

**NLWJC - Kagan**

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**Crime - Nanny Registry**

# Crime - Nanny Registry

## "KIERAN'S LAW" TO CREATE A NANNY REGISTRY

*A bill currently in the New York state Senate (the Kieran Dunne caregiver bill) would provide for the voluntary registration of childcare givers. The registering of caregivers is intended to help relieve parents' fears by allowing them to obtain accurate and verifiable information about nannies they want to hire. It would also list those who work in homes assisting shut-ins and the elderly.*

**"Kieran's Law" A Result Of Brutal Killing Of 10-Month Old Kieran Dunne By Babysitter Posing As Someone Else.** On February 25, 1993, 10-month old Kieran Dunne suffered multiple severe head injuries after his babysitter Ann Franklin threw him against a wall. Kieran was kept on life support for nearly two weeks before he eventually died. After Kieran's death, Peggy and David Dunne learned Franklin's reference was a fake and she was not the person they thought they had hired. Peggy Dunne said, "We thought we knew her... She went to our church, she lived in the community and went to school with my sister-in-law. You can never be too careful." Franklin was sentenced to 8-1/3 to 25 years in prison for this crime. [NY Daily News, 3/5/97; UPI, 4/14/93;

**Dunnes & NY State Sen. Oppenheimer Push For "Kieran's Law" To Register Nannies.** Kieran Dunne's parents -- Peggy and David Dunne of Rye, New York -- are now pushing for this law that would allow the authorities to provide families with background checks of prospective nannies. State Senator Suzi Oppenheimer (D-Mamaroneck) introduced a bill in the New York in early March 1997 which would create this nanny registry. [New York Times, 3/6/97]

**Mrs. Dunne Stressed The Importance Of The Issue.** Mrs. Dunne said, "We can't bring Kieran back... But my husband and I just said we can't let this go on anymore. The pain is devastating, and not just for my family. It's devastating for all two-income families every time they open a newspaper and see a story about a caregiver hurting a child." [New York Times, 3/6/97]

**Law Would Provide For Voluntary Registration Of Those Who Wished To Be Nannies.**

The law would provide for a voluntary registration that would give families seeking to hire nannies or in-home help for the elderly or infirm the same kind of information that is routinely provided to people who employ security guards. Educational, medical, driving and credit records and a person's lifetime employment history would be made available, and fingerprints would be checked against files at the Federal Bureau of Investigation. [New York Times, 3/6/97]

**Caregivers & Parents Would Pay Fees To Partially Offset The Costs.** Caregivers who would want to be listed in the registry would pay a \$100 fee, then \$50 each year to renew. Potential employers would be charged \$75 to get a report on someone they want to hire. The fees would partly offset the cost of running the registry. [NY Daily News, 3/5/97]

Tosc/Leanne -

where are we on

"nanny registry" proposals?

Can we do anything?

Elean

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The New York Times  
March 6, 1997, Thursday, Late Edition - Final

SECTION: Section B; Page 2; Column 6; Metropolitan Desk

LENGTH: 202 words

HEADLINE: A Bill to Check Up On Nannies' Past

BYLINE: By The New York Times

DATELINE: WHITE PLAINS, March 5

BODY:

Four years after their son was killed by his babysitter, Peggy and David Dunne are pushing for a state law that would allow the authorities to provide families with background checks of prospective nannies.

State Senator Suzi Oppenheimer, a Democrat from Mamaroneck, which includes the Dunnes' home city of Rye, introduced such a bill today.

"We can't bring Kieran back," Mrs. Dunne said of her 10-month-old son who was killed. "But my husband and I just said we can't let this go on anymore. The pain is devastating, and not just for my family. It's devastating for all two-income families every time they open a newspaper and see a story about a caregiver hurting a child."

The law would provide for a voluntary registration that would give families seeking to hire nannies or in-home help for the elderly or infirm the same kind of information that is routinely provided to people who employ security guards, Ms. Oppenheimer said.

Educational, medical, driving and credit records and a person's lifetime employment history would be made available, and fingerprints would be checked against files at the Federal Bureau of Investigation.

The checks would not apply to foreign nannies or au pairs.

