

SENATE, No. 3751

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED OCTOBER 7, 2024

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator JOSEPH F. VITALE

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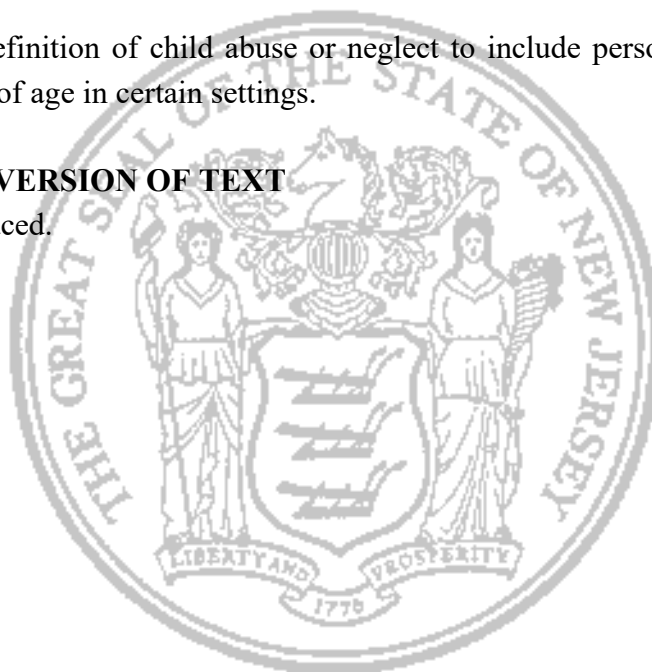
**Senators McKnight, Burgess, Ruiz, Diegnan, Assemblyman Kanitra and
Assemblywoman Haider**

SYNOPSIS

Revises definition of child abuse or neglect to include persons between 18 and 21 years of age in certain settings.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/12/2026)

1 AN ACT concerning children, amending P.L.1974, c.119 and
2 P.L.2010, c.5.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1974, c.119 (C.9:6-8.21) is amended to read
8 as follows:

9 1. As used in P.L.1974, c.119 **[(C.9-8.21 et seq.)]** (C.9:6-8.21
10 et seq.), unless the specific context indicates otherwise:

11 a. "Parent or guardian" means any natural parent, adoptive
12 parent, resource family parent, stepparent, paramour of a parent, or
13 any person, who has assumed responsibility for the care, custody, or
14 control of a child or upon whom there is a legal duty for such care.
15 Parent or guardian includes a teacher, employee, or volunteer,
16 whether compensated or uncompensated, of an institution who is
17 responsible for the child's welfare and any other staff person of an
18 institution regardless of whether or not the person is responsible for
19 the care or supervision of the child. Parent or guardian also
20 includes a teaching staff member or other employee, whether
21 compensated or uncompensated, of a day school as defined in
22 section 1 of P.L.1974, c.119 (C.9:6-8.21).

23 b. "Child" means any **[child]** (1) person less than 18 years of
24 age alleged to have been abused or neglected, or (2) any person less
25 than 21 years of age alleged to have been abused or neglected as
26 defined in this section, or subject to exploitation as defined in
27 section 8 of P.L.2017, c.238 (C.30:6D-74), by a teacher, employee,
28 contractor, or volunteer, whether compensated or uncompensated,
29 of an institution responsible for the care or supervision of that
30 person, as regulated by the Department of Children and Families,
31 including employees of day schools as defined in this section.

32 c. "Abused or neglected child" means a child **[less than 18**
33 **years of age]** as defined in this section whose parent or guardian, as
34 herein defined, (1) inflicts or allows to be inflicted upon such child
35 physical injury by other than accidental means which causes or
36 creates a substantial risk of death, or serious or protracted
37 disfigurement, or protracted impairment of physical or emotional
38 health or protracted loss or impairment of the function of any bodily
39 organ; (2) creates or allows to be created a substantial or ongoing
40 risk of physical injury to such child by other than accidental means
41 which would be likely to cause death or serious or protracted
42 disfigurement, or protracted loss or impairment of the function of
43 any bodily organ; (3) commits or allows to be committed an act of
44 sexual abuse against the child; (4) or a child whose physical,
45 mental, or emotional condition has been impaired or is in imminent

