

**New Jersey Division of Child Protection
and Permanency,**

Plaintiff,

v.

(NJ Spirit Participant #: _____) Defendant,

In the Matter of:

NJ Spirit Participant #:
FC Docket #:

NJ Spirit Participant #:
FC Docket #:

**Superior Court of New Jersey
Chancery Division - Family Part**

County of _____

Docket Number: FN - _____

NJ Spirit Case #: _____

**Civil Action
Order**

Stipulation/Admission

OR

Fact Finding/Trial

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 represented by
Law Guardian _____, appearing / not appearing

the child _____, appearing / not appearing represented by
Law Guardian _____, appearing / not appearing

Defendant _____ appearing / not appearing,
Attorney _____ noticed / not noticed, represented by
 appearing / not appearing

Defendant _____ appearing / not appearing,
Attorney _____ noticed / not noticed, represented by
 appearing / not appearing

Defendant _____ appearing / not appearing,
Attorney _____ noticed / not noticed, represented by
 appearing / not appearing

Defendant _____ appearing / not appearing,
 noticed / not noticed, represented 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, _____, 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, _____, 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, _____, 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).
2. 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.

**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

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 inconsistent with this order shall remain in full force and effect.

The failure of the Defendant(s) 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 the Defendant(s)' parental rights to the child(ren) named in this complaint. A Termination of Parental Rights would free the child(ren) for adoption.

Defendant(s) 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 Defendant(s). (see attached list of "Persons Who Are Subject to Child Abuse Record Information (CARI) Checks").

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*).