

Reporting Child Abuse and Neglect

What School Personnel Need To Do

Module IV

What happens after reporting

REFER TO HANDOUTS 5 and 11



Who Conducts the Investigation?

A worker from a DCP&P Local Office:

- For reports of suspected abuse/ neglect that happen in the child's home.

IAIU- "Institutional Abuse Investigation Unit":

For reports of suspected abuse/neglect concerning school staff:

- Administrators
- Teachers
- Coaches
- Janitorial staff
- Any school volunteer, intern or other employee
- IAIU also investigates reports made for other out-of-home settings, such as, but not limited to Foster care/resource homes, Residential facilities, shelters, detention centers, Group homes, hospitals, Bus companies, day care centers.



Keep in mind...

Not all calls may result in
an investigation of child
abuse and neglect...



Other possible outcomes...

- An issue may become an internal matter within the school.
- It may become a legal matter for law enforcement to address.
- There may be a need for available social services.



“Child Welfare Services”

- The SCR Hotline is also a resource to report situations or issues that may not rise to the level of abuse and neglect. The screener will determine, in some instances, that a CWS- “Child Welfare Services” assessment should be done.
- The screener should be able to tell the caller at the conclusion of a call, if it will be assigned as a “CWS” or an actual Child Abuse/Neglect investigation - and explain why.
- “Child Welfare Services” is an intervention and assessment from a DCP&P local office in which information and support services are offered to families in need, on a voluntary basis, and may be provided from either a DCP&P local office or a community-based agency.



As an example...

School staff observe that a first grade student is becoming increasingly irritable and disheveled, often wearing clothing that is not clean. The teacher suspects *something* may be happening in the home but, other than these few observations, cannot see any direct signs of abuse. Because of her concern, the teacher makes a call to the Hotline. After providing the information, the screener indicates that Child Welfare Services will be offered. In this case, the parent accepted the help and the case worker assigned found that the parent had just had her second child and that the father had recently abandoned the family. Due to these added stressors, the child's mother was distraught and clearly in need of some assistance. DCP&P was able to refer the mother to a family support services agency and also determined they were eligible for TANF- (Temporary Assistance for Needy Families) assistance.



Investigative Process Information you should know...

- Names of reporters of child abuse and neglect are confidential. However, in the event of court action, their identities may be revealed during litigation.
- The investigator may need to clarify information with the reporter, or may have additional questions.
- If staff have additional information that may be useful, they will need to again contact the *assigned investigator* (and/or the Hotline).
- School staff may be entitled to feedback, under certain circumstances (e.g., reporters can be informed whether services will be provided to the family or child involved).
- In general, information may only be shared with school personnel :
“when the information is needed in connection with the provision of care, treatment, or supervision to such child or such parent, guardian, resource family parent or other person and the provision of information is in the best interests of the child as determined by the Division of Child Protection and Permanency” N.J.S.A. 9:6-8.10 b. 5



DCP&P / IAIU Investigation Practices:

- When the investigator interviews the child, there is an absolute need to obtain a “clean statement” from the child: one given by the child without any interference or influence from school staff.
- If the child is young, in distress, or requests to have a familiar school person present, the school can provide someone to sit in the room with the child as the investigator conducts the interview.
- In no manner, however, may the staff member “coach” the child.
- An interpreter, when utilized, must provide an exact interpretation. Interpretation may include foreign language, augmentative communication devices, and may also require the assistance of a Speech-Language Specialist.
- Whenever possible, the investigator will seek to interview the child alone.
- Whether law enforcement, DCP&P or IAIU responds first, schools must inform the responder that the other entity was also notified.



Emotional support for the child- what schools should and should not do.

- If a child is in distress, the staff member(s) should provide appropriate emotional support to the child until help arrives.
- What are some appropriate ways to respond to the child? What should you *not* do?
- NOTE: DCP&P and/or IAIU is responsible to conduct the investigation - *not school personnel*. Even good intentions on the part of school staff can confuse a child and further influence the child once DCP&P and/or IAIU begins its work.



The rights of students (victims and other children who may be interviewed):

- The student can request to have a familiar staff member present during an interview.
[N.J.A.C. 6A:16-11 \(a\) 5 i \(1\)](#)
- The student has the right to be interviewed alone, without the presence of school staff.
- The student is entitled to communicate in his or her primary language (may include use of augmentative communication devices).
- Other students (who are *not* the alleged victim), may be interviewed by the investigator without parental consent.



