



New Jersey Judiciary
Voluntary Stipulation and Admission to Child Abuse and/or Neglect
Pursuant To N.J.S.A. 9:6-8.21(c)

Defendant's Name: _____ **County:** _____
Defendant's Attorney: _____ **Docket Number:** _____
Judge: _____

Name(s) of Child(ren): _____ **DOB:** _____ **Name of other parent:** _____

Answer Each Question Completely

1. **Defendant's Background Information**

Address: _____

Date of birth: _____

How many years of school did you complete? _____

Do you need an interpreter? Yes No

If yes, language: _____

Do you need accommodation for a disability? Yes No

If yes, describe: _____

2. a. **Is the child(ren) a member of a federally recognized American Indian tribe?** Yes No
 OR

b. **Is the child(ren) eligible for membership in a federally recognized American Indian tribe and the biological child(ren) of a member of a federally recognized American Indian tribe?** Yes No

3. **Is it your intent to enter into a stipulation (an agreement) and admission of child abuse and/or neglect?** Yes No

4. **Are you entering into the stipulation and admission willingly, knowingly, and voluntarily?** Yes No

5. **Did anyone force, threaten, or pressure you into making this decision?** Yes No

6. **Did anyone offer or promise you anything to convince you to make this decision?** Yes No

7. **Are you currently under the influence of drugs, alcohol or prescription medication which could affect your ability to make a clear decision?** Yes No

8. **Are you suffering from any mental or physical disability which could affect your judgment?** Yes No

Defendant's Initials: _____

Date: _____

9. Do you understand that you have a right to a fact-finding hearing (also known as a trial) in this case? Yes No
10. Do you understand that by agreeing to enter into a stipulation and admission, you give up your right to a fact-finding hearing (also known as a trial)? Yes No
11. Do you understand that at a fact-finding hearing (also known as a trial), the Division of Child Protection and Permanency (Division) must prove by a preponderance of the evidence that you abused and/or neglected the child(ren)? Yes No
12. If you are giving up your right to such a trial, are you giving up your right to trial of your own free will? Yes No
13. Do you understand that if there were a fact-finding hearing (also known as a trial), a judge would determine what evidence would be admitted? Yes No
14. Do you understand that, through your attorney at a trial, you have the right to challenge the evidence, cross-examine witnesses, and present evidence and witnesses including your own testimony? Yes No
15. Do you understand that if at a trial you choose not to testify, the Division still has the burden of proving the allegations against you? Yes No
16. Do you understand that if the child(ren) are found to have been abused and/or neglected, the Division will be required to provide appropriate services to protect the child(ren) and to assist you and your family? Yes No
17. Do you understand that as a result of your stipulation and admission and the court's finding based on that stipulation and admission, the court will continue to hear this matter, and you must comply with court orders? Yes No
- a. Do you understand that, in care and supervision cases where the child(ren) are at home, if you fail to comply with any court orders, the Division might seek the removal of the child(ren)? N/A Yes No
- b. Do you understand that, in a case where the Division has custody of the child(ren), the child(ren) might remain in the Division's custody? N/A Yes No
18. In a case where the Division has custody of the child(ren), do you understand that if you do not comply with court orders or it is not safe to return the child(ren) home within one year from the date of placement, the Division may seek a permanent plan such as termination of parental rights followed by adoption, kinship legal guardianship or custody to another parent or relative? N/A Yes No
19. Do you understand that the Division has determined that the child abuse and/or neglect allegations against you are: (check one) Yes No
- "established" (proceed to question 20a).
- "substantiated" (proceed to question 21a).

Defendant's Initials: _____

Date: _____

20. Answer Question 20a through 20e only if stipulating and admitting to “established” child abuse or neglect. Then proceed to Question 22.

- a. Do you understand that as a result of your stipulation and admission to established child abuse and/or neglect and the court's finding based on that stipulation and admission, your records will be retained by the Division? Yes No
- b. Do you understand that as a result of your stipulation and admission to established child abuse and/or neglect and the court's finding based on that stipulation and admission, your name will not be forwarded by the Division to the child abuse registry maintained by the Department of Children and Families (DCF)? Yes No
- c. Do you understand that the Division's records are confidential but may be disclosed in certain circumstances upon receipt of a written request to the Division? Yes No
- d. Have you reviewed with your attorney the attachment to this form outlining when this information may be released by the Division? N/A Yes No
- e. Do you understand that as a result of your stipulation and admission to abuse and/or neglect and the court’s finding based on that stipulation and admission, you are giving up your right through the administrative process to challenge the retention of your record with the Division? Yes No

21. Answer Question 21a through 21d only if stipulating and admitting to “substantiated” child abuse and/or neglect. Then proceed to Question 22.

