



NEW JERSEY DEPARTMENT  
OF CHILDREN AND FAMILIES

## New Jersey Department of Children and Families Policy Manual

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Volume:	I	Institutional Abuse Investigation Unit	
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Subchapter:	I	Institutional Abuse Investigation Unit	
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### Purpose

**7-31-2008**

The purpose of this manual section is to provide policy and procedures for the investigation of allegations of institutional abuse and neglect.

These policy and procedural statements are applicable to the Department of Children and Families (DCF) Institutional Abuse Investigation Unit (IAIU), the DCF Office of Licensing (OOL), all Division of Child Protection and Permanency (CP&P) Local Offices and Area Offices, DCF after-hours emergency response staff, DCF Central Office Units, and Resource Family Support Unit staff.

### Responsibility

**7-31-2008**

The DCF Executive Director, Community Services, who oversees IAIU operations statewide, is accountable for the content of this manual, including the development of subject material and interpretation. The DCF Policy Development Unit is accountable to edit input for style and format, obtain appropriate input and approvals, publish, distribute, and maintain the manual on-line.

On-line Users are responsible for ensuring that they, and staff responsible to them, review and comply with current, as well as evolving/new policies and procedures.

### Location of Material

**7-31-2008**

The Table of Contents lists the general subject matter and main paragraph headings of each subsection. Appendices include documents referenced in the policy statements. Official CP&P and IAIU-related forms can be found in the on-line Manual, Volume IV, Forms.

### Terminology

**7-31-2008**

The use of the singular noun or pronoun (e.g., parent, child, guardian, resource family parent, him, her) is presumed to include the plural, where applicable (parents, children, guardians, resource family parents, them). The use of the plural noun or pronoun is presumed to include the singular, where applicable.

Reported or alleged - The use of the terms "incident," "victim," "perpetrator" or similar nouns are presumed to mean reported, alleged, or suspected, and NOT definitively determined to be so, UNLESS the manual section or subsection clearly uses them in a post-investigation and determination context. Shall or Must - "Shall" or "must," when used in this subsection, indicates that adherence is required.

"May" or "permit" - indicates an area of discretion, where the exercise of judgment specific to the circumstances is allowed.

### **Definition for Each Allegation of Child Abuse/Neglect 7-31-2008**

Each specific allegation in the Allegation-Based System is uniquely defined in the CP&P II R Manual, Child Protection Investigations. Each definition is located within the section dedicated to the unique allegation, found in subsections [CP&P-II-E-1-100](#) (Child Death) through 4100 (Educational Neglect). Look at subsection "02" for the definition within the specific section.

### **Key Definitions 4-1-2013**

Terms used in this manual have the following meanings, unless the context clearly indicates otherwise.

- "ABUSED OR NEGLECTED CHILD" (as defined in N.J.S.A. 9:6-8.21c) means a child less than 18 years of age whose parent or guardian, as herein defined,
  - (1) inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ;
  - (2) 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;
  - (3) commits or allows to be committed an act of sexual abuse against the child;

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

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

- "ALLEGATION-BASED SYSTEM" means - the all-encompassing list of child protective service allegations investigated by child protective service agencies in New Jersey (CP&P, IAIU, PDCIU), recorded by screening staff at the State Central Registry. The IAIU child protection investigation is directed by the specific allegation documented by SCR at screening.

- "ALLEGED PERPETRATOR" means - the person identified by the reporter as responsible for the alleged abuse or neglect of a child. The perpetrator must be an "eligible perpetrator" - an individual having continuous care and custody of the child when the abuse/neglect or incident occurred.

The law limits who may be considered "child abusers" to those persons who have continuous responsibility for the care of a child. A perpetrator of child abuse or neglect must be the child's parent or guardian, his or her caregiver or temporary caregiver, or his or her institutional caregiver. Persons who hurt children, who are not in the above categories, may have committed assault or another crime, but such acts are not considered "child abuse."

- "Caregiver" means a person who has assumed physical custody of a child (a parent, a paramour, a "baby sitter," a resource parent, etc.).
- "Institutional caregiver" means a teacher, an employee, or a volunteer, whether compensated or uncompensated, of an institution, facility, day school, or other out-of-home care setting who is responsible for the child's welfare, and any other staff person of an institution, regardless of whether or not the person is responsible for the care or supervision of children. "Institutional caregiver" also includes the Chief Administrator responsible for the operation of an institution or facility.

See definition of "perpetrator" or "confirmed perpetrator." Also see definition of "institution."

