foster home by an agency in the other state whether or not foster care payments are to be made.)
5. A child is in the custody of an agency through a court commitment and is to be placed in the home of a parent or relative in another state, or moves with a parent or relative to another state.

6. A child is to be placed in another state in a child-care group home or institution or another group facility which is not primarily educational, a hospital or a facility for the mentally ill or mentally retarded.
7. A child who is an adjudicated juvenile delinquent is to be placed in an institution in another state.

The Interstate Compact on the Placement of Children does not apply when:

1. A child is sent or brought into a receiving state by his parent, step-parent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and left with any such relative or non-agency guardian in the receiving state.
2. A child is brought into a receiving state pursuant to any other interstate compact to which both the state from which sent or brought, and the receiving state are party, or to any other agreement between said states which has the force of law.
3. A court or social services agency does not maintain any legal custody over a child in a private custody matter between parents or guardians who reside in different states. (Requests for home studies in such cases should not be sent through the Interstate Compact Office.)
4. A child is sent or brought into New York State by a parent, guardian or other person legally responsible and is abused or maltreated in New York State. (Such matters should be referred by phone or letter to the Communications Control Unit of the New York State Central Registry at 40 North Pearl Street, Albany, New York 12243. The number in New York State is 1-800-342-3720 or 1-518-342-3720 from outside the State.)

### Placement Procedures

#### 1. Administration

The Interstate Compact on the Placement of Children is administered by the New York State Department of Social Services. A local district, agency or individual who wants to place a child outside of New York pursuant to the Compact should send necessary forms and background material on the case to:

Peter C. Winkler, Deputy Compact Administrator  
Interstate Compact  
New York State Department of Social Services  
40 North Pearl Street  
Albany, New York 12243

#### 2. Forms and Background Information

The necessary forms and background information include the following:

- a. A cover letter prepared in triplicate which gives the basic identifying information - The letter should provide the name, address and tele-

phone number of the individuals whose home is to be studied and evaluated. There should be an explanation of whether the child to be placed has previously visited or had contact with those who are to be studied. There should be an explanation of any interest they have expressed in caring for this child on a full-time basis.

The letter should provide information on the child including his or her present residence and length of stay there. Any special needs or problems of the child should also be highlighted. The cover letter need not repeat information provided in the accompanying background summary on the child.

(It is understood that in certain instances, some of the above information need not or cannot be supplied. If a pre-adoptive placement is to be made, the home may have already been studied and if possible, a copy of this home study should be supplied. The cover letter should refer to the study and include the name of the author and its completion date).

- b. Three copies of pertinent background information on the child - While it is understood that the information available on the child will depend in part on the amount of time he or she has been known to the agency, it is important to provide enough information to allow the worker who conducts the homestudy to understand the strengths, weaknesses, and/or special needs of the child to be placed. It is especially important to note significant problems that the child might have. The background information should normally include data on health, education and social adjustment. Copies of diagnostic reports on the child should also be included. Appendix B of this Letter contains ICPC-101 which is a suggested outline for child's summary.
- c. Five copies of Form ICPC 100-A for the child to be placed - This form should be sent at the time a homestudy is requested. The receiving state may refuse to provide a homestudy without this form. A copy of the ICPC 100-A and instruction and information for its completion is included in Appendix B.

It should be noted that the ICPC 100-A indicates that the sending agency or court will retain responsibility for the child after the child is placed in the receiving state. If the sending agency or court will not retain responsibility, the ICPC 100-A should not accompany the request for a home study.

- d. Three copies of foster home study or pre-adoptive home information - This applies to cases where a placement is to be made (or continued) with a family which has already cared for the child in the sending state.
- e. Three copies of the most recent court order which indicates the agency having custody for the child - As has been indicated previously, if a child was placed in foster care on a voluntary basis and is to be

returned to the custody of a parent in another state, this should be indicated in the cover letter and a court order need not accompany the request.

3. Responsibility of Sending State Interstate Compact Administrator

This office is responsible for reviewing placement requests, signing the ICPC 100-A Forms as the sending Compact state, and forwarding this material to the Interstate Compact Office in the receiving state. Copies of materials forwarded are retained in order to more easily respond to questions which may arise. This office is responsible for follow-up in the following areas:

- a. Obtaining a response (approval or disapproval of a placement) on Form ICPC 100-A from the receiving state.
- b. Obtaining supervisory services and periodic reports from the receiving state if the placement is approved.
- c. Facilitating communication when a placement disrupts or when assistance or information is needed by the sending agency or receiving state.

4. Responsibilities of the Sending Agency

- a. The Interstate Compact is to be utilized in every case in which a child is to be placed into another state, but custody is to be retained by a court or agency in the sending state. In some instances the receiving state may allow the sending agency to supervise the child's placement in the receiving state, but such permission does not preclude the necessity of using the Compact before the child is placed.
- b. The agency in the sending state with financial responsibility for the child continues to have this responsibility after the child is placed with the receiving state. This financial responsibility may or may not involve the sending agency actually providing for the financial needs of the child. In some cases, those caring for the child may not require financial assistance. However, in cases where they do, the sending agency must contribute to the financial assistance of the child. In such instances, the sending agency may have to make foster care payments to the relative or foster family in the receiving state. In these cases, the home must be certified as a foster home by an agency in the receiving state.
- c. The agency in the sending state with planning responsibilities also retains the responsibility for the final decision in matters effecting the overall placement plans. (The supervising agency in the receiving state acts as the agent for the sending agency). However, the receiving state has the requisite jurisdiction to deal with an act of delinquency or a crime if committed in the receiving state.

- d. Normally, placement should not be made until consent is obtained from the Interstate Compact Unit of the receiving state. (This might not be practical in certain instances such as the relocation of foster parents who are already caring for a child). A copy of Form ICPC 100-A, signed by the Compact Administrator of the sending state and approved and signed by the receiving state Administrator, is the formal authorization to place a child in the other state. (In some instances, "verbal approval" may be given by the sending and receiving administrators. This "verbal approval" is given only after the receiving Administrator has reviewed the home evaluation completed by the receiving agency).

