



## **Reporting Suspected Abuse, Neglect or Exploitation of an Individual with an Intellectual Developmental Disability**

When a guardian or family member is notified of or suspects an incident or allegation of abuse, neglect, or exploitation involving an adult with an intellectual or developmental disability, it can be a difficult and uncertain time. Guardians and family members often have questions and concerns, and may be unsure of what to do or what to expect. The information below will help guardians and family members understand the process for reporting an incident or allegation of abuse, neglect, or exploitation involving an adult with an intellectual or developmental disability, as well as the investigation process that follows.

### **1. What can I do if I suspect my loved one with an intellectual or developmental disability has been abused, neglected, and/or exploited?**

Any person, including a guardian or family member, who suspects abuse, neglect and/or exploitation (physical and/or emotional) of an adult with an intellectual or developmental disability can call the NJ Division of Developmental Disabilities (DDD) hotline 24 hours a day, 365 days a year:

**DDD Abuse Hotline: 1-800-832-9173 (then press 1)**

### **2. When calling to report suspected abuse, do I have to give my name?**

No. Suspected abuse can be reported anonymously or the caller can provide his/her name and request that it not be identified to the provider agency.

There is the potential that, upon examining the facts of the allegation and the content of the incident report, an agency or individual will draw their own conclusion as to the source of the allegation.

### **3. What information will I need to give when calling to report suspected abuse?**

When calling to report suspected abuse, it is important to provide as much information as possible about the incident(s), including the date(s), location and nature of the incident(s), and the names of people involved.

### **4. I am worried that reporting suspected abuse will cause the provider agency to retaliate against me/my loved one.**

The Division does not tolerate retaliatory actions or the threat of retaliatory actions by providers. An individual, guardian, or family member who has been threatened with and/or believes they are the victim of retaliatory actions by a provider should call the DDD hotline at 1-800-832-9173 (press 1), so the issue can be reviewed.

## 5. Will the alleged perpetrator be removed from the care/proximity of my loved one while the investigation is being conducted?

The Department requires provider agencies to take all actions necessary to ensure the immediate and continued safety of all individuals served. If the alleged perpetrator is a staff person, actions may include, but are not limited to, the removal of the identified staff from interaction with the alleged victim until the investigation concludes. If the alleged perpetrator is another individual under services (and depending on the type of incident), actions may include, but are not limited to, the addition of staff or services, or the separation of the individuals involved to ensure safety.

## 6. How can the guardian stay informed during the investigation?

When the Department of Human Services (DHS), Office of Investigations (OI) conducts an investigation, at the start of the investigation, the assigned investigator contacts the guardian by phone and by letter to provide his/her contact information and the contact information for his/her supervisor. The letter includes a copy of the *DHS/OI Guide to Understanding the Investigative Process*. This guide can help answer general questions about the OI investigation process and what a guardian can expect during an OI investigation. Guardians can also call the DHS/OI investigator or supervisor at any time with questions or concerns regarding the investigation.

At the conclusion of the DHS/OI investigation, the guardian receives a detailed Findings Letter.

When the provider agency is conducting the investigation, the guardian can speak to the provider agency investigator. If a guardian is concerned or not satisfied with the response given by the provider agency, he/she can call the DHS Critical Incident Management Unit (CIMU) at 609-633-7633 and ask to speak to the staff person assigned to that provider agency.

## 7. Will the guardian get updates about the investigation?

The guardian can contact the assigned DHS/OI or provider agency investigator at any time for updates.

## 8. How long will the investigation take?

The timeframe for completing an investigation will vary based on the nature of the incident.

## 9. If there is a report of suspected abuse against my loved one, can I get a copy of the incident report?

When DDD is notified of suspected abuse of an individual who is under the care of a provider agency, DDD generates an **Incident Report (IR)**. The IR is completed the day the allegation is received (but generally no later than the following business day) and is updated when additional information is received. N.J.A.C. 10:41 specifies that an Incident Report cannot be released without a signed judicial order. See page 6 of Division Circular 30: [www.nj.gov/humanservices/ddd/documents/ddd%20web%20current/CIRCULARS/DC30.pdf](http://www.nj.gov/humanservices/ddd/documents/ddd%20web%20current/CIRCULARS/DC30.pdf)

## 10. How will the guardian know when the investigation is completed?

For investigations completed by DHS/OI, a Findings Letter, which is a detailed letter explaining the investigation outcome, is mailed to the guardian within 30 days after the investigation is completed. After receiving the DHS/OI Findings Letter, the guardian can call the OI investigator or supervisor to discuss the outcome of the investigation.

For investigations completed by the provider agency, the agency is responsible for issuing findings, either in writing or verbally. If the agency does not issue findings, the guardian can contact the DHS Critical Incident Management Unit (CIMU) at 609-633-7633 and ask to speak to the staff person assigned to that provider agency.

## 11. What if the guardian would like additional information?

For DHS/OI investigations, a Findings Letter, which is a detailed letter explaining the investigation outcome, is mailed to the guardian within 30 days after the investigation is completed. The Findings Letter provides the date of the incident, a description of the allegation, a finding whether the allegation is substantiated or not substantiated, the rationale for the finding, and if known, any action taken by the provider in response.

The DHS/OI Findings Letter will ordinarily be sufficient to inform the guardian about the investigation. However, the investigation report may be released to the guardian or other person responsible for the welfare of the individual when (1) the report includes information needed in connection with the provision of care, treatment, assessment, evaluation, or supervision of the individual, and (2) the provision of the information is in the best interest of the individual with a developmental disability, as determined by the Division of Developmental Disabilities (DDD).

If, after receiving and reviewing the DHS/OI Findings Letter, the guardian still believes other information is necessary for the provision of care, he/she can submit an Investigation Report Request Form. The form is available on the DHS website or can be requested by calling the DDD Office of Risk Management at 609-633-7289. The request will be reviewed by the DDD Office of Risk Management to ensure the release of the report will comply with relevant laws and regulations, and the requestor will be notified of the determination. If the request is approved, the investigation report will be provided to the guardian within 30 days after the approval. **Please note that to ensure privacy and maintain DHS/OI's ability to gather as much information as possible for the investigation, identifying information such as names of other individuals will be redacted from the report.**

## 12. How can I be sure the religious and cultural beliefs of my loved one are respected throughout an abuse investigation?

The Department of Human Services expects that religious beliefs, cultural beliefs and language preferences of individuals served will be respected at all times. This includes, but is not limited to, the duration of any investigation of suspected abuse, neglect, and/or exploitation.

### ADDITIONAL INFORMATION

- **DHS Critical Incident Management Unit:** [www.nj.gov/humanservices/staff/opia/cimu/](http://www.nj.gov/humanservices/staff/opia/cimu/)
- **DHS Circular 14:** [www.nj.gov/humanservices/ddd/documents/ddd%20web%20current/CIRCULARS/DC14.pdf](http://www.nj.gov/humanservices/ddd/documents/ddd%20web%20current/CIRCULARS/DC14.pdf)