- "CARI" or "CHILD ABUSE RECORD INFORMATION" - See CP&P policy [CP&P-IX-G-1-100](#), Terms and Definitions; [CP&P-IX-G-1-100](#), CARI.
- "CHILD" - For the purpose of making a finding at the conclusion of a child protective service investigation, a "child" is a born person between the ages of newborn and up to his or her 18th birthday. No determination that a child is "an abused or neglected child" may be made prior to the child's birth.
- "CHILD ABUSE REGISTRY" - See CP&P policy [CP&P-IX-G-1-100](#), Terms and Definitions; [CP&P-IX-G-1-100](#), Child Abuse Registry.
- "CHILD VICTIM" means - a) the child alleged to be abused or neglected when a CPS IAIU report is made to State Central Registry; or b) for IAIU purposes, a child found to be abused or neglected at the conclusion of the investigation. IAIU only investigates allegations concerning a child victim(s). If an adolescent, age 18 or older, or an adult, over age 21, claims he or she was abused prior to turning age 18, IAIU is authorized to investigate the allegation, especially if the alleged perpetrator is still working at a facility or a program where children may be at risk at present. There is no statute of limitation on a

report coded CPS IAIU at screening. The victim, even if over age 18 at the time the report is made to SCR, is named the "child victim" in NJS if the incident occurred prior to him or her turning age 18.

- "CHRI" or "CRIMINAL HISTORY RECORD INFORMATION" is information collected by the Department of Children and Families (CP&P, IAIU, OOL), through State and Federal fingerprint background checks, to determine if an individual has been convicted of a crime. Also known as a criminal background check.
- "EXPUNCTION" means the destruction, erasure and complete eradication of a record and applies to the destruction of computer files and corresponding paper files. (N.J.A.C. 10:129-1.3.) See [CP&P-III-E-2-100](#), Expunction of Records.
- "FINDING" means - the official agency determination of the results of a child protective service investigation. The Investigator evaluates available information, consults his or her Supervisor, and, for each allegation, determines whether child abuse or neglect occurred. IAIU investigation finding determinations are limited to the following four options:
  1. "Substantiated" - when the available information, as evaluated by the Investigator and approved by the Supervisor, indicates, by a preponderance of the evidence, that a child is an abused or neglected child, in that the child has been harmed or placed at substantial risk of harm by a parent, caregiver, temporary caregiver, or institutional caregiver. A Substantiated finding is compelled by consideration of aggravating and mitigating factors found in regulation (N.J.A.C. 10:129, CHILD PROTECTION INVESTIGATIONS, at Subchapter 7, FINDINGS AND DOCUMENTATION) as well as a discrete listing of "absolutes" that require a Substantiated finding.
  2. "Established" - when a preponderance of the evidence. "establishes" that abuse or neglect did occur, but Substantiation is not warranted, upon consideration of aggravating and mitigating factors found in regulation (N.J.A.C. 10:129-7). If an allegation is supported by a preponderance of evidence, but there are no "absolutes" necessitating Substantiation, Investigators, assisted by their Supervisors, must weigh aggravating and mitigating factors to determine which finding is warranted:
  3. "Not Established" - when abuse or neglect cannot be established by a preponderance of the evidence, but evidence indicates that a child was harmed or exposed to harm or risk of harm.

4. "Unfounded" - when there is not a preponderance of the evidence indicating that a child is an abused or neglected child, and the evidence indicates that a child was not harmed or placed at risk of harm, or no "incident" occurred. See CP&P policy, [CP&P-II-C-6-100](#), CPS Investigation Finding Determinations - Four (4) Tier Findings, and N.J.A.C. 10:129-7.
- "IMPROPER PHYSICAL RESTRAINT" means - an improper physical restraint or intervention occurs when using restraint before trying more minimal means of intervention with a child (e.g., talking down a situation or use of a standing basket hold); ignoring other, more appropriate/less invasive ways of handling situations; and/or overuse of physical restraint or using unreasonable methods to restrain a child in an attempt to gain control of a situation (e.g., sitting on a child, bending a child's arm, pushing a child's arm up against his or her back). When determining whether a restraint is "proper," consider the facility's policies and procedures regarding restraint, the context of the situation wherein the restraint is used, and the child's treatment plan. The difference between an acceptable or proper method of restraint and an inappropriate or improper method of restraint may vary from facility to facility, dependent on the ages of the children served and the presenting problems of the facility's child population. See definition of "restraint."
  - "INITIATE AN INVESTIGATION" means - to take action, as necessary, to see an identified child victim within a specified time frame, or, if unable to contact the child in-person, to make a good faith attempt to see the child.
  - "INSTITUTION" means - any facility, public or private, in-state, which provides children with out-of-home care, supervision or maintenance. The term, "institution," includes, but is not limited to a:
    - Correctional facility
    - Detention facility
    - Treatment facility
    - Public or private day school
    - Residential school/residential treatment center
    - Shelter
    - Hospital (once a child is admitted or is out of the direct care and supervision of the parent)
    - Camp

