

ORDINANCE 23-2021

**AN ORDINANCE AMENDING THE BOROUGH OF CLAYTON'S
POLICY MANUAL ON THE PROTECTION
AND SAFE TREATMENT OF MINORS**

BE IT ORDAINED by the Mayor and Council of the Borough of Clayton, County of Gloucester and State of New Jersey as follows:

Section I. Policy Manual on the Protection and Safe Treatment of Minors

The Borough of Clayton's Policy Manual on the Protection and Safe Treatment of Minors, previously adopted under Ordinance 18-2021, is hereby amended to conform to the June 2021 version of the New Jersey Municipal Excess Liability Joint Insurance Fund ("MELJIF"). A copy of the updated Policy Manual as adopted herein shall be made available in the Clerk's Office and distributed as deemed necessary and appropriate by the Administrator.

Section II. Repealer

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section III. Severability

Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law.

BOROUGH OF CLAYTON



THOMAS BIANCO, Mayor

Attest:



CHRISTINE NEWCOMB, Borough Clerk

NOTICE OF INTRODUCTION

BOROUGH OF CLAYTON

ORDINANCE 23-2021

**AN ORDINANCE AMENDING THE BOROUGH OF CLAYTON'S
POLICY MANUAL ON THE PROTECTION
AND SAFE TREATMENT OF MINORS**

TAKE NOTE that the foregoing ordinance was introduced at a meeting of the Mayor and Council of the Borough of Clayton held on October 14, 2021 and was then read for the first time. The said ordinance will be further considered for final passage by the Mayor and Council at the Municipal Building, 125 N. Delsea Drive, Clayton, New Jersey, at a meeting beginning 5:00 p.m. on October 28, 2021, at which time and place, or any time and place to which such meeting be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

BY ORDER of the Mayor and Council of the Borough of Clayton.

Christine Newcomb
Borough Clerk

NOTICE OF ADOPTION

BOROUGH OF CLAYTON

ORDINANCE 23-2021

**AN ORDINANCE AMENDING THE BOROUGH OF CLAYTON'S
POLICY MANUAL ON THE PROTECTION
AND SAFE TREATMENT OF MINORS**

The foregoing Ordinance was finally adopted by the Mayor and Council of the Borough of Clayton on October 28, 2021.

Christine Newcomb
Borough Clerk



Policy of the Borough of Clayton on the Protection and Safe Treatment of Minors

(Adopted October 2021 (per MEL Update on 6/15/2021 from 7/10/20))



Policy of the Borough of Clayton on the Protection and Safe Treatment of Minors

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Policy of the Borough of Clayton on the Protection and Safe Treatment of Minors

I. Purpose and Scope:

Under New Jersey law (N.J.S.A. 9:6-8.21), an abused or neglected child is anyone "under the age of 18 who is caused harm by a parent, guardian or other person having custody or control of that minor." A child who is under the age of eighteen (18) is considered to be abused or neglected when a parent, caregiver, another child, or another adult does one of more of the following:

1. Inflicts or allows to be inflicted physical injury by other than accidental means that creates substantial harm or risk of substantial harm, and/or
2. Fails to provide proper supervision or adequate food, clothing, shelter, education, or medical care although financially able or assisted to do so, and/or
3. Commits or allows to be committed an act of sexual abuse against a child.

Child abuse can have long-term effects on victims. A lack of trust and difficulty with healthy relationships is common, as is a core feeling of worthlessness and low self-esteem. There may even be long-term trouble with regulating emotions that can lead to destructive behaviors.

There are typically four common types of abuse:

- The failure to meet a child's basic needs, physically or emotionally, which is called ***neglect***.
- The intentional use of physical force that results in injury, which is called ***physical abuse***.
- The practice of any behaviors that harm a child's feelings of self-worth or emotional well-being, which is ***emotional abuse***.
- Engaging in sexual acts with a child, including pornography, which is ***sexual abuse***.

Unfortunately, statistics reflect that abuse is all too common in any form.

- In New Jersey, abuse reports involving 80,000 children are filed each year. Fifty thousand of those children receive prevention and post-response services.
- 75% of the cases involve neglect, 18% of the cases involve physical abuse, and psychological abuse accounts for 7% of the cases.
- 55% of the perpetrators are female, while males account for 45%.
- Sadly, child abuse is a vicious cycle, in that 30% of abused children will later abuse their own children.

The statistics and characteristics pertaining to **sexual abuse** are sobering and equally as disheartening:

- ✓ **"Peer-to-Peer"** abuse is by far the most common, where one or more children or adolescent(s) sexually abuses or inappropriately touches another. Legally, the abuser must be at least four years older to trigger the statute. The *American Psychological Association* reports this type of abuse is driven by power and dominance, the same factors that drive bullying within this age group. In fact, bullying can be a precursor to sexual abuse, especially when there is a lack of supervision.
- ✓ In contrast, **"adult-to-child"** abuse is typically thought out and planned in advance, demanding access, privacy and control. These three factors demand a specific type of relationship and setting, meaning that 90% of juvenile sexual abuse victims know their abuser. The scope of the problem is massive: by the age of 18, 1 in 4 girls and 1 in 6 boys have experienced sexual abuse. From those figures, 88% of those molestations are attributed to individuals with pedophilia. ***Pedophilia is a psychotic disorder in which an adult or adolescent demonstrates a primary sexual attraction to prepubescent children.*** However, it is important not to confuse pedophilia with actual child molestation, as many pedophiles never act on their attractions.
- ✓ Child sexual abusers are not always easy to spot. Though seven out of every eight molesters are male, they match the general population in ethnicity, religion, education, and marital status. So there is no stereotype, especially since abusers go to great lengths to blend in. However, only 10% abuse children that they don't know, and 68% look no further than their own families for victims.
- ✓ 40% of abusers first begin molesting children before they themselves reach the age of 15, and the vast majority before the age of 20.
- ✓ Adolescent abusers generally begin their acts of abuse on younger siblings.
- ✓ Most sexual abuse occurs within the family. However, molesters can gain access to children outside of their own families through employment or volunteer work with an organization that works primarily with children. This allows them both time alone with potential victims and the ability to build trust and credibility. In fact, child abusers are often known and respected in their communities for their dedication to children.
- ✓ In terms of a victim profile, it is important to remember that, although there are characteristics that make some children more vulnerable,

