

**CHAPTER 16****DEPARTMENT OF CHILDREN AND FAMILIES  
CHILD FATALITY AND NEAR FATALITY  
REVIEW BOARD****Authority**

N.J.S.A. 9:6-8.88 through 9:6-8.96.

**Source and Effective Date**

R.2007 d.347, effective November 5, 2007.  
See: 39 N.J.R. 9(a), 39 N.J.R. 4846(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 16, Department of Children and Families Child Fatality and Near Fatality Review Board, expires on November 5, 2014. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 16, Department of Human Services Child Death and Critical Incident Review Board, was adopted as R.1992 d.513, effective December 21, 1992. See: 24 N.J.R. 3506(a), 24 N.J.R. 4536(a). Pursuant to Executive Order No. 66(1978), Chapter 16 expired on December 21, 1997.

Chapter 16, Department of Human Services Child Death and Critical Incident Review Board, was readopted as R.1998 d.83, effective February 2, 1998. See: 29 N.J.R. 3970(a), 30 N.J.R. 542(a).

Chapter 16, Department of Human Services Child Death and Critical Incident Review Board, was repealed by R.2001 d.444, effective December 3, 2001. See: 32 N.J.R. 3919(a), 33 N.J.R. 4135(a).

Chapter 16, Department of Children and Families Child Fatality and Near Fatality Review Board, was adopted as new rules by R.2007 d.347, effective November 5, 2007. See: Source and Effective Date.

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**SUBCHAPTER 1. INTRODUCTION AND OVERVIEW****10:16-1.1 Purpose**

The purpose of this chapter is to describe the organization, functions and activities of the Child Fatality and Near Fatality Review Board, in the New Jersey State Department of Children and Families, as well as the efforts of the Department to support the Board.

**10:16-1.2 Scope**

(a) These rules apply to:

1. Each member of the Child Fatality and Near Fatality Review Board;
2. Each member of the Board's local or regional community-based teams, if it chooses to establish such teams;
3. Each representative of the Department of Children and Families and the Division of Youth and Family Services;
4. The State Medical Examiner; and
5. Any other person participating in the Board's functions and responsibilities.

**10:16-1.3 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings:

"Board" means the Child Fatality and Near Fatality Review Board.

"Casework supervisor" means a Supervising Family Service Specialist I whose job responsibility includes, but is not limited to, supervising subordinate supervisors in the delivery of protective and child welfare services in the Division.

"Child" means any person under the age of 18.

"Child abuse and neglect" means the same as the definition of "abused or neglected child" at N.J.A.C. 10:133-1.3.

"CCAPTA" means New Jersey Comprehensive Child Abuse Prevention and Treatment Act, N.J.S.A. 9:6-8.88 et seq.

"Department" means the Department of Children and Families.

"Division" means the Division of Youth and Family Services in the Department of Children and Families.

"Fatality" means death.

"Full review" means a review of all available case-related material by the Board or its local or regional community-based team at a duly convened meeting.

“Governmental support systems” means public entities providing services to children and their families, including, but not limited to, the Division of Youth and Family Services and other agencies within the Department of Children and Families, the Department of Health and Senior Services, the Office of the Attorney General, the Office of the Public Defender and the Office of the Child Advocate.

“Near fatality” means a serious or critical condition, as certified by a physician, in which a child suffers either a permanent mental or physical impairment, a life-threatening injury or a condition that creates a probability of death within the foreseeable future.

“Team” means a local or regional community-based team established by the Child Fatality and Near Fatality Review Board.

## SUBCHAPTER 2. GENERAL PROVISIONS FOR THE CHILD FATALITY AND NEAR FATALITY REVIEW BOARD

### 10:16-2.1 Purpose of the Board

(a) CCAPTA states the several part purpose of the Board as follows:

1. The Board shall review fatalities and near fatalities of children in New Jersey in order to:
  - i. Identify their causes, their relationship to governmental support systems, as determined relevant by the Board, and methods of prevention;
  - ii. Describe trends and patterns of child fatalities and near fatalities in New Jersey;
  - iii. Identify risk factors and their prevalence in child fatalities and near fatalities;
  - iv. Evaluate the response of the government support system to children in families who are considered to be at high risk and to offer recommendations for improvement in those responses;
  - v. Identify high risk groups relative to child abuse and neglect, or fatality, in terms that are compatible with the development of public policy;
  - vi. Improve the sources of data collection by developing protocols for autopsies, death investigations, and the complete recording of cause of death on the death certificate;
  - vii. Provide case consultation to individuals or agencies represented by the Board; and
  - viii. Make recommendations for system-wide improvements in services to prevent fatalities and near fatalities among children;

2. The Board shall identify the fatalities of children due to unusual circumstances when:

- i. The cause of death is undetermined;
- ii. Substance abuse may have been a contributing factor;
- iii. Homicide is the result of child abuse or neglect;
- iv. Child abuse or neglect may have been a contributing factor;
- v. There is malnutrition, dehydration, or medical neglect or failure to thrive;
- vi. There is sexual abuse;
- vii. There is head trauma, fractures or blunt force trauma without obvious innocent reason, such as auto accidents;
- viii. There is suffocation or asphyxia;
- ix. There are burns without obvious innocent reason such as auto accident or house fire;
- x. There is a suicide;
- xi. Sudden Infant Death Syndrome (SIDS) is suspected; and
- xii. Sudden Unexplained Death Syndrome (SUDS) is suspected; and

3. The Board shall also identify a fatality or near fatality of any child whose family, currently, or within the last 12 months, was receiving services from the Division.

### 10:16-2.2 Composition and terms

(a) CCAPTA, as stated in N.J.S.A. 9:6-8.89, designates the members of the Board as follows:

1. The Board shall consist of the following members, who shall serve ex officio:
  - i. The Commissioner of Children and Families, or designee;
  - ii. The Commissioner of Health and Senior Services, or designee;
  - iii. The Director of the Division of Youth and Family Services, or designee;
  - iv. The Attorney General, or designee;
  - v. The Superintendent of the State Police, or designee;
  - vi. The Child Advocate or designee;
  - vii. The State Medical Examiner; and