

(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 himself or herself, 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) Who 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.

"Assessment of physical harm" means assessment, including visual inspection, used by a child protective investigator, made by either the child protective investigator or by another professional on the request of the child protective investigator, to determine the existence of and the extent of an alleged child victim's physical injury or condition.

"Call" means contact made by a reporter to the State Central Registry through a phone call or other means of communication.

"Caregiver" means any person who has full-time physical custody of a child, including a parent, stepparent, live-in paramour, and resource parent.

"Child Abuse Record Information" or "CARI" means the information in the child abuse registry as established in N.J.S.A. 9:6-8.11, which may be released to a person or agency outside the Department's Division of Youth and Family Services only as prescribed by law.

"Child advocacy center" means a county-based center, pursuant to N.J.S.A. 9:6-8.104, which provides child abuse

prevention, intervention, and treatment services to children, who are victims of abuse or neglect.

"Child protective investigator" means a Department representative who performs a child protection investigation including a representative of the Office of the Public Defender acting as the Department's agent.

"Core service" means any one of the mandated services that a regional diagnostic and treatment center may provide to or on behalf of an alleged child victim, and his or her parent or family member whom a center is evaluating in the context of a child protection investigation or treatment of abuse or neglect, as specified in N.J.S.A. 9:6-8.99.

"Criminal History Record Information" or "CHRI" means the information collected by the Department through State and Federal criminal background checks.

"Department" means the New Jersey Department of Human Services.

"Department representative" means a professional employee of the Department, including a child protective investigator.

"Division" means the Division of Youth and Family Services at the New Jersey Department of Human Services.

"Expunction" means the destruction, erasure and complete eradication of a record and applies to the destruction of computer files and corresponding paper files.

"Finding" means the final determination made by a child protective investigator of the results of a child protection investigation.

"Formal investigation" means the stage of a child protection investigation of a report of abuse or neglect which follows an initial investigation that does not result in a finding of unfounded and which is concluded with a finding of substantiated or unfounded.

"Initial investigation" means the first stage of a child protection investigation of a report of abuse or neglect during which a child protective investigator determines whether there is sufficient reason to believe a formal investigation is necessary.

"Institution" means any facility, public or private, in-State, which provides children with out-of-home care, supervision or maintenance. "Institution" includes, but is not limited to, a correctional facility, detention facility, residential school, hospital, camp, day care center that is licensed or should be licensed, group homes and registered family day care homes.

"Institutional caregiver" means an 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.

“Institutional caregiver” also includes the chief administrator responsible for the operation of an institution or facility.

“Multidisciplinary team” means an investigation and case management team comprised of professionals from law enforcement, medicine, child protective services, mental health, and substance abuse, identification and treatment, and a core service provider from a regional diagnostic and treatment center.

“Paramour” means a parent or guardian’s partner, other than his or her spouse, who is in a care giving role for the alleged child victim. This definition is applicable whether the paramour resides in the home, is a same-sex partner or is a current or ex-boyfriend or girlfriend.

“Parent” means a person who is the mother or father of a child through birth or adoption.

“Parent or guardian” means any birth parent, adoptive parent, resource 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 as defined in N.J.S.A. 9:6-8.21.

“Permanency worker” means a Department representative, other than the child protective investigator, who is responsible for providing and monitoring services to a child and his or her family involved with the Department.

“PROMIS/GAVEL” means the New Jersey courts’ computer criminal record check.

“Regional diagnostic and treatment center” or “center” means one of four regional diagnostic and treatment centers, as established pursuant to N.J.S.A. 9:6-8.99, to provide for the medical and mental health diagnostic and treatment needs of abused or neglected children in the geographic region in which the center is located, through a multidisciplinary approach to child abuse and neglect.

“Report” means an account or statement describing a specific incident or set of circumstances of suspected abuse or neglect.

“Reporter” means an individual who contacts the State Central Registry to make a child protective services report, a child welfare service referral, or a request for social services.

“Risk assessment” means a structured process for determining the likelihood that the alleged child victim will be abused or neglected in the future.

“Safety assessment” means a structured process for determining whether the alleged child victim is in imminent danger of harm.

“State Central Registry” means the centralized operation within the Department of Human Services responsible for screening incoming calls to the State of New Jersey to gather information about an alleged incident or set of circumstances suggesting suspected abuse or neglect or a child welfare service need.

“Substantiated” means a finding when the available information, as evaluated by the child protective investigator, indicates by a preponderance of the evidence that a child is an abused or neglected child as defined in N.J.A.C. 10:133-1.3 because the alleged child victim has been harmed or placed at risk of harm by a parent or guardian.

“Temporary caregiver” means a person who has assumed temporary care, custody, or control of a child, including a babysitter, but does not include an institutional caregiver or a police officer acting in an official capacity.

“Unfounded” means a finding when:

- i. There is not a preponderance of evidence that the alleged child victim was harmed or placed at substantial risk of harm; or
- ii. There is not a preponderance of evidence indicating that a parent or guardian and child were involved.

New Rule, R.2005 d.441, effective December 19, 2005.

See: 37 N.J.R. 2132(a), 37 N.J.R. 5004(b).

Former N.J.A.C. 10:129-1.3, Referral of cases to a prosecutor, was recodified as N.J.A.C. 10:129-3.1.

Administrative correction.

See: 38 N.J.R. 2828(b).

#### 10:129-1.4 General policy

The primary concern of all public agencies involved with child abuse and neglect is to ensure the safety, well-being, and best interests of the child. Other considerations, such as the objective of maintaining family integrity, promoting family functioning or the concern for traditional “parental rights,” are secondary.

Amended by R.2000 d.253, effective June 19, 2000.

See: 32 N.J.R. 439(a), 32 N.J.R. 2241(a).

Substituted a reference to family functioning for a reference to family therapy.

Recodified from N.J.A.C. 10:129-1.2 by R.2005 d.441, effective December 19, 2005.

See: 37 N.J.R. 2132(a), 37 N.J.R. 5004(b).

Former N.J.A.C. 10:129-1.4, Division recommendations to prosecutors, was recodified as N.J.A.C. 10:129-3.2, Department recommendations to prosecutors.