If an agency does not receive a reply to a placement request within six to eight weeks, the office of the sending compact administrator should be contacted. The sending compact administrator will contact staff in the receiving state to determine the reason for delay in the response.

- e. If a child is transported to another state without the knowledge of the agency having custody, or if a child who has previously resided with a foster or pre-adoptive family in the sending state has been allowed to move with the family to another state, the sending Compact Administrator must be notified immediately and the previously explained placement procedure shall be implemented shortly thereafter.
- f. When a local agency is considering placement of a child in another state, the person or persons with whom the child might be placed may be contacted directly to obtain an initial impression of their interest in, and capability for caring for the child. In some cases, a visit by the child may be arranged in order to further assess the potential for a stable placement on a more permanent basis. (Such a visit should generally be no longer than a month and should not include enrollment of a child in a school program where he or she is visiting). These steps do not require the involvement of the Interstate Compact Administrators. However, it is advisable to alert the local agency in the other state to the visit through correspondence sent through the Compact offices.

The initial contact by the sending agency and/or visit by a child to the home, can provide strong supporting arguments for the approval of the Compact placement by the receiving state Administrator. Moreover, unnecessary contacts or visits by the local agency in the receiving state will be avoided in those instances where it is determined that the persons to be evaluated are unwilling or unable to accept the child for placement.

If a home study of a family in another state is desired, the sending agency should follow the placement procedures previously outlined in this Letter. Direct contact with the Compact office or agency staff in the receiving state is not advisable without the recommendation of the sending state Compact Administrator.

- g. If the child is being placed into a foster home situation, the receiving agency must license or certify the home and do so by following its usual foster home certification procedures. Financial payments are to be supplied by the sending agency. The rate of both board and clothing payments to the foster parents should be the same rate paid within the district from which the child is placed. Medical costs are reimbursed in the same manner as are costs for in state placements. The provider must be enrolled in the New York medicaid program in order to obtain New York medicaid reimbursement.

The foster home is also subject to the requirements of the receiving state. If a child is to be placed with a relative and that relative is to receive foster care payments, foster care certification is also required. A sending agency must not make foster care payments unless the home is certified.

- h. If the placement is approved by the receiving State Compact Administrator, the sending agency still retains an option as to whether or not the placement should be made. This decision should be made carefully with thorough consideration of the child's situation, the long term plan for the child and the various resources available to the child.
- i. If a decision is made to utilize the out-of-state placement, the sending agency is responsible for arranging transportation. The placement should not be made until the ICPC 100-A has been signed and approved by the receiving state Compact Administrator. Once the placement is made, the sending agency should forward three copies of Form ICPC 100B to their Compact Administrator for forwarding to the receiving state to alert them to the need to initiate supervisory services. (In some instances, staff of the supervising agency in the receiving state may be aware of the placement, but these forms should still be forwarded in order to notify respective Compact Administrators that the placement has actually been made).
- j. Interstate Compact approval for placement of a child is given for a specific child to reside in a specific placement. A sending agency should submit a new ICPC 100-A if a new placement is planned (or made) within the receiving state or to another state and the receiving Compact Administrator has not yet approved this placement.
- k. Should the placement in another state disrupt, or if the Compact Administrator in the receiving state requests removal of the child based on the report of the supervising agency, the sending agency is responsible for arranging for the child's return to the sending state. If the child does return to the sending state, the out-of-state placement is no longer in effect, and the sending agency should forward ICPC 100B's to their Compact Administrator to indicate that the placement has been terminated and the Compact case may be closed.
- l. Supervisory reports should be requested by the sending agency by filling out the "Reports Requested" section of the ICPC 100-A. If these reports are not received according to the time frames stipulated

on the ICPC 100-A Form, the sending agency should request them again.

The initial supervisory report is of particular importance since it provides the first information regarding the child's adjustment in the new placement. The receipt of this report also provides acknowledgement that the receiving agency is providing supervisory services.

- m. Although the sending agency no longer directly supervises the child's placement, their responsibility for permanency planning continues. (This includes the responsibility to maintain a Uniform Case Record and to meet Utilization Review guidelines). The agency which supervises the placement may be asked to provide or refer the client to services or to transmit information, but the agency in the receiving state is not responsible for completing uniform case records or meeting utilization review requirements. This remains the responsibility of the sending agency.

If the child has living parents or guardians, and has not been placed with them, the sending agency should be actively working toward terminating their parental rights to the child, if this appropriate, or reuniting the child with them. The sending agency should keep the supervising agency informed of such plans as well as any significant events which occur to change plans.

- n. Reports and requests for reports should be sent through the Interstate Compact Office. This will enable Administrators to keep abreast of planning and will alert them to problems. Compact Administrators are frequently able to either provide guidance or can assist in resolving problems which arise.
- o. The ICPC 100B should be used to signal changes in the status of the Compact placement. Unless this notification is made, the respective Compact Administrators will not be alerted to the change and their cases may remain open even though the Interstate Compact arrangement is no longer in effect.

5. Responsibilities of the Local Agency in the Receiving State

- a. The local public social services agency in the receiving state normally provides the services requested by the sending agency. However, at the request of the sending agency, a licensed private agency in the receiving state may provide the services. In the latter case, the sending agency is also responsible for reimbursing for the costs of the services provided by the licensed private agency. If a New York agency requests adoption service from an authorized agency in another state, reimbursement may be claimed on Schedule G.
- b. If a representative of a court or social services agency in another state makes direct contact by phone or mail regarding a request for a home study of a person or family in the receiving state, that request

should be referred to the Interstate Compact Office if it appears that the prospective placement is covered by Section 374-a of the Social Services Law (the Interstate Compact on the Placement of Children).