every child is in danger. Passive, lonely, or troubled children, especially those who live with step-parents or single parents, may be targeted. Children between the ages of 7 and 13 are most at risk, and children from low socioeconomic backgrounds or rural areas are more likely to be victimized.

- ✓ Molesters have behavioral patterns that can be identified as **"grooming"** their victims. Sexual abuse is rarely violent. The molester's goal is to solicit compliance by beginning to win the victim's trust. There might be pet names, gifts to foster exclusivity, and encouragement to "keep secrets." The molester might begin to spend time with the victim outside of the regular program or schedule, contacting parents to become involved in a child's life in some capacity, like babysitting. For this reason, many parents are shocked after abuse comes to light simply because the abuser seemed trustworthy. Inevitably, the favoritism is not enough to keep the victim silent anymore, and the abuser resorts to threats—threats that play off of a child's guilt over the sexual contact.
- ✓ During the grooming process and abuse, victims often begin to show signs such as sexual behaviors or strong sexual language that is too adult for their age. Many children feel at fault after the abuse and begin to suffer guilt and depression, even resorting to self-harm. They may begin to display cuts and scratches or other self-inflicted injuries. However, some children are naïve and unaware of the gravity of the abusive nature of their experience. Research shows that children often delay reporting sexual abuse. They should not be disbelieved just because they waited a long time to seek help.

In the State of New Jersey, every level of government has a role in protecting minors.

- At the State level:
 - State law is enforced through the N.J. Family Division of the State court system. The court has broad powers, including the ability to remove children from dangerous situations
 - The Department of Children and Families, specifically the Division of Child Protection and Permanency, combines all state operations intended to safeguard children into a single, coordinated program working closely with the Courts, legal advocates, and law enforcement.

- The Department of Corrections operates adult prisons and youth correctional centers to deal with perpetrators, while individual counties operate youth detention centers and special purpose schools.
- At the local level:
 - Educational professionals have the most contact with children, meaning they are often the first to detect issues.
 - Housing Authority employees may also frequently come into contact with children.
 - Municipalities and counties operate or sponsor a variety of programs that involve children, including but not limited to:
 - Recreation programs
 - Before and After Care programs
 - Youth sports leagues
 - Youth centers
 - Youth in Government programs
 - Junior law enforcement training programs
 - The role of **law enforcement agencies** is especially important. Police officers assist in resolving reported situations, often acting as first identifiers. In New Jersey, police are given broad authority to protect children, including the authority to remove them from their parents or caregivers without a court order if necessary to prevent imminent danger to a child. Under the **Prevention of Domestic Violence Act**, a law enforcement officer must make an arrest when the officer finds "probable cause" that domestic violence has occurred. This holds even if the victim refuses to make a complaint. The Act is invoked in situations where the victim exhibits signs of injury caused by domestic violence, when a warrant is in effect, or when there is probable cause to believe that a weapon has been involved in an act of domestic violence. Abusers often use psychological tactics or coercive control over their partners, such as making threats to prevent a victim from leaving or contacting friends, family, or police. But even if these conditions are not met, an officer may still make an arrest or sign a criminal complaint if there is probable cause to believe acts of domestic violence have been committed. Now, if there is no visible sign of injury but the victim states that an injury did, in fact, occur, the officer must take other factors into consideration in determining probable cause.

The Borough of Clayton is committed to the safety of all individuals in its community. However, the Borough has a particular concern for those who are potentially vulnerable, including minor children. The Borough

regards the abuse of children as abhorrent in all its forms and pledges to hold its officials, employees, and volunteers to the highest standards of conduct in interacting with children. Statistics show that 93% of victims under the age of 18 know the abuser. Further, a perpetrator does not have to be an adult to harm a child but is typically in a caregiver role. They can have any relationship to the child, including a playmate, family member, a teacher, a coach, or instructor.

The Borough is fully committed to protecting the health, safety, and welfare of minors who interact with officials, employees, and volunteers of the Borough to the maximum extent possible. These Policy and Procedures establish the guidelines for officials, employees, and volunteers who set policy for the Borough or may work with or interact with individuals under 18 years of age, and those who supervise employees, and volunteers who may work with or interact with individuals under 18 years of age, with the goal of promoting the safety and wellbeing of minors.

This Model Policy provides guidelines that apply broadly to interactions between minors and officials, employees, and volunteers in programs operated by the Borough or affiliated programs or activities. All officials, employees, and volunteers are responsible for understanding and complying with this policy.

