

Working Agreement Between the Bureau of Licensing and the
Institutional Abuse Investigation Unit

Re: Coordination of Complaint Investigation of Child Care Centers and Residential Child Care Facilities with the Institutional Abuse Investigation Unit.

I. PURPOSE

This working agreement is designated to formalize a system of communication and coordination between Child Protection and Permanency (CP&P) Bureau of Licensing (BOL) and the Institutional Abuse Investigation Unit (IAIU) to ensure:

1. The effective coordination of complaint investigations at child centers, 24 hour residential facilities, shelters and group homes whenever such complaints affect both units; and
2. The sharing of information between the two units in such matters.

II. CURRENT RESPONSIBILITY

The Bureau of Licensing is responsible for the inspection and licensing/approving of child care centers, 24 hour residential facilities, shelters and group homes under the provisions of various State Laws. This includes conducting, complaint investigations whenever it is alleged that a center/facility is operating in violation of the law or of the regulations in the applicable Manual of Standards adopted under the law. Whenever violations of State regulations are revealed as a result of such an investigation, the Bureau takes appropriate action to ensure that the center/facility complies with the requirements.

The IAIU is responsible for the investigation of allegations of child abuse/neglect/exploitation at child care centers (whether licensed or previously unknown to the BOL and serving 6 or more children under 6 years of age), facilities and institutions serving children. The IAIU conducts investigations according to provisions of the State Child Abuse and Neglect Law (N.J.S.A. 9:6-8), taking appropriate action to protect children victimized by child abuse/neglect/exploitation in such settings and ensuring the safety of the other children in these settings.

III. COORDINATORS

This working agreement will be implemented by Coordinators appointed from each of the respective units: the Senior Standards and Procedures

Technician in the Child Center Program Inspection Unit will serve as the BOL's Coordinator in this effort, with the Assistant Chiefs for Day Programs, Life-Safety Programs, and Residential and Agency Programs, as appropriate, serving as alternates whenever the Coordinator is not available. The Administrative Assistant in the IAIU will serve as the IAIU Coordinator, with the Community Liaison as the alternate.

The BOL and the IAIU Coordinators will meet on a bi-weekly basis to discuss investigations in progress and to share information on any corrective/enforcement action(s) being considered or implemented by the respective units to ensure that such action(s) by the units are coordinated, as appropriate. During joint investigations, the Coordinators will meet as often as necessary to ensure all actions are taken in a coordinated manner.

IV. PROCESS

A. Complaint Intake

1. Complaints are usually received by both telephone and mail. Complaints may also be received by field inspectors/investigators in the course of routine inspections/investigations.

Basic information regarding complaints will be recorded by the unit that initially receives a referral. The BOL will record the information on CP&P Form 6-22 (Facility Complaint Referral) and the IAIU will log the information on CP&P 9-7 (Initial Response/Incident Report).

2. Notification Between BOL/IAIU Units

The respective Coordinators will be responsible for maintaining the system of notification/reporting between the BOL and the IAIU.

- a. The BOL Coordinator will immediately convey verbally to the IAIU Coordinator those complaints received by the BOL that allege child abuse/neglect. This verbal report will be followed up in writing via a completed copy of CP&P Form 6-22, to be sent by the BOL Coordinator to the IAIU Coordinator within five working days of receipt of the complaint by the BOL.
- b. The IAIU Coordinator will convey verbally to the BOL Coordinator immediately those complaints it

receives on centers/facilities subject to the BOL's regulatory authority. This verbal report will be followed up with a written memorandum, to be sent by the IAIU Coordinator to the BOL Coordinator within five working days of receipt of the complaint by the IAIU.

- c. At the time of the verbal transmittal of the complaint allegation information, the BOL and IAIU Coordinators will determine and agree upon the appropriate unit(s) to respond initially. This agreement will be in accordance with the following guidelines.

B. Investigation of Complaints

1. Complaints Alleging Only Child Abuse/Neglect

The IAIU will conduct all investigations of complaints alleging child abuse/neglect. The investigation of an abuse allegation will be conducted within time frames required by IAIU/CP&P Policy. If IAIU is not able to substantiate an allegation of abuse after an investigation their verbal report will be conveyed to the BOL Coordinator during the bi-weekly meeting. The findings of the initial visit to the center/facility will be verbally conveyed by the IAIU Coordinator to the BOL Coordinator within 24 hours if a determination is reached that children are at risk.

In this situation, the IAIU in conjunction with the BOL will initiate immediate steps to protect the children. The respective units will use whatever powers are available and appropriate to both, including, but not limited to, action to remove the alleged perpetrator(s) through either voluntary agreements or court orders or to act to deny, revoke, suspend or refuse to renew the license/approval of the center/facility.

2. Complaints Alleging Both Child Abuse/Neglect and Serious Licensing Violations

- a. If the complaint of child abuse/neglect also involves an allegation of a serious or imminently hazardous licensing violation, the IAIU and the BOL will initiate a joint investigation within 24 hours of receipt of the

complaint if, for special reasons, a joint investigation is not feasible, both the IAIU and the BOL will conduct separate investigations within 24 hours of receipt of the complaint. The Coordinators will ensure that these separate investigations are conducted in a coordinated manner without undue disruption to the center/facility.

- b. If the results of the investigation(s) reveal a serious or imminent risk of harm to children (whether from child abuse/neglect or from licensing-related hazards, or both), the IAIU and the BOL will initiate immediate steps to protect the children, utilizing whatever powers are available and appropriate to both (as mentioned in 1 above).
- c. If the results of the investigation(s) do not reveal a serious or imminent risk of harm to children, the BOL will await the verbal conclusions of the IAIU investigation before issuing, if appropriate, its Inspection/Violation report to the center/facility.

