

P.L. 2025, CHAPTER 281, *approved January 18, 2026*
Senate, No. 3751

1 AN ACT concerning children, amending P.L.1974, c.119 and
2 P.L.2010, c.5.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1974, c.119 (C.9:6-8.21) is amended to read
8 as follows:

9 1. As used in P.L.1974, c.119 **[(C.9-8.21 et seq.)]** (C.9:6-8.21
10 et seq.), unless the specific context indicates otherwise:

11 a. "Parent or guardian" means any natural parent, adoptive
12 parent, resource family parent, stepparent, paramour of a parent, or
13 any person, who has assumed responsibility for the care, custody, or
14 control of a child or upon whom there is a legal duty for such care.
15 Parent or guardian includes a teacher, employee, or volunteer,
16 whether compensated or uncompensated, of an institution who is
17 responsible for the child's welfare and any other staff person of an
18 institution regardless of whether or not the person is responsible for
19 the care or supervision of the child. Parent or guardian also
20 includes a teaching staff member or other employee, whether
21 compensated or uncompensated, of a day school as defined in
22 section 1 of P.L.1974, c.119 (C.9:6-8.21).

23 b. "Child" means any **[child]** (1) person less than 18 years of
24 age alleged to have been abused or neglected, or (2) any person less
25 than 21 years of age alleged to have been abused or neglected as
26 defined in this section, or subject to exploitation as defined in
27 section 8 of P.L.2017, c.238 (C.30:6D-74), by a teacher, employee,
28 contractor, or volunteer, whether compensated or uncompensated,
29 of an institution responsible for the care or supervision of that
30 person, as regulated by the Department of Children and Families,
31 including employees of day schools as defined in this section.

32 c. "Abused or neglected child" means a child **[less than 18**
33 **years of age]** as defined in this section whose parent or guardian, as
34 herein defined, (1) inflicts or allows to be inflicted upon such child
35 physical injury by other than accidental means which causes or
36 creates a substantial risk of death, or serious or protracted
37 disfigurement, or protracted impairment of physical or emotional
38 health or protracted loss or impairment of the function of any bodily
39 organ; (2) creates or allows to be created a substantial or ongoing
40 risk of physical injury to such child by other than accidental means

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 which would be likely to cause death or serious or protracted
2 disfigurement, or protracted loss or impairment of the function of
3 any bodily organ; (3) commits or allows to be committed an act of
4 sexual abuse against the child; (4) or a child whose physical,
5 mental, or emotional condition has been impaired or is in imminent
6 danger of becoming impaired as the result of the failure of his
7 parent or guardian, as herein defined, to exercise a minimum degree
8 of care (a) in supplying the child with adequate food, clothing,
9 shelter, education, medical or surgical care though financially able
10 to do so or though offered financial or other reasonable means to do
11 so, or (b) in providing the child with proper supervision or
12 guardianship, by unreasonably inflicting or allowing to be inflicted
13 harm, or substantial risk thereof, including the infliction of
14 excessive corporal punishment; or by any other acts of a similarly
15 serious nature requiring the aid of the court; (5) or a child who has
16 been willfully abandoned by his parent or guardian, as herein
17 defined; (6) or a child upon whom excessive physical restraint has
18 been used under circumstances which do not indicate that the child's
19 behavior is harmful to himself, others, or property; (7) or a child
20 who is in an institution and (a) has been placed there
21 inappropriately for a continued period of time with the knowledge
22 that the placement has resulted or may continue to result in harm to
23 the child's mental or physical well-being or (b) who has been
24 willfully isolated from ordinary social contact under circumstances
25 which indicate emotional or social deprivation.

26 A child shall not be considered abused or neglected pursuant to
27 paragraph (7) of subsection c. of this section if the acts or omissions
28 described therein occur in a day school as defined in this section.

