

**SUBCHAPTER 4. DISCLOSURE OF  
INFORMATION TO THE MEDIA AND  
PUBLIC ABOUT CHILD FATALITIES AND  
NEAR FATALITIES**

**Authority**

N.J.S.A. 9:6-8.10a, 9:6-8.14, 30:4-24.3 and 30:4C-4(h); 45 C.F.R. 205.50, 1355.21 and 1355.30; and 42 U.S.C. § 5106a.

**Source and Effective Date**

R.1999 d.255, effective August 2, 1999.  
See: 30 N.J.R. 3918(a), 31 N.J.R. 2214(b).

**10:133G-4.1 Authority for disclosure of information**

Pursuant to N.J.S.A. 9:6-8.10a, information may be released to the public regarding a child fatality or near fatality when the fatality or near fatality was the result of child abuse or neglect.

**10:133G-4.2 Who may disclose information to the media or a member of the public about a child fatality or near fatality**

(a) The Department of Human Services' Office of Public Information shall direct and control the release of information to the media about a child fatality or near fatality investigated by the Division or determined by the Division to be the result of child abuse or neglect. Information shall be disclosed by the Director or the Department's Office of Public Information. No other representative of the Division or the Department shall disclose information to the media or a member of the public about a child fatality or near fatality unless specifically authorized to do so by the Director or the Commissioner of the Department of Human Services.

(b) The media may request information about a child fatality or near fatality either verbally or in writing. The media shall direct the request to the Department of Human Services' Office of Public Information.

1. The Director of the Division of Youth and Family Services or the Department of Human Services' Office of Public Information shall provide information verbally to a representative of the media about a child fatality or near fatality, within the parameters established by this chapter, upon confirming that the requester is a representative of the media.

(c) A member of the public shall make a request for information about a child fatality or near fatality in writing to the Office of the Director, Division of Youth and Family Services. If the requester claims to represent an agency, he or she shall make the request for information on official agency letterhead in accordance with N.J.A.C. 10:133G-3.4(a)1.

1. The Office of the Director shall respond, in writing, within the parameters established by this chapter, to a

written request from a member of the public for information about a child fatality or near fatality.

**10:133G.4.3 Information that shall not be disclosed to the media or a member of the public about a child fatality or near fatality**

(a) Pursuant to N.J.S.A. 9:6-8.10a.f, the Office of the Director or the Department's Office of Public Information shall not disclose information to the media or a member of the public about a child fatality or near fatality investigated by the Division when:

1. The information would likely endanger the life, health, safety or physical or emotional well-being of a child or the life or safety of any other person;

2. The information may compromise the integrity of or interfere with a Division investigation, a civil or criminal investigation or a judicial proceeding;

i. If a criminal investigation is in progress or pending, the Office of the Director of the Division of Youth and Family Services shall contact the county prosecutor before releasing any information to the media or a member of the public about the incident, to determine what information can be disclosed, if any, based on the status of the criminal investigation;

3. The information is deemed confidential by Federal law or State law other than N.J.S.A. 9:6-8.10a;

4. The information includes the name of or any other identifying information about the referral source, even when the referral source gives written consent to disclose his or her identity in accordance with N.J.A.C. 10:133G-2.1(c);

5. The information includes the name of any Division representative assigned to the investigation or the management of the case; or

6. The information concerns any disciplinary actions taken against a Division representative as a result of or related to the incident or the handling of the Division case.

(b) The Office of the Director or the Department's Office of Public Information shall not release information obtained from another agency or entity which is investigating a child fatality or near fatality on its own or in cooperation with the Division, such as the police, the county prosecutor or the medical examiner.

**10:133G-4.4 Information that shall be disclosed to the media or a member of the public during the Division investigation**

(a) Unless prohibited by N.J.S.A. 9:6-8.10a or N.J.A.C. 10:133G-4.3, and upon the request of the media or a member of the public in accordance with N.J.A.C. 10:133G-4.2(b) and (c), information about a child fatality or near fatality that shall be disclosed to the media or a

member of the public during the Division's investigation, prior to the Division's determination of the investigation finding, shall include and shall be limited to the following:

1. The name, age and gender of the child victim;
2. The date of the incident and the date of the referral regarding the incident to the Division;
3. The living arrangement of the child victim at the time of the incident, and, for a near fatality, the child victim's current living arrangement, if different. The following standards apply:
  - i. The type of setting shall be disclosed, such as the child's own home, a relative's home, a foster home, or an institution;
  - ii. The name of the institution shall be provided, if the incident occurred in an institution; and
  - iii. If the incident did not occur in an institution, the out-of-home placement provider's or other caregiver's name, address and other identifying information or whereabouts shall not be provided;
4. Information about other possible child victims. The following standards apply:
  - i. The names of other possible child victims shall be disclosed only when they are also fatalities or near fatalities which the Division has reasonable cause to believe resulted from child abuse or neglect;
  - ii. The relationship of each child to the child victim shall be disclosed; and
  - iii. The type of living arrangement of each child shall be disclosed under the conditions specified in (a)3i, ii and iii above;
5. The nature of the incident. The following standards apply:
  - i. The type of allegation shall be disclosed, including, but not limited to, physical abuse, neglect and sexual abuse;
  - ii. The nature of the child victim's injuries, medical condition and prognosis shall be disclosed; and
  - iii. The name and identifying information about the alleged perpetrator and other specific information about the circumstances of the incident shall be disclosed only after the Division concludes its investigation, child abuse or neglect is substantiated, and a perpetrator is confirmed;
6. The status of the Division's involvement with the child victim and his or her family prior to the child fatality or near fatality, including:
  - i. Whether the case was in active status at the time of the child fatality or near fatality, in closed status or never known to the Division;

- ii. The Division office or offices responsible for each prior case opening;
  - iii. The date and disposition of each prior referral;
  - iv. The date of each prior case opening and closing;
  - v. The types of services provided by or through the Division, including any referral to a service not provided by the Division. The names of service providers shall not be disclosed; and
  - vi. The date and approximate time of the Division's last contact with the child victim prior to the incident, and whether the contact was in person or by telephone;
7. Division action taken to protect the child victim and other possible child victims within the family or the household; and
  8. The name of the Division office supervising the case or conducting the investigation of the incident.