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 danger of becoming impaired as the result of the failure of his
2 parent or guardian, as herein defined, to exercise a minimum degree
3 of care (a) in supplying the child with adequate food, clothing,
4 shelter, education, medical or surgical care though financially able
5 to do so or though offered financial or other reasonable means to do
6 so, or (b) in providing the child with proper supervision or
7 guardianship, by unreasonably inflicting or allowing to be inflicted
8 harm, or substantial risk thereof, including the infliction of
9 excessive corporal punishment; or by any other acts of a similarly
10 serious nature requiring the aid of the court; (5) or a child who has
11 been willfully abandoned by his parent or guardian, as herein
12 defined; (6) or a child upon whom excessive physical restraint has
13 been used under circumstances which do not indicate that the child's
14 behavior is harmful to himself, others, or property; (7) or a child
15 who is in an institution and (a) has been placed there
16 inappropriately for a continued period of time with the knowledge
17 that the placement has resulted or may continue to result in harm to
18 the child's mental or physical well-being or (b) who has been
19 willfully isolated from ordinary social contact under circumstances
20 which indicate emotional or social deprivation.

21 A child shall not be considered abused or neglected pursuant to
22 paragraph (7) of subsection c. of this section if the acts or omissions
23 described therein occur in a day school as defined in this section.

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

29 d. "Law guardian" means an attorney admitted to the practice
30 of law in this State, regularly employed by the Office of the Public
31 Defender or appointed by the court, and designated under P.L.1974,
32 c.119 to represent minors in alleged cases of child abuse or neglect
33 and in termination of parental rights proceedings.

34 e. "Attorney" means an attorney admitted to the practice of law
35 in this State who shall be privately retained; or, in the instance of an
36 indigent parent or guardian, an attorney from the Office of the
37 Public Defender or an attorney appointed by the court who shall be
38 appointed in order to avoid conflict between the interests of the
39 child and the parent or guardian in regard to representation.

40 f. "Division" means the Division of Child Protection and
41 Permanency in the Department of Children and Families unless
42 otherwise specified.

43 g. "Institution" means a public or private facility in the State
44 which provides children with out of home care, supervision, or
45 maintenance. Institution includes, but is not limited to, a
46 correctional facility, detention facility, treatment facility, day care
47 center, residential school, shelter, and hospital.

1 h. "Day school" means a public or private school which
2 provides general or special educational services to day students in
3 grades kindergarten through 12. Day school does not include a
4 residential facility, whether public or private, which provides care
5 on a 24-hour basis.

6 (cf: P.L.2012, c.16, s.31)

7
8 2. Section 2 of P.L.2010, c.5 (C.30:6D-74) is amended to read
9 as follows:

10 2. As used in P.L.2010, c.5 (C.30:6D-73 et seq.):

11 "Abuse" means wrongfully inflicting or allowing to be inflicted
12 physical abuse, sexual abuse, or verbal or psychological abuse or
13 mistreatment by a caregiver upon an individual with a
14 developmental disability.

15 "Caregiver" means a person who receives State funding, directly
16 or indirectly, in whole or in part, to provide services or supports, or
17 both, to an individual with a developmental disability; except that
18 "caregiver" shall not include an immediate family member of an
19 individual with a developmental disability.

20 "Central registry" means the Central Registry of Offenders
21 Against Individuals with Developmental Disabilities established
22 pursuant to P.L.2010, c.5 (C.30:6D-73 et seq.).

23 **["Children's System of Care" means the Division of Children's**
24 **System of Care in the Department of Children and Families.]**

25 "Commissioner" means the Commissioner of Human Services.

26 "Department" means the Department of Human Services.

27 "Developmental disability" means the same as that term is
28 defined by section 3 of P.L.1977, c.82 (C.30:6D-3).

29 "Exploitation" means the act or process of a caregiver using an
30 individual with a developmental disability or his resources for
31 another person's profit or advantage.

32 "Intimate parts" means the following body parts of a person:
33 sexual organs, genital area, anal area, inner thigh, groin, buttock, or
34 breast.

35 "Lewdness" means the exposing of the genitals for the purpose
36 of arousing or gratifying the sexual desire of a caregiver or an
37 individual with a developmental disability, or any flagrantly lewd
38 and offensive act which the caregiver knows or reasonably expects
39 is likely to be observed by an individual with a developmental
40 disability.

41 "Neglect" shall consist of any of the following acts by a
42 caregiver on an individual with a developmental disability: willfully
43 failing to provide proper and sufficient food, clothing, maintenance,
44 medical care, or a clean and proper home; or failing to do or permit
45 to be done any act necessary for the well-being of an individual
46 with a developmental disability.

47 "Physical abuse" means a physical act directed at an individual
48 with a developmental disability by a caregiver of a type that causes

1 one or more of the following: pain, injury, anguish, or suffering.
2 Such acts include, but are not limited to, the individual with a
3 developmental disability being kicked, pinched, bitten, punched,
4 slapped, hit, pushed, dragged, or struck with a thrown or held
5 object.

6 "Program" means any program that is licensed or funded by the
7 department for the purpose of providing services to individuals with
8 developmental disabilities. "Program" includes, but is not limited
9 to, a day program or a community-based residential program, as
10 those terms are defined by section 1 of P.L.2017, c.238 (C.30:6D-
11 9.1).

12 "Sexual abuse" means an act or attempted act of lewdness, sexual
13 contact, or sexual penetration between a caregiver and an individual
14 with a developmental disability. Any form of sexual contact or
15 activity between a caregiver and an individual with a developmental
16 disability, absent marriage, domestic partnership, or civil union, is
17 sexual abuse, regardless of whether the individual with a
18 developmental disability gives consent or the caregiver is on or off
19 duty.

20 "Sexual contact" means an intentional touching by a caregiver or
21 individual with a developmental disability, either directly or
22 through clothing, of the intimate parts of the individual with a
23 developmental disability or the caregiver for the purpose of
24 sexually arousing or sexually gratifying the caregiver. Sexual
25 contact of the caregiver with himself must be in view of the
26 individual with a developmental disability whom the caregiver
27 knows to be present.

28 "Sexual penetration" means vaginal intercourse, cunnilingus,
29 fellatio, or anal intercourse between a caregiver and an individual
30 with a developmental disability or insertion of the hand, finger, or
31 object into the anus or vagina, either by the caregiver or upon the
32 caregiver's instruction.

33 "Verbal or psychological abuse or mistreatment" means any
34 verbal or non-verbal act or omission by a caregiver that inflicts one
35 or more of the following: emotional harm; mental distress; or
36 invocation of fear, humiliation, intimidation, or degradation to an
37 individual with a developmental disability. Examples include, but
38 are not limited to: bullying; ignoring need; verbal assault; use of
39 racial or ethnic slurs; or intimidating gestures, such as shaking a fist
40 at an individual with a developmental disability.

41 (cf: P.L.2017, c.238, s.8)

42

43 3. Section 3 of P.L.2010, c.5 (C.30:6D-75) is amended to read
44 as follows:

45 3. a. (1) A case manager or case manager's supervisor in the
46 department, a person employed or volunteering in a program,
47 facility, community care residence, or living arrangement licensed
48 or funded by the department, a person conducting a site visit

1 pursuant to section 2 of P.L.2017, c.238 (C.30:6D-9.2), or a person
2 providing community-based services with indirect State funding
3 from the department to a person with a developmental disability, as
4 applicable, having reasonable cause to believe that an individual
5 with a developmental disability has been subjected to abuse,
6 neglect, or exploitation by a caregiver, shall report the same
7 immediately to the department by telephone or otherwise.

8 (2) A report made pursuant to paragraph (1) of this subsection,
9 where possible, shall contain: (a) the name and address of the
10 individual with a developmental disability, as well as the name and
11 address of the caregiver responsible for the care, custody, or control
12 of the individual with a developmental disability, and the guardian,
13 or other person having custody and control of the individual; and
14 (b) if known, the condition of the individual with a developmental
15 disability, the nature and possible extent of the individual's injuries,
16 maltreatment, abuse, neglect, or exploitation, including any
17 evidence of previous injuries, maltreatment, abuse, neglect, or
18 exploitation, and any other information that the person believes may
19 be helpful with respect to the injuries, maltreatment, abuse, neglect,
20 or exploitation of the individual with a developmental disability and
21 the identity of the alleged offender.

22 b. Within the department, the commissioner shall:

23 (1) maintain a unit to receive and prioritize reports that are filed
24 pursuant to this section;

25 (2) provide for verification of the unit's prioritization of the
26 reports by sending an employee or case manager to the appropriate
27 location within 48 hours to verify the level of severity of the report,
28 as provided by section 4 of P.L.2017, c.238 (C.30:6D-9.4);

29 (3) initiate appropriate responses through timely and appropriate
30 investigative activities;

31 (4) alert appropriate staff; and

32 (5) ensure that findings are reported in a uniform and timely
33 manner.

34 c. (1) A person employed or volunteering in a program, facility,
35 community care residence, or living arrangement licensed or funded
36 by the department, or a person providing community-based services
37 with indirect State funding from the department to a person with a
38 developmental disability, as applicable, who fails to report an act of
39 abuse, neglect, or exploitation against an individual with a
40 developmental disability while having reasonable cause to believe
41 that such an act has been committed, is a disorderly person.

42 (2) A case manager or case manager's supervisor in the
43 department who fails to report an act of abuse, neglect, or
44 exploitation of an individual with a developmental disability while
45 having reasonable cause to believe that such an act has been
46 committed, shall be guilty of a crime of the fourth degree, unless
47 the abuse, neglect, or exploitation results in the death of an
48 individual with a developmental disability, in which case the case

1 manager or case manager's supervisor shall be guilty of a crime of
2 the third degree.

3 d. In addition to any penalty imposed pursuant to this section, a
4 person convicted under this section shall be subject to a penalty in
5 the amount of \$350 for each day that the abuse, neglect, or
6 exploitation was not reported, payable to the Treasurer of the State
7 of New Jersey, which shall be used by the department to fund the
8 provision of food and care to individuals with developmental
9 disabilities residing in community care residences.

10 e. A case manager or case manager's supervisor, or a caregiver
11 suspected of abuse, neglect, or exploitation of an individual with a
12 developmental disability, who is charged with failure to report an
13 act of abuse, neglect, or exploitation of an individual with a
14 developmental disability while having reasonable cause to believe
15 that such an act has been committed, shall be temporarily
16 reassigned to duties that do not involve contact with individuals
17 with developmental disabilities or other vulnerable populations, and
18 shall be terminated from employment if convicted.

19 In the case of a case manager or case manager's supervisor, or of
20 a caregiver suspected of abuse, neglect, or exploitation who is
21 employed by the department, the case manager, supervisor, or
22 caregiver shall retain any available right of review by the Civil
23 Service Commission.

24 (cf: P.L.2017, c.238, s.9)

25

26 4. Section 4 of P.L.2010, c.5 (C.30:6D-76) is amended to read
27 as follows:

28 4. a. Upon receipt of a report pursuant to section 3 of P.L.2010,
29 c.5 (C.30:6D-75), the department shall designate an entity, as
30 established by the commissioner, that shall immediately take such
31 action as shall be necessary to ensure the safety of the individual
32 **【18 years of age or older】** with a developmental disability and to
33 that end may request appropriate assistance from local and State
34 law enforcement officials or contact Adult Protective Services to
35 provide assistance in accordance with the provisions of P.L.1993,
36 c.249 (C.52:27D-406 et seq.). The guardian of the individual with a
37 developmental disability shall also be authorized to request
38 appropriate assistance from local and State law enforcement
39 officials.

