

# MANDATED REPORTER DECISION TREE

## DEFINITIONS

### Who is mandated to report concerns for child abuse and neglect?

- In New Jersey, everyone is a mandated reporter. (N.J.S.A. 9:6-8.10)

### Definition of child abuse and neglect:

- N.J.S.A. 9:6-8.21 defines neglect and abuse.
- Generally, abuse is something the caregiver is doing that is harming or is likely to cause harm to the child, and includes situations such as burning a child, beating a child, or sexually abusing a child
- Generally, neglect is something the parent is failing to do that is harming or is likely to cause harm to the child, and includes situations such as failing to provide proper supervision of a child, leaving a child with no apparent intention to return, or knowingly allowing the child to be sexually or physically abused.
  - Note that poverty alone does not constitute abuse or neglect. For example: being homeless in and of itself is not a form of neglect; similarly, being unable to afford food, medicine or clothing in and of itself not neglect.
  - On the other hand, willfully withholding food, clothing, shelter, medical care, etc. from a child despite having the means to do so, or having been offered the means to do so is neglect.

### What threshold must be met in order to make a call?

- If a person has reasonable cause to suspect, based on known facts that a child may be a victim of abuse or neglect, they are obligated to report it. If the suspicion is not based on known facts and/or the concern is for something other than child abuse or neglect by a caregiver, it is not appropriate to contact the child abuse hotline.

### In order for a call to the child abuse hotline to result in a CPS investigation as a response, all of the following criteria need to be met:

- The alleged child victim is a born child, under 18 years of age.
- The alleged perpetrator(s) is the child's parent, guardian or other person in a caregiving role, who has custody or control of the child. "Caregiving role" includes natural, adoptive and resource parents, step-parents, and others with a legally documented or assumed responsibility to provide ongoing care for a child.
- The child victim(s) was harmed or placed at substantial risk of harm.
- The known facts suggest that the caregiver's action or failure to act may have caused harm or risk of harm to the child.

Reports to the child abuse hotline can permanently impact the life of a child and their family. It is important to be intentional when making the decision to report based on facts about the child and family circumstances.

AN INDIVIDUAL HAS A CONCERN ABOUT THE WELFARE OF A CHILD

**STEP 1: Do you have reasonable cause to suspect that a child is being abused or neglected**

Reasonable cause must apply regardless of the child/ family's race, ethnicity, gender or gender identity, sexual orientation/ expression, religion, immigration status, primary spoken language, culture, age, neighborhood, capability status, occupation or socio-economic status.

NO

**IF NOT**

Stop and gather more information, such as:

1. Who caused the child's current condition?
2. What did the caregiver do to address the issue?
3. When did the current issue occur?
4. How did the current issue occur?
5. Why did the current issue occur?

Consider returning to Step 1 or connecting the family to community resources depending on what the facts suggest.

YES

**STEP 2: Are ALL of the following true?**

- The alleged child victim is a born child, under 18 years old.
- The alleged perpetrator(s) is the child's parent, guardian or other person in a caregiving role, who has custody or control of the child. "Caregiving role" includes natural, adoptive and resource parents, step-parents, and others with a legally documented or assumed responsibility to provide ongoing care for a child.
- The child victim(s) was harmed or placed at substantial risk of harm.

NO

If any one of the conditions is NOT true, **do not call the child abuse hotline.**

See list for resources that can be of help to this family

YES

**STEP 3:** Is there reasonable cause to suspect, based on known facts, that the caregiver's action (abuse) may have caused harm or risk of harm to the child

NO

**STEP 4:** Is there reasonable cause to suspect, based on known facts, that the caregiver's inaction (neglect) may have caused harm or risk

YES

Was this inaction present even though the parents had the means to take appropriate action, or were offered the means to do so?

NO

If the answer is NO, **do not call the child abuse hotline.** See resource list for resources that can be of help to this family

YES

CALL THE CHILD ABUSE HOTLINE

YES

NO