- a. Do you understand that as a result of your stipulation and admission to substantiated child abuse and/or neglect and the court's finding based on that stipulation and admission, your name will be forwarded by the Division to the child abuse registry maintained by DCF? Yes No
- b. Do you understand that on written request, the child abuse registry records may be released to individuals identified in the statute pursuant to the attached list of those persons who are subject to Child Abuse Registry Information (CARI) checks? Yes No
- c. Do you understand that your name on the child abuse registry may negatively affect your employment or future employment? Yes No
- d. Do you understand that as a result of your stipulation and admission to abuse and/or neglect and the court’s finding based on that stipulation and admission, your name shall remain on the child abuse registry of persons who have abused and/or neglected a child, and that you are giving up your right, either through the administrative process or through the proceedings in court, to challenge the inclusion of your name on the registry? Yes No

22. Have you had enough time to speak with your lawyer about this stipulation and admission? N/A Yes No

Defendant's Initials: _____

Date: _____

23. Has your lawyer answered all of your questions about this stipulation and admission? N/A Yes No
24. Are you satisfied with the services of your lawyer on this stipulation and admission? N/A Yes No
25. Do you have any questions about this stipulation and admission? Yes No
26. Do you understand that this form will be submitted to the court to memorialize your voluntary decision to stipulate and admit to abuse and/or neglect? Yes No
27. Do you understand that, as a result of your stipulation and admission and the court's finding based on that stipulation and admission, the court will be making a finding under a section of the law, *N.J.S.A. 9:6-8.21(c)*, that relates to the facts to which you admitted? Yes No
28. Do you understand that if the court does not accept your stipulation and admission, that anything you say here today cannot be used against you in this case? Yes No
29. Are you now prepared to provide the court with a factual basis for your stipulation and admission of child abuse and/or neglect as defined by *N.J.S.A. 9:6-8.21(c)*? Yes No

Date

Defendant

Date

Defense attorney

The Division upon receipt of a written request may release its records to the following as authorized by *N.J.S.A. 9:6-8.10a*:

- A public or private child protective agency authorized to investigate a report of child abuse or neglect;
- A police or other law enforcement agency investigating a report of child abuse or neglect;
- A physician who has before him a child whom he reasonably suspects may be abused or neglected or an authorized member of the staff of a duly designated regional child abuse diagnostic and treatment center which is involved with a particular child who is the subject of the request;
- A physician, a hospital director or his designate, a police officer, or other person authorized to place a child in protective custody when such person has before him a child whom he reasonably suspects may be abused or neglected and requires the information in order to determine whether to place the child in protective custody;
- An agency, whether public or private, including any division or unit in the Department of Human Services or the Department of Children and Families, authorized to care for, treat, assess, evaluate, or supervise a child who is the subject of a child abuse report, or a parent, guardian, resource family parent, or other person who is responsible for the child's welfare, or both, when the information is needed in connection with the provision of care, treatment, assessment, evaluation, or supervision to such child or such parent, guardian, resource family parent, or other person and the provision of information is in the best interests of the child as determined by the Division of Child Protection and Permanency;

