

SUBCHAPTER 10. REPORTING ALLEGATIONS OF CHILD ABUSE AND NEGLECT**6A:16-10.1 Purpose**

The purpose of this subchapter is to establish uniform Statewide policies and procedures for public school personnel to report allegations of child abuse and neglect to the Division of Youth and Family Services (DYFS) and to cooperate with the investigation of such allegations.

6A:16-10.2 Adoption of policies and procedures

(a) District boards of education shall adopt and implement policies and procedures for the reporting to, and the cooperation with, the Division of Youth and Family Services in investigations of child abuse and neglect. District policies and procedures developed pursuant to this subchapter shall be reviewed and approved by the county superintendent. These policies and procedures shall:

1. Include provisions requiring school personnel, compensated and uncompensated (volunteer), to immediately report to the Division of Youth and Family Services incidents of child abuse and neglect. The person reporting the alleged child abuse and neglect shall inform the school principal or designee of the report after the Division of Youth and Family Services referral has been made. However, notice to the principal or designee need not be given when the person believes that such notice would be likely to endanger the referrer or child(ren) involved or when the person believes that such disclosure would be likely to result in retaliation against the child or in discrimination against the referrer with respect to his or her employment.

i. School personnel having reasonable cause to believe that a child has been subjected to child abuse or neglect or acts of child abuse or neglect as defined under N.J.S.A. 9:6-8.9 shall immediately report to the Division of Youth and Family Services (see N.J.S.A. 9:6-8.10). When referring cases to the Division of Youth and Family Services, the school referrer shall provide, when possible, the following information:

- (1) The name of the child;
- (2) The age and grade of the child;
- (3) The name and address of the child's parent;
- (4) A description of the child's condition, including any available information concerning current or previous injuries, abuse or maltreatment and including any evidence of previous injuries;
- (5) The nature and extent of the child's injuries, abuse or maltreatment;
and
- (6) Any other pertinent information that the referrer believes may be relevant with respect to the child abuse and to the identity of the alleged perpetrator;

2. Include a statement indicating the importance of early identification of child abuse or neglect.

3. Provide assurances that no school personnel will be discharged from employment or in any manner discriminated against with respect to compensation, tenure or terms, conditions or privileges of employment as a result of making in good faith a report or causing to be reported an allegation of child abuse (N.J.S.A.9:6-8.13);

4. Require procedures for the following:

- i. District cooperation with the Division of Youth and Family Services in investigations of child abuse or neglect that has occurred at any time outside or within the confines of the school or during a school-related function.
- ii. District action as defined in N.J.S.A. 9:6-3.1 in response to the findings at each stage of the investigation as it affects the child(ren) and the school personnel;
- iii. Release of the child(ren) from the schools; and
- iv. Transfer of the child(ren) between schools;

5. Provide for the establishment of a liaison to the Division of Youth and Family Services from the district board of education.

- i. The liaison shall:
 - (1). Facilitate communication and cooperation between the district and the Division of Youth and Family Services; and
 - (2) Act at the primary contact person between the schools and the Division of Youth and Family Services with regard to general information sharing and the development of mutual training and other cooperative efforts;

6. Include provisions for the annual delivery of information and in-service training programs to school personnel concerning child abuse or neglect, instructional methods and techniques relative to issues of child abuse or neglect in the local curriculum, and personnel responsibilities pursuant to N.J.S.A. 9:6-8.10 et seq.;

- i. All new school district employees, both paid and voluntary, shall receive the required information and training as part of their orientation; and

7. Detail the responsibilities of the district board of education as follows:
 - i. Permit the Division of Youth and Family Services investigator to interview the child(ren) in the presence of the school principal or designee. If the child(ren) is intimidated by the presence of that school representative, the child(ren) shall name a staff member, whom he or she feels will be supportive, who will be allowed to accompany the child during the interview. The purpose of including a school representative is to provide comfort and support to the child, not to participate in the investigation;

CHILD ABUSE REPORTING

Any person having reasonable cause to believe a child has or is being abused must report the suspected child abuse to the Division of Youth and Family Services (DYFS).

OVERVIEW

The regulations governing child abuse reporting now located at *N.J.A.C. 6A:16-10.1 et seq.*, were recently amended to recite that the purpose of the regulation is to “establish uniform statewide policies and procedures for public school personnel to report allegations of child abuse and neglect...” to DYFS and cooperate with the ensuing investigation.

Each board of education must, in accordance with *N.J.A.C. 6A:16-10.2*, have a policy and procedure for reporting to, and cooperating with, DYFS investigations of child abuse and neglect.

All boards must adopt and implement policies and procedures for the reporting to, and the cooperation with, DYFS in investigations of child abuse and neglect. All such district policies must be reviewed and approved by the county superintendent.

School personnel having reasonable cause to believe that a child has been subjected to child abuse or neglect as defined under *N.J.S.A. 9:6-8.9* shall immediately report the suspected abuse to DYFS. The person making the report shall provide the following information whenever possible: (1) the names and addresses of the child, (2) his/her parent/guardian, (3) the child’s age and grade, (4) a description of the child’s condition concerning any evidence of current or previous injuries, (5) the nature of the child’s injuries, abuse or maltreatment; and (6) any other information that the person believes may be helpful.

Child abuse policies must include a statement indicating the importance of early identification of child abuse or neglect.

Child abuse includes:

- Inflicting or allowing to be intentionally inflicted upon a child physical injury which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of (a) physical or emotional health, or (b) function of any bodily organ;

- Intentionally creating or allowing to be created a substantial or ongoing risk of physical injury which would be likely to cause death or serious or protracted disfigurement, or protracted loss of impairment of the function of any bodily Organ;
- Committing or allowing someone to commit an act of sexual abuse against a child;
- Not supplying a child with adequate clothing, shelter, education, medical or surgical care, although financially able to do so;
- Inflicting or allowing to be inflicted excessive corporal punishment or using excessive physical restraint;
- Willful abandonment by parent or person having custody and control; and
- Inappropriate placement in an institution with the knowledge that such placement may result in harm to the child's well-being, or that the child has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.

Any sexual contact between a school employee and a student must be reported to DYFS.

Any person who knowingly violates the requirement to report child abuse, having reasonable cause to believe that an act of child abuse has been committed, is a disorderly person. When in doubt, the employee should err on the side of caution and make a report.

All records of reports of child abuse made pursuant to the reporting requirement shall be kept confidential and shall only be disclosed pursuant to the statutory list of exceptions found at *N.J.S.A. 9:6-8.10a*, including but not limited to: (1) a child protective agency authorized to investigate a report of child abuse or neglect; (2) a law enforcement agency investigating a report of child abuse or neglect; (3) a court or Office of Administrative Law; (4) a grand jury.

School employees may not be subject to adverse employment action, and are immune from liability, as a result of making a good faith report to DYFS.

Each board must establish a liaison to DYFS. The liaison shall: (1) facilitate communication and cooperation between the district and DYFS, and (2) act as the primary contact person between the school and DYFS with regard to general information sharing, the development of mutual training and other cooperative efforts.

Each board must provide annual delivery of information and in-service training programs to school personnel concerning child abuse or neglect, and all new employees, both paid and volunteer, shall receive information regarding child abuse and neglect as part of their orientation.

The requirements of child abuse reporting override the confidentiality usually existing between students and their counselors.

A board of education must cooperate with DYFS in accordance with *N.J.A.C. 6A:16-10-.2(a)7*. Cooperation includes: permitting DYFS to interview the involved children in the presence of the school principal; scheduling interviews with other school personnel; releasing, in accordance with *N.J.A.C. 18A:36-19* and *N.J.A.C. 6:3-6*, all student records relevant to the assessment and treatment of child abuse; permitting DYFS to physically remove a child from school to protect the child or take the child to a service provider. The principal must be notified and DYFS must have appropriate authorization under *N.J.S.A. 9:6-89.27* through 8.30.

Districts must cooperate if a transfer of a student is deemed necessary. Districts must also provide due process rights to school personnel who have been reassigned or suspended in accordance with *N.J.S.A. 18A:6-10, et seq., 18A:25-1, 18A:25-6, and 9:6-3.1*.

Districts must remove all reports of suspected child abuse from personnel files immediately following the receipt of an official notice from DYFS that the allegations were unfounded. In addition, such a report shall not be used against the employee for any purpose relating to employment including, but not limited to: discipline, salary, promotions, transfer, demotion, retention or continuance of employment, or any right or privilege associated with such employment.

CHECKLIST

- ✓ All employees must be informed of the child abuse reporting requirements.
- ✓ All employees must be instructed where to place phone calls regarding suspected child abuse.
- ✓ Ensure that all employees understand the definition of “child abuse.”
- ✓ Employees should be aware of the confidentiality of the report to DYFS and the penalties for failing to comply with the law.
- ✓ Employees should be aware that they are protected from adverse employment action for making a good faith report to DYFS.