Local agencies are urged not to respond directly to courts or agencies in another state in Compact cases without notifying their Compact Administrator. Frequently, when such services are requested directly, the sending agency or court does not subsequently retain jurisdiction as required by the Interstate Compact. In other cases jurisdiction is retained, but the child is placed prior to receiving the approval of the receiving state's Compact Administrator.

In some cases an out of state agency or court may request services in a divorce/child custody matter or other situation which is not subject to the Interstate Compact. A local agency is not obligated to provide these services under the terms of Section 374-a.

- b. When a referral is made by the State Compact Office, the local agency should conduct a home evaluation and prepare a written report in triplicate. An outline for such a report is found in Appendix B. The report should discuss the desire and capability of the individuals who are to care for the child to adequately provide for his or her needs. There should be consideration of the strengths and weaknesses of the child and his or her potential for adjusting positively to this particular home and community situation. The home evaluation should include a recommendation for or against the particular placement. (The report and worker's recommendation will subsequently be reviewed by the receiving State Compact Administrator who makes a final decision on whether or not to approve the placement.)

The caseworker for the local agency should also inquire into the willingness and ability of the persons with whom the child is to be placed to financially support the child and to provide for his or her medical needs. Unless the child is being reunited with a parent, the sending state may be held responsible for the financial assistance. It is advisable to reach agreement on these arrangements prior to the placement of the child.

- c. If the child is being placed into a foster home situation, the local agency should follow its usual foster home certification procedures with financial payments to be supplied by the sending state. (If a New York agency certifies a foster home on behalf of a sending agency in another state, the home will be certified according to prescribed procedures. If the sending state has custody of the child, WMS/Services, SSRR and CCRS reporting are not required.)
- d. An agency which prepares a home study regarding an individual or family that might accept placement of a child through the Interstate Compact should not close their case after submitting a report to the Compact Administrator. Their case should be closed only if they receive a copy of the ICPC 100-A which indicates that the placement

has been disapproved. If the placement is approved by the Compact Administrator, the placement of the child normally will follow. Unless another agency is specifically named as the supervising agency on the ICPC 100-A, the local public agency in the receiving state must provide supervisory visits and reports after the placement is made. This supervisory period should continue as long as the sending agency retains custody of the child.

- e. The ICPC 100-A has a space where the sending agency notes the frequency of supervisory reports which are desired. The supervisory agency should try to meet this schedule, and a particular effort should be made to prepare an initial report on the child's adjustment within the time frame requested for supervisory reports. This report is particularly important since the most critical period of adjustment usually occurs during the initial months after the placement is made. It provides the sending agency with a description of the child's adjustment in the home, school and community.
- f. If the child does not adjust to the placement, staff of the supervising agency may advise that the child should be returned to the sending state. This information may be conveyed by telephone to the receiving state Compact Administrator who will relay the message to the sending state Administrator and ask that he or she inform their local agency staff. The supervising agency caseworker should prepare a report that outlines the problems and options available to the child. The receiving agency should not make a change in the placement (such as placing the child in temporary foster care) without the involvement of the sending state unless an emergency situation arises. The sending agency is financially responsible for such an alternative placement.
- g. If a placement disrupts, the agency in the sending state is responsible for the return of the child unless the supervisory agency makes another placement resource available which the sending agency agrees to utilize. The supervisory agency should obtain the assistance of their Compact Administrator if the sending agency does not make the arrangements for the return of the child within a reasonable period of time.
- h. The Interstate Compact case shall continue with the sending agency maintaining jurisdiction over the child until the child is adopted, reaches majority, becomes self-supporting or the case is discharged with the concurrence of the supervisory agency and the Compact Administrator in the receiving state. While the length of the supervisory period will vary according to the circumstances of the case, there should normally be a minimum supervisory period of at least six months. In cases where the sending state is making foster care payments, supervision and ongoing certification of the home is needed as long as the payments continue.

The sending agency should not terminate custody without giving some advance notice to the receiving state. In cases where continued

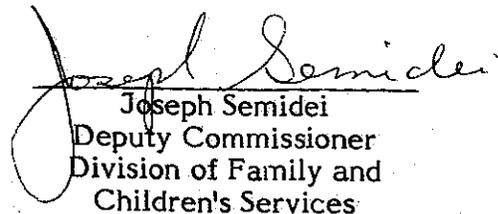
jurisdiction is not needed, the sending agency should request discharge in cases where the child has adjusted positively to the new placement. If there are any significant problems in the placement, the supervisory agency and the Compact Administrator in the receiving state have the option of not agreeing to termination until improvement occurs.

V. ADDITIONAL INFORMATION

- A. The American Public Welfare Association sponsors the Association of Administrators of the Interstate Compact on the Placement of Children. The staff of this Association, in conjunction with Compact Administrators from member states, prepares interpretative materials on the Interstate Compact. This material includes "Secretariat Opinions" which outline and discuss specific issues relating to the Compact and provide an opinion on how the law applies and the appropriate action to be taken by each party involved in the case. When differences of opinion arise in relation to a case involving the Interstate placement, the state Compact Administrator can often obtain clarification by consulting staff of this organization or by consulting the materials they have available which cover the issue.
- B. Children who are runaways and children who have been adjudicated as delinquent are governed by the Interstate Compact on Juveniles. (New York State Unconsolidated Laws, Chapter 74). This Compact is administered in New York State by the Division For Youth (coordinating return of runaways 518-473-4512) and the Division of Probation (interstate placement of probationers- 518-474-8212).
- C. A child suffering from mental illness or mental retardation may be served by the Interstate Compact on Mental Health (Section 67.07 of the Mental Hygiene Law) when a placement is being made between state mental health facilities in two member states. This Compact office may be reached by calling 518-474-8933. This Compact is administered by the New York State Office of Mental Health and applies to adults as well as children. In actual practice, the Interstate Compact on the Placement of Children is generally applied when children suffering from some degree of mental illness or retardation are to be placed.
- D. Forms for the Interstate Compact on the Placement of Children may be obtained by contacting the Department's Forms and Publications Section at 40 North Pearl Street, Albany, New York 12243.