LANGUAGE: ENGLISH

LOAD-DATE: March 6, 1997

Copyright 1997 Daily News, L.P.  
Daily News (New York)  
March 05, 1997, Wednesday

SECTION: News; Pg. 4

LENGTH: 526 words

HEADLINE: PUSH FOR REGISTRY OF INFO ON NANNIES

BYLINE: By CHRISENA COLEMAN

BODY:

New Yorkers looking for nannies and other caregivers could turn to a state registry for background checks on applicants under a bill being introduced today.

The Kieran Dunne caregiver bill, sponsored by State Sen. Suzi Oppenheimer (D-Westchester) in Albany, would allow household workers to voluntarily sign up for a state registry in the Social Services Department.

The registry is intended to help relieve parents' fears by allowing them to obtain accurate and verifiable information about nannies they want to hire. It would also list those who work in homes assisting shut-ins and the elderly.

The registry bill was spurred by the death of 10-month-old Kieran Dunne, who was fatally injured by his nanny, Ann Franklin, on Feb. 25, 1994. He suffered severe head wounds and was kept on life support until March 10, 1994. Franklin was sentenced to 8 1/3 to 25 years in prison.

Through the registry, nannies and caregivers would provide the state with two forms of identification and sign consent forms for background information including criminal, educational, employment, medical and credit records, Oppenheimer said. Criminal checks would be done by the Criminal Justice Services Division.

"New Yorkers are nervous and stressed out about finding qualified help," Oppenheimer said. "This registry would allow parents to hire people who have had background checks."

Caregivers who would want to be listed in the registry would pay a \$ 100 fee, then \$ 50 each year to renew. Potential employers would be charged \$ 75 to get a report on someone they want to hire. The fees would partly offset the cost of running the registry, supporters said.

"This registry could have saved Kieran's life," said Peggy Dunne, Kieran's mother, who now lives in London but flew in to support the bill.

After Kieran's death, Peggy and David Dunne learned Franklin's reference was a fake and she was not the person they thought they had hired.

"We thought we knew her," Peggy Dunne said. "She went to our church, she lived in the community and went to school with my sister-in-law. You can never be too careful."

A supervisor at a Manhattan agency that places caregivers said the registry is a good idea, but she is concerned those seeking jobs wouldn't be able to afford the signup fees.

"It will definitely help people make a wise selection," said the supervisor, who identified herself

only as Harriet.

"If you've been convicted of a crime, you don't need to be in anyone's house . . . the only drawback is the fees. These people can't afford it," she said.

Karen Schaller Stern, a mother of three in Westchester County, said the registry would help take some of the uncertainty out of hiring someone to stay home with young children.

"Anything that will put controls or regulate the industry will be a plus," she said. "The vast majority of working mothers have children under the age of 1, and they cannot articulate what happened throughout the day."

Some parents like Andrea and John Graham of Queens said not even a registry would make them feel better about leaving their children with anyone other than family.

GRAPHIC: MICHAEL SCHWARTZ MOTHER Peggy Dunne, whose son Kieran (inset) was fatally injured by his nanny in 1994, is pushing for state legislation that would set up a registry of background information on caregivers.

LOAD-DATE: March 05, 1997

GANNETT NEWS SERVICE, March 5, 1997  
March 5, 1997, FINAL EDITION

LENGTH: 126 words

HEADLINE: "KIEREN'S LAW" HIGHLIGHTS

BYLINE: Gannett News Service

DATELINE: ALBANY

BODY:

ALBANY -- Here are the major provisions of "Kieren's Law," a bill that establish a registry of nannies and other caregivers:

-- It's voluntary. No caregiver would be forced to register.

-- Caregivers would provide any information on their criminal, medical and employment histories, and would be fingerprinted.

-- Caregivers would pay \$ 100 to be registered, then \$ 50 every year to renew.

-- Someone wanting reports on caregivers would pay \$ 75 for the first one, \$ 25 for each additional one.

-- Anyone who falsified background information, was convicted of a felony or was convicted of any crime involving a child would not be eligible for certification. Any registrant could be removed from the list for the same reasons.

