|  |  |
| --- | --- |
|  | Superior Court of New Jersey  |
|  | Chancery Division - Family Part |
| **New Jersey Division of Child Protection and Permanency**, | County of | - Select County -  |  |
| Docket Number: | FN -  |
|  | Plaintiff, | NJSpirit Case Number: |   |
| v. |  |  |
|  | **Civil ActionOrder**[ ]  **Stipulation/Admission****OR**[ ]  **Fact Finding/Trial** |
|   |
|  |  | Defendant, |
| NJSpirit Participant Number:  |
|  |
|   |
|  |  | Defendant, |
| NJSpirit Participant Number:  |
|  |

|  |  |
| --- | --- |
|   |  |
|  |  | Defendant, |  |
| NJSpirit Participant Number:  |  |
|  |  |

|  |  |
| --- | --- |
|   |  |
|  |  | Defendant, |  |
| NJSpirit Participant Number:  |  |
|  |  |

|  |  |
| --- | --- |
|   |  |
|  |  | Defendant, |  |
| NJSpirit Participant Number:  |  |
|  |  |

|  |  |
| --- | --- |
|  |  |
| **In the Matter of:** |  |  |
|   |  |  |
| NJSpirit Participant Number:  |  |  |
| FC Docket Number:  |  |  |
|  |  |  |

|  |  |
| --- | --- |
|   |  |
| NJSpirit Participant Number:  |  |
| FC Docket Number:  |  |
|  |  |

This matter having been brought before the Court on , 20 , by the Division of Child Protection and Permanency (the Division), Deputy Attorney General
 , appearing, and in the presence of:

|  |  |  |
| --- | --- | --- |
| the child |   | [ ]  appearing / [ ]  not appearing, [ ]  spoken language interpreter required language:  represented by |
| Law Guardian |   | , [ ]  appearing / [ ]  not appearing |

|  |  |  |
| --- | --- | --- |
| the child |   | [ ]  appearing / [ ]  not appearing, [ ]  spoken language interpreter required language:  represented by |
| Law Guardian |   | , [ ]  appearing / [ ]  not appearing |

|  |  |  |
| --- | --- | --- |
| Defendant |   | [ ]  appearing / [ ]  not appearing,  |
|  |  | [ ]  spoken language interpreter required |
|  |  |  | language: |   |
|  |  | [ ]  notified / [ ]  not notifiedrepresented by |
| Attorney |   | [ ]  appearing / [ ]  not appearing |

|  |  |  |
| --- | --- | --- |
| Defendant |   | [ ]  appearing / [ ]  not appearing,  |
|  |  | [ ]  spoken language interpreter required |
|  |  |  | language: |   |
|  |  | [ ]  notified / [ ]  not notifiedrepresented by |
| Attorney |   | [ ]  appearing / [ ]  not appearing |

|  |  |  |
| --- | --- | --- |
| Defendant |   | [ ]  appearing / [ ]  not appearing,  |
|  |  | [ ]  spoken language interpreter required |
|  |  |  | language: |   |
|  |  | [ ]  notified / [ ]  not notifiedrepresented by |
| Attorney |   | [ ]  appearing / [ ]  not appearing |

|  |  |  |
| --- | --- | --- |
| Defendant |   | [ ]  appearing / [ ]  not appearing,  |
|  |  | [ ]  spoken language interpreter required |
|  |  |  | language: |   |
|  |  | [ ]  notified / [ ]  not notifiedrepresented by |
| Attorney |   | [ ]  appearing / [ ]  not appearing |

The court having considered the arguments and representations of counsel and testimony, if any;

[ ]  **A. Stipulation/Admission**

By consent, the court finds, based on the testimony set forth on the record and having reviewed the defendant's voluntary stipulation/admission of abuse or neglect, that:

**1.** The defendant(s), , has knowingly, willingly and voluntarily agreed to give up their right to a fact finding hearing at which the Division would have the burden of proof, and,

**2.** The defendant(s), , has knowingly, willingly and voluntarily admitted to the following facts:

   .as contained in the complaint and agree that these acts or omissions constitute abuse or neglect pursuant to law, and,

**3.** The defendant(s), , has stipulated to:

[ ]  Abuse or neglect, which has been substantiated by the Division.

[ ]  Abuse or neglect, which has been established by the Division.