VI. Effective Date

This Administrative Directive is effective upon receipt.

  
Joseph Semidei  
Deputy Commissioner  
Division of Family and  
Children's Services

## Appendices

- A. Legislation: Social Services Law 374-a  
Social Services Law 382  
Social Services Law 371.10(c)
- B. Forms: ICPC 100-A - Interstate Compact Application, Request to Place Child  
Instructions for Completion of ICPC 100-A  
ICPC 100B Interstate Compact, Report on Placement Status Change  
of Child  
Instructions for Completion of ICPC 100B  
ICPC-101 - Suggested Outline for Child's Summary  
ICPC-102 - Suggested Home Evaluation Outline
- C. Adoptive Placements Into and Out of New York State
- D. Institutional and Group Placements Into and Out of New York State

Appendix A  
Legislation

SOCIAL SERVICES LAW 374-a

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

ARTICLE I. PURPOSE AND POLICY

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

(a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

(c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made.

(d) Appropriate jurisdictional arrangements for the care of children will be promoted.

ARTICLE II. DEFINITIONS

As used in this compact:

(a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(b) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(d) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

ARTICLE III. CONDITIONS FOR PLACEMENT

(a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption,

the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

- (1) The name, date and place of birth of the child.
- (2) The identity and address or addresses of the parents or legal guardian.
- (3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.
- (4) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

#### ARTICLE IV. PENALTY FOR ILLEGAL PLACEMENT.

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state. Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

#### ARTICLE V. RETENTION OF JURISDICTION.

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to

prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a) hereof.

#### ARTICLE VI. INSTITUTIONAL CARE OF DELINQUENT CHILDREN

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact, but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

- (1) Equivalent facilities for the child are not available in the sending agency's jurisdiction; and
- (2) Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship.

#### ARTICLE VII. COMPACT ADMINISTRATOR

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact.

#### ARTICLE VIII. LIMITATIONS

This compact shall not apply to:

- (a) The sending or bringing of a child into a receiving state by his parent, step-parent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or non-agency guardian in the receiving state.
- (b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law.

#### ARTICLE IX. ENACTMENT AND WITHDRAWAL

This compact shall be open to joinder by any state, territory or possession of the United States, District of Columbia, the commonwealth of Puerto Rico, and, with the consent of congress, the government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal.

## ARTICLE X. CONSTRUCTION AND SEVERABILITY

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provisions of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

2. Any requirement of this state for a license, permit, or the posting of a bond to entitle an agency to place children shall not apply to a public sending agency (within the meaning of the interstate compact on the placement of children) of or in another state party to said compact.

3. Financial responsibility for any child placed pursuant to the provisions of the interstate compact for the placement of children shall be determined in accordance with the provisions of article five thereof in the first instance. However, in the event of partial or complete default of performance thereunder, the provisions of section three hundred eighty-two of this chapter with respect to such responsibility also may be invoked.

4. The "appropriate public authorities" as used in article three of the interstate compact on the placement of children shall, with reference to New York, mean the department of social services, except that, with respect to the placement of children "adjudicated delinquent", as that phrase is used in article six thereof, who are to be placed in a facility operated or supervised by the division for youth, shall mean the division for youth, and said department and division shall receive and act with reference to notices required by said article three.

5. As used in paragraph (a) of article five of the interstate compact on the placement of children, the phrase "appropriate authority in the receiving state" with reference to New York state shall mean the commissioner of social services of the social services district in which the child may be at the time of discharge, and, with respect to children "adjudicate delinquent", as that phrase is used in article six thereof, who are to be discharged from a facility operated or supervised by the division for youth, shall mean the division for youth.

6. The officers and agencies of this state and its subdivisions having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph (b) of article five of the interstate compact on the placement of children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or subdivision or agency thereof shall not be binding unless it has the approval in writing of the comptroller in the case of the state and of the chief local fiscal officer in the case of a subdivision of the state.

7. Any requirements for visitation, inspection or supervision of children, homes, institutions or other agencies in another party state which may apply under sections three hundred eighty-two, three hundred eighty-six or three hundred ninety-eight of this chapter shall be deemed to be met if performed pursuant to an agreement entered into by appropriate officers or agencies of this state or a subdivision thereof as contemplated by paragraph (b) or article five of the interstate compact on the placement of children.

8. Neither the prohibition of, nor the limitations on out of state placement of children contained in sections three hundred seventy-four and three hundred ninety-eight of this chapter shall apply to placements made pursuant to the interstate compact on the placement of children.

9. Any court having jurisdiction to place delinquent children may place such a child in an institution of or in another state pursuant to article six of the interstate compact on the placement of children and shall retain jurisdiction as provided in article five thereof.

10. As used in article seven of the interstate compact on the placement of children, the term "executive head" means the governor. The governor is hereby authorized to appoint a compact administrator in accordance with the terms of said article seven.

## SOCIAL SERVICES LAW 382

### Responsibility for children without state residence; license and board.

1. Any person, institution, corporation or agency which shall bring, or cause to be brought, into the state of New York any child not having a state residence, or which shall receive or accept any child from outside of the state of New York, not having state residence, shall be responsible for the care and maintenance of such child whether placed out, boarded out or otherwise cared for unless adopted by foster parents. Such responsibility shall continue during the minority of such child and thereafter until he is self-supporting.

2.(a) It shall be unlawful for any person, agency, association, corporation, society, institution or other organization, except an authorized agency, to bring, send or cause to be brought or sent into the state of New York any child for the purpose of placing or boarding such child or procuring the placing of such child by adoption, guardianship, or otherwise, in a family, a home or institution, except with an authorized agency, in this state, without first obtaining a license from the department.

(b) This subdivision shall not apply to a sending agency, as defined in article two of section three hundred seventy-four-a of this title, which is located in a state which is a party to the interstate compact on the placement of children provided, however, that all persons who reside in such a state, except officers or employees of the state or a subdivision thereof who are acting in their official capacity, shall comply with the provisions of this section.

(c) This section shall not apply to and shall not restrict or limit the right of a parent, legal guardian, or relative within the second degree of a child from bringing or sending the child or causing the child to be brought or sent, into the state of New York for the purpose of placing out or boarding out the child.

3. Application for a license shall be submitted on a form approved and provided by the department and be accompanied by proof that the applicant holds a license, or is approved by the department or similar body in the state where the applicant resides, or where its chief office is located, or where it has its place of business.

4. Before bringing, sending, or causing to be brought or sent into this state any child, the person, agency, association, corporation, society, institution or other organization, duly licensed as provided in this section must furnish the department a blanket indemnity bond of a reputable surety company in favor of the state in the penal sum of not less than one thousand dollars. Such bond must be approved as to form and sufficiency by the department and conditioned as follows: That such licensee (a) will report to the department immediately the name of each such child, its age, the name of the state, and city, town, borough or village, or the name of the country from which such child came, the religious faith of the parents of the child, the full name and last residence of its parent or parents, the name of the custodian from whom it is taken, and the name and residence of the person or authorized agency with whom it is placed or boarded, released or surrendered, or to whom adoption or guardianship is granted, and the death of such child or any reboarding, replacement or other disposition;

(b) will remove from the state within thirty days after written notice is given any such child becoming a public charge during his minority;

(c) will remove from the state immediately upon its release any such child who within three years from the time of its arrival within the state is committed to an institution or prison as a result of conviction for juvenile delinquency or crime;

(d) will place or cause to be placed or board or cause to be boarded such child under agreement which will secure to such child a proper home, and will make the person so receiving such child responsible for its proper care, education and training;

- (e) will comply with section three hundred seventy-three;
- (f) will supervise the care and training of such child and cause it to be visited at least annually by a responsible agent of the licensee; and
- (g) will make to the department such reports as it from time to time may require.

5. In the event of the failure of such licensee to comply with the second and third conditions of the bond hereinbefore mentioned, and to remove, after thirty day's notice so to do, a child becoming a public charge, such portion of the bond shall be forfeited to the state or the county or municipality thereof as shall equal the sum which shall have been expended by the state or such county or municipality thereof for the care or maintenance or in the prosecution of such child or for its return to the licensee.

SOCIAL SERVICES LAW 371.10(c)

10. "Authorized agency" means:

(c) Any agency, association, corporation, institution, society or other organization which is not incorporated or organized under the laws of this state, placing out a child for adoption whose admission to the United States as an eligible orphan with non-quota immigrant status pursuant to the federal immigration and nationality act is sought for the purpose of adoption in the State of New York or who has been brought into the United States with such status and for such purpose, provided, however, that such agency, association, corporation, institution, society or other organization is licensed or otherwise authorized by another state to place out children for adoption, that such agency, association, corporation, institution, society or other organization is approved by the department to place out such children with non-quota immigrant status for adoption in the State of New York, and provided further, that such agency, association, corporation, institution, society or other organization complies with the regulations of the department pertaining to such placements. Notwithstanding any other provision of law to the contrary, such agency shall be limited in its functioning as an authorized agency to the placing out and adoption of such children. This paragraph shall not require the department to approve any such agency, association, corporation, institution, society or other organization which is located in a state which is a party to the interstate compact on the placement of children.

**INTERSTATE COMPACT APPLICATION  
REQUEST TO PLACE CHILD**

ICPC 100-A  
APRIL 1983

To: (Receiving State)	From: (Sending State)
-----------------------	-----------------------

Approval is Requested for the Placement of: NAME OF CHILD	DATE OF BIRTH
--	---------------

NAME OF MOTHER	NAME OF FATHER
----------------	----------------

NAME OF AGENCY OR PERSON RESPONSIBLE FOR PLANNING FOR CHILD

ADDRESS

CASEWORKER NAME	TELEPHONE NUMBER:
-----------------	-------------------

NAME OF AGENCY OR PERSON FINANCIALLY RESPONSIBLE FOR CHILD

ADDRESS

CASEWORKER NAME	TELEPHONE NUMBER:
-----------------	-------------------

**Section II — Placement**

NAME OF PERSON CHILD IS TO BE PLACED WITH	TELEPHONE NUMBER:
---	-------------------

ADDRESS

TYPE OF CARE

- |  |  |
|--|--|
| <input type="checkbox"/> Foster Family Care        | <input type="checkbox"/> Adoption                                      |
| <input type="checkbox"/> Group or Residential Care | <input type="checkbox"/> Placement with Relative<br>Relationship _____ |

**ADOPTION TO BE COMPLETED IN**

- |  |  |
|--|--|
| <input type="checkbox"/> Sending State | <input type="checkbox"/> Receiving State |
|--|--|

**Section III — Supervision**

**REPORTS REQUESTED:**

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Sending Agency to Supervise        | <input type="checkbox"/> Quarterly                         | <input type="checkbox"/> Semi Annually |
| <input type="checkbox"/> Another Agency Agreed to Supervise | <input type="checkbox"/> Within Two Months after Placement | <input type="checkbox"/> Other _____   |

NAME AND ADDRESS OF SUPERVISING AGENCY IN RECEIVING STATE

**SENDING AGENCY REQUESTS RECEIVING STATE TO ARRANGE FOR SUPERVISION:**

**ENCLOSED:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Summary on Child | <input type="checkbox"/> Background Information on Family | <input type="checkbox"/> Other Enclosures |
|---|---|---|

SIGNATURE OF SENDING COMPACT ADMINISTRATOR OR ALTERNATE	DATE SIGNED
---	-------------

**Section IV — Action by Receiving State**

- |   |          |
|---|----------|
| <input type="checkbox"/> Approval Granted     | REMARKS: |
| <input type="checkbox"/> Approval Not Granted |          |

SIGNATURE OF RECEIVING STATE COMPACT ADMINISTRATOR OR ALTERNATE	DATE SIGNED
---	-------------

**DISTRIBUTION**

**COMPLETE 6 COPIES OF THIS FORM**

- Sending Agency retains one copy and forwards 5 copies to:
- Sending Compact Administrator who retains one copy and forward four copies to:
- Receiving Compact Administrator indicates action (Section IV) and forwards one copy to Receiving Agency and 2 copies to Sending Compact Administrator within 30 days.
- Sending Compact Administrator retains one completed copy and forwards the other completed copy to the sending agency.

INSTRUCTIONS FOR COMPLETION OF ICPC 100-A INTERSTATE COMPACT -  
REQUEST TO PLACE CHILD

Five copies of the Interstate Compact Application Child Placement Request, ICPC 100-A are to be completed by the sending agency and sent to the New York Compact Administrator in order to request an evaluation of a proposed placement in the receiving state and/or to notify a receiving state of a proposed placement. Before placement can be made, it must be signed as approved by the Compact Administrator of the receiving state.

**Instructions for use:**

**To: (Receiving State)** This section should contain the name of the state in which placement is desired. It does not require an address.

**From: (Sending State)** If child is to be placed in another state, the sending state, New York, should be entered.

Section I - IDENTIFYING DATA

**NAME OF CHILD**

Show the child's full legal name. According to interstate law, agency code names or numbers are not acceptable.

**DATE OF BIRTH**

Show complete date.

**NAME OF MOTHER**

Show her complete name. If parental rights have been fully terminated, this fact can be noted and no name need appear.

**NAME OF FATHER**

Show his complete name. If parental rights have been fully terminated, this fact can be noted and no name need appear.

**NAME OF AGENCY OR PERSON RESPONSIBLE FOR PLANNING FOR CHILD**

The name of the sending agency (or person) which is making the plan to send the child out-of-state should be shown here with appropriate address, name or unit number and telephone number.

**NAME OF AGENCY OR PERSON FINANCIALLY RESPONSIBLE FOR CHILD**

The name of the agency (or person) which is making the plan is also shown here. If a return to a parent is contemplated but the child is in agency custody, the agency, not the parent, must be shown here. The agency is responsible for removing the child from the receiving state during the period of placement if the need arises.

Section II - PLACEMENT

**NAME OF PERSON CHILD IS TO BE PLACED WITH**

The complete name, address and telephone number of the person(s) with whom the child is to be placed should be shown here.

#### TYPE OF CARE

Check appropriate block. If placement is to be with a relative specify the relationship of the relative to the child.

#### ADOPTION TO BE COMPLETED IN

Show whether adoption is to be completed in the sending state (New York) or receiving state. The decision of where to complete the adoption is made by the adoptive family.

### Section III - SUPERVISION

#### SENDING AGENCY TO SUPERVISE

This indicates that New York agency will provide direct supervision of the child.

#### ANOTHER AGENCY AGREED TO SUPERVISE

This indicates that supervision has already been accepted by an agency in the receiving state.

#### REPORTS REQUESTED

Indicate how often reports are requested. A minimum of one (1) report after placement is to be requested.

#### NAME AND ADDRESS OF SUPERVISING AGENCY IN RECEIVING STATE

If the agency that will supervise in the receiving state is not known, this section may be left blank.

#### SUMMARY ON CHILD

This block should normally be checked as a summary of the child is required to accompany the ICPC-100-A.

#### BACKGROUND INFORMATION ON FAMILY

In instances of a child moving out-of-state with the foster or adoptive family, a summary in duplicate of the foster or adoptive home study is required and this block is to be checked. In instances of adoptive placements when a home study has already been received by your agency, a summary in duplicate should be provided and this block checked, otherwise, this block may be left blank.

#### OTHER ENCLOSURES (Specify):

This includes court orders, psychologicals, psychiatrics, educational reports or other appropriate documentation.

Signature of Sending State Compact Administrator or Alternate

This signature is affixed in the New York State Compact office.

### Section IV - ACTION BY RECEIVING STATE

This section is to be completed by the receiving state indicating either approval or denial of the request.

#### DISTRIBUTION OF COPIES

This section is self-explanatory.

## INTERSTATE COMPACT REPORT ON PLACEMENT STATUS CHANGE OF CHILD

ICPC-100B  
APRIL 1983

TO: (Name of State)		FROM: (Name of State)	
<b>PRESENT PLACEMENT STATUS OF CHILD</b>			
NAME OF CHILD		DATE OF BIRTH	
NAME OF MOTHER			
NAME OF FATHER			
<input type="checkbox"/> Placed with:		Name Address	DATE
<input type="checkbox"/> Discharged from Placement to:		Name Address	DATE
<input type="checkbox"/> Placement Cancelled		Date Cancelled	
<input type="checkbox"/> Placement status changed While in Receiving State: Type of Change: _____		Name	Date of Change
NEW ADDRESS			
<input type="checkbox"/> Adoption Finalized in Sending State		Date Finalized	
<input type="checkbox"/> Adoption Finalized in Receiving State		Date Finalized	
<input type="checkbox"/> Legal Custody Returned to	Name	Date of Return	
SIGNATURE OF REPORTING COMPACT ADMINISTRATOR OR ALTERNATE			DATE SIGNED

### DISTRIBUTION

**COMPLETE 4 COPIES OF THIS FORM**

Reporting Agency retains one copy and forwards three copies to:  
 Reporting Compact Administrator retains one copy and forwards 2 copies to:  
 Reciprocal Compact Administrator in the other state retains one copy, forwards one copy to the  
 reciprocal agency.