LANGUAGE: ENGLISH

LOAD-DATE: March 13, 1997

LENGTH: 566 words

HEADLINE: LAWMAKERS CALL FOR REGISTERING NANNIES

BYLINE: YANCEY ROY; Gannett News Service

DATELINE: ALBANY

BODY:

ALBANY -- Speaking haltingly and standing before of photo of her late infant, a former Westchester County woman called on lawmakers Wednesday to approve a state registry for nannies and other caregivers.

Peggy Dunne, whose son Kieran was fatally injured by a nanny in 1994, said the registry would give parents information for making better decisions about caregivers.

"This (bill) could have saved Kieran's life," said Dunne, a former Rye resident who now resides in London. "Without this bill, (parents) might as well just leave (their) front door open and pray" they get a qualified, safe caregiver.

Sens. Suzi Oppenheimer, D-Mamaroneck, and Guy Veleva, R-Bronx, introduced the bill in the Senate on Wednesday; Assemblymen Ronald C. Tocci, D-New Rochelle, and Thomas DiNapoli, D-Nassau County, sponsored it in the lower house.

Under the act, which Oppenheimer dubbed "Kieren's Law," caregivers would have to undergo background checks and fingerprinting and would supply information about driving records, employment, medical and criminal history. Registering would be voluntary.

"Right now, there is no way to challenge information provided by a caregiver who wants to enter your home," Oppenheimer said. An official list would tell parents, "This vital information is verified, it's checked, it's reliable."

"It's about giving families a little more security," said Sen. Richard Dollinger, D-Brighton.

Under the bill, nannies would have to pay \$ 100 to be listed in the registry, then \$ 50 each year to renew.

Oppenheimer said the fee should not prevent caregivers from registering and that, in many cases, nanny agencies would likely pay the fees. Someone wanting a registry report would have to pay \$ 75 for the first one and \$ 25 for any additional.

Dunne said she tried to find out as much she could about caregivers before hiring Ann Franklin. But she was stunned to find out she could not obtain any information about Franklin's past, which she said included violent outbursts.

Franklin was convicted of fatally injuring 10-month-old Kieran on Feb. 25, 1993. Peggy Dunne said Franklin threw her son against a wall. He suffered severe head wounds and was kept on life support for nearly two weeks.

Franklin eventually was sentenced to 8 1/3 to 25 years in prison.

"She lied about virtually everything," Dunne said of her interview with Franklin before hiring her.

Dunne, who is pregnant with her fourth child, was accompanied at the press conference by her parents. Though she spoke steadily, Dunne stopped a couple of times to regain her composure.

"I and millions of parents in New York and across the United States need your help," Dunne said to lawmakers.

Tocci predicted both parents and caregivers would use the registry.

"The paranoia going around would certainly motivate people into taking advantage of a certified registry ... to ensure you're not getting any deranged person or someone whose had previous problems," Tocci said.

Tocci said nannies should back the new system because it would "professionalize their employment" and that many would want the state's seal of approval. He predicted the bill would be easily approved by both houses.

"Kieren's Law is a preventative bill," added Mary Ann Walsh, director of Westchester County-based Victims' Assistance Service.

LANGUAGE: ENGLISH

LOAD-DATE: March 13, 1997



SECTION: ALBANY ANGLE

LENGTH: 665 words

HEADLINE: STATE GOVERNMENT NOT ALWAYS THE BAD GUY

BYLINE: JAY GALLAGHER; Gannett News Service

DATELINE: ALBANY

BODY:

ALBANY -- State government, as we all know by now, is the enemy. It taxes and regulates so much, we're told over and over, it's hard for businesses to thrive and create jobs.

But this week, people were swarming the Capitol asking for more government controls and more intrusion on private business.

They were telling lawmakers they wanted more help picking nannies, more protection for nursing-home patients and assurances that breast-cancer victims would get the care they need.

The bipartisan pro-regulation fever this week reached such a pitch that Republican Sen. Alfonse D'Amato GOP state Senate Majority Leader Joseph Bruno seemed to have trouble not hugging and Democratic Assembly Speaker Sheldon Silver, normally their partisan rival, to show their happiness about an agreement to pass the breast-cancer rules.

