§ 837-n. Criminal history information of caregivers; requirements. 1. Definitions. For the purposes of this section:

(a) "Caregiver" shall mean a person employed to provide care to a child or children, or an elderly or vulnerable adult in the home of such a child, children, or elderly or vulnerable adult.

(b) "Criminal history information" shall mean a record of all convictions of crimes and any pending criminal charges maintained on an individual by the division of criminal justice services.

2. (a) Upon request, a caregiver may provide a prospective employer with a set of fingerprints, or two such sets of fingerprints if the prospective employer also seeks to obtain a criminal history report from the federal bureau of investigation, in such form and manner as shall be specified by the division of criminal justice services, but in any event, no less than two digit imprints. The prospective employer shall submit the fingerprints to the division of criminal justice services for screening, together with the prescribed processing fee, as set forth in subdivision eight-a of section eight hundred thirty-seven of this article and any fees associated with obtaining fingerprints under this subdivision, provided, however, that the commissioner shall develop a reduced fee based upon the prospective employer's ability to pay. If the prospective employer also seeks to obtain a criminal history report from the FBI, the required fee for such report shall also be included.

(b) Every set of fingerprints taken pursuant to this subdivision shall be promptly submitted to the division of criminal justice services. The division of criminal justice services shall compare such fingerprints against the records of such division and upon request of the prospective employer shall forward a set of such fingerprints to the federal bureau of investigation at Washington with a request that the files of the bureau be searched and notification of the results of such search and a report thereon shall be made. The division of criminal justice services shall formulate a standard criminal history information report and the standard form for such reporting. The division of criminal justice services shall forward such criminal history information report to the prospective employer in a timely manner. All such reports processed and sent to such prospective employer pursuant to this paragraph shall not be published or in any way disclosed or redisclosed to persons other

than the prospective employer, or the prospective caregiver. Any person who discloses or rediscloses such reports in violation of this section shall be guilty of a class A misdemeanor.

(c) The office of children and family services shall prepare and disseminate information to advise the public of the right to obtain the criminal history information of a prospective caregiver. Such information shall also include, but not be limited to, the following:

(i) the voluntary nature of the criminal history information check;

(ii) the steps necessary to use the criminal history information check, including information on form availability, fingerprinting and fees;

(iii) applicable confidentiality requirements; and

(iv) other information that is available to prospective employers upon the consent of a prospective caregiver including but not limited to department of motor vehicles records, educational records and credit records, including, where relevant and available, phone numbers, addresses and a description of the content and potential uses of such records.

(d) The commissioner of the division of criminal justice services shall promulgate all rules and regulations necessary to implement the provisions of this section.