**4.** The admissions of the defendant are sufficient for a finding of abuse or neglect pursuant to *N.J.S.A*. 9:6-8.21(c):

[ ]  Inflicted or allowed to be inflicted upon such child physical injury by other physical means which caused or created a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ (N.J.S.A. 9:6-8.21(c)(1))

[ ]  Created or allowed to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ
(*N.J.S.A.* 9:6-8.21(c)(2))

[ ]  Committed or allowed to be committed an act of sexual abuse against the child (N.J.S.A. 9:6-8.21(c)(3))

[ ]  Caused a child’s physical, mental, or emotional condition to be impaired or in imminent danger of becoming impaired as the result of the failure of his parent or guardian, as herein defined, to exercise a minimal degree of care (a) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so, or (b) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment; or by any other acts of a similarly serious nature requiring the aid to the court
(*N.J.S.A.* 9:6-8.21(c)(4))

[ ]  Willfully abandoned the child (N.J.S.A. 9:6-8.21(c)(5))

[ ]  Used excessive physical restraint upon a child under circumstances which do not indicate that the child’s behavior was harmful to himself, others or property
(N.J.S.A. 9:6-8.21(c)(6))

[ ]  Placed the child in an institution and the child (a) has been placed there inappropriately for a continued period of time with the knowledge that the placement had resulted or may continue to result in harm to the child’s mental or physical well-being or (b) has been willfully isolated from ordinary social contact under circumstances which indicate emotional or social deprivation (*N.J.S.A.* 9:6-8.21(c)(7))

**AND/OR**

[ ]  **B. Fact Finding/Trial**

1. Following the fact finding hearing/trial, and the court having considered the testimony of , and the following exhibits,
 , the court hereby determines by
[ ]  a preponderance of evidence / [ ]  clear and convincing evidence, that:

[ ]  The defendant(s), , abused or neglected the child(ren) based on the court's findings of fact and conclusions of law pursuant to *N.J.S.A.* 9:6-8.21(c), as follows:

   .

[ ]  The defendant(s), , did not abuse or neglect the child(ren).

1. The Division has determined that:

[ ]  The abuse or neglect has been substantiated by the Division and the name of the defendant(s), , will be placed on the state Child Abuse Registry based on the facts set forth above.

[ ]  The abuse or neglect has been established by the Division and the name of the defendant(s), , will not be placed on the state Child Abuse Registry.

[ ]  **3.** The court has made no findings as to defendant(s)
 , because no claims of abuse or neglect have been made against those defendant(s).

**And for the reasons stated on the record, it is on this day of**   **,
20 , Ordered that:**

**1.** The provisions concerning custody and services in the attached disposition order are in force pending compliance review and further order of the court.

**2.** The Division shall update the State Child Abuse Registry consistent with the findings of this court.

**3.** And this matter shall return to the court for a:

[ ]  Compliance Review on , 20 , at

[ ]  Permanency Hearing on , 20 , at

[ ]  Mediation on , 20 , at

**It is Further Ordered that:**

|  |  |
| --- | --- |
|  |   |
|  |  , J.S.C. |

***When a stipulation is entered:***

I hereby consent to the form and entry of this order.

|  |  |  |
| --- | --- | --- |
| Parent/Guardian |  | Attorney |
|  |  |  |
|  |  |  |
|  |  |  |

**The Judiciary will provide reasonable accommodations to enable individuals with disabilities to access and participate in court events. Please contact the local Title II ADA coordinator to request an accommodation. Contact information is available at njcourts.gov.**

**These proceedings are confidential. The disclosure of any records, reports or information is strictly prohibited and subject to the penalties of *N.J.S.A.* 9:6-8.10b.**

**All prior orders not vacated or changed by this order shall remain in full force and effect.**

**The failure of a Defendant to comply with any provision of this order or their continuing failure to appear may result in the filing of a complaint by the Division to terminate a Defendant’s parental rights to the child(ren) named in this complaint. A Termination of Parental Rights means the child(ren) may be adopted.**

**Defendants who have stipulated to substantiated child abuse or neglect will be placed on the state child abuse registry. The result of placement on the state child abuse registry may have a negative impact on the Defendants (see attached list of “Persons Who Are Subject to Child Abuse Record Information (CARI) Checks”).**

**Attorneys must review the form of order prior to conclusion of the proceeding. Any changes to this order shall be made pursuant to R. 1:13-1.**

**Persons who are subject to Child Abuse Record Information (CARI) checks:**

* Child Care Center employees (*N.J.S.A.* 30:5B-6.2)
* Resource Parent applicants (*N.J.S.A.* 30:4C-27.7)
* Kinship Legal Guardians (*N.J.S.A.* 30:4C-86)
* Residential Center employees (*N.J.S.A.* 30:4C-27.22)
* Registered Family day care provider applicant (*N.J.S.A.* 30:5B-25.3)
* DFD (Division of Family Development) Approved Homes (*N.J.S.A.* 9:6-8.10a(g))
* Professional Guardians (*N.J.S.A.* 9:6-8.10e)
* Incarcerated parents (*N.J.S.A.* 9:6-8.10c)
* Adoption Agency employees (*N.J.S.A.* 9:3-40.8)
* Adoptive parent applicants (private or DCF (Department of Children and Families)). The child abuse/neglect information must be considered, but it is not an automatic disqualifier. (*N.J.S.A.* 9:3-54.2)
* Department of Children and Families employees. Child abuse/neglect information must be considered. Unless the staff works in a DCF child care center or a residential treatment center, it is not an automatic disqualifier.
* Court Appointed Special Advocate (CASA) Volunteers *(N.J.S.A.* 2A:4A-92).