

State of New Jersey
Department of Human Services



**The Central Registry of Offenders Against
Individuals with Developmental Disabilities
N.J.A.C. 10:44D
Fact Sheet-Updated 02/11**

What is the Central Registry?

Under NJ law ([N.J.S.A. 30:6D-73 et seq.](#)), the Central Registry is a confidential Registry maintained by the New Jersey Department of Human Services (DHS) of paid caregivers and volunteers determined by DHS to have abused, neglected or exploited an individual with a developmental disability.

Who Does the Central Registry Protect?

The Central Registry protects individuals with developmental disabilities receiving care or services from state-operated programs or facilities; facilities or programs licensed, contracted or regulated by DHS; or state-funded, community-based programs.

When Does the Central Registry Law Take Effect?

The Central Registry law was implemented October 27, 2010. This means that any person who is the subject of a DHS investigation regarding allegations of abuse, neglect or exploitation on or after this date will be considered for placement on the Central Registry, if they are determined by DHS to have committed such an act against an individual with a developmental disability.

What Else Does the Central Registry Law Require?

An important provision of the Central Registry law requires the timely reporting of abuse, neglect or exploitation of an individual with a developmental disability. The responsibility to report allegations applies to any person, employed or volunteering in a program, facility, community care residence or living arrangement licensed, regulated or funded by DHS; any person providing community-based services; and all employees of DHS.

Are There Consequences for Not Reporting?

Yes. Under the law, a person who fails to report an act of abuse, neglect or exploitation will be deemed to have committed a Disorderly Persons Offense and shall be subject to applicable legal penalties.

If I am Employed by an Agency or DHS Facility, How Do I Report an Allegation?

Reporting allegations through the DHS Unusual Incident Reporting System (UIRMS) satisfies the reporting requirement for agency or facility employees. Agencies, programs and facilities under contract with, regulated or licensed by DHS are required to report allegations of abuse, neglect or exploitation through UIRMS.

Is There Also a Toll-Free Number to Call to Report Allegations?

Yes. Anyone wishing to report an allegation of abuse, neglect or exploitation can contact the Division of Developmental Disabilities at **1-800- 832-9173**.

Are There Any Safeguards for Reporting an Allegation?

Yes. Persons who report allegations are immune from any civil or criminal liability and retain immunity if asked to provide subsequent legal testimony as a result of reporting an allegation. Under the law, persons making a report in good faith can seek court relief in situations of discrimination or discharge from employment as a result of making a report.

Who Can be Placed on the Central Registry?

Any person in the role of *caregiver*, who is determined through a DHS investigation to have abused, neglected or exploited an individual with a developmental disability. A caregiver is defined as a person who: Receives state funding, directly or indirectly, in whole or in part to provide services, supports or both to an individual with a developmental disability. The person can be paid directly or indirectly by the state, or be a contracted or licensed employee, a volunteer, an alternate or respite provider.

Can Family Members Acting in Care Giving Roles be Placed on the Central Registry?

No. The law excludes persons caring for immediate family members and substantiated for abuse, neglect or exploitation of a family member from placement on the Central Registry. However, these persons can be investigated for abuse, neglect or exploitation and may be subject to other criminal and civil charges under NJ law.

Who Investigates Allegations for Possible Placement on the Central Registry?

The DHS Office of Program Integrity and Accountability (OPIA) will be responsible for conducting investigations for the most serious allegations of abuse, neglect or exploitation in community settings and for all allegations in DHS Developmental Centers.

Are There Additional Considerations for Placing a Person on the Central Registry?

Yes. In addition to a substantiated finding of abuse, neglect or exploitation, the DHS investigative body will determine if any or all of the following additional elements are met: 1) For cases of substantiated abuse, whether the caregiver acted intentionally, recklessly or with careless disregard resulting in an injury or exposing the individual to a potential injury. 2) For cases of substantiated neglect, whether the caregiver acted with gross negligence, recklessness, or evidenced a pattern of behavior that caused harm or placed an individual in harm's way. 3) In cases of substantiated exploitation, through an act or set of acts, during which the caregiver dispossessed a service recipient or group of recipients of a monetary value of \$100 or more.

Who Determines Whether a Person Will Be Placed on the Central Registry?

The decision to place a person on the Central Registry is made by the DHS Commissioner or his/her designee(s) based on 1) a substantiated finding by the DHS investigative body that a caregiver abused, neglected or exploited an individual with a developmental disability 2) The investigation also produced evidence that the caregiver acted with any of the additional elements previously listed above (careless disregard, gross negligence, etc.).

What Happens When a Person is Placed on the Central Registry?

Persons who are placed on the Central Registry are required by law to immediately cease all contact with individuals with developmental disabilities for whom they directly or indirectly receive state funding, except immediate family members. Persons placed on the Central Registry may no longer be employed in facilities or programs contracted, licensed or regulated by the State of New Jersey to provide care to an individual with a developmental disability.

Do Persons Identified for Placement on the Central Registry Have the Right to Appeal?

Yes. Within ten days of notification, persons identified for placement on the Central Registry can request a pre-hearing conference with a representative of DHS, and/or within 30 days of notification, may seek an Administrative Hearing through the Office of Administrative Law. Appeal procedures are in accordance with the Administrative Procedures Act (*N.J.S.A. 52:14B-1*).

Can a Person Be Taken Off the Central Registry?

Yes. Persons may be taken off the Central Registry if DHS determines through the administrative appeal process that an error has been made, or if after five years of placement on the Central Registry, the person can affirmatively demonstrate and evidence satisfactory rehabilitation based on identified criteria.

Who is Required to Check the Department's Central Registry?

Every entity that employs caregivers, including volunteers, respite providers and alternates in a state-operated facility or program licensed, contracted or regulated by DHS. The requirement also applies to employers providing state-funded, community-based services directly or indirectly to individuals with developmental disabilities. In situations where an individual receives self-directed funds, the employer of record is required to check the Central Registry.

How Frequently Must the Central Registry be Checked by Employers?

Entities listed above are required to check the Central Registry:

- Prior to each new hire of a caregiver, including employees, volunteers, alternates and respite providers; and
- Each time a new name is added to the Central Registry, DHS will send an email advisory alert. The Central Registry should be re-checked by all employers at that time.

Are there Additional Requirements and Responsibilities for Facilities; Licensed, Regulated or Contracted Employers?

Yes. These include ensuring that consent is obtained from caregivers and volunteers, alternates and respite providers to check their name against the Central Registry, ensuring that caregivers and volunteers are aware of their duty to report allegations and cooperate with an investigation, and a requirement to document evidence that the Central Registry was checked on all existing and prospective employees. This documentation must be maintained on file and available for DHS licensing review/inspection.

What About Out-of-State Agencies and Facilities?

Facilities and agencies under contract with the DHS Division of Developmental Disabilities are also required to comply with the Central Registry law and regulations. Out-of-state providers serving New Jersey are also required to conduct a check of their own registry system (if available).

Additional information can be found on the Department of Human Services website at
<http://www.state.nj.us/humanservices/>

**Questions? Please contact the Department of Human Services,
Office of Program Integrity and Accountability at
(609) 292-1617**