

RULE PROPOSALS

INTERESTED PERSONS

Interested persons may submit comments, information or arguments concerning any of the rule proposals in this issue until the date indicated in the proposal. Submissions and any inquiries about submissions should be addressed to the agency officer specified for a particular proposal.

The required minimum period for comment concerning a proposal is 30 days. A proposing agency may extend the 30-day comment period to accommodate public hearings or to elicit greater public response to a proposed new rule or amendment. Most notices of proposal include a 60-day comment period, in order to qualify the notice for an exception to the rulemaking calendar requirements of N.J.S.A. 52:14B-3. An extended comment deadline will be noted in the heading of a proposal or appear in subsequent notice in the Register.

At the close of the period for comments, the proposing agency may thereafter adopt a proposal, without change, or with changes not in violation of the rulemaking procedures at N.J.A.C. 1:30-6.3. The adoption becomes effective upon publication in the Register of a notice of adoption, unless otherwise indicated in the adoption notice. Promulgation in the New Jersey Register establishes a new or amended rule as an official part of the New Jersey Administrative Code.

CHILDREN AND FAMILIES

(a)

COMMISSIONER

Child Protection Investigations

Proposed Amendments: N.J.A.C. 3A:10-1.1 and 1.3

Proposed New Rules: N.J.A.C. 3A:10-9

Authorized By: Christine Norbut Beyer, M.S.W., Commissioner,
Department of Children and Families.

Authority: N.J.S.A. 9:3A-7.f and g, 9:6-8.15, 9:6-8.36a, 9:6-8.106,
and 30:4C-4.h.

Calendar Reference: See Summary below for explanation of
exception to calendar requirement.

Proposal Number: PRN 2026-011.

Submit written comments by March 21, 2026, to:

Kristin Matera
Regulatory Officer
Department of Children and Families
Office of Policy and Regulatory Development
PO Box 717
Trenton, New Jersey 08625 or
rules@dcf.nj.gov

The agency proposal follows:

Summary

As the Department of Children and Families (“Department” or “DCF”) has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

The Department believes that individuals who have a substantiated finding of abuse or neglect may rehabilitate themselves. For those who believe themselves to be rehabilitated, the Department is proposing a new process whereby, after 10 years, an individual substantiated for certain forms of abuse or neglect may apply for a change in the finding from a substantiated finding of abuse or neglect to an established finding of abuse or neglect, the result of which would be to remove the individual from the Child Abuse Registry. This does not negate that an applicant abused or neglected a child in the past, but allows the Department to remove a successful applicant’s name from the Child Abuse Registry if the finding is changed to established. The advantage of this change for the applicant is that the applicant’s name would no longer appear as a substantiated perpetrator when completing a child abuse record information (CARI) check. This may allow an individual who has demonstrated sufficient rehabilitation to work or volunteer in one of the following capacities requiring a CARI background check pursuant to law: an employee of the Department of Children and Families or the Department of Human

Services, a contractor of either of those agencies, as an employee of a licensed child care center, a residential child care program, an adoption agency, the Youth Justice Commission, residential programs for the developmentally delayed, as a family day care provider or an approved home care provider; a Court Appointed Special Advocate volunteer; or a sponsor for a child in a Federal Refugee Resettlement program.

The Department proposes to add N.J.A.C. 3A:10-9 to create a process by which a person with a substantiated finding of child abuse or neglect may apply to have that finding modified to an established finding of child abuse or neglect as defined at N.J.A.C. 3A:10-7.3. For purposes of this chapter, “established” findings indicate that the applicant was adjudicated to have committed abuse and neglect as defined at N.J.S.A. 9:6-8.21, at the time of the incident, however, the applicant’s name does not appear on the Child Abuse Registry and, therefore, would not be released during a Child Abuse Registry check.

In addition, the Department proposes to amend N.J.A.C. 3A:10-1.3 to add two defined terms used at proposed new N.J.A.C. 3A:10-9: “applicant” and “final agency decision.” “Applicant” will be defined as an individual who applies to the program to modify a finding of child abuse or neglect. “Final agency decision” will be defined as the decision of the Commissioner of the Department (Commissioner) after an application for a modification of a finding of child abuse or neglect.

