

CHAPTER 16**DEPARTMENT OF HUMAN SERVICES CHILD
DEATH AND CRITICAL INCIDENT
REVIEW BOARD****Authority**

N.J.S.A. 9:6-8.10a and b, 9:6-8.21 and 30:4C-4(h).

Source and Effective Date

R.1998 d.83, effective February 2, 1998.
See: 29 N.J.R. 3970(a), 30 N.J.R. 542(a).

Executive Order No. 66(1978) Expiration Date

Chapter 16, Department of Human Services Child Death and Critical Incident Review Board, expires on February 2, 2003.

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.

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SUBCHAPTER 1. GENERAL PROVISIONS**10:16-1.1 Purpose**

This chapter establishes the Department of Human Services Child Death and Critical Incident Review Board and

describes its organization, scope, membership, functions, and procedures.

10:16-1.2 Scope

(a) The scope of this chapter applies to situations involving children currently or formerly (within the past 12 months) under the supervision of the Division of Youth and Family Services (DYFS):

1. Who are alleged to have died due to child abuse or neglect;
2. Who have died, and whose death is not alleged to be due to child abuse or neglect, but who died under circumstances that have been identified by the Deputy Commissioner or by the Director as presenting issues which could result, through Board review, in recommendations for systems, policy, legislative or regulatory changes or other broad-based revisions in Departmental or Divisional operations, and/or community remedies; or
3. Who were the subject of a critical incident (not resulting in death) that was:
 - i. Alleged to have been due to child abuse or neglect, and
 - ii. Has been identified by the Deputy Commissioner or by the Director as presenting issues that could result, through Board review, in recommendations for systems, policy, legislative/regulatory changes or other broad-based revisions in Departmental or Divisional operations, and/or community remedies.

(b) This chapter applies regardless of where the child involved in the situation described in (a) above is residing or of which State government agency, Division of this Department or non-government provider is or was responsible for caring for the child.

10:16-1.3 Definitions

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

“Abused or neglected child” means a child:

1. Less than 18 years of age:
 - i. Whose parent or guardian 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;
 - ii. Whose parent or guardian creates or allows to be created a substantial or continuing 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;

iii. Whose parent or guardian commits or allows to be committed an act of sexual abuse against the child;

iv. 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 or her parent or guardian to exercise a minimum degree of care:

(1) In 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) In 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 acts of a similarly serious nature requiring the aid of the court;

v. Who has been willfully abandoned by his or her parent or guardian;

vi. Upon whom excessive physical restraint has been used under circumstances which do not indicate that the child's behavior is harmful to herself or himself, others or property; or

vii. Who is in an institution other than a day school, and:

(1) Has been placed there inappropriately for a continued period of time with the knowledge that the placement has resulted or may continue to result in harm to the child's mental or physical well-being; or

(2) Has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation.

2. No child who in good faith is under treatment by spiritual means alone, through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof, shall for this reason alone be considered to be abused or neglected.

“Board” means the Department of Human Services Child Death and Critical Incident Review Board.

“Child” means any child less than 18 years of age who has been alleged to have been abused or neglected.

“Child abuse death” or “death due to child abuse or neglect” means the death of a child as a result of acts or omissions by a parent or guardian that constitute child abuse or neglect, as these terms are defined in N.J.S.A. 9:6-8.21a, b and c.

“Critical incident” means a serious injury, a life-threatening condition, or a newsworthy event occurring to a child currently or formerly (within the past 12 months) under DYFS supervision and alleged to have been due to abuse or neglect.

“Day school” means a public or private school which provides general or special educational services to day students in grades kindergarten through 12. Day school does not include a residential facility, whether public or private, which provides care on a 24-hour basis.

“Deputy Commissioner” means the Deputy Commissioner of the Department of Human Services.

“Director” means the Director of the Division of Youth and Family Services in the Department of Human Services.

“DYFS” means the Division of Youth and Family Services in the Department of Human Services.

“Formerly under DYFS supervision” means that the child's case was closed and was not actively receiving DYFS services on the day the injury or death occurred, but had been actively receiving services within the past 12 months.

“Life-threatening condition” means any condition caused by exceptional or extraordinary occurrences which creates a high probability of death within the reasonably foreseeable future.

“Newsworthy event” means any incident which has attracted media (television, newspaper or radio) interest.

“Parent” or “guardian” means any natural parent, adoptive parent, foster parent, stepparent, or any person, who has assumed responsibility for the care, custody or control of a child or upon whom there is a legal duty for such care. Parent or guardian includes a teacher, employee or volunteer, whether compensated or uncompensated, of an institution who is responsible for the child's welfare and any other staff person of an institution, regardless of whether or not the person is responsible for the care or supervision of the child. Parent or guardian also includes a teaching staff member or other employee, whether compensated or uncompensated, of a day school.

“Serious injury” includes, but is not limited to, any fracture of the skull or long bones, ribs, spine or pelvis; head injury, such as concussion; human bites puncturing the skin or wounds requiring extensive suturing; extensive burns; bodily injury resulting in gastrointestinal symptoms or genital-urinary symptoms; teeth knocked out; injury to the eye; injury causing multiple hematomas; choking injury leaving marks; and any injury requiring hospitalization.

“Under DYFS supervision” means that the child is registered on the DYFS Service Information System as being actively under investigation or receiving DYFS services on the day the injuries or death occurred.