



Office of Children and Family Services

KATHY HOCHUL
Governor

SUZANNE MILES-GUSTAVE, ESQ.
Acting Commissioner

January 5, 2024

RE: NYS OCFS *Adoptive Placement Fee Disclosure Form* OCFS-4690 (12/23)

Dear Colleague,

Be advised that the New York State Office of Children and Family Services Interstate Compact on the Placement of Children (NYS OCFS ICPC) office has revised the *Adoptive Placement Fee Disclosure Form* OCFS-4690 to clarify that the NYS OCFS ICPC office will only apply New York law when reviewing fees paid or to be paid in the context of an adoptive placement and an application for NYS OCFS ICPC approval of an adoptive placement into New York. The NY OCFS ICPC office will not accept an out of state court order that addresses the subject of fees as controlling compliance with Social Services Law (SSL) §§374(6) and 374-a.

The NY OCFS ICPC office retains the discretion and authority to request clarification of any actual or proposed fees. Please note, if OCFS ICPC approves the fees associated with the proposed adoptive placement pursuant to the ICPC, it is possible that the court before which the adoption petition is filed may raise questions and issues concerning such fees at the time of the adoption proceeding.

In addition, the maintenance by attorneys of resume banks of prospective adoptive parents will continue to be considered as an unallowable advertising expense. Any fee associated with that activity would not be an allowable fee. As has been the position of the NYS OCFS ICPC office for many years, the maintenance of resume banks raises compliance issues with New York standards concerning the allowability of fees under SSL §374(6) and the restricting who may place out children for the purpose of adoption [SSL §§371(12) and 374(2)].

The above standards are currently being applied by the NYS OCFS office to the review of requests for the approval of private adoptive ICPC placements into New York.

Please direct questions to Jim Keeler, ICPC Specialist (James.Keeler2@ocfs.ny.gov) or Sharon Jocelyn (Sharon.Jocelyn@ocfs.ny.gov) ICPC Deputy Compact Administrator

Respectfully,

Shelly Fiebich, Director
Bureau of Permanency Services