Proposed new N.J.A.C. 3A:10-9.1 would state the purpose of the subchapter.

Proposed new N.J.A.C. 3A:10-9.2 would state that the scope of the subchapter is each applicant whose most recent substantiated finding occurred at least 10 years prior to the date of the application.

Proposed new N.J.A.C. 3A:10-9.3 would state the eligibility criteria for having an application considered by the Department.

Proposed new N.J.A.C. 3A:10-9.4 would state the process for making an application to have a finding of substantiated changed to established.

Proposed new N.J.A.C. 3A:10-9.5 would state the factors considered by the Department in determining whether the applicant has been sufficiently rehabilitated to have the finding changed.

Proposed new N.J.A.C. 3A:10-9.6 would state the process for completing the determination.

Proposed new N.J.A.C. 3A:10-9.7 would state the appeal process for a denied application.

Social Impact

The proposed amendments and new rules will allow rehabilitated people with a past substantiated finding of abuse or neglect to apply, without impediment, to work or volunteer in one of the following capacities that requires a CARI background check pursuant to law: an employee of the Department or the Department of Human Services, a contractor of either of those agencies, an employee of a licensed child care center, a residential child care program, an adoption agency, the Youth Justice Commission, residential programs for the developmentally delayed, as a family day care provider or an approved home care provider;

a Court Appointed Special Advocate volunteer; or a sponsor for a child in a Federal Refugee Resettlement program.

The proposed amendments and new rules will have a positive impact on children by eliminating barriers for eligible individuals with old findings of abuse and neglect that prevent them from being able to provide essential services to children even though those individuals may have demonstrated rehabilitation. The proposed amendments and new rules will have an especially positive impact on those children who may now be placed with relatives who, absent this rulemaking, may have been barred from providing care due to past child abuse or neglect substantiations. Allowing children to remain in the care of kin typically leads to better long-term outcomes, and removing barriers to those placements has been a priority for DCF.

Additionally, the Department is committed to ensuring racial equity in the operation of New Jersey's child welfare system. The permanent nature of the Child Abuse Registry fails to consider systemic factors that contribute to significant racial disproportionality in the makeup of the Child Abuse Registry. The proposed amendments and new rules create an avenue to rectify some of those inequities.

Economic Impact

The proposed amendments and new rules will have a positive economic impact on those individuals with substantiated findings who wish to be employed in agencies and positions that are subject to a CARI check, such as childcare centers, agencies that contract with the Department or the Department of Human Services for programs serving those with developmental disabilities, or at Division of Developmental Disabilities (DDD) residential centers, adoption agencies, the Youth Justice Commission, or registered family child-care providers.

Federal Standards Statement

The proposed new rules and amendments meet, but do not exceed, applicable Federal requirements. 42 U.S.C. §§ 5106a(b)(2)(A) and 5106c(a)(3), which provide Federal grant funding to states "to improve ... the investigation and prosecution of cases of child abuse and neglect ..." In particular, 42 U.S.C. § 671(a)(9) requires that a state have a Title IV-E State Plan, which provides for reporting an injury, sexual abuse, or negligent treatment of a child receiving aid under either Title IV-B or Title IV-E of the Social Security Act to an appropriate agency. That statute requires the reporting of certain instances of alleged child abuse and neglect to the county prosecutor and is cited in the State Plan. The proposed new rules provide a process whereby an individual who is on the Child Abuse Registry in the State of New Jersey can request to change the status of their registry designation from "substantiated" to "established." The proposed new rules and amendments would not impact the State's compliance with the Federal requirements related to the Child Abuse Registry.

In addition, Federal regulations at 28 CFR 115.317 require that the New Jersey Youth Justice Commission's employees and the employees of contractors be checked against "child abuse registries." The proposed amendments and new rules support, but do not exceed, this Federal requirement.

Jobs Impact

The Department anticipates no impact, either positive or negative, on job creation due to this rulemaking. While more individuals may qualify for existing positions based upon the adoption of these proposed amendments and new rules, the proposed amendments and new rules themselves will not create new positions.

Agriculture Industry Impact

The rulemaking will have no impact on the agriculture industry.

