

(b) The supervising detective of the county prosecutor's office shall determine if law enforcement will be involved in the investigation and shall notify a Department representative. The prosecutor may take various courses of action upon receipt of a referral, among them, the following:

1. Advise the Department staff member making the referral that the prosecutor will not undertake an investigation and request that the prosecutor be advised immediately of any indication of further or continuing abuse or neglect; or
2. With advance notice to the Department, undertake an initial investigation using, to the extent practicable, specially designated investigators or refer the matter to a designated officer in a local police department for initial investigation.

(c) After investigating a case, the prosecutor will determine whether criminal prosecution must be undertaken. He or she should confer with the caseworker in making this determination and will advise the caseworker of his or her decision.

Amended by R.2000 d.253, effective June 19, 2000.
See: 32 N.J.R. 439(a), 32 N.J.R. 2241(a).

In (c), neutralized gender references throughout.
Recodified from N.J.A.C. 10:129-1.5 and amended by R.2005 d.441, effective December 19, 2005.

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

Substituted "Department" for "Division" throughout.
Recodified from N.J.A.C. 10:129-3.3 and amended by R.2012 d.015, effective February 6, 2012.

See: 42 N.J.R. 3034(a), 44 N.J.R. 263(a).

In (a), deleted "child" preceding "abuse" twice; and in the introductory paragraph of (b), inserted the first sentence. Former N.J.A.C. 10:129-5.3, Investigation findings, recodified to N.J.A.C. 10:129-7.3.

Case Notes

Doctrine of fundamental fairness did not require any additional procedural safeguards other than those required by constitution or statute regarding Division of Youth and Family Services' (DYFS) investigation into suspected child abuse, so as to warrant suppression of defendant's statement to DYFS caseworker where there was no indication that caseworker interviewed defendant within intent of aiding criminal investigation. *State v. P.Z.*, 152 N.J. 86, 703 A.2d 901 (N.J. 1997).

3A:10-5.4 Law enforcement assistance

(a) Each child protective investigator shall request assistance from and make every effort to coordinate investigative activities with local law enforcement pursuant to N.J.S.A. 9:6-8.28e and 8.29d, when conducting an investigation and whenever:

1. The child protective investigator needs personal protection;
2. The nature of the report suggests it;
3. There is an immediately life-threatening situation; or
4. Violence is occurring or is immediately threatened.

New Rule, R.2005 d.441, effective December 19, 2005.
See: 37 N.J.R. 2132(a), 37 N.J.R. 5004(b).

Recodified from N.J.A.C. 10:129-3.4 by R.2012 d.015, effective February 6, 2012.

See: 42 N.J.R. 3034(a), 44 N.J.R. 263(a).

Former N.J.A.C. 10:129-5.4, Notification of finding, recodified to N.J.A.C. 10:129-7.4.

3A:10-5.5 Coordination of a child protection investigation

(a) Each child protective investigator shall, when conducting a child protection investigation of a report in which law enforcement, a regional diagnostic and treatment center, a child advocacy center, medical and psychological personnel or a multidisciplinary team is involved, participate in the coordination of the following activities:

1. Interviewing the alleged child victim and the alleged perpetrator;
2. Accessing appropriate investigative medical and psychological services; and
3. Making timely and appropriate linkages to treatment.

(b) Each child protective investigator shall make information developed during the investigation available on a timely basis to any party identified in (a) above and involved in the case, within the limits of N.J.S.A. 9:6-8.10a.

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

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

Recodified from N.J.A.C. 10:129-3.5 by R.2012 d.015, effective February 6, 2012.

See: 42 N.J.R. 3034(a), 44 N.J.R. 263(a).

Former N.J.A.C. 10:129-5.5, Other notification at conclusion of investigation, recodified to N.J.A.C. 10:129-7.5.

3A:10-5.6 Medical evaluation and treatment

(a) The Department representative shall arrange for the alleged child victim and each of his or her siblings or any other child in the household to receive appropriate and immediate medical screening, care, and treatment pursuant to N.J.S.A. 9:6-8.30c, when an alleged child victim has been removed from his or her home. A medical professional shall release medical reports resulting from the screening, care, or treatment to a Department representative for the purpose of aiding in the finding of whether the alleged child victim has been abused or neglected, pursuant to N.J.S.A. 9:6-8.30c.

(b) The child protective investigator may arrange for a psychiatric or psychological evaluation and treatment for the alleged child victim with parental consent or with a court order, whenever the child protective investigator has reason to believe that the alleged child victim may have suffered serious emotional harm.

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

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

Administrative correction.

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

Recodified from N.J.A.C. 10:129-3.6 and amended by R.2012 d.015, effective February 6, 2012.

