



**NEW YORK CITY COUNCIL  
JOINT HEARING BY THE COMMITTEE ON HEALTH, THE COMMITTEE ON  
OVERSIGHT AND INVESTIGATIONS, AND THE SUBCOMMITTEE ON  
EARLY CHILDHOOD EDUCATION**

**WRITTEN TESTIMONY OF NADIA SHIHATA  
COMMISSIONER, NEW YORK CITY DEPARTMENT OF INVESTIGATION**

**CONCERNING OVERSIGHT OF THE CHILDCARE  
PROGRAM BACKGROUND CHECKS**

**WEDNESDAY APRIL 22, 2026**

Thank you to Chair Schulman, Chair Krishnan, Chair Gutiérrez, and members of the Committees on Health and Oversight and Investigations, and the Subcommittee on Early Childhood Education for the opportunity to submit testimony about the Department of Investigation's (DOI) limited role in the background check process for certain childcare providers in New York City.

In recognition of the importance of keeping children in childcare in New York City safe, DOI has focused on its operations to be able to process, review, and transmit criminal history results of childcare provider applicants in a timely way to the Department of Mental Health and Hygiene (DOHMH) to meet dual goals of safety and getting these critical workers into child care programs in a timely manner. Federal law requires all staff and volunteers who work in a childcare program to undergo a comprehensive background check (CBC), which includes fingerprinting, every five years.<sup>1</sup> DOI has a discrete role in the background check process related to the processing of criminal history results of childcare provider applicants for non-City funded, non-home based childcare programs.<sup>2</sup> DOHMH completes all other aspects of the CBC.

In New York, criminal history records are maintained by the Division of Criminal Justice Services (DCJS), which also conducts criminal history record checks.<sup>3</sup> Criminal history records are not considered public records. As a result, DCJS provides criminal history records only to designated entities subject to a local, state, or federal law that allows a potential employer or licensing agency to ask a candidate to submit fingerprints to DCJS. The relevant state law for these purposes is New York State Executive Law §837-m, which directs that DOI shall be the New York City department that receives the criminal history records from DCJS for applicants who wish to work in center-based childcare programs in New York City.

To initiate a background check, the center-based childcare program provides the applicant with the necessary forms to complete and directs the applicant to schedule an appointment to get fingerprinted by IDEMIA, the sole-source vendor contracted by DCJS to process fingerprints for criminal history record checks. IDEMIA has multiple fingerprinting facilities across the five boroughs.<sup>4</sup> The cost of fingerprinting is paid by the applicant.

Once an applicant is fingerprinted by IDEMIA, the fingerprints are transmitted to DCJS, which will conduct a New York State criminal history check, a Federal Bureau of Investigation criminal history check (which also identifies any out-of-state criminal history), and a National Crime and Information Center: National Sex Offender Registry check. DCJS transmits the results of those checks to DOI through the DCJS eJustice portal. The receipt of the results in the portal is what initiates DOI's involvement in DOHMH's background check process for center-based childcare programs.

DOI has a Fingerprint Unit responsible for intaking and processing the results of such criminal history checks and transmitting the results to DOHMH. The staff members in DOI's Fingerprint Unit are trained and certified by DCJS to access the eJustice portal to receive the criminal history results of childcare provider applicants. DOI typically receives between approximately 50-100 notifications of criminal history record results, which include notifications that an applicant has no criminal history, in the eJustice portal each day for childcare provider applicants.

DOI compiles a report in the form of a spreadsheet that lists all applicants whose fingerprint results were provided by DCJS, generally within the prior week, where no criminal history was reported. A report of recently fingerprinted applicants with no criminal history is shared with DOHMH weekly. For the majority of applicants, this means their fingerprint results are processed and submitted to DOHMH within 5-10

---

<sup>1</sup> See, §658(H) of the Child Care Development Block Grant Act and 45 C.F.R. §98.43. Criminal background checks must also be done for prospective staff members. Childcare staff members are individuals (1) who are employed by a childcare provider for compensation or (2) whose activities involve the care or supervision of children for a childcare provider or unsupervised access to children who are cared for or supervised by a childcare provider. This includes contract employees, self-employed individuals, and all adults (ages 18 and up) residing in a family childcare home.

<sup>2</sup> New York City Public Schools and the New York State Office of Children and Family Services process the criminal history results of childcare provider applicants in other types of programs.

<sup>3</sup> New York State Division of Criminal Justice Services "Requesting Your New York State Criminal History," available at: <https://www.criminaljustice.ny.gov/ojis/recordreview.htm>.

<sup>4</sup> IdentGO, "Locations," available at <https://www.identgo.com/locations>.

business days. For any applicant where a criminal history is reported by DCJS, the criminal history records are reviewed by Fingerprint Unit staff and attorneys in DOI's General Counsel Unit to assess which criminal history is eligible to be reported to DOHMH under the relevant state and local laws. The timeframe it takes to review applicants with criminal history varies as DOI must often request documentation and updates from out-of-state courts. Once such documentation is received and evaluated, applicants with reportable criminal history are entered on a second spreadsheet that is shared with DOHMH weekly.

Infrequent instances of applicant error when undergoing fingerprinting can result in a delay in DOI reporting the results from a few days up to a few months. However, it is important to note that these reporting issues are the exception, not the rule. At present, DOI has no backlog related to its process. In calendar year 2025, DOI processed and transmitted to DOHMH the criminal history results of more than 13,780 applicants.

In addition to the criminal history results first received by DOI after DCJS has transmitted them to DOI through the eJustice portal, DOI receives arrest notifications for any fingerprinted applicant who is subsequently arrested (even if they no longer work for a childcare provider). DOI provides the arrest notifications to DOHMH as soon as possible after receipt. In the Mayor's Management Report, DOI reported that in each of fiscal years 2022 through 2025, DOI took one day to notify DOHMH of arrest notifications for childcare workers after receipt from DCJS.

Although DOI's role in the center-based childcare background check process is minimal, DOI recognizes the importance of ensuring that individuals hired to care for the City's children at such programs have the requisite qualifications and background to do so. DOI is happy to answer any questions that the Committees and Subcommittee or any Council Members may have about its role in the background checks of childcare providers in New York City. Please reach out to DOI's Director of Intergovernmental Affairs and Special Counsel Rebecca Chasan at [rhasan@doi.nyc.gov](mailto:rhasan@doi.nyc.gov) for further information.