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

34 d. "Law guardian" means an attorney admitted to the practice
35 of law in this State, regularly employed by the Office of the Public
36 Defender or appointed by the court, and designated under P.L.1974,
37 c.119 to represent minors in alleged cases of child abuse or neglect
38 and in termination of parental rights proceedings.

39 e. "Attorney" means an attorney admitted to the practice of law
40 in this State who shall be privately retained; or, in the instance of an
41 indigent parent or guardian, an attorney from the Office of the
42 Public Defender or an attorney appointed by the court who shall be
43 appointed in order to avoid conflict between the interests of the
44 child and the parent or guardian in regard to representation.

45 f. "Division" means the Division of Child Protection and
46 Permanency in the Department of Children and Families unless
47 otherwise specified.

1 g. "Institution" means a public or private facility in the State
2 which provides children with out of home care, supervision, or
3 maintenance. Institution includes, but is not limited to, a
4 correctional facility, detention facility, treatment facility, day care
5 center, residential school, shelter, and hospital.

6 h. "Day school" means a public or private school which
7 provides general or special educational services to day students in
8 grades kindergarten through 12. Day school does not include a
9 residential facility, whether public or private, which provides care
10 on a 24-hour basis.

11 (cf: P.L.2012, c.16, s.31)

12
13 2. Section 2 of P.L.2010, c.5 (C.30:6D-74) is amended to read
14 as follows:

15 2. As used in P.L.2010, c.5 (C.30:6D-73 et seq.):

16 "Abuse" means wrongfully inflicting or allowing to be inflicted
17 physical abuse, sexual abuse, or verbal or psychological abuse or
18 mistreatment by a caregiver upon an individual with a
19 developmental disability.

20 "Caregiver" means a person who receives State funding, directly
21 or indirectly, in whole or in part, to provide services or supports, or
22 both, to an individual with a developmental disability; except that
23 "caregiver" shall not include an immediate family member of an
24 individual with a developmental disability.

25 "Central registry" means the Central Registry of Offenders
26 Against Individuals with Developmental Disabilities established
27 pursuant to P.L.2010, c.5 (C.30:6D-73 et seq.).

28 **["Children's System of Care" means the Division of Children's**
29 **System of Care in the Department of Children and Families.]**

30 "Commissioner" means the Commissioner of Human Services.

31 "Department" means the Department of Human Services.

32 "Developmental disability" means the same as that term is
33 defined by section 3 of P.L.1977, c.82 (C.30:6D-3).

34 "Exploitation" means the act or process of a caregiver using an
35 individual with a developmental disability or his resources for
36 another person's profit or advantage.

37 "Intimate parts" means the following body parts of a person:
38 sexual organs, genital area, anal area, inner thigh, groin, buttock, or
39 breast.

40 "Lewdness" means the exposing of the genitals for the purpose
41 of arousing or gratifying the sexual desire of a caregiver or an
42 individual with a developmental disability, or any flagrantly lewd
43 and offensive act which the caregiver knows or reasonably expects
44 is likely to be observed by an individual with a developmental
45 disability.

46 "Neglect" shall consist of any of the following acts by a
47 caregiver on an individual with a developmental disability: willfully
48 failing to provide proper and sufficient food, clothing, maintenance,

1 medical care, or a clean and proper home; or failing to do or permit
2 to be done any act necessary for the well-being of an individual
3 with a developmental disability.

4 "Physical abuse" means a physical act directed at an individual
5 with a developmental disability by a caregiver of a type that causes
6 one or more of the following: pain, injury, anguish, or suffering.
7 Such acts include, but are not limited to, the individual with a
8 developmental disability being kicked, pinched, bitten, punched,
9 slapped, hit, pushed, dragged, or struck with a thrown or held
10 object.

11 "Program" means any program that is licensed or funded by the
12 department for the purpose of providing services to individuals with
13 developmental disabilities. "Program" includes, but is not limited
14 to, a day program or a community-based residential program, as
15 those terms are defined by section 1 of P.L.2017, c.238 (C.30:6D-
16 9.1).