What “Findings” can be made?

- SUBSTANTIATED
 - ESTABLISHED
 - NOT ESTABLISHED
 - UNFOUNDED
- (As of April, 1, 2013, the Department of Children and Families added “Established” and “Not Established” as possible findings.)



SUBSTANTIATED

- The preponderance of the evidence indicates that a child is an "abused or neglected child" as defined in N.J.S.A. 9:6-8.21 and either the investigation indicates the existence of any of the **circumstances** in N.J.A.C. 10:129-7.4 or substantiation is warranted based on consideration of the aggravating and mitigating factors listed in N.J.A.C. 10:129-7.5.

These conditions are "*absolutes*"...

1. The death or near death of a child as a result of abuse or neglect;
2. Subjecting a child to sexual activity or exposure to inappropriate sexual activity or materials;
3. The infliction of injury or creation of a condition requiring a child to be hospitalized or to receive significant medical attention;
4. Repeated instances of physical abuse committed by the perpetrator against any child;
5. Failure to take reasonable action to protect a child from sexual abuse or repeated instances of physical abuse under circumstances where the parent or guardian knew or should have known that such abuse was occurring; or
6. Depriving a child of necessary care which either caused serious harm or created a substantial risk of serious harm. (Severe neglect).



SUBSTANTIATED (CONTINUED)

- The preponderance of the evidence indicates that a child is an "abused or neglected child" as defined in N.J.S.A. 9:6-8.21 and either the investigation indicates the existence of any of the circumstances in N.J.A.C. 10:129-7.4 or substantiation is warranted based on consideration of the **aggravating** and mitigating factors listed in N.J.A.C. 10:129-7.5.

AGGRAVATING FACTORS:

1. **Institutional abuse or neglect;**
2. **The perpetrator's failure to comply with court orders or clearly established or agreed-upon conditions designed to ensure the child's safety, such as a child safety plan or case plan;**
3. **The tender age, delayed developmental status or other vulnerability of the child;**
4. **Any significant or lasting physical, psychological, or emotional impact on the child;**
5. **An attempt to inflict any significant or lasting physical, psychological, or emotional harm on the child;**
6. **Evidence suggesting a repetition or pattern of abuse or neglect, including multiple instances in which abuse or neglect was substantiated or established; and**
7. **The child's safety requires separation of the child from the perpetrator.**



SUBSTANTIATED (CONTINUED)

- The preponderance of the evidence indicates that a child is an "abused or neglected child" as defined in N.J.S.A. 9:6-8.21 and either the investigation indicates the existence of any of the circumstances in N.J.A.C. 10:129-7.4 or substantiation is warranted based on consideration of the aggravating and **mitigating** factors listed in N.J.A.C. 10:129-7.5.

MITIGATING FACTORS:

1. Remedial actions taken by the alleged perpetrator before the investigation was concluded;
2. Extraordinary, situational, or temporary stressors that caused the parent or guardian to act in an uncharacteristic abusive or neglectful manner;
3. The isolated or aberrational nature of the abuse or neglect; and
4. The limited, minor, or negligible physical, psychological, or emotional impact of the abuse or neglect on the child.



ESTABLISHED

- The preponderance of the evidence indicates that a child is an "abused or neglected child" as defined in N.J.S.A. 9:6-8.21, but the act or acts committed or omitted do not warrant a finding of "Substantiated" as defined above.
- A finding of "Established" is **not disclosed** upon a Child Abuse Record Information {CARI} check request, but a record of the incident is maintained in DCF files.
- Under a finding determination of "Established," DCF has determined that the child **IS an abused or a neglected child, BUT**, in taking into account the **aggravating and the mitigating factors**, the abuse/neglect does **not warrant a finding of Substantiated**.



NOT ESTABLISHED

- There is not a preponderance of the evidence that a child is an abused or neglected child as defined in N.J.S.A. 9:6-8.21, but evidence indicates that the child was harmed or was placed at risk of harm.
- A finding of “Not Established” is **not disclosed** upon a Child Abuse Record Information {CARI} check request, but a record of the incident is maintained in DCF files.
- Under a finding determination of "Not Established," CP&P or IAIU has determined that child abuse/neglect did NOT occur. However, a child was **harmed or placed at risk of harm**. This includes situations where:
 - A parent or caregiver accidentally injures or causes harm to his or her child;
 - An investigation of child-on-child sexual abuse is conducted, where child–on–child sexual activity is found;
 - A child alleges he or she was sexually abused, but there is not a preponderance of evidence of child sexual abuse;
 - The perpetrator is not a parent or caregiver.