INSTRUCTIONS FOR COMPLETION OF ICPC 100B -  
REPORT ON PLACEMENT STATUS CHANGE OF CHILD

The Interstate Compact Report on Placement Status Change of Child, ICPC 100B is to be completed by the sending agency whenever placement plans change or if the placement status of the child changes. If New York is the sending state, this form should be forwarded in triplicate to the New York Compact Administrator who will sign the form and forward two copies to the receiving state to notify them of the change. It is particularly important to forward this form shortly after making a placement into a receiving state so that local agency staff are alerted to the need to initiate supervisory services.

The instructions for completion of this form are similar to those for completion of the ICPC 100-A with the following exceptions:

**PLACED WITH**

List the name, address and telephone number (if known) of the person(s) who are caring for the child in the receiving state as well as the date on which the child arrived.

**DISCHARGED FROM PLACEMENT**

This item should be checked when the sending agency discharges their case. This indicates to the other parties that they may close their case. The name and address of the person(s) with whom the child was living at time of discharge should be listed along with the date of discharge.

**PLACEMENT CANCELLED**

This item should be used to signify that the child was never placed in the receiving state or was returned to the sending state.

**PLACEMENT STATUS CHANGED WHILE IN RECEIVING STATE**

This item is to be used whenever the child remains in the receiving state but his or her residence changes. (If the child is placed in the home of another person(s), new ICPC 100-A's should also be completed and forwarded).

**ADOPTION FINALIZED IN SENDING STATE**

This item is to be completed in order to indicate to the receiving Compact Administrator and agency that the case may be closed since the caretakers have been given legal custody of the child.

**ADOPTION FINALIZED IN RECEIVING STATE**

This item should be marked and the ICPC 100B's sent to the receiving state if the sending agency is notified directly of the finalization of the adoption in the receiving state. The case is to be closed in this instance also.

**LEGAL CUSTODY RETURNED TO**

This item usually indicates that a court in the sending state has terminated its legal custody and allowed it to revert to the person(s) who previously had legal custody. (If the child is being cared for by a relative or non-relative who did not previously have legal custody, a court would have to award legal custody to this party before the Compact case can be closed.)

**SIGNATURE OF REPORTING COMPACT ADMINISTRATOR OR ALTERNATE**

This signature is to be affixed in the New York State Compact office.

**INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN**  
**Suggested Outline For Child's Summary**

(It is recognized that many points in the outline will not apply to young infants.)

NAME OF AGENCY: \_\_\_\_\_

NAME OF CASEWORKER: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

Identifying Data

Name; Birthdate; race; religion.

Child's Personality and History

1. Appearance: Height, weight, coloring, facial and body characteristics. Be specific about striking or unusual characteristics or anomalies.
2. Current adjustment: Current generalized emotional responses; e.g. crying or contented, demanding, exploring, imitative, passive.
3. Child's Life Experience.
  - a. In own home where applicable. (If "battered" or neglected, describe) Siblings, if any, and their meaning to the child.
  - b. In boarding home or institution, as applicable. Age at placement, child's reaction to separation from parents, significant happenings in each home, reason for changes, child's reaction to change.
4. Present living situation of the child.
5. Inter-relationships with people.
  - a. Attitudes of others to child: Natural parents (both) boarding parents (both) or house parents, children in the home or institution, caseworker, strangers, playmates outside the home, teachers.
  - b. Attitudes of child to above.
  - c. Relationships, if any, with intended boarding or adoptive parents in receiving state.

Medical

1. Health History.
  - a. Current medical report (attached).
  - b. Illnesses and hospitalizations — diagnosis and treatment; age at onset, duration, prognosis.
2. Professional observations of development. (Include results of psychological tests, if done; school reports.)

Natural Family and Reason for Placement in Another State

1. Composition of family and civil status of parents. Problems in family leading to request for placement.
2. Family History.
  - a. Mother: Age at delivery, physical appearance, religion, physical and mental health, (discuss in detail if significant for child's placement and future adjustment) general personality, including interests and talents; observations of adequacy of mother's functioning with reasons for this; school and employment history.
  - b. Father: (Same as mother).
  - c. Siblings of child, if any, and extended family (significant points).
  - c. Termination of parental rights, if applicable.
    - (1) Surrender and sole custody, date and understanding of mother as to finality.
    - (2) Surrender by both legal parents; date or dates and understanding as to finality.
    - (3) Divorces or death.
    - (4) Present legal status of child. (Include copy of order if child was placed by a court).

Agency's evaluation of child's present needs and type of home or institution desired for child. Reason for desired placement in another state.

## INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

### Suggested Home Evaluation Outline

NAME OF AGENCY: \_\_\_\_\_

DATE REPORT PREPARED: \_\_\_\_\_

CASEWORKER NAME: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

#### Identifying Date

Names, ages, sex, religion and occupation of family members.

#### SUMMARY OF AGENCY'S EXPERIENCE

Indicate basis for conducting the home evaluation. Comment on family attitude and degree of cooperation. List dates, location and individuals interviewed in preparing the report. Note whether the family is previously known to the agency.

#### HEALTH AND PHYSICAL DESCRIPTION

Include a physical description of the individuals who are to care for the child. Comment on their general health and past and/or present health or emotional problems.

#### PERSONALITY AND INTER-PERSONAL RELATIONSHIPS

Describe the personalities of the adult members of the household and in particular, how they relate to others.

#### MARITAL RELATIONSHIP

Indicate when the husband and wife were married and the quality of the present relationship between them. Include information on previous marriages and reasons for any divorces.

#### EDUCATION AND EMPLOYMENT

Provide educational information and employment data for each adult member of the family. Employment data should include name of employer, type of job, salary, and length of employment.