II. Definitions:

- **Authorized Adult**- Individuals, age 18 and older, paid or unpaid, who interact with, supervise, chaperone, or otherwise oversee and/or interact with minors in program activities, recreational, and/or residential facilities. The Authorized Adults' roles may include positions as counselors, chaperones, coaches, instructors, etc.
- **Child or Minor** - A person under the age of eighteen (18).
- **Department Heads**- Appointed department heads of the Borough, including the chief administrative officer, and any assistants.
- **Direct Contact** - Positions with the possibility of care, supervision, guidance, or control of children or routine interaction with children.
- **Dual Reporting** – Reporting possible abuse to both the N.J. Department of Children and Families and law enforcement at the same time by the individual designated by the Borough to report all possible cases of abuse.
- **Employees, Staff, or Counselors** – persons working for the Borough on a full-time or part-time basis, and compensated by the Borough.

- **Facilities** - Facilities owned by, under the control of, or rented or leased to the Borough.
- **Grooming** - is when someone builds a relationship, trust, and emotional connection with a child or young person so they can manipulate, exploit and abuse them. Refer to Appendix B for more detailed information on grooming.
- **N.J.M.E.L. JIF**-New Jersey Municipal Excess Liability Fund Joint Insurance fund
- **Officials** – Elected officials of the Borough, appointed Board members, and Authority Commissioners
- **One-On-One Contact** - Personal, unsupervised interaction between any Authorized Adult and a participant without at least one other Authorized Adult, parent, or legal guardian being present.
- **Programs** - Programs and activities offered or sponsored by the Borough.
- **Volunteers**-Individuals volunteering their time to provide services to the Borough who are not on the payroll and receive no compensation.

III. Policy:

The Borough of Clayton is charged with protecting the health, safety, and welfare of all its citizens, including children under the age of 18. To that end, the Borough is firmly committed to protecting children under the care and supervision of the Borough from all forms of physical, mental, sexual, and emotional abuse. The Borough is committed to establishing and implementing safeguards to eliminate opportunities for abuse of children entrusted to the care of the Borough. The procedures outlined below shall apply to all officials, employees, and volunteers of the Borough.

IV. Recruitment and Hiring of Employees and Vetting of Individuals Volunteering Their Time:

- i. All prospective employees and volunteers shall undergo a thorough and complete background check, including the following:
 - 1. For part-time summer employees who will be interacting with minors, including but not limited to lifeguards, camp counselors, coaches, and instructors:***
 - a. National Database Criminal History Search
 - b. National Sex Offender Search
 - c. Social Security Trace/Validation

2. For full-time employees in supervisory positions involving minors:

- a. National Database Criminal History Search
- b. National Sex Offender Search
- c. Social Security Trace/Validation
- d. Education Verification
- e. Employment Verification
- f. Credit Check
- g. Motor Vehicle Record
- h. Reference Check

Many local governments hire minor children to work in their summer or seasonal programs. It may be difficult to obtain any background information for minors. It is recommended that the local government attempt to verify any past employment for minors between 16 and 18 years of age, with the consent of the parents or guardians.

Recognizing that fingerprint identification checks may not yield results in time for hiring purposes, the NJMEL assembled a list of qualified vendors for background checks through an RFQ process, and the five vendors on the list along with their contact information can be found at the following link on the NJMEL website. **A list of the vendors has also been included in Appendix D.**

<https://njmel.org/wp-content/uploads/2021/05/RFQ-Results-21-02-background-Check-Services.pdf>

Written documentation of the background check shall be maintained by the Township in perpetuity.

- ii. Background checks that disclose any negative or questionable results must be reviewed and approved by the Borough ***prior to*** the individual being hired and/or working with minors. **Provisional hiring should not be permitted.**
- iii. All prospective employees and volunteers must complete the training adopted by the Borough ***PRIOR TO*** starting employment or volunteer service. **In addition to completing the training course adopted by the Borough,** all volunteer coaches shall complete the Rutgers SAFETY Clinic course (*Sports Awareness for Educating Today's Youth*™), which is a three-hour program that meets the "Minimum Standards for Volunteer Coaches Safety Orientation and Training Skills Programs" under (N.J.A.C. 5:52) and provides partial civil immunity protection to volunteer coaches

under the "Little League Law" (2A:62A-6 et. seq.) The current Rutgers Safety Clinic Course includes a module on the sexual abuse of minors. If coaches completed the Rutgers course more than five years ago and it did not have any training on the sexual abuse of minors, coaches shall be required to watch the video on the MEL website. Documentation verifying that the coaches watched and understood their responsibilities must be kept to confirm that the training was completed.

- iv. The Borough shall periodically re-check and document the Megan's Law directory for New Jersey to make certain that current employees are not listed.
- v. Once employed, authorized Adults who are employed are required to notify the Administrator of an arrest (charged with a misdemeanor or felony) or conviction for an offense within 72 hours of knowledge of the arrest or conviction in order to ascertain the fitness of those employees and volunteers to interact with children.

V. Procedures and Responsibilities of Officials:

Under New Jersey Law, an official may be held liable for the abuse or neglect of a child if he or she fails to implement appropriate safeguards to protect the child while the minor has been entrusted to the care of the Borough. Most importantly, recent changes in the law in New Jersey extended the statute of limitations for child abuse and neglect cases substantially, thus placing local officials and employees at a far greater risk.

A valid cause of action can be filed by an alleged victim well after the official has left office. It is, therefore, critically important for officials to establish and monitor policies and procedures designed to safeguard minors entrusted to the care of the Borough.

➤ Officials of the Borough are required to :

- i. Complete the initial training course adopted by the Borough, and any updated/refresher course, in order to better understand their legal duties and responsibilities under Federal and N.J. State Law. The training program will include the following concepts:
 - Recognizing the signs of abuse and neglect of minors.
 - Establishing guidelines for protecting minors from emotional and physical abuse and neglect.
 - Understanding and being prepared to implement the procedures necessary to eliminate opportunities for abuse.

