

Education Records

Education records may be obtained from any school(s) the prospective employee attended. Parents should contact the schools directly for further instructions on how to obtain this information and any applicable fees. Pursuant to the Federal Family Education Rights and Privacy Act, educational records may only be disclosed pursuant to a written release signed by the person whose records are sought. The release must specify the records to be disclosed pursuant to a written release signed by the person whose records are sought. The release must specify the records to be disclosed, the purpose of the disclosure, and to whom the records may be disclosed.

Credit History Reports

Credit history reports pertaining to the prospective employee may be requested from private credit history reporting agencies. Parents seeking this information should contact a credit history reporting agency for further instructions and applicable fees.

All credit history requests must comply with the Federal Credit Reporting Act.

The New York State Office of Children and Family Services encourages parents to carefully and thoroughly evaluate all prospective caregivers before placing a child in care. The records described in this brochure can assist in that evaluation.

For further information regarding child care in New York State, please contact the: New York State Office of Children and Family Services, Division of Child Care Services, Capital View Office Park, 52 Washington St. Rensselaer, NY 12144 or call: **1.800.345.KIDS**



Office of Children and Family Services

**Capital View Office Park
52 Washington Street
Rensselaer, NY 12144**

**Visit our website at:
www.ocfs.ny.gov**

**For child care, foster care and
adoption information, call:
8-800-345-KIDS (5437)**

**To report child abuse and neglect,
call: 1-800-342-3720**

**For information on the
Abandoned Infant Protection
Act call: 1-866-505-SAFE (7233)**

**For information on services
for the blind, call:
1-866-871-3000
1-866-871-6000 (TDD)**

*“promoting the safety, permanency,
and well-being of our children, families,
and communities.”*

Pursuant to the Americans with Disabilities Act, the State Office of Children and Family Services will make this material available in an appropriate format upon request.

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**Looking for an In-Home
Child Care Provider?**

**Kieran's
Law**

**It can help you make
an informed decision.**

What You Need to Know!

Kieran's Law took effect on October 27, 1998, to allow parents and guardians of children to access New York State criminal history information regarding potential in-house caregivers being considered for employment. Kieran's Law applies only to caregivers (e.g., nannies, baby sitters) who would be providing child care in the child's home for 15 hours or more per week.

Criminal History Records

The law allows parents, with the voluntary consent of the prospective caregiver, to forward the prospective employee's fingerprints to the New York State Division of Criminal Justice Services (DCJS). DCJS will conduct a search of its records so that a criminal background search can be conducted. Once the background check is completed, the parents will be notified of any criminal convictions in New York State so that they can make an informed decision regarding the fitness and competency of their child's caretaker. Parents will be charged \$75 for each background check DCJS conducts. This fee may be reduced based on the prospective employer's financial situation and ability to pay.

What Do I Do?

If you are seeking a criminal background check on a potential caregiver for your child, you can request a Caregiver Criminal History Record Search Request Form (DCJS-3249) and fingerprint card by writing to:

**New York State Division of
Criminal Justice Services
Criminal History Record Search Unit
4 Tower Place
Albany, NY 12203-3702**

Or by calling:
(518) 485-7675 or (518) 457-9847

Criminal history information obtained from DCJS pursuant to Kieran's Law is confidential. Unauthorized disclosure or redisclosure of the information is a Class A misdemeanor, punishable by up to one year in prison.

Parents who obtain criminal history information from DCJS and employ ten or more persons in any capacity should be aware that Section 752 of the Correction Law may limit an individual's authority to refuse to hire someone based upon a criminal conviction to those instances in which there is a direct relationship between the criminal conviction and the prospective employment.

Other Available Information

Other background information that may assist in making an informed decision regarding the suitability of a prospective caregiver. This information includes, but is not limited to, records from the New York State Department of Motor Vehicles, education records, and credit history information.

Department of Motor Vehicles Records

In accordance with the federal Driver's Privacy Protection Act (1994), you can obtain a copy of the prospective employee's New York State driving record if the employer has the prospective employee's written consent (preferably notarized), or if the reason for obtaining this information falls under "permissible use." Permissible use refers to specific circumstances that allow prospective employers to access the individual's record without his/her consent.

To obtain the driving record of a prospective employee, please complete the Department of Motor Vehicle's (DMV) form MV-15 (Request for Driver and Vehicle Record).

DMV also provides an MV-15GC form (Consent for Release of Personal Information), to be completed by the prospective employee, which provides the employer with the notarized consent to access the prospective employee's driving records.

Copies of these forms may be obtained from:

- Any New York State DMV office
- DMV's website: www.nydmv.state.ny.us
- DMV Call Centers:

**1-800-DIALDMV [342-5368] Downstate
1-800-CALLDMV [225-5368] Upstate
or 518-473-5595**

To process your request, follow the form's instructions carefully, check the type of records you are requesting (Step 2, Part A of the MV-15 form), and initial each applicable permissible use (Step 3 of the MV-15 form).

DMV will provide the driver's name, address, date of birth, gender, height, eye color, driver's license expiration date, any alcohol-related convictions within the past 10 years and any traffic-related convictions within the past 4 years. If you visit a DMV office, your request for the prospective employee's driving record can be processed on the same day.