17 "Sexual abuse" means an act or attempted act of lewdness, sexual
18 contact, or sexual penetration between a caregiver and an individual
19 with a developmental disability. Any form of sexual contact or
20 activity between a caregiver and an individual with a developmental
21 disability, absent marriage, domestic partnership, or civil union, is
22 sexual abuse, regardless of whether the individual with a
23 developmental disability gives consent or the caregiver is on or off
24 duty.

25 "Sexual contact" means an intentional touching by a caregiver or
26 individual with a developmental disability, either directly or
27 through clothing, of the intimate parts of the individual with a
28 developmental disability or the caregiver for the purpose of
29 sexually arousing or sexually gratifying the caregiver. Sexual
30 contact of the caregiver with himself must be in view of the
31 individual with a developmental disability whom the caregiver
32 knows to be present.

33 "Sexual penetration" means vaginal intercourse, cunnilingus,
34 fellatio, or anal intercourse between a caregiver and an individual
35 with a developmental disability or insertion of the hand, finger, or
36 object into the anus or vagina, either by the caregiver or upon the
37 caregiver's instruction.

38 "Verbal or psychological abuse or mistreatment" means any
39 verbal or non-verbal act or omission by a caregiver that inflicts one
40 or more of the following: emotional harm; mental distress; or
41 invocation of fear, humiliation, intimidation, or degradation to an
42 individual with a developmental disability. Examples include, but
43 are not limited to: bullying; ignoring need; verbal assault; use of
44 racial or ethnic slurs; or intimidating gestures, such as shaking a fist
45 at an individual with a developmental disability.

46 (cf: P.L.2017, c.238, s.8)

1 3. Section 3 of P.L.2010, c.5 (C.30:6D-75) is amended to read
2 as follows:

3 3. a. (1) A case manager or case manager's supervisor in the
4 department, a person employed or volunteering in a program,
5 facility, community care residence, or living arrangement licensed
6 or funded by the department, a person conducting a site visit
7 pursuant to section 2 of P.L.2017, c.238 (C.30:6D-9.2), or a person
8 providing community-based services with indirect State funding
9 from the department to a person with a developmental disability, as
10 applicable, having reasonable cause to believe that an individual
11 with a developmental disability has been subjected to abuse,
12 neglect, or exploitation by a caregiver, shall report the same
13 immediately to the department by telephone or otherwise.

14 (2) A report made pursuant to paragraph (1) of this subsection,
15 where possible, shall contain: (a) the name and address of the
16 individual with a developmental disability, as well as the name and
17 address of the caregiver responsible for the care, custody, or control
18 of the individual with a developmental disability, and the guardian,
19 or other person having custody and control of the individual; and
20 (b) if known, the condition of the individual with a developmental
21 disability, the nature and possible extent of the individual's injuries,
22 maltreatment, abuse, neglect, or exploitation, including any
23 evidence of previous injuries, maltreatment, abuse, neglect, or
24 exploitation, and any other information that the person believes may
25 be helpful with respect to the injuries, maltreatment, abuse, neglect,
26 or exploitation of the individual with a developmental disability and
27 the identity of the alleged offender.

28 b. Within the department, the commissioner shall:

29 (1) maintain a unit to receive and prioritize reports that are filed
30 pursuant to this section;

31 (2) provide for verification of the unit's prioritization of the
32 reports by sending an employee or case manager to the appropriate
33 location within 48 hours to verify the level of severity of the report,
34 as provided by section 4 of P.L.2017, c.238 (C.30:6D-9.4);

35 (3) initiate appropriate responses through timely and appropriate
36 investigative activities;

37 (4) alert appropriate staff; and

38 (5) ensure that findings are reported in a uniform and timely
39 manner.