- Becoming familiar with the legal requirements to report suspected cases of abuse.
 - Fully understanding the legal consequences for not being diligent in making certain that employees of the Borough adhere to all policies and procedures as adopted.
- ii. Meet **annually** with all Department Heads to review the "Policy on the Safe Treatment of Minors", and to verify that the administration is adhering to this policy which includes all of the following provisions. *If the policy is not being adhered to, it is the legal obligation of the officials of the Borough to implement whatever changes are necessary as soon as possible to make certain the policy is followed.*
- iii. Conduct **random and unannounced** visits to program sites to observe the setup of the programs and conduct of the employees and volunteers of the Borough.

VI. Program Procedures:

All Borough programs operated by, sponsored by, or affiliated with the Borough shall comply with the following procedures. All officials, employees, and volunteers who interact with or could possibly interact with minors, and those employees who supervise employees who interact with or could potentially interact with minors, shall adhere to the following policy.

The following policies shall apply to **all programs** offered by, sponsored by, or affiliated with the Borough. As an essential element of compliance with the overall objective of protecting and addressing the safe treatment of minors, the Borough shall:

- a. Establish a written procedure for the notification of the minor's parent/legal guardian in case of an emergency, including medical or behavioral problems, natural disasters, or other significant program disruptions. Authorized Adults with the program, as well as participants and their parents/legal guardians, must be advised of this procedure in writing prior to the participation of the minors in the program. In addition, Borough shall provide information to parents or legal guardians detailing the manner in which the participant can be contacted during the program.
- b. Make certain that all program participants provide a **Medical Treatment Authorization form annually** to the Borough.

- c. Implement and adopt a **"Code of Conduct"** for volunteer and paid staff members, which, **at a minimum**, will include the following:

| |
|-------------------------------|
| <i>Code of Conduct</i> |
|-------------------------------|

- Staff members will, at all times, respect the rights of program participants and use positive techniques of guidance including positive reinforcement and encouragement.
- Staff members will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.
- Staff members shall not transport children in their own vehicles, unless written authorization from the child's parent or guardian has been received.
- Members of the staff shall not be alone with children they meet in the programs outside of the camp. This includes babysitting, sleepovers, and inviting children to their home.
- Staff members shall, at all times, be visible to other staff members while supervising minors. Any exceptions require a written explanation before the fact and approval of the Program Director.
- Staff members will appear neat, clean, and appropriately attired.
- Staff members will refrain from intimate displays of affection towards others in the presence of children, parents, and staff.
- Staff members are required to refrain from texting, and posting or checking any of the social media outlets while they are working or volunteering. The only exception is for texting for the purposes of communicating with another staff member or parent regarding a programmatic issue pertaining to a child.
- Staff members are prohibited from buying gifts for program participants.

In addition to the Code of Conduct, the following shall be a part of the specific program provisions:

- The possession or use of alcohol and other drugs, fireworks, guns, and other weapons is prohibited.
- The Borough shall set forth rules and procedures governing when and under what circumstances participants may leave Borough property during the program.
- No violence, including sexual abuse or harassment, will be tolerated.
- Hazing of any kind is prohibited. Bullying, including verbal, physical, and cyberbullying is prohibited and will be addressed immediately.
- No theft of property will be tolerated.
- No use of tobacco products will be tolerated.
- Misuse or damage of Borough property is prohibited. Charges will be assessed against those participants who are responsible for damage or misuse of property.
- The inappropriate use of cameras, imaging, and digital devices is prohibited, including the use of such devices in showers, restrooms, or other areas where privacy is expected by participants.
- Under no circumstances are any images of any child taken during any of the activities conducted or sponsored by the Borough to be shared on any social media platform without the expressed written consent of a parent or legal guardian.
- If possible, the Borough shall assign a staff member who is at least 21 years of age to be accessible to participants. Additional Authorized Adults will be assigned to ensure one-on-one contact with minors does not occur, and that appropriate levels of supervision are implemented.
- Take appropriate steps to ensure that children are not released to anyone other than the authorized parent, guardian, or other adult authorized by the parent or guardian. This shall include annual written authorization on file in advance.
- Develop and made available to participants and their parents or guardians, the rules and discipline measures applicable to the program. Program participants and staff must abide by all

regulations and may be removed from the program for non-compliance with the rules.

- The **recommended** ratio of counselors to program participants should reflect the gender distribution of the participants, and should meet the following:
 1. One staff member for every six participants ages 4 and 5
 2. One staff member for every eight participants ages 6 to 8
 3. One staff member for every ten participants ages 9 to 14
 4. One staff member for every twelve participants ages 15 to 17
- The Responsibilities of the counselors must include, at a minimum, informing program participants about safety and security procedures, rules established by the program, and behavioral expectations. Counselors are responsible for following and enforcing all of the rules and must be able to provide information included herein to program participants and be able to respond to emergencies.

Specific Policy and Procedures for Use of Restrooms by Children/Minors:

- All restrooms shall be checked in advance by staff persons before minor children enter to ensure that no other individuals are present.
- Staff members (of the same sex) are to stand guard at the doorway to make sure that no one else enters the restroom while a child is there. Children should not be permitted to enter restrooms in pairs or in groups, unless it is absolutely necessary.
- For field trips, staff members must monitor bathroom use by minor children and shall not permit a child to enter a restroom alone.

