

***Reporting Child Abuse and Neglect
The Obligation to Report and the Division of Child Protection and Permanency's
(formerly the Division of Youth and Family Services) Obligation to Respond***

New Jersey is a mandatory reporting State. This means that any person having reasonable cause to believe that a child has been subjected to child abuse must report his/her concerns or findings immediately. The report should include whatever information may be helpful, such as the identity of the perpetrator; the names and addresses of the child and his/her parent or other person having custody; the child's age; and the nature and extent of the child's injury, abuse or mistreatment.

Child abuse/neglect occurs when a parent or another individual who is in a caretaker role to the child under the age of 18, including parent or guardian as well as a teacher or child care worker, does one of the following:

- ▶ Inflicts injury or allows a child to be physically injured by another, in a method that is not accidental, which cause or creates a substantial risk of death or serious impairment, disfigurement or prolonged impairment of the child's physical or emotional health, or protracted loss of the function of any bodily organ; or
- ▶ Creates or allows a situation to be created where there is a substantial or ongoing risk to the child of physical injury, which would likely cause death, serious disfigurement or injury; or
- ▶ Sexually abuse the child and/or allows the child to be sexually abused; or
- ▶ Fails to exercise a minimum degree of care by not supplying the child with adequate food, clothing, shelter, education, medical or surgical care, when having or being provided with the means to do so, or by not providing the child with proper supervision, thereby impairing or threatening to impair the child's physical, mental or emotional condition including the infliction of excessive corporal punishment; or
- ▶ Willfully abandons the child; or
- ▶ Uses excessive physical restraints on the child, under circumstance which do not indicate that the child's behavior is harmful to himself or others; or
- ▶ Inappropriately places the child in an institution for a continued period of time with the knowledge that the placement has and may continue to harm the child's mental or physical well-being; or
- ▶ Willfully isolates a child from ordinary social contact under circumstances which indicate emotional or social deprivation.

The report should be made to the Division of Child Protection and Permanency (CP&P).

This can be done by telephone or otherwise. CP&P has a centralized call center that operates 24 hours a day, every day of the year. The telephone number is 1-877-NJ ABUSE (1-877-652-2873). The failure to report constitutes a disorderly persons offense.

The person calling CP&P to report abuse can remain anonymous.

All report of child abuse and all information obtained by CP&P are confidential, and may only be released under specific circumstances to a child protective agency, a law enforcement agency investigating a report, a physician or agency authorized to treat the child, legal counsel for the parent or child, a court, a grand jury, or for research purposes. Anyone receiving this information from CP&P is required to keep it confidential.

Any person making a good faith report or testifying in a judicial proceeding resulting for such a report is immune from any civil or criminal liability resulting from making a report. Anyone who is discharged from employment or discriminated against on the job as a result of reporting in good faith an allegation of child abuse may file a lawsuit for appropriate relief.

The Division of Child Protection and Permanency is the state agency responsible to respond to reports of child abuse or neglect. State law and regulations give CP&P the authority and the responsibility to investigate child abuse/neglect allegations within a specified period of time. New Jersey law provides that the safety and well-being of the child must be the primary concern when responding to reports of child abuse/neglect. The parent's rights and maintaining family integrity with services are secondary concerns.

CP&P is required to investigate all reports where there is reasonable cause to believe that a child may be abused or neglected. The Division must screen each report to determine an appropriate response which must include:

- ▶ An investigation to determine if the child is abuse or neglected; or
- ▶ An assessment to determine if or how CP&P can provide child welfare services; or
- ▶ Information and referral elsewhere.

In conducting a child abuse/neglect investigation, the Division must complete a safety assessment and interview in person:

- ▶ The child who is the subject of the investigation;
- ▶ The parent or caretaker in the home;
- ▶ Other member of the household, and others who frequent the home; whether adults or minors;
- ▶ The alleged perpetrator; and
- ▶ Anyone who has information relevant to the investigation, including the reporter if known, prior CP&P staff if open case within 2 years; and at least 2 collateral contacts with knowledge of the circumstances such as doctor, school, responding law enforcement, etc.

CP&P is required to begin a child abuse/neglect investigation within certain specific time frames of when the field office or after-hours child protective investigator is notified of report:

- ▶ CP&P must initiate an investigation no later than the end of the work day of receipt of the report at the State Central Registry if the report meets the following criteria: law enforcement requests an immediate response, an immediate response will prevent the loss of evidence, a child died due to abuse or neglect and a sibling of another child remains under the care of the parent or guardians, a child is born drug-exposed, a child under the age of 6 is alone at the time of the report, a child requires medical attention at the time of the report, or a children is being seriously physically abused at the time of the report.

- ▶ The Division has 24 hours to initiate investigations of all other reports where there is no immediate risk to the child, unless a delay is requested by a law enforcement official.

Once the investigation is concluded, the Division must make a formal finding or determination within 60 days of the referral. If CP&P is continuing to confirm credible information, extensions may be granted by the office manager in increments of 30 days.

There are 4 possible findings: Substantiated, Established, Not Established or Unfounded.

Unfounded: when there is not a preponderance of the evidence indicating that a child is abused or neglected by definition, and the evidence indicates that a child was not harmed or placed at risk of harm.

Not Established: There is not a preponderance of the evidence that a child is an abused or neglected child by definition, but evidence indicates that the child was harmed or placed at risk of harm.

Established: A preponderance of the evidence establishes that a child is an abused or neglected child as defined by definition, but the act or acts committed or omitted do not warrant a finding of substantiation upon consideration of aggravating and mitigating factors.

Substantiated: A preponderance of the evidence establishes that a child is an abused or neglected child as defined by definition; and either the investigation indicates the existence of any of the absolute conditions; or substantiation is warranted based on consideration of the aggravating and mitigating factors.

Relevant Statutes & Regulations: N.J.S.A. 9:6-8.10; N.J.S.A. 9:6-8.10a; N.J.S.A. 9:6-8.13; N.J.S.A. 9:6-8.14; N.J.S.A. 9:6-8.21; N.J.S.A. 30:4C-12; N.J.A.C. 3A:10

For more information on children and the law, visit our website at www.kidlaw.org