**Sample Policy**

**Child Abuse Notifications and Reports of Child Abuse/Neglect**

**Disclaimer and Scope of this Sample Policy**

**The materials provided in this correspondence are for general informational and educational purposes only and are not intended to be and should not be considered legal advice or opinions. Prior to making any policy or rule changes seek the advice of your municipal attorney, as appropriate your County Prosecutor for any specific directives or specific procedures they may require.**

**The Chief Law Enforcement Officer or Officer in Charge is required to complete the New Jersey Municipal Excess Liability (NJ MEL) Protecting Children from Abuse Training. Additionally every officer, employee, volunteer, both sworn and non-sworn should complete this training.**

**Training information is below:**

[**Protecting Children from Abuse Training for Law Enforcement**](https://melsafetyinstitute.org/wp-content/uploads/2020/10/MSI-Bulletin-Protecting-Children-From-Abuse-for-Law-Enforcement-Personnel-10-5-2020.pdf)

[**Protecting Children from Abuse – Civilian Employees, Dispatchers, and Volunteers**](https://melsafetyinstitute.org/wp-content/uploads/2021/09/Protecting-Children-for-Abuse-Police-Civilian-Employee-Training.pdf)

**The NJ MEL has also developed a model policies and procedures document:** [**Addressing the Protection and Safe Treatment of Minors (Revised 6/21)**](https://njmel.org/wp-content/uploads/2021/06/Model-Policy-Addressing-the-Prot-and-Safe-Treatment-of-Minors-ds-TO-BE-REVd.6.24.21.docx)**. This NJ Mel Sample Policy has many critical provisions applicable to all sectors of government and also local law enforcement that are not specifically included in the below general sample policy. Law Enforcement leaders in consultation with their municipal attorney should develop a final comprehensive law enforcement agency policy unique to their agency and county. It is possible, that local governments have adopted the NJ MEL Sample policy that governs their employees, but the law enforcement agency has not customized their notification and response procedures appropriately.**

**PURPOSE**

The purpose of this policy is to protect the youth of (ABC Community) and to reasonably ensure that a protocol has been established when officers shall notify the Division of Child Protection and Permanency (DCPP) and provide guidance for the handling of information received from the Division of Children and Families (DCF) regarding substantiated reports of child abuse. This policy does not reflect guidance on charging or the matter in which a criminal investigation should be conducted.

**POLICY:**

It shall be the policy of the (ABC Police Department) to Protect Children and Families by making proper notifications to DCPP to ensure appropriate services are implemented and/or follow up investigations occur.

**DEFINITIONS:**

DCF Reports of Substantiated Child Abuse/Neglect to Law Enforcement Agencies**:**

In accordance with the Comprehensive Child Abuse Prevention and Treatment Act, this document also contains information regarding children who were found by DCPP to have been abused or neglected.

Abandonment: Abandonment of a child shall consist in any of the following acts by anyone having the custody or control of the child:

# Willfully forsaking; or

#  b. Failing to care for and keep the control and custody of a child so that the child

#  shall be exposed to physical or moral risk without proper and sufficient

 protection; or

#  c. Failing to care for and keep the control and custody of a child so that the child

#  shall be liable to be supported and maintained at the expense of the public, or

 by child caring societies or private persons not legally chargeable with its or their

 care, custody and control.

Cruelty: Cruelty to a child shall consist in any of the following acts:

1. Inflicting unnecessarily severe corporal punishment upon a child; or
2. Inflicting upon a child unnecessary suffering or pain, either mental or physical; or
3. Habitually tormenting or vexing to a child; or

d. Any willful act of omission or commission whereby unnecessary pain and suffering, whether mental or physical, is caused or permitted to be inflicted on a child; or

e. Exposing a child to unnecessary hardship, fatigue or mental or physical strains that may tend to injure the health or physical or moral well-being of such child.

Neglect: Neglect of a child shall consist in any of the following acts, by anyone having the custody or control of the child

1. Willfully failing to provide proper and sufficient food, clothing, maintenance,

 regular school education as required by law, medical attendance or surgical

 treatment and a clean and proper home; or

b. Failure to do or permit to be done any act necessary for the child's physical or moral well-being. Neglect also means the continued inappropriate placement of a child in an institution with the knowledge that the placement has resulted and may continue to result in harm to the child's mental or physical well-being.

Abused Child: A child under the age of 18 whose parent, guardian, or other person having his custody and control:

 a. Creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ; or

 b. Commits or allows to be committed an act of sexual abuse against the child; or

c. A child who’s physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his parent or guardian, or such other person having his custody and control, to exercise a minimum degree of care or;

 d. A child who has been willfully abandoned by his parent or guardian, or such other person having his custody and control; or

e. A child who has been willfully isolated from ordinary social contact under

 circumstances which indicate emotional or social deprivation.

1. **Reports of Child Abuse/Neglect/Abandonment/Cruelty**
2. Any (ABC Police Officer or employee) having reasonable cause to believe that a child has been subjected to abuse, neglect, abandonment and cruelty as defined in this policy shall report the same immediately to DCF's Child Protection and Permanency (DCP&P) at **1-877 NJ ABUSE.** This is the number for the abuse hotline. This number will connect you to a trained screener who will collect information provided in your report. Appendix A details a general list of possible indicators of abuse, neglect, abandonment and cruelty but is not all encompassing. Any officer or employee shall also notify a (ABC Police Department) Supervisor.
3. **Patrol Officer Response:**
4. Determine if the victim needs immediate medical attention. If medical attention is needed immediately contact EMS.
5. Conduct preliminary investigation to include collection of basic crime data. In all

 reported cases or suspected cases of child abuse, abandonment, neglect or cruelty

 report will be written. The report shall contain such information as the names and

 addresses of the child and his parent, guardian, or other person having custody

 and control of the child and, if known, the child's age, the nature and possible

 extent of the child's injuries, abuse or maltreatment, including any evidence of

 previous injuries, abuse or maltreatment, and any other information that the

 person believes may be helpful with respect to the child abuse and the identity of

 the perpetrator.