Amid a crush of photographers and smiling advocates of the measure, they announced they all agreed that "drive-through mastectomies," where women were forced to go home right after having cancer surgery, should be outlawed, and that insurance companies should be required to cover the costs of reconstructive surgery.

The apparent enemy on this issue are health-maintenance organizations, those same providers of managed care that the state is counting on in another context to lower the cost of Medicaid, the \$ 25 billion-a-year health-insurance plan for poor people.

But actually, the HMOs pointed out, there are only a relative handful of "drive-through mastectomies" performed in the state -- 124 out of more than 6,600 in 1995, the last year numbers are available. Of those, 72 were covered by the federal Medicare program, which isn't subject to the new state law. Only 19 were HMO clients.

The other steps toward more government intrusion and regulation that advocates sought this week at the Capitol both have their roots in tragedy.

People are pushing for more regulations on nursing-home employees because of the rape and impregnation of a 29-year-old woman lying in a coma in a nursing home in Brighton, Monroe County, in 1995. A nurses' aide, John L. Horace, 53, was found guilty of that crime last month.

Attorney General Dennis Vacco and others want to subject nursing-home job applicants to criminal background checks and raise the penalties for assaulting nursing-home residents.

Most people think that's a good idea, but a similar proposal died last year because of concerns about the cost. And others point out that such a check probably wouldn't have shown anything on Horace, who had been dismissed from a number of health-care jobs before but whose only criminal conviction was on a minor fraud rap.

The nanny bill, which would set up a government registry of people who seek jobs caring for others, was proposed after a baby in Rye, Westchester County, died at the hands of his nanny in 1994.

The nanny and nursing-home bills are issues now more than ever before because people live differently. A majority of parents of young children now work outside the home. And the number people living in nursing homes -- now 115,000 in New York -- is going up both because people are living longer and fewer of their own children are able or willing to care for them. Plus, in 80 percent of the cases, the government picks up the tab, which averages about \$ 40,000 a year.

The mastectomy issue is more complicated. It's another example of improving medical care colliding with the issue of rising costs. We want the best care possible, but at the same time we want to contain costs.

So government isn't such a bad thing when it helps to ease the suffering of cancer patients, relieve the fears of parents who have to hire strangers to watch their children and protect nursing-home patients, who are among the most vulnerable people in our society.

The regulations cost money and weigh down businesses with even more paper work. Sometimes it's worth it.

LANGUAGE: ENGLISH

LOAD-DATE: March 07, 1997

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April 14, 1993, Wednesday, BC cycle

SECTION: Regional News

DISTRIBUTION: New York

LENGTH: 208 words

HEADLINE: Westchester nanny charged in baby's death

DATELINE: NEW YORK

BODY:

A Westchester nanny was charged Wednesday with beating to death a 10-month-old infant, prosecutors said.

The woman, 25-year-old Ann Franklin of Rye, New York, was charged with second-degree murder in the March 3rd death of the baby, Kieran Dunne, according to an indictment unsealed on Wednesday.

Westchester County District Attorney Carl Vergari said in a statement that the child died of "multiple head injuries" that he sustained on Feb. 25, 1993 while Franklin was babysitting for him.

According to statements made to prosecutors and included in the indictment, the Dunne family hired Franklin as a full-time nanny for the infant after answering an ad she placed in the Irish Echo newspaper. She started work in July 1992.

Franklin told authorities that on Feb. 24, 1993 the baby had "gently bumped his head" on a chair while his grandmother was taking pictures of him, but that he seemed fine and played normally with his grandfather the next day. She said that "no accident of any kind had occurred to injure Kieran."

If convicted of the charges, Franklin faces a maximum sentence of 25 years to life in prison.

Bail was set at \$500,000 and Franklin was scheduled to return to court on June 1.

LANGUAGE: ENGLISH

The Associated Press

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April 17, 1993, Saturday, PM cycle

SECTION: Domestic News

LENGTH: 420 words

HEADLINE: Another Nanny Case in New York's Westchester County

BYLINE: By MARLENE AIG, Associated Press Writer

DATELINE: WHITE PLAINS, N.Y.