Regulatory Flexibility Statement

Some of the entities that can request a Child Abuse Registry Information check may be considered "small businesses," pursuant to the definition at N.J.S.A. 52:14B-16 et seq., the Regulatory Flexibility Act. These proposed amendments and new rules do not require these entities to maintain any reporting, recordkeeping, or other compliance requirements. The applicants who must meet certain compliance standards in order to apply for a change of finding are individuals, therefore, a regulatory flexibility analysis is not necessary.

Housing Affordability Impact Analysis

The proposed amendments and new rules have no impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the proposed amendments and new rules would evoke a change in the average costs associated with housing because the proposed amendments and new rules pertain to the Department's child protection investigation process.

Smart Growth Development Impact Analysis

The proposed amendments and new rules have no impact on smart growth and there is an extreme unlikelihood that the proposed amendments and new rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the proposed amendments and new rules pertain to the Department's child protection investigation process.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Commissioner has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follow (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

3A:10-1.1 Purpose and objectives

(a) (No change.)

(b) The objectives of this chapter are to:

1.-14. (No change.)

15. Specify standards for documentation and notification of an investigation finding, as well as other notification given at the end of an investigation; [and]

16. Specify standards for the expunction of a record[.]; **and**

17. Establish standards and procedures for requesting modification of substantiated finding to established finding based on rehabilitation.

3A:10-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

...

"Applicant" means a person who submits an application to modify a substantiated finding of abuse or neglect of a child to a finding of established, in accordance with this subchapter.

...

"Final agency decision" means a final decision by the Commissioner, or designee, after a Departmental review of an application to modify one or more substantiated findings of abuse or neglect of a child.

...

SUBCHAPTER 9. APPLICATION TO MODIFY SUBSTANTIATED FINDINGS

3A:10-9.1 Purpose

The Department recognizes that a substantiated finding of child abuse or neglect permanently disqualifies a person from some roles that require a CARI check, such as a particular employment or volunteer activity. A substantiation may also be a barrier to kin acting as a caregiver for a child as a resource parent, a kinship legal guardian, and/or as an adoptive parent. The purpose of this subchapter is to create a process whereby a person may apply to have such substantiated finding of child abuse or neglect changed to an established finding and enable that person to be deemed eligible for these endeavors. **Only substantiated findings must be disclosed for a CARI check, therefore, the name of a person with an established finding does not appear in a CARI check. This subchapter furthers the Department's goal of achieving permanency through family connections whenever possible by removing some of the obstacles that**

currently impede this goal, including enabling family members to financially qualify for relative placement by clearing them for employment in areas otherwise restricted by CARI checks and eliminating the need for waivers for kinship placements when the individual applying for kinship placement is listed on the Registry for a past substantiated finding.

3A:10-9.2 Scope

This subchapter applies to persons who have a substantiated finding finalized by the Department who meet the eligibility criteria to submit an application to change the finding.

3A:10-9.3 Eligibility for application

(a) The Department shall deny each application where there are any substantiated findings against the applicant during the 10-year period preceding the date the Department receives the application.

(b) The Department shall deny an application where:

1. The applicant was substantiated by the Department for an incident of sexual abuse;
2. The substantiated finding was the result of an investigation conducted by the Institutional Abuse Investigation Unit; or
3. The incident of abuse or neglect resulted in a child fatality or near fatality.

3A:10-9.4 Application

(a) A person may apply, in writing, to the Department of Children and Families to have a substantiated finding changed to an established finding, provided they are eligible as described at N.J.A.C. 3A:10-9.3.

(b) Each prospective applicant shall submit their application to:

Department of Children and Families
Administrative Hearings Unit
PO Box 717
Trenton, New Jersey 08625
or to Registryremoval@dcf.nj.gov.

(c) The burden of demonstrating rehabilitation is on the applicant.

(d) At the time of the application, the applicant shall submit affirmative documentation or information attesting to their rehabilitation during the years since the finding. The Department shall consider the following types of documentation or information:

1. Reports of successful engagement in services such as counseling, substance use disorder treatment, psychological, or psychiatric treatment;
2. Parole or probation reports;
3. Records of work experience or documents from current and previous employers;
4. Criminal history information;
5. Letters of support attesting to the applicant's character and rehabilitation;
6. Interview of the applicant, conducted telephonically or through other means, by the review officer; and
7. Any other information submitted by the applicant or requested by the Department that the Department deems appropriate.