1. Ensure that a patrol supervisor has been notified, as they should respond to most

 child abuse abandonment/neglect or cruelty incidents.

1. All reports of abuse/abandonment/neglect/cruelty shall be referred to the appropriate unit (if applicable) for additional follow-up investigation.
2. **Initial Investigation – General Procedures**
3. Gather general information from concerning the nature of the abuse, the identity, age and address of the victim and perpetrator(s).
4. Notify the Division of Child Protection and Permanency as specified in section I. A of this policy.
5. Obtain medical treatment, if necessary.
6. **Officers and/or Employees that contact DCPP should be prepared to provide the following information at a minimum:**
7. Who: The child and parent/caregiver’s name, age and address and the name of the alleged perpetrator and that person’s relationship to the child.
8. What:Type and frequency of alleged abuse/neglect, current or previous injuries to the child and what caused you to become concerned.
9. When:When the alleged abuse/neglect occurred and when you learned of it.
10. Where:Where the incident occurred, where the child is now and whether the alleged perpetrator has access to the child.
11. How:How urgent the need is for intervention and whether there is a likelihood of imminent danger for the child or other children who are present or frequent the home or incident location.

1. **Supervisor Responsibilities:**
2. Upon a supervisor responding to the scene or aware of any suspected or substantiated case of child abuse, neglect, abandonment, or cruelty, the supervisor will:
3. Ensure that the necessary resources are utilized to handle the operation (detectives, Crime Scene / Property Unit, Intelligence, Chaplains, or any additional resource.).
4. Ensure scene integrity as documented on a crime scene log as appropriate.
5. Make notification to other units and the next level of command as required or necessary.
6. **Notification To The (Insert any Specific County Prosecutors Office Notification Requirements Here):**

(Consult with your local County Prosecutor’s Office to determine if they have any special requirement notifications or specific procedures.

1. **Immunity From Any Criminal Or Civil Liability:**
2. Any person who, in good faith, makes a report of child abuse or neglect or testifies in a child abuse hearing resulting from such a report is immune from any criminal or civil liability as a result of such action. Calls can be placed to the hotline anonymously.

 (N.J.S.A. 9:6-8.13)

1. **Domestic Violence Incidents:**

**(Insert Specific County Prosecutors Office Notification Requirements Here. Below is sample language; However, such decisions should be in compliance with any County Prosecutor directives):**

1. *A child present during a Domestic Violence Incident doesn’t necessarily mean a call to DCPP needs to be completed.*
2. *DCPP is only called for Domestic Violence Incidents when it meets the definition of a child has been subjected to abandonment/neglect/cruelty or abuse.*

**Notifications From DCPP:**

1. The intended use of the Report of Substantiated Child Abuse/Neglect/ Abandonment/Cruelty to Law Enforcement Agencies is to provide information to (ABC Police Department) in order to protect children at risk of further child abuse
	1. For incidents determined by the division (DCF) to be substantiated, the division (DCF) may forward to the ABC Police Department, the identity of persons alleged to have committed child abuse or neglect and of victims of child abuse or neglect, their addresses, the nature of the allegations, and other relevant information, including, but not limited to, prior reports of abuse or neglect and names of siblings obtained by the division (DCF) during its investigation of a report of child abuse or neglect. The ABC Police Department shall keep such information confidential.
	2. All DCF Reports of Substantiated Child Abuse/Neglect to Law Enforcement Agencies to be forwarded to the (Insert Agency Specific Retention Area Here).
	3. The ABC Police Department (Insert Agency Specific Person Responsible for Records Retention Here) will be responsible for the retention and security of the DCF Report of Substantiated Child Abuse/Neglect to Law Enforcement Agencies. (Records Retention & Disposition schedule for DCF Report of Substantiated Child Abuse/Neglect to Law Enforcement Agencies is five (5) years after the youngest victim on the report reaches the age of eighteen (18) years.

4) Any substantiated report of Abuse/Neglect on a DCF Report within the

Boundaries of the ABC Police Department result in a notice (The Agency Leader in consultation with the Municipal Attorney may wish to develop a filing system or “flag” system so that officers are aware that a person is the subject of a DCF Notice to law enforcement regarding Substantial Child Abuse/Neglect.

5) All information on the DCF Report of Substantiated Child Abuse/Neglect to

 Law Enforcement Agencies is confidential and can only be released to a law

 enforcement agency. Private agencies requesting information are to be

 referred to the Division of Children and Families.

**Appendix A**

**INDICATORS OF CHILD ABUSE/NEGLECT**

See the NJ MEL[**Addressing the Protection and Safe Treatment of Minors (Revised 6/21)**](https://njmel.org/wp-content/uploads/2021/06/Model-Policy-Addressing-the-Prot-and-Safe-Treatment-of-Minors-ds-TO-BE-REVd.6.24.21.docx)for a sample of indicators.