UNFOUNDED

- There is not a preponderance of the evidence indicating that a child is an abused or neglected child as defined in N.J.S.A. 9:6-8.21, and the evidence indicates that a child was not harmed or placed at risk of harm.
- Under a finding determination of "Unfounded," CP&P or IAIU has determined that child abuse/neglect did NOT occur. A child was NOT harmed or placed at risk of harm, or no "incident" occurred.
- A finding of “Unfounded” is not disclosed upon a Child Abuse Record Information {CARI} check request.
- A finding of “Unfounded” is **eligible for expunction** from agency records, under specified conditions.



Notification to the County Prosecutor:

Notification to the County Prosecutor may be made by
DCP&P/IAIU
for these six categories:

- Death of a child,
- Sexual abuse by a parent or caregiver,
- Injury or condition resulting in emergency room treatment or hospitalization,
- An injury or condition requiring more than superficial medical treatment (i.e. a broken bone at physician's office),
- Repeated violence committed against a child or substantially depriving a child of care over a period of time, and/or
- Abandonment of a child.



At the conclusion of an investigation:

Investigation from the Institutional Abuse Investigation Unit:

- If IAIU conducted the investigation, the school district superintendent and the county superintendent are notified of the investigative finding.
- The parent of the alleged victim is notified.
- The alleged perpetrator is notified.
- Law enforcement will be notified, as appropriate, based on the Finding.

Investigation from a DCP&P Local Office:

- If a Local Office conducted the investigation, the school superintendent (and/or others) are notified only on the “need to know” basis.



Communication between DCP&P/IAIU and a school district:

- When coordinating the removal of a child from home to an out-of-home or out-of-district placement, DCP&P should notify the respective school district(s).
- This will aid in the transfer of educational and medical records and minimize confusion or questions regarding absenteeism.
- DCP&P/IAIU personnel are committed to being accessible and to share information, as confidentiality statutes permit.
- The school district designee is encouraged to contact the DCP&P case worker with any questions.



IAIU information provided to the school district is confidential:

- Information regarding reported allegations that identify a school district employee, volunteer or intern of potentially abusing or neglecting a child shall be considered confidential and may be disclosed only as required by court order or to cooperate in an investigation.

N.J.A.C. 6A:16-11.1(a)5iv(1)

- Records pertaining to such information shall be maintained in a secure location separate from other employee personnel records and accessible only to the school district chief school administrator or his or her designee.

N.J.A.C. 6A:16-11.1(a)5iv(1)a



If an IAIU Finding is “Unfounded”...

- “All references to a notification to the designated child welfare authorities of a potential missing, abused or neglected child situation involving a school district employee, shall be removed from the employee’s personnel records immediately following the receipt of an official notice from child welfare authorities that the allegation was unfounded pursuant to N.J.S.A. 18A:6-7a”

N.J.A.C. 6A:16-11 (a) 9 ii



The rights of staff under investigation:

- Staff have the right to refuse to give a “Statement” to the investigator which will be duly noted as a matter of record.
- Staff have the right to refuse to sign a “Statement” if one is provided.
- Staff have the right to have an attorney or a union representative present when they are being interviewed.
- Staff can ask questions and seek clarification during an interview.
- Staff can request their interview be rescheduled or terminated.



Possible actions for a school staff member who may have been named as an alleged perpetrator:

- IAIU will notify the alleged perpetrator of his/her rights of appeal (for “Substantiated” findings).
- IAIU may make certain recommendations concerning the staff member to the school district superintendent in substantiated findings reports.
- The school district will implement its own internal policies and procedures concerning various types of conduct. Pursuant to N.J.S.A. 9:6-3.1, IAIU may request temporary suspension or reassignment of the alleged perpetrator pending the outcome of the IAIU investigation to ensure the safety of the child/children.