**10:133G-4.5 Information that shall be disclosed about a child fatality or near fatality not caused by child abuse or neglect**

(a) If the Division's investigation determines that the child fatality or near fatality was not the result of a substantiated incident of child abuse or neglect, the Division shall disclose only the following information to the media or a member of the public, in addition to the information previously disclosed during the investigation in accordance with N.J.A.C. 10:133G-4.4:

1. The Division's investigation finding of either not substantiated or unfounded; and
2. The date of the Division's investigation finding.

**10:133G-4.6 Information that shall be disclosed about a child fatality or near fatality that was the result of child abuse or neglect**

(a) If the Division's investigation determines that the child fatality or near fatality was the result of a substantiated incident of child abuse or neglect, unless prohibited by N.J.S.A. 9:6-8.10a or N.J.A.C. 10:133G-4.3 or withheld at the request of the county prosecutor, the Office of the Director or the Department's Office of Public Information shall disclose the following information to the media or a member of the public, as relevant to the given incident or the child's condition, in addition to the information disclosed during the investigation in accordance with N.J.A.C. 10:133G-4.4:

1. The child's current medical condition or the date and cause of the child's death;
2. The child's current living arrangement, with this information provided under the same limitation as imposed by N.J.A.C. 10:133G-4.4(a)3i, ii and iii;
3. Details about the Division's investigation of the incident, including, but not limited to:

- i. The type of child abuse or neglect that was substantiated;
- ii. Where the incident occurred; and
- iii. The name of the perpetrator and his or her relationship to the child victim;

4. Whether the Division's investigation determined that another child was abused or neglected at the time of the incident. The name of that child shall not be disclosed unless that child was a child fatality or near fatality as well; and

5. The types of services provided by or through the Division, both prior and subsequent to the child fatality or near fatality, including service referrals given on behalf of the child victim as well as the services or referrals given on behalf of the child victim's surviving family members. The name of service providers shall not be disclosed.

**10:133G-4.7 Ability to seek court relief if denied information about a child fatality or near fatality**

If the Office of the Director or the Department of Human Services' Office of Public Information denies the media or a member of the public access to information about a child fatality or near fatality under these rules, he or she may seek disclosure of the information through the Chancery Division of the Superior Court pursuant to N.J.S.A. 9:6-8.10a.f.

**SUBCHAPTER 5. RELEASE OF INFORMATION TO GOVERNMENT ENTITIES**

**Authority**

N.J.S.A. 9:6-8.10a, 9:6-8.14, 30:4-24.3 and 30:4C-4(h); 45 C.F.R. 205.50, 1355.21 and 1355.30; and 42 U.S.C. § 5106a.

**Source and Effective Date**

R.1999 d.255, effective August 2, 1999.  
See: 30 N.J.R. 3918(a), 31 N.J.R. 2214(b).

**10:133G-5.1 Request procedure**

(a) A Federal, State or local government entity requesting information regarding a child abuse or neglect report, when the information is being requested for a matter other than the investigation of a report of child abuse or neglect, shall submit a written request to: Director, Division of Youth and Family Services, PO Box 717, Trenton, NJ 08625-0717.

(b) The request shall include:

- 1. A citation identifying the requester's statutory mandate to protect children from abuse and neglect;
- 2. The specific information that is being requested;

3. The purpose for which the information will be used; and

4. A statement indicating that the requesting government entity will keep the information confidential.

**10:133G-5.2 Office of the Director determines whether to disclose information**

(a) A representative of the Office of the Director shall determine whether the requester has statutory authority to receive confidential child abuse and neglect information and a need to know the information being requested.

1. If the request is approved, a representative of the Office of the Director shall provide a summary of the information that is approved for release.

2. If the request is disapproved, a representative of the Office of the Director shall notify the requester, in writing, of the disapproval and the opportunity for the requester to appeal this decision through the Chancery Division of the Superior Court pursuant to N.J.S.A. 9:6-8.10a.

**10:133G-5.3 Safeguards**

(a) The following safeguards are applicable when information is requested by a government entity. A representative of the Office of the Director shall disclose only that information:

1. Deemed appropriate, as determined pursuant to N.J.A.C. 10:133G-5.2, for the requesting entity to carry out its responsibility under law to protect children from abuse and neglect;

2. Related to a child abuse report which would not be likely to endanger the life, safety, or physical or emotional well-being of a child or the life or safety of any other person;

3. Related to a child abuse report which would not be likely to compromise the integrity of a Division investigation or a civil or criminal investigation or judicial proceeding;

4. Related to a child abuse report which is not deemed confidential by Federal or State law other than N.J.S.A. 9:6-8.10a;

5. Which does not contain the name of or any other information which could readily identify the referral source who reported an incident or referred the child to the Division, unless the referral source gives prior written consent in accordance with N.J.A.C. 10:133G-2.1(c); and

6. Which does not contain the name of or any information which could readily identify the Division representative or representatives assigned to the investigation or the management of the case.

(b) A government entity receiving information pursuant to N.J.S.A. 9:6-8.10a shall keep the information confidential and shall not redisclose the information. A violation of this

confidentiality requirement shall be subject to criminal sanctions pursuant to N.J.S.A. 9:6-8.10b.