3. Complaints Alleging Both Child Abuse/Neglect and Non-Serious Licensing Violations

- a. If the complaint alleges a non-serious or non-hazardous licensing violation, the IAIU will independently conduct the investigation of the child abuse/neglect portion of the complaint. This investigation of an abuse allegation will be conducted within the time frames required by IAIU/CP&P Policy. The findings of the initial visit to the center/facility will be verbally conveyed by the IAIU Coordinator to the BOL Coordinator who will recommend when the BOL can initiate its investigation. The BOL Coordinator will verbally convey the initial assessment to the appropriate BOL Assistant Chief within one working day of its receipt, for appropriate follow-up action by the BOL.
- b. If, as a result of its investigation the IAIU, after consultation with BOL, recommends the temporary or permanent removal of an alleged child abuse/neglect perpetrator from the center/facility or the denial, suspension or revocation of a center's/

facility's license or certificate of approval to operate, the IAIU Coordinator will, within 24 hours, inform the BOL Coordinator will, within 24 hours, inform the BOL Coordinator of the recommendation(s). The IAIU Coordinator will send to BOL Coordinator within two working days of the IAIU's determination a confidential interim or summary report of its investigation and the reasons for its recommendation(s). The BOL may use the report as a basis for its notice of intention to the center/ facility to deny, suspend, revoke or refuse to renew its license/ certificate of approval or to seek the temporary or permanent removal of an alleged perpetrator.

- c. If the verbal report indicates the IAIU believes the children are not at risk of harm, the BOL will wait for verbal notification from IAIU of the completion of their active investigation before initiating an investigation alleged licensing violations. The BOL will investigate only those aspects of the complaint that relate to licensing issues.

4. Licensing Inspections or Licensing Complaint Investigations that Uncover Allegations of Suspected Child Abuse/Neglect

- a. When a staff member of the BOL, in the course of conducting a licensing inspection or a licensing complaint investigation, uncovers a situation involving the suspected abuse/neglect of a child/ children in the center/facility, he/she shall immediately verbally notify IAIU, their immediate Supervisor, and the BOL Coordinator providing the necessary details.
- b. The IAIU Coordinator will ensure that the allegations reported by the Bureau are investigated by the IAIU, in accordance with the above provisions.

5. Coordination with Law Enforcement Agencies/Personnel or Other Investigating Agencies

Investigations by the BOL and IAIU pursuant to this agreement will be conducted in coordination with appropriate law enforcement or other responsible investigating agencies, in keeping with the provisions of the

State Child Abuse and Neglect Law and Division policies and procedures governing the coordination of child abuse/neglect investigations with such agencies. These agencies may include: the Division of Criminal Justice and Law, the Department of Law and Public Safety; the county prosecutors offices; state and local police; the Department of Human Services Police; and the Department of the Public Advocate. In the event of an arrest of a staff person at a child care center on charges of child abuse and/or neglect both the BOL and IAIU may make joint recommendations to the Attorney General's office regarding the setting of conditions for bail.

6. Notification of Investigation Information to the DHS

If, in the course of an investigation, IAIU becomes aware that center staff has been or is going to be arrested the IAIU Coordinator. In such cases, the IAIU Coordinator will be responsible for notifying the DHS Commissioner's Office and the DHS Office of Public Information of arrests and will consult with the BOL regarding licensing issues before preparing its report.

V. REPORTING OF INVESTIGATION

When an IAIU investigation exceeds 30 days the IAIU will send an interim status letter to the center/facility which may include specific recommendations formulated by IAIU and, if appropriate, BOL. The letter will also include the approximate time of closure for the ongoing IAIU investigation.

When the investigations by the BOL and the IAIU have been concluded, the results will be conveyed by the respective supervisors to the respective Coordinators, who will then share the results verbally with each other, to be followed by written reports as specified below.

The IAIU Coordinator will contact the BOL Coordinator before any IAIU report, including recommendations impacting on BOL regulations, is finalized. The two Coordinators will then, with input from their supervisors as appropriate, be responsible for approving the final wording of the recommendations.

1. Written Reports of Investigations

Written reports will be completed by the BOL inspectors and by the IAIU investigators within 30 working days of the completion of the complaint investigation and, once reviewed and approved by appropriate unit management/supervisory staff, will be forwarded by the supervisor to the respective coordinator.

- a. The BOL Complaint Investigation Reports will be forwarded by the BOL Coordinator to the IAIU Coordinator within five working days of receipt by the BOL Coordinator.
- b. The IAIU Reports, including reports generated by the Department of the Public Advocate on DHS operated centers/facilities, will be forwarded by the IAIU Coordinator to the BOL Coordinator within five working days of receipt by the IAIU Coordinator.
- c. The BOL and the IAIU will send their respective investigation reports directly to the center/facility, in keeping with their own time frame requirements, reports formats, and procedures.
- d. If the center objects to any recommendations made as a result of an IAIU investigation, the IAIU will review the objections and send the center a letter that either reaffirms or modifies the original recommendations.
- e. All correspondence sent or received, between the IAIU, the BOL and a center/facility due to a complaint investigation will be copied and shared between the IAIU and BOL offices respectively.

Agreed to by

J. Patrick Byrne
Chief, Bureau of Licensing

and

Susan McGrory
Statewide Supervisor
Institutional Abuse
Investigations Unit

Date

Date