VII. Procedures for Law Enforcement Officers:

Law enforcement officers of the Borough frequently interact with minors in a variety of ways. In addition to the guidance provided by the Attorney General's office, it is important to establish guidelines to assist law enforcement officers in being aware of how to act and react in these circumstances. To that end, the Chief of Police or his or her designee of the Borough shall formulate a written policy addressing the safe treatment of minors for consideration and approval by the governing body for law enforcement officers who interact with minors.

The policy shall, at a minimum, incorporate and address the following:

- a. **Transporting minors in a police vehicle.** Whenever possible, victims or alleged victims of sexual assault or other crimes, or minors removed from a situation for protective purposes, shall be transported by two officers (at least one of whom shall be of the same sex as the victim) in unmarked vehicles that does not have a prisoner compartment/partition. Officers transporting a minor for whatever reason shall document starting and stopping mileage through radio contact.
- b. Directives issued by the N.J. State Attorney General pertaining to interaction with minors shall be incorporated into the policy.
- c. The following provisions from the **"Code of Conduct"** for counselors shall be included in the policy for officers assigned to work in school settings (i.e., Class 3 officers):
 - i. Officers will, at all times, respect the rights of students and use positive techniques of guidance, including positive reinforcement and encouragement.
 - ii. Officers will portray a positive role model for youth by maintaining an attitude of respect, loyalty, patience, courtesy, tact, and maturity.
 - iii. Officers shall not transport children in their own vehicles. Officers shall not arrange to see students outside of school, and this includes babysitting, sleepovers, and inviting children to their home. Any exceptions require a written explanation before the fact and approval of the Chief.
 - iv. Officers shall make certain that they are neat, clean, and appropriately attired.

- v. Officers will refrain from intimate displays of affection towards others in the presence of children, parents, and staff. Officers shall not buy gifts for students at any time.
- vi. All officers are required to complete the initial training course offered by the NJMEL JIF, and any refresher courses as well.

VIII. Training Requirements:

Individual training courses have been designed for each of the following categories, and **all** officials, employees, and volunteers of the Borough are required to complete training (and refresher course training) adopted by the Borough. ALL employees of the Borough shall complete the training course whether they interact with children/minors or not. Although training records will be maintained, it is recommended that each Borough and individual trainees also keep copies of their own training records.

a. Elected Officials, Appointed Officials, Department Heads, and Supervisors:

All elected officials, appointed officials, department heads, and supervisors shall complete the ***initial virtual training course*** offered by the NJMEL, **"PROTECTING CHILDREN FROM ABUSE"** and adopted by the Borough, and any updated/refresher course in order to better understand their legal duties and responsibilities under Federal and N.J. State Law. The course includes the following:

- Recognizing the signs of abuse and neglect of minors.
- Establishing guidelines for protecting minors from emotional and physical abuse and neglect.
- Understanding and being prepared to implement the procedures necessary to eliminate opportunities for abuse.
- Becoming familiar with the legal requirements to report suspected cases of abuse.
- Fully understanding the legal consequences for not being diligent in making certain that employees of the Borough adhere to all policies and procedures as adopted.

b. **Volunteers and Employees of the Borough**

All employees and volunteers (regardless of whether they will be working with children or not) shall complete training provided by the NMEL in the form of the **"PROTECTING CHILDREN"** video on protecting children on the MEL website and found at:

<https://njmel.org/mel-safety-institute/model-policies/protecting-children-videos/>

i. Course Content shall include:

1. Current State NJ State Law pertaining to Sexual Abuse of Minors
2. Recognizing the signs of abuse and neglect
3. Different types of abuse (i.e., Peer to Peer, Adult to Child, etc...)
4. Your legal responsibility for implementing and monitoring procedures and employees
5. Reporting cases of abuse

c. **Law Enforcement Officers**

i. Course Content shall include:

1. Current Status of N.J. Law and Directives from the Attorney General for Law Enforcement personnel
2. Your responsibilities
3. Officers in Schools
4. Reporting Abuse

IX. Reporting Suspected Child Abuse/Neglect:

In light of the importance and priority placed on safeguarding the health and safety of minors, it is critically important that suspected cases of child abuse and neglect are reported as soon as possible. **As a government official, employee or volunteer, you are legally required to report suspected child abuse. This requirement includes all governmental officials, employees and volunteers.**

The following procedures shall be utilized in reporting suspected cases of abuse. The Borough shall also train officials, department heads, employees, and volunteers in the concept of **"dual reporting,"** which involves reporting the suspected abuse to local law enforcement in addition to reporting the abuse to the Department of Children and Families. Reporting suspected abuse to local law enforcement is critically important in cases where there is the potential for violence.

Child Abuse is a hard thing to talk about, especially with victims. The most important thing to remember is to **show calm reassurance and unconditional support**. Avoid interrogation and leading questions. Understand that denial and embarrassment are common reactions. Don't display disbelief, shock, or disgust. Instead, be reassuring. Make sure the child knows that they did nothing wrong. Reassure them that this is not their fault and make sure they know that you take it seriously.

Interviewing children to investigate sexual abuse requires highly technical expertise. ***Do not "investigate" an abuse situation. Do not interrogate the child.*** The investigation will be undertaken by those who are trained to undertake that critical task. Instead report it immediately, as shown below. And finally, keep safety as the priority. If there is the possibility of violence against yourself or the child, get the appropriate professionals or agencies involved as soon as possible, and report the abuse to local law enforcement.

As noted above, it is highly recommended that, whenever possible, officials, employees, and volunteers report the suspected abuse to both the N.J. Department of Children and Families and law enforcement at the same time, which is known as "dual reporting."

