

Interstate Compact on the Placement of Children (ICPC) Requirements for Out-of-State Supervised Settings

In New York State (NYS), local departments of social services (LDSSs) or voluntary authorized agencies (VAs) may be approved by the New York State Office of Children and Family Services to operate up to three types of Supervised Setting Programs (SSPs), and to approve or certify specific supervised settings (individual sites or units), as follows:

1. Community-Site SSP

Supervised settings include but are not limited to the following:

- Room rentals
- Apartments
- Shared housing
- Living with kin (relative or person with whom the youth has a positive relationship)

2. College-Owned Housing SSP (the term “college-owned” includes colleges, universities, and vocational schools)

Supervised settings are:

- Dormitories
- College-owned houses or apartments

3. Supervised Independent Living Program (SILP)

Supervised settings are:

- Supervised Independent Living Units (1-5 bed units)

OCFS-approved SILPs are operated in New York State only. However, there may be circumstances in which a youth may seek to reside in a Community-Site or College-Owned Housing supervised setting outside of New York State. These apply to situations

- when a youth in foster care is in an ICPC-approved out-of-state placement and wishes to remain out of state in a supervised setting, or
- when a youth in foster care residing in New York State wishes to be placed in a supervised setting in another state.

Supervision and support of a youth in a supervised setting in another state must occur through ICPC approval with the receiving state.

ICPC requests for supervised setting placements follow the regular ICPC process. (See [19-OCFS-ADM-08](#)). It is important to note that the term “supervised setting” may not be recognized in other states. Pursuant to federal law and guidance, other states may have developed these placement types but may refer to placement settings by other names, such as the federally recognized Supervised Independent Living Setting (SILS). Therefore, when requesting ICPC approval for this type of placement, the authorized agency may need to explain to the receiving state what is meant by a “supervised setting.”

Out-of-State Community-Site Supervised Settings

Per federal program instructions, states may develop their own safety protocol and approval process for supervised settings. Therefore, when seeking placement of a youth into an out-of-

state supervised setting via the ICPC, New York State-authorized agencies must use receiving state standards.

If the receiving state does not have supervised setting standards in place for extended foster care, then the authorized agency must inform the receiving state that New York State is requesting the supervised setting approval under New York State-supervised setting standards. That standard would include, for youth seeking to reside in a Community-Site supervised setting, inspection of the proposed setting using the *Community-Site Physical Safety Checklist* form (OCFS-5563) in addition to any other documentation necessary to make the ICPC request. The ICPC request for supervised setting approval would include monthly face-to-face contacts. In addition, in accordance with New York State standards, the New York State-authorized agency with case management responsibilities must communicate with the youth once per week. Such communication may take place by telephone or other electronic means.

The New York State-authorized agency must provide the *Youth Housing Safety Tips* (Pub. 5530) and the *Youth Housing Safety Checklist* (Pub. 5529) documents to any youth seeking approval for a Community-Site supervised setting in another state. While the Community-Site setting is not required to meet New York State standards, youth seeking a supervised setting in another state should be encouraged to use these resources to find a setting that meets appropriate health and safety standards.

For all Community-Site supervised settings, youth must have a readiness assessment conducted using the *Standardized Supervised Setting Readiness Assessment* form (OCFS-5561). This is true even if the youth is already living out of state. The New York State-authorized agency is responsible for completing this assessment.

Potential Timing Issues

The ICPC request should be made as soon as a supervised setting is identified, ideally six months ahead of when the youth will reside in the setting.

Youth may attend college out of state without an ICPC agreement; however, there is no Title IV-E reimbursement. Title IV-E reimbursement may commence after the receipt of ICPC approval of the placement in the receiving state's certified/approved supervised setting beginning the first day of the month in which approval requirements are met.