- Day care center that is licensed or should be licensed
- Resource family home
- Group home
- Registered family day care home
- Unregistered family day care home (with six (6) or more children under the age of 13)

The term, "facility," includes a resource family home (foster home, relative care home, family friend care home, or adoption or Kinship Legal Guardianship home in which the adoption or KLG is not yet finalized).

Note: IAIU does NOT intervene in the following situations, in that there is no "institution" or "facility," in accordance with the definition:

- A program that provides short term, private lessons (such as dance, art, voice lessons/vocal workshops, Karate, soccer).
- A military training program/curriculum (unless affiliated with a day school).
- - A medical/dental practice or office (inappropriate or improper actions by a doctor, dentist, nurse, hygienist, etc. toward a child/patient).
- Sports' team/activity that is not affiliated with a school (such as a municipal/town or travel team/league).
- Boy Scouts, Girl Scouts, etc., unless the troop is associated with a camp program.
- A religious program (unless the program is associated with a day care center, day school, or camp).
- "INTAKE" means - SCR's process of documenting an incoming call to the reporting hotline.

INTAKE TYPES relevant to IAIU investigations are defined as:

- "Child Protective Services Intake" or "CPS" is a type of intake that documents alleged maltreatment of a child, involving alleged abuse or neglect by an alleged perpetrator. IAIU investigates intakes coded CPS- IAIU.
- "Information and Referral" or "I&R" is an intake type involving the activity of informing a caller requesting services, or a person referred for DCF

services, about services available from public and private sources outside DCF, when there is no allegation of child abuse or neglect.

A call may be coded "I&R" when the information provided by the caller does not meet the criteria for agency intervention, i.e., the information neither meets the requirements for an allegation of child abuse or neglect nor a child welfare services referral, and there is no current case or active investigation.

SCR codes an intake "I&R" when the caller believes he or she is making a child protective services allegation, but the information provided does not meet the agency's criteria for a CPS report. SCR records the information provided, should additional calls be received about the child, family, or out-of-home care setting which, taken together, may warrant agency intervention.

When a call is about an out-of-home care setting, SCR may forward the I&R to IAIU, for review by the office SCR Designee. No further action is taken by, or required of, SCR, CP&P, or IAIU, unless the SCR Designee determines otherwise.

- "Related Information" or "RI" is an intake type in which the caller provides additional or clarifying information about a current CPS investigation, a current child welfare service assessment, or an open CP&P service case.

A related information call may include updated information about a previously reported incident, receipt of information that duplicates a report or referral already screened by SCR, or a new development on an active case or a current investigation. The assigned IAIU Investigator reviews and responds to an RI intake as warranted.

- "INTERVENTION" means - an action taken by a caregiver or an institutional caregiver to correct, settle, or modify another action or situation. An intervention may be reasonable (justifiable) or unreasonable (unjustifiable).
  - - A "reasonable intervention" is a justifiable act, in a situation where the investigation has established that there is was sufficient cause for intervention. Sufficient cause for physical intervention generally involves a child who is in danger of harm to him or herself and/or others (e.g., a child throwing furniture can hurt him or herself as well as others).
  - - An "unreasonable intervention" is an unjustifiable act, in a situation where the investigation has established that there was insufficient cause for the intervention. For example, using physical restraint before trying less restrictive interventions can make a difference between justifiable and unjustifiable intervention.

