

Matter of Laland v Bookhart, 183 AD3d 565 [2d Dept 2020] [holding that where a child is in the custody of a child protective agency, and a parent living outside of New York petitions for custody of the child, the provisions of the ICPC apply; the court did not address the constitutional arguments made in Emmanuel B. but did cite Dawn N., *infra*]

Matter of Emmanuel B. (Lynette J.), 175 AD3d 49, 59 [1st Dept 2019], *lv dismissed*, 34 NY3d 1036 [2019] [holding that presupposing a parent is unfit pending completion of the ICPC infringes upon that parent's constitutional rights; this case, for the first time, as far as I am aware, raised constitutional arguments against application of the ICPC to parents]

Matter of Dawn N. v Schenectady County Dept. of Social Servs., 152 AD3d 135, 140 [3d Dept 2017], *lv denied*, 30 NY3d 902 [2017] [holding that the provisions of the ICPC apply to an out-of-state grandparent even where there is a pending Family Ct. Act article 6 petition for custody]

Matter of Tumari W., 65 AD3d 1357, 1360 [2d Dept 2009] [noting that there is conflicting authority nationally as to whether the ICPC applies to reunification of a child with a noncustodial parent, but stating that “New York State is squarely among those jurisdictions which apply the ICPC to a noncustodial parent”] [citing cases]

Matter of Hope J., 191 AD3d 673 [2d Dept 2021] [concluding that Family Court properly dismissed a custody petition by a Florida grandmother “in the absence of approval from the State of Florida”]

Matter of Solai J., 63 Misc 3d 822, 826 [Fam Ct, Kings County 2019] [holding that the ICPC does not apply where the child is removed and, rather than first placing the child in foster care, the court releases the child to the out-of-state nonrespondent parent].

Matter of J.S.L., 403 Mont 326, 340 [2021] [citing ICPC Regulation NO. 3 in determining that the ICPC did not apply to an out-of-state, non-respondent parent].

In re R.S., 470 Md 380, 414 [2020] [holding that, “[a]s a matter of public policy, any reading of the ICPC, which concludes that the compact applies to placements with biological parents (who have not been deemed unfit), would conflict with state and federal constitutional law”].

Matter of B.H., 398 Mont 275, 303 [2020] [holding that “The Department cannot use the ICPC process to weaken or eliminate ... a non-custodial parent's constitutional rights, simply because a non-custodial parent lives in another state”].