40 c. (1) A person employed or volunteering in a program, facility,
41 community care residence, or living arrangement licensed or funded
42 by the department, or a person providing community-based services
43 with indirect State funding from the department to a person with a
44 developmental disability, as applicable, who fails to report an act of
45 abuse, neglect, or exploitation against an individual with a
46 developmental disability while having reasonable cause to believe
47 that such an act has been committed, is a disorderly person.

1 (2) A case manager or case manager's supervisor in the
2 department who fails to report an act of abuse, neglect, or
3 exploitation of an individual with a developmental disability while
4 having reasonable cause to believe that such an act has been
5 committed, shall be guilty of a crime of the fourth degree, unless
6 the abuse, neglect, or exploitation results in the death of an
7 individual with a developmental disability, in which case the case
8 manager or case manager's supervisor shall be guilty of a crime of
9 the third degree.

10 d. In addition to any penalty imposed pursuant to this section, a
11 person convicted under this section shall be subject to a penalty in
12 the amount of \$350 for each day that the abuse, neglect, or
13 exploitation was not reported, payable to the Treasurer of the State
14 of New Jersey, which shall be used by the department to fund the
15 provision of food and care to individuals with developmental
16 disabilities residing in community care residences.

17 e. A case manager or case manager's supervisor, or a caregiver
18 suspected of abuse, neglect, or exploitation of an individual with a
19 developmental disability, who is charged with failure to report an
20 act of abuse, neglect, or exploitation of an individual with a
21 developmental disability while having reasonable cause to believe
22 that such an act has been committed, shall be temporarily
23 reassigned to duties that do not involve contact with individuals
24 with developmental disabilities or other vulnerable populations, and
25 shall be terminated from employment if convicted.

26 In the case of a case manager or case manager's supervisor, or of
27 a caregiver suspected of abuse, neglect, or exploitation who is
28 employed by the department, the case manager, supervisor, or
29 caregiver shall retain any available right of review by the Civil
30 Service Commission.

31 (cf: P.L.2017, c.238, s.9)

32
33 4. Section 4 of P.L.2010, c.5 (C.30:6D-76) is amended to read
34 as follows:

35 4. a. Upon receipt of a report pursuant to section 3 of P.L.2010,
36 c.5 (C.30:6D-75), the department shall designate an entity, as
37 established by the commissioner, that shall immediately take such
38 action as shall be necessary to ensure the safety of the individual
39 **【18 years of age or older】** with a developmental disability and to
40 that end may request appropriate assistance from local and State
41 law enforcement officials or contact Adult Protective Services to
42 provide assistance in accordance with the provisions of P.L.1993,
43 c.249 (C.52:27D-406 et seq.). The guardian of the individual with a
44 developmental disability shall also be authorized to request
45 appropriate assistance from local and State law enforcement
46 officials.

47 b. (1) The commissioner shall adopt rules and regulations
48 necessary to provide for an investigation of a reported incident and

1 subsequent substantiation or non-substantiation of an allegation of
2 abuse, neglect, or exploitation of an individual [18 years of age or
3 older] with a developmental disability by a caregiver, which shall
4 include:

5 (a) maintaining an Office of Investigations to investigate serious
6 unusual incidents, as defined by applicable rules and regulations, in
7 facilities or programs licensed, contracted, or regulated by the
8 department and to investigate incidents that occur in State
9 developmental centers;

10 (b) providing the guardian of the individual with prior notice of
11 the commencement of an investigation under this section, and
12 providing an opportunity for the guardian, as appropriate, to submit
13 information to facilitate an investigation, except that if there is no
14 guardian, a family member of the individual may submit
15 information, unless the individual has expressly prohibited the
16 family member from doing so; and

17 (c) providing that a guardian of an individual with a
18 developmental disability, upon request, may be permitted to attend
19 the investigative interview of the individual the guardian represents
20 and to terminate the interview of the individual the guardian
21 represents, unless the attendance or termination would impede the
22 investigation.