Summary of Module IV

- A DCP&P Local Office investigates abuse and neglect that may have occurred in the child's home.
- IAIU (the Institutional Abuse Investigation Unit) handles cases that may have occurred in the school or any other out-of-home setting.
- "Child Welfare Services" are offered to families in need.
- Most information remains confidential during and after an investigation, for legal reasons and to protect the child.
- Some information may be disclosed on a "need-to-know" basis.
- Students may be interviewed alone or can request a familiar person to be present, but no "coaching" is permitted.
- There are now four possible findings: "Substantiated", "Established", "Not Established" and "Unfounded".
- Staff have certain rights during a child abuse investigation.



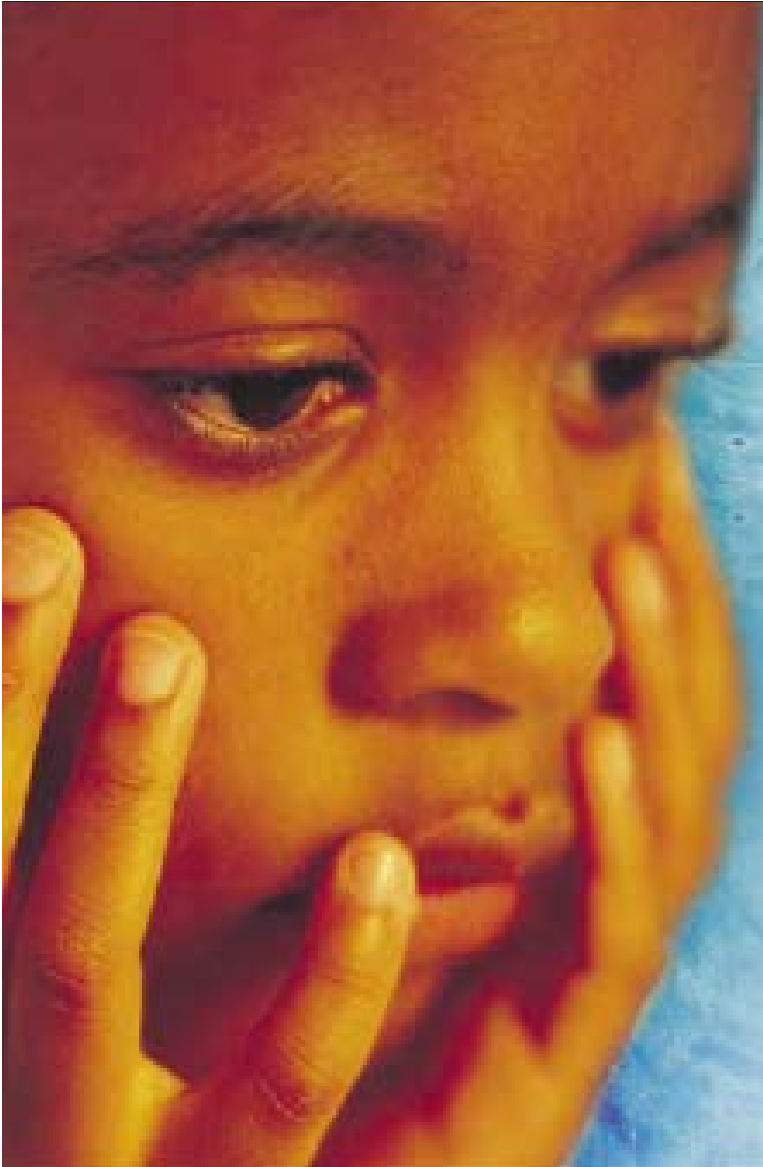
Overall Summary: Key Points

- When considering suspected child abuse or neglect, remember to do what is in the best interest of the child.
- Every individual has a responsibility to report suspected child abuse and neglect.
- All reports of child abuse must be made immediately by YOU by calling 1-877-NJ ABUSE (1-877-652-2873).
- You do not need the confirmation of anyone else when making a report.
- Be observant for indicators of physical abuse, sexual abuse, emotional abuse and physical neglect.
- Schools are also required to notify law enforcement officials when reporting suspected abuse and neglect.
- IAIU investigates abuse that may have been committed by school employees, volunteers or interns.
- A DCP&P Local Office will investigate abuse and neglect that may have been committed in the child's home.
- Make sure you are familiar with your school's policies.



Remember...





Child Abuse doesn't report itself.

Make The Call, Help A Child

1-877 NJ **ABUSE**

1-877-652-2873