See: 42 N.J.R. 3034(a), 44 N.J.R. 263(a).

In (a), substituted "screening, care," for "evaluation" and "the screening, care," for "this examination".

SUBCHAPTER 6. SERVICES AND REMOVAL DURING INVESTIGATION

3A:10-6.1 Services on an emergency basis

The Department representative shall offer the family services which are listed in N.J.A.C. 10:133E-2.1 and 2.2 that are needed on an emergency basis pursuant to N.J.S.A. 30:4C-13 and 9:6-8.11, before completing the child protection investigation and until the child protection investigation is completed.

Recodified from N.J.A.C. 10:129-4.1 by R.2012 d.015, effective February 6, 2012.

See: 42 N.J.R. 3034(a), 44 N.J.R. 263(a).

Former N.J.A.C. 10:129-6.1, Expunction limited to a record that consists of an unfounded report; contents of record to be expunged, recodified to N.J.A.C. 10:129-8.1.

3A:10-6.2 Emergency placement process

(a) The Department representative shall remove the alleged child victim from his or her current home or location and initiate an emergency placement process, if:

1. Any child in the home or location is determined to be unsafe and at imminent risk of harm in accordance with N.J.A.C. 3A:10-3.2 and 4.2; and

2. A plan which allows the alleged child victim to remain in his or her own home or location cannot be developed.

(b) The Department representative shall place an alleged child victim removed from his or her home or other location in a resource home or in a congregate care facility which is consistent with his or her service need.

(c) The Department representative shall make a reasonable effort to place the alleged child victim with his or her sibling, if:

1. The alleged child victim was placed on an emergency basis and has a sibling in placement; or

2. The alleged child victim and his or her sibling are being placed at the same time.

(d) The Department representative shall, within two court days of the emergency placement:

1. Return the child to his or her home when the Department representative has reason to believe that the child may do so safely; or

2. Petition the court for continued out-of-home placement.

Recodified from N.J.A.C. 10:129-4.2 and amended by R.2012 d.015, effective February 6, 2012.

See: 42 N.J.R. 3034(a), 44 N.J.R. 263(a).

In the introductory paragraphs of (a), and in (a)1 and (a)2, inserted "or location"; in (a)1, substituted "3.2 and 4.2" for "2.6"; in (b), inserted "or other location"; in the introductory paragraph of (c), substituted "a reasonable" for "an"; and in (c)2, substituted "The" for "If the". Former N.J.A.C. 10:129-6.2, Time frames and start date, recodified to N.J.A.C. 10:129-8.2.

3A:10-6.3 Information provided to parent, caregiver, and relative

(a) The child protective investigator shall make every reasonable effort to notify the child's parent, caregiver, temporary caregiver, and institutional caregiver responsible for the child at the time of the removal, when an emergency removal is made pursuant to N.J.S.A. 9:6-8.29.

(b) A child protective investigator shall immediately:

1. Serve or attempt to serve written notice upon the parent, caregiver, or chief administrator of an institution from which the child was removed, whenever a child has been taken into protective custody pursuant to N.J.S.A. 9:6-8.16; and

2. Begin a child protection investigation.

(c) The Department representative shall notify each adult relative of a child's out-of-home placement in accordance with N.J.A.C. 3A:11-1.6(b).

Recodified from N.J.A.C. 10:129-4.3 and amended by R.2012 d.015, effective February 6, 2012.

See: 42 N.J.R. 3034(a), 44 N.J.R. 263(a).

Section was "Information provided to parent or caregiver". Added (c). Former N.J.A.C. 10:129-6.3, When the Department retains rather than expunges a record, recodified to N.J.A.C. 10:129-8.3.

3A:10-6.4 (Reserved)

Recodified to N.J.A.C. 10:129-8.5 by R.2012 d.015, effective February 6, 2012.

See: 42 N.J.R. 3034(a), 44 N.J.R. 263(a).

Section was "Notification of record expunction".

SUBCHAPTER 7. FINDINGS AND DOCUMENTATION

3A:10-7.1 Informing the alleged child victim, caregiver, and temporary caregiver about the investigation

(a) The child protective investigator shall notify the parent of the child subject of the investigation and the caregiver of the child subject of the investigation, if the child will remain in the custody of the caregiver, as soon as possible after interviewing or observing the child or any of his or her siblings that the child(ren) has been interviewed or observed.

(b) When an investigation is conducted in an institution, and any child other than the child subject of the investigation is interviewed without the knowledge and consent of the parent, the Department shall not be obligated to notify the parents of those children of the investigation, except when abuse or neglect is substantiated and that child was abused or neglected.

(c) The child protective investigator shall provide the following people with the information specified in (d) below: