

ICPC Regulations 2 and 7: Process and Responsibilities

Requesting a home study is the first step of many in the ICPC process. Before submitting an ICPC request, please make certain that you understand the responsibilities and requirements when invoking the Compact to request a home study in another state. The following is intended as an overview of the entire ICPC process from the point of view of a Sending Agency and Receiving Agency in New York (NY).

ICPC Process - New York is the Sending State (SS)

A NY agency is considering placing a child with a resource who resides in another state (Receiving State [RS]). The NY agency requests a home study via NEICE. If approved, the NY agency *sends* the child to the RS.

- NY LDSS/VA (“Sending Agency” [SA]) submits a home study request to NY ICPC via NEICE.
- NY ICPC reviews the request and, if complete, sends the request to the RS ICPC office.
- RS ICPC office assigns to a local agency (“Receiving Agency” [RA]) for home study and licensing, if applicable.
- RA returns home study to RS ICPC within established timeframes: Reg 7: 15 business days; Foster or Adopt: Preliminary Assessment within 60 days, complete within 4 months; Reg 2 for unlicensed Relative: ASAP.
- RS ICPC returns home study and signed 100A, indicating placement is approved or denied, to NY ICPC office.
- NY ICPC provides the home study and 100A to the SA. If denied, case is closed.
- If placement is approved, **NY Sending Agency must submit form 100B in NEICE** within 6 months of approval. NY ICPC will forward to RS.
 - If placement will NOT be used, submit “100B – Closure,” indicating “Approved Placement Will Not Be Used.” ICPC case will be closed.
 - If child is placed, submit “100B – Placement” to open supervision, indicating placement date. Submit within a week before or after placement. **Without form 100B, RS will not open supervision.**
- **When placing child, send child with a least 30-90 days of any prescription medications.**
- Upon receipt of 100B indicating placement, RS ICPC informs the RA to open supervision. RA is required to initiate monthly supervision within 30 days of receipt of 100B.
- RA is required to submit supervisory reports *quarterly* to the RS ICPC office. These are sent to NY ICPC for review and transmittal to the NY RA
- NY SA is encouraged to contact the RA and may request that supervisory reports be emailed directly and more often. Provision of monthly courtesy supervision reports is at the discretion of the RA and is not required under the Compact. Note: some states only allow communication through the state’s central ICPC office.

Retaining Custody

When making an initial out-of-state placement of a child, **NY Sending Agency must retain custody of the child** until the RS agrees (grants concurrence) to close the case. This is a requirement under ICPC Article V, which is incorporated into NYS Social Services Law (374-a).

- **NY Sending Agency must** retain custody for at least 6 months after out-of-state placement; the Receiving State must have time to supervise and make certain that the placement is stable, and must grant concurrence (agreement) before Sending Agency transfers custody.
- **NY Sending Agency must** continue to track the placement, including child’s adjustment, financial and medical care, and well-being.
- **NY Sending Agency must** maintain ultimate financial and medical responsibility throughout the entire ICPC placement, regardless of placement type.
- If placement disrupts, **NY Sending Agency must** return child to NY within 5 days of written request to do so.
- After receiving 6 months of progress notes showing a stable placement, **NY Sending Agency may** then submit a request for concurrence (agreement) to the Receiving State to finalize the child’s permanency goal.
- Upon receiving concurrence from the Receiving State, **NY Sending Agency may** then ask the court to finalize the child’s permanency goal (transfer custody, grant guardianship, or finalize adoption).

Closing a Case

When any of the following occur, **NY Sending Agency must** submit form 100B Closure via NEICE to communicate that the ICPC case is closed. Relevant court order should also be provided, if available.

- Adoption is finalized
- Child reaches age of majority
- Child is discharged (with concurrence of RS)
- Child returns to NY.

ICPC Process - New York is the Receiving State (RS)

Another state ("Sending State" or SS) requests a home study of a resource who resides in NY, in consideration of placing a child in that NY home.

- NY ICPC sends a request to a NY LDSS or VA (Receiving Agency), via NEICE, requesting a home study and providing a deadline and any other requirements.
- **NY Receiving Agency NEICE users must** review the case and assign case for home study, providing all documents from NEICE and communicating deadlines to assigned home assessor.
- **NY Receiving Agency must** note the following when conducting ICPC studies:
 - Study must be child specific. Study must address the resource's understanding of and ability to meet the health, educational, and developmental needs of the children proposed to be placed.
 - Home assessor must use the mandatory home study templates issued by OCFS for foster and adoptive placements.
 - Viability of Financial-Medical Plan must be addressed. The plan is always provided by the sending state in the Initial Request Packet. Home Assessor should review the plan with the resource and assess viability.
 - Clearances: NY State Regulations only authorize SCR and criminal background checks for foster and adopt studies. These checks should not be conducted for parent or unlicensed relative studies. Local checks (CPS, police department) and other types of background reviews (e.g. Sex Offender Registry, DMV) are permitted. For foster or adopt, do not submit the SCR, SEL, or DCJS clearance letters to NY ICPC; include dates and results of clearances in the home study cover letter or narrative.
- **NY Receiving Agency must** submit a home study, via NEICE, within established timeframes: Reg 7: 15 business days; Foster or Adopt: Preliminary Assessment within 60 days, complete study within 4 months; Reg 2 for Relative/Parent: ASAP.
- **NY Receiving Agency must** provide a status update if home study cannot be completed timely. Status update should address: what steps have been taken in conducting home study and what is still pending; reason for any delay; has resource been compliant with process; estimated completion date; barriers to completion. Please note if resource has been given a deadline, so that NY ICPC can advise SS ICPC to encourage resource to comply.
- Upon receipt of home study, NY ICPC will review for completeness. NY ICPC may request additional information or edits, which **NY Receiving Agency must** provide ASAP.
- If placement is denied, NY ICPC will send study and signed 100A to SS ICPC, case will be closed.
- If placement is approved, NY ICPC will send study and signed 100A to SS ICPC and request 100B to document placement.

Supervision

- Upon receipt, NY ICPC will forward 100B-Placement to NY Receiving Agency, documenting when child was placed in the approved NY home.
- **NY Receiving Agency NEICE users must** immediately assign the case for supervision. First supervisory visit must occur within 30 days of notice of placement.
- **NY Receiving Agency must** conduct a supervisory home visit at least once per month.
- **NY Receiving Agency must** submit supervisory notes/progress notes to NY ICPC quarterly, via NEICE. Notes must include dates of home visits. NY agency may opt to also submit notes directly to the Sending Agency, but this is not required. Requirements for supervisory reports are detailed in ICPC Regulation 11.
- **NY Receiving Agency must** immediately notify NY ICPC and Sending Agency of any serious issues that may jeopardize placement, or if placement is no longer appropriate and child must be returned to Sending State.
- **NY Receiving Agency must** continue supervision until receiving form 100B-Closure from NY ICPC.

Contact New York State ICPC with any questions:

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