- "INVESTIGATION" or "CHILD PROTECTIVE SERVICE INVESTIGATION" means - the activity of gathering all information relevant to making a determination as to whether child abuse or neglect occurred.
- "MEDIA INTEREST" means - Media (TV, radio) or journalistic (newspaper, magazine, book) attention that has been or is likely to be generated or intensified regarding any reportable incident involving the Department (i.e., DCF), Divisions or offices (CP&P, IAIU, OOL), and their service recipients or employees. Said media interest may or may not have an impact on daily facility operations. Examples: "Fire, Media Interest" or "Death, Media Interest."
- "METHOD OR BEHAVIOR" means - the style or manner in which the caregiver or institutional caregiver conducts him or herself. The method or behavior may be proper (appropriate) or improper (inappropriate).
  - A "proper method or behavior" is a method or behavior that is suitable, proper, and relevant for the population at the facility, resource family home, or other out-of-home care setting
  - An "improper method or behavior" is a method or behavior that is NEITHER suitable nor relevant for the population at the facility, resource family home, or other out-of-home care setting.
- "NJ SPIRIT" (New Jersey Statewide Protective Investigation, Reporting and Information Tool) or "NJS" means - the electronic, web-based case management system used to support Department of Children and Families programs, services and operations, including case recording and tracking. NJ SPIRIT meets Federal requirements for a Statewide Automated Child Welfare Information System (SACWIS).
- "OUT-OF-HOME CARE SETTING" -for the purpose of this policy, "out-of-home care setting" means the full range of settings and circumstances investigated by the Department of Children and Families' Institutional Abuse Investigation Unit. The term includes residential and group home facilities, shelters and camps; resource family/foster homes; school buses; etc. See definition of "institution."
- "PERPETRATOR," or "CONFIRMED PERPETRATOR" means - a person who has been determined by CP&P, IAIU, or PDCIU to have inflicted, or allowed to be inflicted, child abuse or neglect. The term, "perpetrator," is associated with a Substantiated or an Established incident of child abuse or neglect:
  - A "Substantiated Perpetrator" is the person responsible for a Substantiated incident of child abuse or neglect.
  - - An "Established Perpetrator" is the person responsible for an Established incident of child abuse or neglect. Also see definition of "Alleged Perpetrator."

- "PRIMARY INVESTIGATIVE OFFICE" means - the one DCF office that is assigned the lead responsibility for a child protective service investigation. The designation is made by the SCR Screener and indicated in the NJ SPIRIT application.
- "REFERRAL" means - an account or statement describing a request for child welfare services. Referrals are not assigned to IAIU. (IAIU conducts IAIU-CPS investigations only.)
- "REPORT" (used as a noun), means - an account or statement describing a specific incident (or set of circumstances) of suspected child abuse or neglect.
- "REPORTER" means - an individual who contacts SCR to make a CPS report, a CWS referral, or a request for social services. (Previously called "the referral source.")
- "RESTRAINT" means - the restriction of a child's freedom of movement, either partially or totally, by physical contact imposed by staff (Personal Control Technique), the application of a physical device (Mechanical Restraint), or through the use of medication (Chemical Restraint). Restraints are further defined as follows:
  - a. Approved - Restraints implemented with prior approval and written order, in accordance with the administrative regulations of the appropriate Division, or as part of an approved behavior treatment plan.
  - b. Unapproved - Restraints implemented without prior approval/order or not in accordance with the administrative regulations of the appropriate Division, or without the existence of an approved behavior treatment plan. See definition of "improper physical restraint."
- "RISK" means - the likelihood of future maltreatment of a child without CPS intervention. Note: The term, "risk," does not address the severity of the potential maltreatment, injury or harm, but, rather, the likelihood of the occurrence of an event.
- "SAFE" means - a child is not currently in immediate or impending danger of serious harm.
- "SAFETY ASSESSMENT" means - a point-in-time determination of whether or not a specific, named child, a facility, or a resource family home is safe.
- "SCREENING SUMMARY" or "DCF FORM 1-1" means - the report or referral which documents the intake, as screened by State Central Registry. The information is gathered during the screening process, and entered into NJ

SPIRIT windows; the application produces the Screening Summary. When used to document a CPS-IAIU report, the Screening Summary is assigned to an IAIU Investigator for response. See DCF [Form 1-1](#) in the CP&P Forms Manual See three distinct versions of the form.

- "SECONDARY OFFICE" means - the DCF office designated in an assignment in NJ SPIRIT as having a role in an investigation other than the lead or primary responsibility. The SCR Screener designates the Secondary Office. There may be more than one DCF office designated as a "Secondary Office" in a CPS intake.
- "SEXUAL ABUSE" or "CHILD SEXUAL ABUSE" (as defined in N.J.S.A. 9:6-8.84) means -"Contacts or actions between a child and a parent or caregiver for the purpose of sexual stimulation of either that person or another person. Sexual abuse includes:

- a. the employment, use, persuasion, inducement, enticement or coercion of any child to engage in, or assist any other person to engage in, any sexually explicit conduct or simulation of such conduct;
- b. sexual conduct including molestation, prostitution, other forms of sexual exploitation of children or incest; or
- c. sexual penetration and sexual contact as defined in N.J.S.A. 2C:14-1 and a prohibited sexual act as defined in N.J.S.A. 2C:24-4."

