

Education Records

Education records may be obtained from any school the prospective caregiver attended. Parents should contact schools directly for further instruction 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 after the person whose records are being sought signs a written release. 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 caregiver 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 their care. The records described in this brochure can assist in that evaluation.

For further information regarding child care in New York State, please visit our website:

ocfs.ny.gov



Office of Children
and Family Services

Capital View Office Park
52 Washington Street
Rensselaer, NY 12144

Visit our website at:
ocfs.ny.gov

For foster care and adoption
information, call:
1-800-345-KIDS (5437)

For child care complaints,
call:
1-800-732-5207

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

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

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

Pub. 4628 (Rev. 05/2018)



Office of Children
and Family Services

***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.

The law allows parents, with the voluntary consent of the potential caregiver, to forward the potential caregiver's fingerprints to the New York State Division of Criminal Justice Services (DCJS). DCJS will search its records to conduct a criminal background check.

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 potential caregiver.

Parents will be charged \$75 for each background check DCJS conducts. This fee may be reduced based on the parents' financial situation and ability to pay.

If you are seeking a criminal background check on a potential caregiver for your child, write to DCJS and request the caregiver's *Criminal History Record Search Request* form (**DCJS-3249**) and a fingerprint card by writing to:

**New York State Division of
Criminal Justice Services
Criminal History Record Search Unit
80 South Swan St., Albany, NY 12210**
or by calling:
(518) 485-7675 or (518) 457-9847
For Spanish, call **(518) 485-0962**

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 10 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 caregiver.

Other Available Information

Other background information that may assist in making an informed decision regarding the suitability of a prospective caregiver may also be obtained. 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 caregiver's New York State driving record if the parent has the prospective caregiver's written consent (preferably notarized), or if the reason for obtaining this information falls under "permissible use."

Department of Motor Vehicles Records *continued*

Permissible use refers to specific circumstances that allow parents to access the individual's record without his/her consent.

For a parent to obtain the driving record of a prospective caregiver, the prospective caregiver must give written consent via form **MV-15GC** *General Consent for Release of Personal Information*. Once the notarized consent is provided, the parent can obtain the "lifetime driving record" of the prospective caregiver by completing the Department of Motor Vehicles (DMV) form **MV-15**, *Request for Certified DMV Records*.

Both forms are available online:
the **MV15GC** at

<https://dmv.ny.gov/forms/mv15gc.pdf>

and the **MV-15** at

<https://dmv.ny.gov/forms/mv15.pdf>

DMV will provide the prospective driver's name, address, date of birth, gender, height, eye color, driver license expiration date, any alcohol-related convictions within the past 10 years, and any traffic-related convictions within the past four years.

If you visit a DMV office, your request for the prospective caregiver's driving record can be processed on the same day.