BODY:

A baby sitter was charged this week in the death of a 10-month-old boy in her care, just a few miles from the scene of last year's sensational "Swiss nanny" case.

Ann Franklin, 25, of Rye, pleaded innocent Wednesday to murdering Kieran Dunne, who died of a head injury March 3. She was ordered held on \$ 500,000 bail.

She had been a baby sitter for Peggy and David Dunne in the northern New York City suburb of Rye for several months.

Franklin told police the boy appeared lethargic Feb. 25, one day after bumping his head. She said he suddenly appeared to be having a seizure and when she couldn't get through to his doctors, she called her parents, who called police.

Authorities charge Franklin either hit or kicked the baby.

The arrest shocked parents in Westchester County, where thousands of working couples depend on nannies and baby sitters. At least 40,000 children compete for the county's 11,000 licensed day care slots, according to Michael Piraino, spokesman for the Westchester Children's Association.

Still fresh in the minds of many was the trial of Olivia Riner, then 20, of Wettingen, Switzerland.

She was acquitted in July of setting a fire in Mount Pleasant that killed 3-month-old Kristie Fischer in her nursery on Dec. 2, 1991. A TV movie is in the works.

Riner was charged with murder the day after the fire. The quick arrest was fodder for the defense in Riner's trial and instrumental in her acquittal. The defense maintained police were sloppy and that they had failed to consider another suspect.

Rye police spent a month putting together the case against Franklin before

arresting her Tuesday.

The Dunnes hired Franklin after she answered their newspaper ad. Her references were easily checked.

Born and raised in Rye, Franklin has the support of her neighbors and former employers, who say they can't believe she could kill someone.

But there's also an arrest last year for shoplifting in neighboring Rockland County. Franklin failed to show up for court appearances, a bench warrant was issued and she pleaded guilty a few weeks ago, knowing she was under investigation in Kieran's death.

William and Denise Fischer hired Riner through an established agency, E.F. Au Pair of Cambridge, Mass., which boasts of doing thorough reference checks on applicants.

Swiss authorities stymied U.S. investigators seeking background information on Riner in her hometown in Wettingen and her case was a cause celebre there, her acquittal heralded and her homecoming a major event.

LANGUAGE: ENGLISH

Copyright 1993 U.P.I.  
April 14, 1993, Wednesday, BC cycle

SECTION: Regional News

DISTRIBUTION: New York

LENGTH: 208 words

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Franklin told authorities that on Feb. 24, 1993 the baby had "gently bumped his head" on a chair while his grandmother was taking pictures of him, but that he seemed fine and played normally with his grandfather the next day. She said that "no accident of any kind had occurred to injure Kieran."

If convicted of the charges, Franklin faces a maximum sentence of 25 years to life in prison.

Bail was set at \$500,000 and Franklin was scheduled to return to court on June 1.

LANGUAGE: ENGLISH

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The New York Times  
February 19, 1994, Saturday, Late Edition - Final

SECTION: Section 1;Page 21;Column 2;Metropolitan Desk;Second Front

LENGTH: 835 words

HEADLINE: Nanny Is Sentenced for Killing Infant in Her Care

BYLINE: By JOSEPH BERGER, Special to The New York Times

DATELINE: WHITE PLAINS, Feb. 18

BODY:

A nanny who admitted killing a 10-month-old baby in her care was sentenced today to a prison term of 8 1/3 to 25 years after telling a courtroom she was "wholeheartedly sorry" and was not the "cold, heartless murderer" depicted by the baby's parents.

"If I could change places with him, I'd do it in the blink of an eye," the 26-year-old nanny, Ann Franklin, said of the dead baby, Kieran Dunne, as she sobbed for the first time at any of her court appearances.

The baby's parents, David and Peggy Leahy Dunne of Rye, N.Y., told the same courtroom that their lives had been shattered by Kieran's death and took turns recounting the wondrous moments of first teeth and first goodbye waves that Kieran had given them and lamenting the experiences that they could no longer have. Later they told reporters that they did not believe Miss Franklin's expressions of remorse.

"That's Ann feeling sorry for Ann," said Mr. Dunne, an associate director at Bear Stearns.