For ALL elected officials, appointed officials, supervisors, department heads, full or part-time employees or volunteers of programs conducted by the Borough :

- Report the suspected abuse to the New Jersey Department of Children and Families. Please be prepared to include the following information to the extent the information has been told to you.
 - a. **Who:** The child and parent/caregiver's name, age, and address and the name of the alleged perpetrator and that person's relationship to the child.
 - b. **What:** Type and frequency of alleged abuse/neglect, current or previous injuries to the child, and what caused you to become concerned.
 - c. **When:** When the alleged abuse/neglect occurred and when you learned of it.
 - d. **Where:** Where the incident occurred, where the child is now, and whether the alleged perpetrator has access to the child.
 - e. **How:** How urgent the need is for intervention and whether there is a likelihood of imminent danger for the child.

- Call the Hotline established by the N.J. Department of Children and Families @ 1-877-652-2873. It is not the supervisor's role to decide whether a case should be reported. All cases shall be reported.
- For **Law Enforcement Officers**:
 - Immediately report any suspected or alleged cases of abuse or neglect to the New Jersey Department of Children and Families and to the County Prosecutor.

X. Important Information Regarding Reporting Suspected Abuse Under NJ Law:

The following guidelines have been established under New Jersey law, for those reporting suspected or alleged cases of abuse or neglect. The Borough encourages all officials, employees, and volunteers in programs operated by the Borough or affiliated programs or activities to report suspected cases of abuse with the following in mind.

- i. Any person who, in good faith, makes a report of child abuse or neglect or testifies in a child abuse hearing resulting from such a report is immune from any criminal or civil liability as a result of such action. Calls can be placed to the hotline anonymously.*
- ii. However, any person who knowingly fails to report suspected abuse or neglect according to the law or to comply with the provisions is a disorderly person.*
- iii. When a report indicates that a child may be at risk, an investigator from the Division of Child Protection and Permanency (formerly Youth and Family Services) will promptly investigate the allegations of child abuse and neglect within 24 hours of receipt of the report.*

XI. Acknowledgment of Receipt and Review of Policy:

All officials, employees/counselors, and volunteers shall sign and date an acknowledgment form that confirms they have received and reviewed the Policy Addressing the Protection and Safe Treatment of Minors, issued to them by the Borough. The same process shall be used for any revised policy issued in the future.

Appendix A: Indicators of Child Abuse/Neglect

The New Jersey Department of Children and Families issued the following guidelines to assist in recognizing the indicators of child abuse/neglect.

Indicators of Child Abuse / Neglect

Different types of abuse and neglect have different physical and behavioral indicators.

Physical Abuse

| Physical Indicators | Behavioral Indicators |
|---|--|
| <p>Unexplained bruises and welts:</p> <ul style="list-style-type: none">• On face, lips, mouth• On torso, back, buttocks, thighs• In various stages of healing• Cluster, forming regular patterns• Reflecting shape of article used to inflict (electric cord, belt buckle)• On several different surface areas• Regularly appear after absence, weekend or vacation <p>Unexplained burns:</p> <ul style="list-style-type: none">• Cigar, cigarette burns, especially on soles, palms, back or buttocks• Immersion burns (sock-like, glove-like doughnut shaped on buttocks or genitalia)• Patterned like electric burner, iron, etc.• Rope burns on arms, legs, neck or torso <p>Unexplained fractures:</p> <ul style="list-style-type: none">• To skull, nose, facial structure• In various stages of healing• Multiple or spiral fractures <p>Unexplained laceration or abrasions:</p> <ul style="list-style-type: none">• To mouth, lips, gums, eyes• To external genitalia | <p>Wary of adult contacts Apprehensive when other children cry Behavioral extremes:</p> <ul style="list-style-type: none">• Aggressiveness• Withdrawal <p>Frightened of parents Afraid to go home Reports injury by parents</p> |

Physical Neglect

| Physical Indicators | Behavioral Indicators |
|--|---|
| Consistent hunger, poor hygiene, inappropriate dress Consistent lack of supervision, especially in dangerous activities or long periods Constant fatigue or listlessness Unattended physical problems or medical needs Abandonment | Begging, stealing food Extended stays at school (early arrival and late departure) Constantly falling asleep in class Alcohol or drug abuse Delinquency (e.g. thefts) States there is no caregiver |

Sexual Abuse

| Physical Indicators | Behavioral Indicators |
|--|--|
| Difficulty in walking or sitting Torn, stained or bloody underclothing Pain or itching in genital area Bruises or bleeding in external genitalia, vaginal or anal areas Venereal disease, especially in pre-teens Pregnancy | Unwilling to change for gym or participate in P.E. Withdrawn, fantasy or infantile behavior Bizarre, sophisticated or unusual sexual behavior or knowledge Poor peer relationships Delinquent or run away Reports sexual assault by caregiver |

Emotional Maltreatment

| Physical Indicators | Behavioral Indicators |
|--|--|
| Habit disorders (sucking, biting, rocking, etc.) Conduct disorders (antisocial, destructive, etc.) Neurotic traits (sleep disorders, speech disorders, inhibition of play) | Behavior extremes: <ul style="list-style-type: none">• Compliant, passive• Aggressive, demanding Overly adoptive behavior: <ul style="list-style-type: none">• Inappropriately adult• Inappropriately infant |

Appendix B – Grooming Behavior

Grooming is when someone builds a relationship, trust, and emotional connection with a child or young person so they can manipulate, exploit and abuse them.

Here are some common characteristics of someone attempting to "groom" a child.