23 (2) During its investigation of an allegation of abuse, neglect, or
24 exploitation of an individual [18 years of age or older] with a
25 developmental disability by a caregiver, the Office of Investigations
26 shall make a good faith effort to notify the caregiver of the
27 possibility of the caregiver's inclusion on the registry, and give the
28 caregiver an opportunity to respond to the department concerning
29 the allegation.

30 c. The Office of Investigations, the department, or other
31 investigating entity shall forward to the commissioner, or the
32 commissioner's designee, a substantiated incident of abuse, neglect,
33 or exploitation of an individual [18 years of age or older] with a
34 developmental disability for inclusion of an offending caregiver on
35 the central registry. The Office of Investigations, the department,
36 or other investigating entity shall also forward to the commissioner,
37 or the commissioner's designee, all unsubstantiated incidents of
38 abuse, neglect, or exploitation of an individual [18 years of age or
39 older] with a developmental disability. As soon as possible, and no
40 later than 14 days after receipt of the incident of abuse, neglect, or
41 exploitation, the commissioner or the commissioner's designee shall
42 review the incident. The offending caregiver of a substantiated
43 incident shall be included on the central registry as expeditiously as
44 possible. The Office of Investigations shall retain a record of all
45 unsubstantiated incidents.

46 d. Upon the initiation of an investigation, the department shall:
47 (1) ensure that any communication concerning the alleged abuse,

1 neglect, or exploitation of an individual **【18 years of age or older】**
2 with a developmental disability between a caregiver, case manager
3 of the caregiver, the case manager's supervisor, **【including a care**
4 **manager or supervisor under contract with the Children's System of**
5 **Care,】** or a person at the appropriate Community Services Office of
6 the Division of Developmental Disabilities **【or the Children's**
7 **System of Care】** is identified, safeguarded from loss or destruction,
8 and maintained in a secure location; and (2) contact the Office of
9 the Attorney General, which shall determine whether to participate
10 in the investigation.

11 e. (1) No later than 30 days after an investigation under this
12 section is concluded, the Office of Investigations shall issue a
13 written report of the investigation that includes the conclusions of
14 the office, the rationale for the conclusions, and a detailed summary
15 of any communication secured pursuant to subsection d. of this
16 section. The report shall also include an assessment of the role of
17 any case manager of a caregiver or the case manager's supervisor, if
18 applicable, in the allegation of abuse, neglect, or exploitation, and a
19 recommendation about whether any civil or criminal action should
20 be brought against the case manager or supervisor. The report shall
21 be made part of the record for review in any civil or criminal
22 proceeding that may ensue.

23 (2) A written summary of the investigation, as provided for in
24 paragraph (3) of this subsection, shall be provided to the guardian
25 of the individual **【18 years of age or older】** with a developmental
26 disability who is the subject of the alleged abuse, neglect, or
27 exploitation; however, the actual records and reports of an
28 investigation shall also be provided to a guardian or other person
29 who is responsible for the welfare of the individual with a
30 developmental disability if the information is needed in connection
31 with the provision of care, treatment, assessment, evaluation, or
32 supervision to the individual; and the provision of information is in
33 the best interests of the individual with a developmental disability,
34 as determined by the Division of Developmental Disabilities.

35 (3) The written summary of an investigation of an alleged
36 incident of abuse, neglect, or exploitation shall include, but need
37 not be limited to:

38 (a) the name of the individual with a developmental disability
39 who is the subject of the alleged abuse, neglect, or exploitation;

40 (b) the date of the incident, or the date the incident was reported
41 if the incident date is unknown;

42 (c) whether the incident is an allegation of abuse, neglect, or
43 exploitation;

44 (d) the incident number;

45 (e) a summary of the allegation of abuse, neglect, or exploitation;

46 (f) a finding that the incident is substantiated or unsubstantiated;

1 (g) the rationale for the finding and, if the incident is
2 substantiated, a description of the action or inaction that
3 precipitated the finding;

4 (h) if known at the time of issuing the summary, whether or not
5 criminal charges against the alleged offending caregiver are
6 pending; and

7 (i) whether remedial action was taken.