N.J.S.A. 2C:14-1c (criminal law) defines "sexual penetration" as "vaginal intercourse, cunnilingus, fellatio or anal intercourse between persons or insertion of the hand, finger or object into the anus or vagina either by the actor or upon the actor's instruction. The depth of insertion shall not be relevant as to the question of commission of the crime."

N.J.S.A. 2C:14-1d defines "sexual contact" as "an intentional touching by the victim or actor, either directly or through clothing, of the victim's or actor's intimate parts for the purpose of degrading or humiliating the victim or sexually arousing or sexually gratifying the actor. Sexual contact of the actor with himself must be in view of the victim whom the actor knows to be present."

N.J.S.A. 2C:14-1e defines "intimate parts" (used in the definition of "sexual contact") as the following body parts: "sexual organs, genital area, anal area, inner thigh, groin, buttock or breast of a person."

N.J.S.A. 2C:24-4 states: "prohibited sexual act" means:

- a. sexual intercourse; or
- b. anal intercourse; or
- c. masturbation; or

- d. bestiality; or
  - e. sadism; or
  - f. masochism; or
  - g. fellatio; or
  - h. cunnilingus; or
  - i. nudity, if depicted for the purpose of sexual stimulation or gratification of any person who may view such depiction.
- "SEXUAL CONTACT" means -- Activity and human interaction of a sexual nature. IAIU divides "sexual contact" into four subgroups: None (i.e., no sexual contact), Verbal, Non-Genital, and Genital.
    - A "verbal contact" ranges from an ambiguous statement with sexual connotations made by an alleged perpetrator to a direct and unambiguous statement with sexual denotations. Telling a "dirty" joke to a child is an example of the former; requesting to fondle a child's genitals, the latter.
    - A "non-genital contact" includes touching, stroking, fondling, kissing, etc. body parts other than the genitals, buttocks, breasts or upper inner thighs. It is important to establish that such contact is, in fact, "sexual."
    - A "genital contact" involves touching, stroking, fondling, kissing etc. the genitals, buttocks, breasts or inner thighs.
  - "STATE CENTRAL REGISTRY" or "SCR" means - the centralized operation in the Department of Children and Families responsible for screening incoming calls of suspected child abuse or neglect to the State of New Jersey. SCR operates a 24-hour "hotline," reached by dialing 1-877-NJ Abuse (1-877-652- 2873) or 1-800-792-8610.
  - "UNSAFE" or "DANGER" means - a child is currently in immediate or impending danger of serious harm.
  - "WITHHOLDING OF MEDICALLY INDICATED TREATMENT" means - the failure to respond to a child's life-threatening condition by not providing treatment, including appropriate nutrition, hydration, and medication which, in the treating physician's reasonable judgment, will most likely be effective in ameliorating or correcting all such conditions. The term does not include the failure to provide treatment, other than appropriate nutrition, hydration, or medication to a child when, in the treating physician's reasonable medical judgment:

1. The child is chronically and irreversibly comatose;
  2. The provision of such treatment would merely prolong dying, not be effective in ameliorating or correcting all of the child's life-threatening conditions, or otherwise be futile in terms of the survival of the child; or
  3. The provision of such treatment would be virtually futile in terms of the survival of the child and the treatment itself under such circumstances would be inhumane. See statute, N.J.S.A. 9:6-8.84, Definitions.  
See CP&P policy [CP&P-II-C-5-700](#), Institutional Medical Neglect.
- "WORKER" or "CP&P WORKER" means - a professional member of the CP&P field staff, who is assigned "CWS referrals" and/or "CPS reports" to assess or investigate, case management of families in open case status, or who performs "specialty" functions in CP&P caseloads, such as "Adoption Workers." The term, "Worker" is generic; types of CP&P "Workers" include:
    - "Investigator" - Field staff member who is assigned child protective service reports to investigate or child welfare service requests/assessments from the State Central Registry centralized screening operation.
    - "Permanency Worker" - CP&P field staff member who is assigned a "case" once it is "open" for services, after being transferred from the Initial Response Program to the Case Management Program. Permanency Workers are assigned CPS cases as well as CWS cases from the Initial Response Program.

Note: This policy manual refers to IAIU field staff as "Investigators," rather than "Workers."