The parents asked Judge J. Emmett Murphy of Westchester County Court to recommend that Miss Franklin not be paroled for 25 years. But the judge, asserting that he did not think Miss Franklin's act was premeditated, said he would leave that decision to a parole board, which could act when she has completed 8 1/3 years.

Miss Franklin, after 10 months of insisting that she had done nothing to cause the baby's death, admitted on Dec. 10 that she hurled Kieran more than six feet across his bedroom because she was annoyed that he yanked her hair as she placed him in his crib. In pleading guilty that day to a charge of first-degree manslaughter instead of the second-degree murder charge that she had faced, she also admitted that she had smoked marijuana moments before the fatal incident.

Today she and her lawyer, Michael P. Romano, added a new explanation for what they argued was the aberration in her behavior. Psychiatrists, they said, have determined that Miss Franklin suffers from "adult attention deficit disorder,"

which, they said, not only leads to erratic school and job performance but can also trigger outbursts of impulsive behavior.

### Plea for Forgiveness

Mr. Romano asked the Dunnes to remember the Ann Franklin who had loved their baby and to show forgiveness. Miss Franklin, in her remarks, echoed that plea.

"Ann Franklin does have a heart, does feel pain and does cry real tears," she said.

But the Dunnes lifted their eyebrows incredulously as the lawyer spoke of her psychiatric disorder, and some relatives laughed derisively. Later, Mrs. Dunne, a project manager in the planning department at The New York Times, who gave birth on Jan. 31 to a daughter, Mairead, said Miss Franklin had "chosen the disease of the 90's" as a way of dodging responsibility again.

The Dunnes had agreed to the manslaughter plea because they wanted to learn what caused their baby's fatal skull fracture, something that they might not have learned conclusively had the case gone to trial.

The sentencing hearing lasted for almost two hours after a dour Miss Franklin entered the packed courtroom with her hands cuffed behind her back. As the Dunnes alternately read their statements from a lectern, Miss Franklin, sitting next to her lawyer, betrayed no emotion, her eyes occasionally drifting to notes on the table.

"We used to have a happy life," Mr. Dunne began. "We thought life was good to us and would always be good to us. We were wrong."

He described the joys of discovering Kieran's first tooth, of proudly showing him off on Saturday morning errands to the cleaners, of having Kieran sit idly in his lap while Mr. Dunne read the Sunday papers.

"I had no idea this was the only time we would have together," Mr. Dunne said in a quivering voice. He soon added, "I always thought I'd have to protect Kieran from imaginary monsters, not from a real monster like Ann Franklin."

For the first time, both parents described how Miss Franklin dawdled last Feb. 25 about going to the hospital after the unconscious baby was rushed there by the police, insisting that the baby had simply suffered a seizure. When she finally showed up, she remained defensive.

" 'Peggy, I swear to you nothing happened,' " Mrs. Dunne remembered Miss Franklin's saying. What was more astonishing, Mrs. Dunne said, was that "I realized I was the only one crying."



## Telltale Lack of Emotion

That lack of emotion, she said, convinced her that Miss Franklin had beaten the baby.

Mr. Dunne then described how in the six days that Kieran was on life support, his swollen head swathed in gauze, he and his wife tried to tell him "every fairy tale we ever heard because there were so many he had not heard." Finally, the Dunes decided to sign the papers authorizing doctors to remove Kieran from life support.

Mrs. Dunne said that while she was elated at the birth of her daughter 18 days before, she also knew that unlike the happiness that surrounded Kieran, this baby would be raised with an ineffable sadness in the house.

GRAPHIC: Photos: At a news conference yesterday in White Plains after the sentencing of a nanny who killed a baby left in her charge were; from left, Maryellen Martirano, the prosecutor; Jeanine Pirro, the Westchester County District Attorney; and Peggy Leahy Dunne and her husband, David, the baby's parents. (Chris Maynard for The New York Times); Ann Franklin reacting to her sentence of 8 1/3 to 25 years in prison. (Pool photo/Kathy Gardner)(pg. 24)

LANGUAGE: ENGLISH

LOAD-DATE: February 19, 1994