8 (4) If there is no guardian of the individual with a developmental
9 disability who is the subject of the alleged abuse, neglect, or
10 exploitation, the written summary described in paragraph (3) of this
11 subsection shall be provided to a family member of the individual
12 who requests such summary, unless the individual has expressly
13 prohibited the family member from receiving such summary.

14 f. A licensed provider in another state shall be permitted access
15 to the central registry.

16 g. **【The department, the Office of Investigations, or other**
17 **investigative entity shall forward to the Commissioner of Children**
18 **and Families, or to the commissioner's designee, copies of the**
19 **investigative reports involving any individual over the age of 18**
20 **with a developmental disability who is the subject of an**
21 **investigation and is receiving services from the Children's System**
22 **of Care. The reports may be used by the Department of Children**
23 **and Families, as appropriate, to initiate or support contracting,**
24 **licensing, or other corrective actions.】** (Deleted by amendment,
25 P.L. __, c. __) (pending before the Legislature as this bill)

26 h. The department, the Office of Investigations, the
27 Institutional Abuse Investigation Unit, and any other investigative
28 entity may share, with and among each other, investigative records
29 involving an individual with a developmental disability who is the
30 subject of an investigation of an incident of abuse, neglect, or
31 exploitation pursuant to section 3 of P.L.2010, c.5 (C.30:6D-75) or
32 an investigation of child abuse or neglect pursuant to section 4 of
33 P.L.1971, c.437 (C.9:6-8.11).

34 (cf: P.L.2017, c.238, s.10)

35
36 5. The Departments of Children and Families and Human
37 Services shall promulgate rules and regulations in accordance with
38 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
39 seq.) as are necessary to effectuate the provisions of this act.

40
41 6. This act shall take effect on the first day of the twelfth
42 month next following the date of enactment.

43 44 45 STATEMENT

46
47 This bill revises the definition of child abuse or neglect to
48 include persons between 18 and 21 years of age in certain settings.

1 Specifically, the bill amends the definition of “child” in section 1
2 of P.L.1974, c.119 (C.9:6-8.21) to mean any (1) person less than 18
3 years of age alleged to have been abused or neglected, or (2) any
4 person less than 21 years of age alleged to have been abused or
5 neglected, or subject to exploitation by a teacher, employee,
6 contractor, or volunteer, whether compensated or uncompensated,
7 of an institution responsible for the care or supervision of that
8 person, as regulated by the Department of Children and Families
9 (department), including employees of day schools. The bill also
10 amends the definition of "abused or neglected child" in section 1 of
11 P.L.1974, c.119 (C.9:6-8.21), so that the term will also apply to
12 persons between 18 and 21 years of age.

13 Although the department regulates and funds services for
14 individuals with disabilities under the age of 21, the Office of
15 Program Integrity and Accountability (OPIA) in the Department of
16 Human Services currently conducts investigations involving
17 persons between the age 18 and 21 in department-regulated
18 facilities on behalf of the department and forwards all investigatory
19 materials and findings to the department.

20 This bill will transfer full investigatory responsibility to the
21 department for the populations served and settings regulated by the
22 department, which is accomplished by revising definitions and other
23 provisions in the statute pertaining to the department and child
24 abuse to reflect the full range of ages under the department’s
25 jurisdiction for persons up to 21 years of age in regulated facilities.

26 The bill also updates section 3 of P.L.2010, c.5 (C.30:6D-75) to
27 eliminate conflicting and superfluous references to the department,
28 since the statute applies to individuals receiving services from the
29 Department of Human Services.

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34 Revises definition of child abuse or neglect to include persons
35 between 18 and 21 years of age in certain settings.