

ADMINISTRATIVE ORDER 3:05
(Revised)

DEPARTMENT OF HUMAN SERVICES

EFFECTIVE DATE: September 30, 1976 DATE ISSUED: September 15, 1976

DATE REVISED: October 18, 1984

SUBJECT: Reporting of Suspected Child Abuse or Neglect in a Public or Private Facility

I. PURPOSE

The purpose of this administrative order is to outline the procedures to be followed in the reporting and investigation of incidents of suspected child abuse or neglect in any public or private facility. The issuance of this administrative order should serve to ensure a coordinated and consistent response among the various units within the Department by defining everyone's obligation to report incidents of abuse or neglect and by defining each unit's responsibility when such a report is received by the Central Office Institutional Abuse (IA) Unit, the Regional IA Units, or the Office of Child Abuse Control, all in the Division of Youth and Family Services (DYFS).

All reporting requirements contained in previous administrative orders concerning suspected criminal activity (3:02, 1:50) remain in effect.

II. SCOPE

This administrative order has Department-wide applicability.

III. DEFINITIONS

The following terms, when used in this order, have the meanings indicated:

Abused Child, as defined in N.J.S.A. 9:6-8.9, means a child under the age of 18 years

a) whose parent, guardian or other person having custody and control inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ;

b) whose parent, guardian or other person having custody and control creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental

means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ;

c) whose parent, guardian or other person having custody and control commits or allows to be committed an act of sexual abuse against the child;

d) whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his/her parent or guardian, or such other person having custody and control, to exercise a minimum degree of care in (1) supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so, or (2) providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment, or by any other act of similarly serious nature requiring the aid of the court; or

e) who has been willfully abandoned by his/her parent or guardian or by such other person having custody and control.

Public or Private Facility (also Facility) means any facility which houses children or provides children with care, supervision or maintenance for any period of time. These facilities include, but are not limited to, schools, hospitals, developmental centers, day care centers, residential centers, shelters, correctional institutions and detention facilities.

IV. POLICY

It is the policy of the Department of Human Services to provide services to its clients in a safe and secure environment. Therefore, a major emphasis of the Department is put on the obligation of any person who even suspects that a child may be abused or neglected to report the incident to the proper authorities immediately. This immediate response will help to ensure the safety of the child in question as well as facilitate an investigation.

V. PROCEDURES

A. Reporting Requirements

1. In accordance with N.J.S.A. 9:6-8.10, any person suspecting that a child may have been subjected to abuse or neglect is legally obligated to report such suspicion to the

Division of Youth and Family Services.¹ Employees of facilities governed by this order are hereby instructed

¹Employees are reminded that failure to report is a disorderly persons offense. A person convicted of a disorderly persons offense may be fined up to \$1,000 and may be sentenced to up to six months in jail.

to report immediately incidents of suspected child abuse to the DYFS Central Office Institutional Abuse Unit at 1-609-292-0616 if the incident is brought to their attention during normal working hours (Monday through Friday, 9 a.m. to 5 p.m.). If the incident cannot be reported within normal working hours, the employee shall report to the 24-hour emergency hotline service maintained by the DYFS Office of Child Abuse Control. The toll-free number is 1-800-792-8610. Employees are directed to report to DYFS at the same time they report to their own administrative personnel.

2. When making a report, the reporting party shall provide, where possible, the following information:
 - a. the name and approximate age of the child;
 - b. the name and location of the facility;
 - c. a description of the child's present condition and the nature and extent of the abuse or neglect to which he/she has been subjected, including an indication of the seriousness of the situation and whether the child appears to be in immediate or imminent danger; and
 - d. the name of the alleged perpetrator and any other information known concerning the circumstances of the suspected abuse or neglect.

B. Responsibility of Regional Offices to Investigate

It is the responsibility of the Central Office Institutional Abuse Unit promptly to refer reported incidents to the appropriate DYFS Regional Office Institutional Abuse Unit for investigation. (Regional Office IA Units are responsible for investigating child abuse reports involving facilities located within those counties under the jurisdiction of the particular Regional Office. They are responsible to and supervised by the Central Office Institutional Abuse Unit.) The Regional Office IA Unit shall investigate the situation immediately if a child appears to be in immediate or imminent danger, and in no more than 72 hours in less serious situations.

C. Investigation of Reports of Child Abuse in Public or Private Facilities

After receiving a report of child abuse in a public or private facility, the Regional Office IA Unit shall:

1. Immediately notify the director or superintendent of the facility that DYFS has received and will investigate a report of child abuse in the facility.

2. Immediately notify the child's parents or, if the child is already known to DYFS, advise the District Office supervising the child to inform the child's parents of the report and investigation.
3. Have the child examined by a physician outside the facility whenever serious abuse is suspected or where there are visible marks on the child.
4. Conduct an investigation to determine the circumstances of abuse, the child's present condition, and the necessity of removing the child from the facility in order to protect the child's safety.
5. Where removal of a child is necessary in order to avoid imminent danger to the child's life or health, make every effort to secure removal of the child without endangering the child's safety.

Where the child has not been placed in the facility by DYFS, the worker shall first seek to obtain consent for the child's removal from the director or superintendent of the facility. Superintendents of facilities in the Department shall consent to such removals. If consent to the child's removal from a non-Department facility cannot be obtained, the Regional Office IA Unit shall initiate action to secure a court order directing temporary removal of the child to an appropriate facility. However, whenever the condition of the child is such that leaving him/her in the facility for the time needed to obtain a court order would present an imminent danger to life or health, the worker may make an emergency removal without court order. If necessary, the worker may request police assistance to effect such a removal (see N.J.S.A. 9:6-8, 29).

Where a child is in the care or custody of DYFS and has been placed in the facility by that Division, the worker has authority to remove the child without consent or court order.

With all removals, the child should be returned home if possible. If this is not possible, the child should be taken to an appropriate alternative placement. Where possible, the child's worker and the DYFS Office of Statewide Operations should be consulted.

When a child is removed from a correctional facility, the worker shall place the child in a facility with equivalent security measures. If a child removed from a correctional facility requires hospital examination or treatment, a guard shall be furnished by the facility or hired at the expense of the facility to maintain security.

6. Report its findings and recommendations to the Supervisor of the Central Office Institutional Abuse Unit for appropriate distribution of the report.

7. Inform the child's parents or, if the child is known to DYFS, advise the District Office supervising the child to inform the child's parents as to the child's present condition and placement.

In addition, DYFS policy on reporting child abuse and neglect cases to County Prosecutors applies to incidents of abuse in public and private facilities (see N.J.S.A. 9:6-8.36a). The Regional Office IA Unit thus should refer to the appropriate Prosecutor any case that would have been referred had the child been in the custody of his/her parents.¹ Referrals should be made after the initial investigation, upon determination by the Regional Office IA Unit that a referral is required.

D. Independent Investigation of Alleged Child Abuse in DYFS-Operated Facilities

Upon receipt of a report of suspected child abuse or neglect in a facility operated by the Division of Youth and Family Services, the Supervisor of the Central Office Institutional Abuse Unit or any other designated individual shall immediately refer the report and accompanying information to the Office of the Public Advocate for independent investigation.

George J. Albanese
Commissioner

¹DYFS's duty to refer a case to the Prosecutor arises as soon as the investigator has any information about the case which leads him/her to suspect that the alleged abuse or neglect may in fact have occurred. In cases of alleged sexual abuse, it is DYFS policy that all cases be referred to the Prosecutor.