40 b. (1) The commissioner shall adopt rules and regulations
41 necessary to provide for an investigation of a reported incident and
42 subsequent substantiation or non-substantiation of an allegation of
43 abuse, neglect, or exploitation of an individual **【18 years of age or
44 older】** with a developmental disability by a caregiver, which shall
45 include:

46 (a) maintaining an Office of Investigations to investigate serious
47 unusual incidents, as defined by applicable rules and regulations, in
48 facilities or programs licensed, contracted, or regulated by the

1 department and to investigate incidents that occur in State
2 developmental centers;

3 (b) providing the guardian of the individual with prior notice of
4 the commencement of an investigation under this section, and
5 providing an opportunity for the guardian, as appropriate, to submit
6 information to facilitate an investigation, except that if there is no
7 guardian, a family member of the individual may submit
8 information, unless the individual has expressly prohibited the
9 family member from doing so; and

10 (c) providing that a guardian of an individual with a
11 developmental disability, upon request, may be permitted to attend
12 the investigative interview of the individual the guardian represents
13 and to terminate the interview of the individual the guardian
14 represents, unless the attendance or termination would impede the
15 investigation.

16 (2) During its investigation of an allegation of abuse, neglect, or
17 exploitation of an individual **【18 years of age or older】** with a
18 developmental disability by a caregiver, the Office of Investigations
19 shall make a good faith effort to notify the caregiver of the
20 possibility of the caregiver's inclusion on the registry, and give the
21 caregiver an opportunity to respond to the department concerning
22 the allegation.

23 c. The Office of Investigations, the department, or other
24 investigating entity shall forward to the commissioner, or the
25 commissioner's designee, a substantiated incident of abuse, neglect,
26 or exploitation of an individual **【18 years of age or older】** with a
27 developmental disability for inclusion of an offending caregiver on
28 the central registry. The Office of Investigations, the department,
29 or other investigating entity shall also forward to the commissioner,
30 or the commissioner's designee, all unsubstantiated incidents of
31 abuse, neglect, or exploitation of an individual **【18 years of age or
32 older】** with a developmental disability. As soon as possible, and no
33 later than 14 days after receipt of the incident of abuse, neglect, or
34 exploitation, the commissioner or the commissioner's designee shall
35 review the incident. The offending caregiver of a substantiated
36 incident shall be included on the central registry as expeditiously as
37 possible. The Office of Investigations shall retain a record of all
38 unsubstantiated incidents.

39 d. Upon the initiation of an investigation, the department shall:
40 (1) ensure that any communication concerning the alleged abuse,
41 neglect, or exploitation of an individual **【18 years of age or older】**
42 with a developmental disability between a caregiver, case manager
43 of the caregiver, the case manager's supervisor, **【including a care
44 manager or supervisor under contract with the Children's System of
45 Care,】** or a person at the appropriate Community Services Office of
46 the Division of Developmental Disabilities **【or the Children's
47 System of Care】** is identified, safeguarded from loss or destruction,

1 and maintained in a secure location; and (2) contact the Office of
2 the Attorney General, which shall determine whether to participate
3 in the investigation.

4 e. (1) No later than 30 days after an investigation under this
5 section is concluded, the Office of Investigations shall issue a
6 written report of the investigation that includes the conclusions of
7 the office, the rationale for the conclusions, and a detailed summary
8 of any communication secured pursuant to subsection d. of this
9 section. The report shall also include an assessment of the role of
10 any case manager of a caregiver or the case manager's supervisor, if
11 applicable, in the allegation of abuse, neglect, or exploitation, and a
12 recommendation about whether any civil or criminal action should
13 be brought against the case manager or supervisor. The report shall
14 be made part of the record for review in any civil or criminal
15 proceeding that may ensue.

16 (2) A written summary of the investigation, as provided for in
17 paragraph (3) of this subsection, shall be provided to the guardian
18 of the individual [18 years of age or older] with a developmental
19 disability who is the subject of the alleged abuse, neglect, or
20 exploitation; however, the actual records and reports of an
21 investigation shall also be provided to a guardian or other person
22 who is responsible for the welfare of the individual with a
23 developmental disability if the information is needed in connection
24 with the provision of care, treatment, assessment, evaluation, or
25 supervision to the individual; and the provision of information is in
26 the best interests of the individual with a developmental disability,
27 as determined by the Division of Developmental Disabilities.