- Molesters often refer to their intended victims by pet names and use gifts to foster exclusivity and build a relationship while starting the practice of keeping secrets.
- The molester might begin to spend time with the victim outside of the regular program or schedule, contacting parents to become involved in a child's life in some capacity, like babysitting. For this reason, many parents are shocked after abuse comes to light simply because the abuser seemed so good – too good to be true, in fact.
- Inevitably, the favoritism is not enough to keep the victim, and the abuser resorts to threats—threats that play off of a child's guilt over the sexual contact.
- During the grooming process and abuse itself, victims often begin to show tell-tale signs, including:
 - Sexual behaviors or strong sexual language that is too adult for their age.
 - Many children feel at fault after the abuse and begin to suffer guilt and depression, even resorting to self-harm.
 - Also, look for cuts and scratches or other self-inflicted injuries.

Appendix C – Frequently Asked Questions Concerning the Model Policy

1. Is the *Model Policy for the Protection and Safe Treatment of Minors* mandatory?
 - a. Yes, the policy is mandatory for all NJMEL members.
2. Can the Model Policy be modified?
 - a. The model policy is a guide that includes recommended “best practices” based on research conducted by the Safety Director’s office, in consultation with the NJMEL attorney and other experts, including a noted Child Psychologist. The form and content of the policy may be modified, so long as it is approved by legal counsel. The model policy includes certain elements that should not be modified or deleted. Before making any significant modifications or deleting any portions of the policy, it is recommended that officials consult with and seek an opinion from their local attorney.
3. Are background checks mandatory for minors?
 - a. It may be difficult to obtain any background information for minors. For minors between the ages of 16 to 18 who will be working with children, we recommend acquiring as much background information, including a check of all work references, if any, and a copy of their driver’s license.
4. The model policy specifically mentions a “fingerprint” background check. Is that the only acceptable method?
 - a. No. Municipalities and counties may also conduct a background check themselves or through a third-party agency, as long as that background check includes a criminal history check of all 50 states, a review of the applicant’s motor vehicle history, a check of Megan’s law directory for NJ and other states where the applicant or volunteer has lived, and a credit check. (See pages 5-6). The NJMEL put together a list of qualified vendors, which can be found in **Appendix D**.
5. Why is a credit check recommended?
 - a. A credit check is recommended because credit check results include a listing of the applicant’s known addresses for at least the past 20 years. This information is of value in the following ways:
 - i. If a job application required a listing of all known addresses for the past 20 years, and an applicant failed to disclose that information, a prospective public employer would be justifiably concerned about the applicant’s honesty and would have immediate grounds to disqualify the applicant.
 - ii. For individuals working with children in a paid or volunteer capacity, the out-of-state addresses on the credit check would

provide a basis to check Megan's Law websites for the other states.

- b. Please note that credit checks and background checks should comply with the ***New Jersey Fair Credit Reporting Act*** and in accordance with the guidance from your legal counsel.

6. Do we have to conduct background checks on volunteers?

- a. The recommended "best practice" is to treat volunteers ***who work with children*** the same way as prospective paid employees are treated for background checks. Unfortunately, there are many claims in which volunteers have been accused of sexually molesting minors. However, appointed board members, such as Planning and Zoning board members, and other similar board members who ***do not*** work with children in any capacity may be considered for exclusion.

7. The model policy states, "background checks that disclose any negative or questionable results must be reviewed and approved by the (local unit type) prior to the individual being hired and/or working with minors. Provisional hiring is not permitted." What constitutes "negative or questionable results," and who makes the final determination on whether to hire the individual or permit the volunteer to participate?

- a. Some examples of "questionable results" would be:
 - i. Any results from a criminal history check that do not agree with the applicant's statements on their job application, such as arrests or convictions not listed.
 - ii. Reference checks with prior employers that do not match the applicant's information.
 - iii. Refusal to allow an employer to check with former employers may be a "red flag."
 - iv. An unexplained "blank space" in an applicant's employment history.
 - v. Personal reference checks that reveal negative information about the applicant.
 - vi. Any information that proves to be false on the job application.
- b. It is a local decision as far as who decides to hire the individual or permit the volunteer to participate. In many, if not most municipalities, the public employer's chief administrative officer is responsible for making that decision or making the final recommendation to hire someone or accept an individual as a volunteer. However, that is a local decision. We recommend that local communities establish appropriate guidelines, standards, and an appeal process with respect to decisions not to hire an individual or volunteer to participate based on the outcome of a background check.

8. If there is a break in seasonal employment, do the background checks need to be re-run? Is there an acceptable "break in service time"?
- a. Many municipalities run background checks every year regardless of whether the employee has worked there in the past, and that is a "best practice" from the standpoint of protecting the municipality; however, as far as what the acceptable frequency is for conducting background checks on seasonal employees, that is a local decision. There is no absolute time frame in the policy pertaining to a "break in service" for the requirement of new background checks for seasonal employees because that is a local decision.
9. Do background checks carry over from other entities? For example, if, a school teacher, teaches a class for the Borough, can we use or assume his/her background check is valid and satisfies our needs?
- a. Unless the local government entity has access (i.e., a copy or certification from the other entity) to the background check, we would be reluctant to recommend acceptance. If a problem arises in the future concerning an employee, I am not sure that reliance on a background check from another employer would be a sufficient defense. It would be best to check with your local attorney on this issue before accepting a background check from another entity.
10. If a municipality does not have a police or fire department or hold any recreational activities and does not have any programs that hire children. Is this policy still required to be adopted?
- a. We recommend that the municipality adopt the policy and complete the training. Unfortunately, municipalities sometimes find themselves named in cases like this by the plaintiff's attorneys, even though the municipality has nothing to do with the matter. By adopting the policy and completing the training, you will be able to provide documentation of that as part of any defense.
11. Who is required to take the training?
- a. All municipal officials, employees, and volunteers are required to take the training.
 1. Elected officials, managers, administrators, supervisors, and department heads must complete the ***Virtual Instructor-Led training***. The course is available through the NJMEL Learning Management System, and classes are scheduled periodically. Please note: Elected and

appointed officials, supervisors, and department heads who already attended the course offered by the NJMEL at the NJSLOM conference in November of 2019 or any of the webinar sessions conducted by the Safety Director's office or Risk Managers up to now have already complied with this MEL requirement.