#### HOUSING AND FINANCIAL SITUATION

Briefly describe the community and neighborhood, as well as the home and plans for accommodating the child. Indicate the family's economic situation and whether they will need financial assistance for board, clothing or health care. If so, what is the plan for obtaining this assistance?

#### SOCIAL RELATIONSHIPS

Briefly describe the family's social life, recreational interests and community relations.

#### CRIMINAL RECORD

Include information on any criminal record of a family member.

#### MOTIVATION AND ATTITUDE TOWARD CHILD

Include information on the family's motivation in requesting placement and their relationship with the child. What preparations have been made for the child? How will special needs of the child be met? Does the family understand the future supervisory role of the agency?

#### RECOMMENDATIONS

Indicate whether the family appears to be able to provide a good home for the child. If they have reservations about the placement or you do, indicate the nature of the reservations and whether another home evaluation should be done (include approximate date) before placement is made.

Appendix C  
Adoptive Placement Into and Out of New York State

The adoptive placement of a child into or out of New York State from or into another Compact member state is subject to Section 374-a of the Social Services Law (the Interstate Compact on the Placement of Children). The Office of the Compact Administrator in the State into which the child is being placed must approve such a placement prior to the child being brought into that state. Such approval is made by the Compact Administrator or his or her designee signing the Form ICPC 100-A. The Compact applies even in those cases where a parent brings the child to the adoptive parents in the reviewing state. It also applies in cases where the child is entering one Compact state from a foreign country and the placing agency is located in another Compact state.

In those cases where an adoptive placement is subject to the Interstate Compact, the following documentation is required by the New York State Compact Administrator:

1. Five copies of Form ICPC 100-A, Interstate Compact Application -Request to Place Child, containing the information regarding the proposed placement. Instructions for completing this form are found in Appendix B.
2. A home study of the adoptive parent(s) which was completed within the last eighteen months. An update of pertinent information may accompany an older study. A suggested outline for a home study is found in Appendix B.
3. Background information on both biological parents including age, education, work history, health history of themselves and immediate family members and physical description.
4. Copies of any legal documents such as relinquishments or terminations of parental rights.
5. A medical report regarding the delivery and health of the child at birth.

Copies of the above-mentioned documents may be sent simultaneously to the Compact Administrators in the sending and receiving states. The New York Compact Administrator may grant approval of the placement after receipt and review of the documentation and after confirming that no laws of the sending state have been violated.

In cases where children are being placed for adoption into New York, but the plan is to finalize the adoption in the sending state, an authorized agency in New York must supervise the adoptive placement prior to finalization. The name of this supervising agency must be entered on the Form ICPC 100-A.

Social Services Law Sections 382 and 371.10(c) also apply to all non-public agency adoptive placements into New York State. There must be compliance with these statutes even in cases where the child is being placed from a state which is not a Compact member. These statutes require that the individual, agency or organization which is placing a child into New York for adoption must be licensed or approved to do so by their own state or must obtain such licensing or approval from New York State.

In addition, Social Services Law Section 382 requires that before making any placement, the individual, agency or organization making the placement must furnish the New York State Department of Social Services with a blanket indemnity bond of a reputable surety company in favor of the state in the penal sum of not less than one thousand dollars. The requirements for obtaining a license or approval or to furnish a blanket indemnity bond do not apply if a parent, legal guardian or relative within the second degree of the child makes the adoptive placement. Individuals, agencies, and organizations also need not obtain the bond if they are placing out children who are eligible orphans with a non-quota immigrant status pursuant to the federal Immigration and Nationality Act.

Those subject to the requirements of Social Services Law Sections 382 or 371.10(c) should be in contact with the New York State Department of Social Services Interstate Compact unit for information regarding licensing or approval or the posting of a surety bond. Information may be obtained from:

Peter C. Winkler, Deputy Compact Administrator  
Interstate Compact  
New York State Department of Social Services  
40 North Pearl Street  
Albany, New York 12243  
1-800-342-3715 extension 49570 or 49582 in New York State  
1-518-474-9570 from outside of New York State

Appendix D

INSTITUTIONAL AND GROUP PLACEMENTS  
INTO AND OUT OF NEW YORK STATE

Section 374-a of the Social Services Law (the Interstate Compact on the Placement of Children) governs the placement of a child (under 18 years of age) between two Compact member states in a variety of situations which are referred to in the body of this Administrative Directive. One of the situations in which the Interstate Compact applies is where a child is placed in a child caring agency or institution in a state other than the one in which he or she resided. The only exception to this is placement "in any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily education in character and any hospital or other medical facility". (Article II (d) (If the child to be placed is mentally ill, mentally retarded or epileptic, but the facility is licensed as part of a child caring agency, the Compact should be used.)

Directors of group and institutional programs in Compact states should be knowledgeable regarding the Interstate Compact and they should inform a parent or agency of its requirements in those instances where a child may be placed between two Compact states. A placement which is subject to the Compact should not occur until the Director of the program has learned that the Interstate Compact placement of the child has been approved by the Compact Administrator of his or her state. Such approval is confirmed by receipt of a copy of the Form ICPC 100-A, which has been signed by the receiving state's Compact Administrator or delegate.

If a parent or agency wishes to place a child in a program in another Compact member state, prior approval must be obtained from the Compact Administrator in the state where the program is located. When approval is requested, a Form ICPC 100-A must be submitted to the sending state's Compact Administrator along with a background summary on the child and an explanation of why out-of-state placement is sought. If a local district seeks to make an out of state placement of a New York child, it will also be necessary to document prior efforts to place the child in an appropriate program located in New York State. If placement is made without prior approval there is a violation of law and the placement may not be eligible for state or federal reimbursement.

In all instances, further information may be obtained by writing or calling the New York State Interstate Compact Office, New York State Department of Social Services, 40 North Pearl Street, Albany, New York 12243 (1-800-342-3715, ext. 49570).