28 (3) The written summary of an investigation of an alleged
29 incident of abuse, neglect, or exploitation shall include, but need
30 not be limited to:

31 (a) the name of the individual with a developmental disability
32 who is the subject of the alleged abuse, neglect, or exploitation;

33 (b) the date of the incident, or the date the incident was reported
34 if the incident date is unknown;

35 (c) whether the incident is an allegation of abuse, neglect, or
36 exploitation;

37 (d) the incident number;

38 (e) a summary of the allegation of abuse, neglect, or exploitation;

39 (f) a finding that the incident is substantiated or unsubstantiated;

40 (g) the rationale for the finding and, if the incident is
41 substantiated, a description of the action or inaction that
42 precipitated the finding;

43 (h) if known at the time of issuing the summary, whether or not
44 criminal charges against the alleged offending caregiver are
45 pending; and

46 (i) whether remedial action was taken.

47 (4) If there is no guardian of the individual with a developmental
48 disability who is the subject of the alleged abuse, neglect, or

1 exploitation, the written summary described in paragraph (3) of this
2 subsection shall be provided to a family member of the individual
3 who requests such summary, unless the individual has expressly
4 prohibited the family member from receiving such summary.

5 f. A licensed provider in another state shall be permitted access
6 to the central registry.

7 g. **【**The department, the Office of Investigations, or other
8 investigative entity shall forward to the Commissioner of Children
9 and Families, or to the commissioner's designee, copies of the
10 investigative reports involving any individual over the age of 18
11 with a developmental disability who is the subject of an
12 investigation and is receiving services from the Children's System
13 of Care. The reports may be used by the Department of Children
14 and Families, as appropriate, to initiate or support contracting,
15 licensing, or other corrective actions.**】** (Deleted by amendment,
16 P.L. , c.) (pending before the Legislature as this bill)

17 h. The department, the Office of Investigations, the
18 Institutional Abuse Investigation Unit, and any other investigative
19 entity may share, with and among each other, investigative records
20 involving an individual with a developmental disability who is the
21 subject of an investigation of an incident of abuse, neglect, or
22 exploitation pursuant to section 3 of P.L.2010, c.5 (C.30:6D-75) or
23 an investigation of child abuse or neglect pursuant to section 4 of
24 P.L.1971, c.437 (C.9:6-8.11).
25 (cf: P.L.2017, c.238, s.10)
26

27 5. The Departments of Children and Families and Human
28 Services shall promulgate rules and regulations in accordance with
29 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
30 seq.) as are necessary to effectuate the provisions of this act.
31

32 6. This act shall take effect on the first day of the twelfth
33 month next following the date of enactment.
34
35

36 STATEMENT

37
38 This bill revises the definition of child abuse or neglect to
39 include persons between 18 and 21 years of age in certain settings.

40 Specifically, the bill amends the definition of "child" in section 1
41 of P.L.1974, c.119 (C.9:6-8.21) to mean any (1) person less than 18
42 years of age alleged to have been abused or neglected, or (2) any
43 person less than 21 years of age alleged to have been abused or
44 neglected, or subject to exploitation by a teacher, employee,
45 contractor, or volunteer, whether compensated or uncompensated,
46 of an institution responsible for the care or supervision of that
47 person, as regulated by the Department of Children and Families
48 (department), including employees of day schools. The bill also

1 amends the definition of "abused or neglected child" in section 1 of
2 P.L.1974, c.119 (C.9:6-8.21), so that the term will also apply to
3 persons between 18 and 21 years of age.

4 Although the department regulates and funds services for
5 individuals with disabilities under the age of 21, the Office of
6 Program Integrity and Accountability (OPIA) in the Department of
7 Human Services currently conducts investigations involving
8 persons between the age 18 and 21 in department-regulated
9 facilities on behalf of the department and forwards all investigatory
10 materials and findings to the department.

11 This bill will transfer full investigatory responsibility to the
12 department for the populations served and settings regulated by the
13 department, which is accomplished by revising definitions and other
14 provisions in the statute pertaining to the department and child
15 abuse to reflect the full range of ages under the department's
16 jurisdiction for persons up to 21 years of age in regulated facilities.

17 The bill also updates section 3 of P.L.2010, c.5 (C.30:6D-75) to
18 eliminate conflicting and superfluous references to the department,
19 since the statute applies to individuals receiving services from the
20 Department of Human Services.