2. Police superior officers will receive training as part of their annual or semi-annual training provided by the Safety Director's Law Enforcement Risk Control Unit.
3. All other employees and volunteers, regardless of whether they work with children or not, must view the 20-minute video available through the MEL MSI Learning Management System. Please make sure you register to view the video to document your training.

12. How often is "refresher training" expected?

- a. For existing employees, we recommend refresher training every two years. New employees should receive training before they begin work.

13. Should every volunteer or employee sign off on the entire policy?

- a. All Employees and volunteers should be required to read the entire policy and, at a minimum, sign off on the Code of Conduct.

14. Our municipality does not operate any recreational sports leagues. Other outside organizations are fully responsible for the leagues; however, the sports leagues are conducted on our fields and facilities. Is our municipality still accountable for any claims that arise?

- 1) Even if your municipality does not directly operate recreational leagues, if the activity occurs on fields or facilities owned by the municipality, it is more likely than not that the municipality may be brought into any litigation or claim. For that reason, the recommended "best practice" is for municipalities to draft and enter into written agreements annually with the organizations who are operating the leagues that set forth the following at a minimum:
 - i) Insurance requirements, including a copy of a Certificate of Insurance for the organization naming the municipality as an additional insured and including a "hold harmless" clause.

- ii) A certification by the organization that they have read the Model Policy and will adhere to conduct requirements, including mandatory background checks for all coaches and volunteers involved in the program. Completing the Rutgers Safety Course (or acceptable equivalent course) by all coaches, viewing the MEL Protecting Minors video, and adherence to a "Code of Conduct" for all coaches and parents.
- iii) The permitted dates and hours of use for the facilities and a requirement that the organization will keep the fields clean and safe for use.

A Model agreement is available on the NJMEL website.

15. Our Lifeguards have separate male and female locker/shower rooms, but the locker/showers do not have stalls for privacy. We have employees aging from 16 to 70 years old. What protocols would you recommend that the municipality implement to protect the minors while in the locker/shower rooms? The MEL's model policy speaks to the procedures for the use of restrooms used by minors. Should we follow the same procedure as the locker rooms?

- a. It is essential to make sure that the municipality recognizes and implements a policy addressing the lifeguards who are minors that acknowledges the need to separate them from the adult-aged Lifeguards. If the municipality follows the Model Policy recommendations for the use of bathrooms, that should be more than sufficient to protect the minors working as Lifeguards.

Questions Raised by Library Personnel Concerning How the Policy Impacts Library Operations

- Do the provisions in the Model Policy apply to daily library operations when children are present?
 - Most of the "best practices" in the model policy were written for organized programs sponsored or conducted by a local governmental unit. All of the provisions would apply, for example, to programs sponsored by or conducted by the library or third party individuals in the library. Examples of these types of programs would be story hours, tours of the library, arts and crafts programs, and educational programs. If parents or guardians attend any of these programs along with children, and children are not left on their own, then the library would not be acting "In Loco Parentis" in those situations. However, if children are dropped off **for whatever purpose**, the library will need to provide safeguards to eliminate opportunities for abuse, including

but not limited to monitoring bathrooms and making sure that children are not left alone in portions of the library where they are vulnerable. Appropriate library personnel should be assigned to the critical task of monitoring these areas.

- Also, it is vitally important for the library to follow the hiring guidelines and training requirements pertaining to employees and volunteers in light of the number of children who typically use the library.
- Can the library request that parents opt out of any photo opportunities and/or social media exposure for their children instead of asking permission any time the Library wants to do so? The Library uses such photos and social media exposure as a way of advertising their programs.
 - This would be acceptable as long as the library would be able to document that: (1) parents and guardians have been made aware of the policy (i.e., have adequate notice) and (2) the library maintains copies of the "opt-out" documentation (i.e., signed "opt out" forms).

**Appendix D – List of Qualified Vendors for Background
Checks Developed by the NJMEL Through an RFQ Process
June 2021**

Found at:

<https://njmel.org/wp-content/uploads/2021/05/RFQ-Results-21-02-background-Check-Services.pdf>

**Castle Branch, Inc
1844 Sir Tyler Drive
Wilmington, NJ 28405
Phone: 888-723-4263
Email: rfp@castlebranch.com**

**Adam Safeguard
1187 Washington St.,
Suite # 2
Toms River, NJ 08753
Phone: 732-506-6100
Email: terrih@nsshire.com**

**Southern Background Services
7 Lattimer St.
Hazelhurst, GA 31359
Phone: 912-205-3113
Email: ddukes@southernbackgrounds.com**

**TABB Inc.
PO Box 10
555 E. Main St.
Chester, NJ 07930
Phone: 908-879-2038
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25 Newbridge Road
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Email: wmanning@trueviewbsi.com**