(e) The applicant shall submit additional documentation or information to the Department within 20 days of the Department's request of any such additional documentation.

(f) If such application is unsuccessful, the applicant shall wait at least three years after the Department's initial denial before reapplying for a modification of any substantiated finding. New or additional documentation or information of rehabilitation shall accompany each reapplication.

3A:10-9.5 Factors to consider in determining rehabilitation

(a) For an eligible applicant, the Department shall consider relevant factors in the review of a submitted application. The factors considered may include, but are not limited to:

1. Documentation or other information of rehabilitation;
2. The nature and seriousness of each incident underlying the substantiated finding or findings;
3. The circumstances under which the instance(s) of abuse or neglect occurred;

4. The age of the applicant at the time of the incident that led to a substantiated finding;

5. Whether there are multiple incidents of abuse or neglect;

6. The applicant's background, history, and socio-economic conditions that may have contributed to the abuse or neglect; and

7. Records of any history with the Department.

3A:10-9.6 Determination

(a) The Department shall make a determination on the application within 60 days from the date the Department deems the application complete.

(b) It is within the discretion of the Department to deny an application based on the severity of an incident underlying the substantiation, the repeat nature of a substantiated incident or offense, an insufficient demonstration of rehabilitation, or any other basis as determined by the Commissioner of the Department.

(c) The determination whether to grant or deny an application for modification shall be a final agency decision.

(d) The Department shall notify the applicant of the determination in writing.

(e) If an applicant is successful, the Department shall modify the substantiated finding to established within 30 days of making the determination. Such change in finding shall be reflected on the Registry for purposes of CARI check reporting.

3A:10-9.7 Appeal of final agency decision

An appeal of a final agency decision shall be solely to the Appellate Division of the Superior Court within time limits allowed by New Jersey Court Rule 2:4-1. The final agency decision shall include notice to the applicant of the right to file an appeal to the Appellate Division, the time frames, and related procedures.

ENVIRONMENTAL PROTECTION

(a)

WATER RESOURCE MANAGEMENT

Financial Assistance for Environmental Infrastructure Facilities

Proposed Readoption with Amendments: N.J.A.C. 7:22-3

Proposed Repeal and New Rule: N.J.A.C. 7:22-3.9

Authorized By: Shawn M. LaTourette, Commissioner, Department of Environmental Protection.

Authority: Water Conservation Bond Act of 1969 (P.L. 1969, c. 127); the Clean Waters Bond Act of 1976 (P.L. 1976, c. 92); the Natural Resources Bond Act of 1980 (P.L. 1980, c. 70); the Wastewater Treatment Bond Act of 1985 (P.L. 1985, c. 329); the Stormwater Management and Combined Sewer Overflow Abatement Bond Act of 1989 (P.L. 1989, c. 181); the Pinelands Infrastructure Trust Bond Act of 1985 (P.L. 1985, c. 306); the Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992 (P.L. 1992, c. 88); the Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Bond Act of 2003 (P.L. 2003, c. 162); the Water Supply Bond Act of 1981 (P.L. 1981, c. 261); N.J.S.A. 13:1D-1 et seq., 58:1A-1 et seq., 58:10A-1 et seq., 58:11A-1 et seq., and 58:12A-1 et seq.; and future laws authorizing the Department of Environmental Protection to provide assistance for construction of environmental infrastructure projects, as to N.J.A.C. 7:22-2, 3, 5, 6, 7, 8, 9, and 10, and the New Jersey Infrastructure Trust Act, N.J.S.A. 58:11B-1 et seq.; the Stormwater Management and Combined Sewer Overflow Abatement Bond Act Amendments (P.L. 1997, c. 225); the Water Supply Bond Act Amendments (P.L. 1997, c. 223); and the Green Acres, Clean Water, Farmland and Historic Preservation Bond Act of 1992 (P.L. 1992, c. 88);