

# NYA AFF

New York Attorneys for Adoption & Family Formation

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March 15, 2024

Mr. James Keeler  
ICPC Specialist  
VIA EMAIL: James.Keeler2@ocfs.ny.gov

Ms. Sharon Jocelyn  
ICPC Deputy Compact Administrator  
VIA EMAIL: Sharon.Jocelyn@ocfs.ny.gov

RE: New York State OCFS ICPC Approval of Timeframes for Birth Parent Expenses

Dear Mr. Keeler and Ms. Jocelyn:

We are in receipt of the letter from Gail Geohagen-Pratt, Deputy Commissioner dated March 13, 2024, updating the letter from Office and Child Family Services (“OCFS”) dated January 5, 2024 regarding the subject of allowable payments to an expectant parent in connection with an adoptive placement under the Interstate Compact for the Placement of Children (“NY ICPC”).

We appreciate the response from OCFS and the opportunity to engage in a substantive discussion regarding our day-to-day practices.



We are writing to request your office slightly revise the way in which verification can be given to NY ICPC regarding the permissible living expenses. Many interstate cases involve a child who is born in State B and the adoption will finalize in State B, as would be indicated on the ICPC Form 100-A. The vast majority of those cases are from a state where a court in State B does not have a legal mechanism for adoptive parents to obtain a Court Order approving living expenses for birth parents. In those cases, there would not be a Court Order available to present to NY ICPC (a requirement per your updated letter). To bring clarity for New York attorneys, agencies and NY ICPC, we are requesting that the OCFS letter be amended to allow the attorney for the birth mother to provide an affirmation stating that (1) the Court in State B will not issue or does not customarily issue an Order approving living expenses; and (2) the expenses paid to or on the birth mother's behalf are allowable in accordance with the laws of State B.

Please contact our Legislative Committee Co-Chair, Rebecca Mendel, Esq., at 212-972-5430 or [rmendel@lawrsm.com](mailto:rmendel@lawrsm.com), or Director Laurie Goldheim, Esq., at 845-624-2727 or [lgoldheim@adoptionrights.com](mailto:lgoldheim@adoptionrights.com), to discuss this issue further. We appreciate your time and attention to this matter.



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