Defendant's Initials: _____

Date: _____

- A court or the Office of Administrative Law, upon its finding that access to such records may be necessary for determination of an issue before it, and such records may be disclosed by the court or the Office of Administrative Law in whole or in part to the law guardian, attorney, or other appropriate person upon a finding that such further disclosure is necessary for determination of an issue before the court or the Office of Administrative Law;
- A grand jury upon its determination that access to such records is necessary in the conduct of its official business;
- Any appropriate State legislative committee acting in the course of its official functions, provided, however, that no names or other information identifying persons named in the report shall be made available to the legislative committee unless it is absolutely essential to the legislative purpose;
- A family day care sponsoring organization for the purpose of providing information on child abuse or neglect allegations involving prospective or current providers or household members pursuant to P.L.1993, c.350 (C.30:5B-25.1 *et seq.*) and as necessary, for use in administrative appeals related to information obtained through a child abuse registry search;
- The Victims of Crime Compensation Board, for the purpose of providing services available pursuant to the "Criminal Injuries Compensation Act of 1971," P.L.1971, c.317 (C.52:4B-1 *et seq.*) to a child victim who is the subject of such report;
- Any person appealing a department service or status action or a substantiated finding of child abuse or neglect and his attorney or authorized lay representative upon a determination by the department or the presiding Administrative Law Judge that such disclosure is necessary for a determination of the issue on appeal;
- Any person or entity mandated by statute to consider child abuse or neglect information when conducting a background check or employment-related screening of an individual employed by or seeking employment with an agency or organization providing services to children;
- Any person or entity conducting a disciplinary, administrative, or judicial proceeding to determine terms of employment or continued employment of an officer, employee, or volunteer with an agency or organization providing services for children. The information may be disclosed in whole or in part to the appellant or other appropriate person only upon a determination by the person or entity conducting the proceeding that the disclosure is necessary to make a determination;
- The members of a county multi-disciplinary team, established in accordance with State guidelines, for the purpose of coordinating the activities of agencies handling alleged cases of child abuse and neglect;
- A person being evaluated by the department or the court as a potential care-giver to determine whether that person is willing and able to provide the care and support required by the child;
- The legal counsel of a child, parent, or guardian, whether court-appointed or retained, when information is needed to discuss the case with the department in order to make decisions relating to or concerning the child;
- A person who has filed a report of suspected child abuse or neglect for the purpose of providing that person with only the disposition of the investigation;
- A parent, resource family parent, or legal guardian when the information is needed in a department matter in which that parent, resource family parent, or legal guardian is directly involved. The information may be released only to the extent necessary for the requesting parent, resource family parent, or legal guardian to discuss services or the basis for the department's involvement or to develop, discuss, or implement a case plan for the child;
- A federal, State, or local government entity, to the extent necessary for such entity to carry out its responsibilities under law to protect children from abuse and neglect;
- Citizen review panels designated by the State in compliance with the federal "Child Abuse Prevention and Treatment Act Amendments of 1996," Pub.L.104-235;

Defendant's Initials: _____

Date: _____

- The Child Fatality and Near Fatality Review Board established pursuant to P.L.1997, c.175 (C.9:6-8.83 *et al.*); or
- Members of a family team or other case planning group formed by the Division of Child Protection and Permanency and established in accordance with regulations adopted by the Commissioner of Children and Families for the purpose of addressing the child’s safety, permanency, or well-being, when the provision of such information is in the best interests of the child as determined by the Division of Child Protection and Permanency.

For “substantiated” findings of abuse and neglect, 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*
- DCF/DDD (Department of Children and Families/Division of Developmental Disabilities) Residential Center employees, Adolescent Addiction Services under Contract with DCF – *N.J.S.A. 30:4C-27.22*
- Registered Family Child Care providers - *N.J.S.A. 30:5B-25.3*
- DFD (Division of Family Development) Approved Homes - *N.J.S.A. 30:5B-32*
- Professional Guardians for the Elderly - *N.J.S.A. 9:6-8.10e*
- Persons assuming care for children of incarcerated parents - *N.J.S.A. 9:6-8-10c*
- Adoption Agency employees - *N.J.S.A. 9:3-40.8*
- Juvenile Justice Commission employees - Prison Rape Elimination Act (PREA) 42 U.S.C. 15601; 28 CFR 115.317; *N.J.S.A. 9:6-8.10a (b)(20)*
- Prospective Court-Appointed Special Advocate (CASA) volunteers - *N.J.S.A. 2A:4A-92(d)(2)*. The child abuse/neglect information must be considered, but it is not an automatic disqualifier.
- Adoptive parent applicants (private or DCF) - *N.J.S.A. 9:3-54.2*. The child abuse/neglect information must be considered, but it is not an automatic disqualifier.
- DCF Employees; all prospective employees of facilities or programs licensed, contracted, regulated, or funded by DCF; all prospective employees of facilities or programs that provide services to individuals with developmental disabilities that are licensed, contracted, or regulated facilities by DHS (Department of Human Services) - *N.J.S.A. 9:6-8.10f*

Defendant's Initials: _____

Date: _____