

GLENN A. GRANT, J.A.D.
Acting Administrative Director of the Courts

www.njcourts.com • phone: 609-984-0275 • fax: 609-984-6968

TO: **Hon. Ariel A. Rodríguez, P.J.A.D.**
Assignment Judges
Hon. Patrick DeAlmeida, P.J.T.C.
Civil, Criminal, Family, General Equity and
Municipal Presiding Judges
AOC Directors and Assistant Directors
Clerks of Court
Trial Court Administrators
Division Managers, All Divisions

DIRECTIVE # 03-11
(Supersedes Directive #15-05)

FROM: **Glenn A. Grant, J.A.D.** 

SUBJECT: **Procedures for Providing Public Access to Court Records and**
Administrative Records Pursuant to Rule 1:38

DATE: **July 12, 2011**

An open and transparent court system is an integral part of our democratic government. The public has a right of access not only to our courts, but also to our court records. Public access to court records allows citizens to understand the court system and to judge its effectiveness.

In 2009, the Supreme Court adopted new Rule 1:38, “Public Access to Court Records and Administrative Records,” to be effective September 1, 2009. That Rule replaced the prior Rule 1:38 (“Confidentiality of Court Records”) in its entirety. The 2009 Rule provides that “court records and administrative records...are open for public inspection and copying except as otherwise provided in this rule. Exceptions enumerated in this Rule shall be narrowly construed in order to implement the policy of open access to records of the judiciary.”

In 2005, then Acting Administrative Director Philip S. Carchman, J.A.D., issued Directive #15-05, “Judiciary Open Records: Policies and Procedures for Access to Case-Related Court Records-Staff Guidelines.” Directive #15-05 standardized the procedures for obtaining access to and copies of court records in county courthouses and in the central office in Trenton. However, Directive #15-05 predated new Rule 1:38.

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This Directive therefore supersedes Directive #15-05 to implement the principles of openness reflected in new Rule 1:38. It also supersedes the October 14, 2010 supplement to Directive #15-05 (“Fees for Copies of Judiciary Records Provided to the Public and Waiver of Fees for Government Agencies”).

The Directive is intended to provide guidance to the public on how to request copies of court or administrative records and informs court staff on how to respond to record requests in accordance with the provisions of the rule.

Rule 1:38 is posted on the Judiciary’s website as part of the Rules of the Court. There have been a number of fine-tuning amendments to the rule since its 2009 adoption. Those amendments are reflected in the posted version.

Questions or comments concerning this Directive or about Rule 1:38 may be addressed to Special Assistant Gurpreet M. Singh at (609) 984-4557.

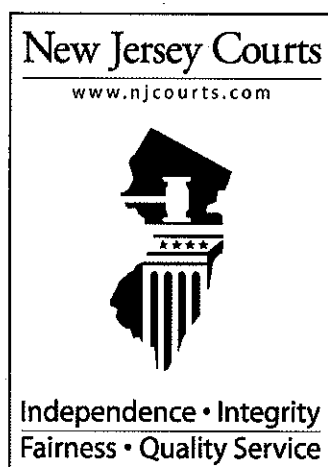
G.A.G.

Attachment

- c: Chief Justice Stuart Rabner
Advisory Committee on Public Access to Court Records
Steven D. Bonville, Chief of Staff
Gurpreet M. Singh, Special Assistant
Pearl Ann E. Hendrix, Staff to Advisory Committee on
Public Access to Court Records

New Jersey Judiciary

**Procedures for Providing Public Access to Court
Records and Administrative Records Pursuant to
Rule 1:38**



**Directive # 03-11
(Promulgated July 12, 2011)**

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1. Introduction and Purpose of Rule 1:38 “Public Access to Court Records and Administrative Records”

An open and transparent court system is an integral part of our democratic government. The public has a right of access not only to our courts, but also to our court records. Public access to court records allows citizens to understand the court system and to judge its effectiveness.

The Judiciary has a longstanding open records policy. In 2005, then Acting Administrative Director Philip S. Carchman, J.A.D., issued Directive #15-05, “Judiciary Open Records: Policies and Procedures for Access to Case-Related Court Records-Staff Guidelines.” Directive #15-05 standardized the procedures for obtaining access to and copies of court records in county courthouses and in the central office in Trenton. However, Directive #15-05 predated new Rule 1:38 (“Public Access to Court Records and Administrative Records”) adopted in 2009. This Directive therefore supersedes Directive #15-05 so as to implement the principles of openness reflected in the 2009 rule. It provides guidance to the public on how to request copies of court or administrative records and informs court staff on how to respond to record requests in accordance with the provisions of the rule. It also supersedes the October 14, 2010 supplement to Directive #15-05 (“Fees for Copies of Judiciary Records Provided to the Public and Waiver of Fees for Government Agencies”).

Under Rule 1:38, “Public Access to Court Records and Administrative Records,” the public has a right to inspect and copy court records and administrative records within the custody and control of the Judiciary except as otherwise provided in the rule. Rule exceptions are to be narrowly construed in order to implement the policy of open access to Judiciary records. The term “public” is all-inclusive and refers to individual citizens, the press, commercial entities and persons representing interest groups. Access to docket information is available from public access terminals in most courthouses and the Superior Court Clerk’s Office in Trenton.

This Directive does not address:

- Requests for court transcripts [A court transcript request form should be completed to request transcripts of court proceedings. That form can be found at www.njcourts.com under the “Forms” tab.];
- Requests for certified copies of birth, marriage, death, domestic partnership and civil union records [These documents are governed by regulations promulgated by the State Bureau of Vital Statistics and Registration in the New Jersey Department of Health and Senior Services];

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- Records of the County Surrogates [See Rule 1:38-3(e), “Guardianship Records” and Directive #8-07, “Public Access to Surrogates’ Judiciary Records”]; and
- Appeals from the denial of court records [See Directive #06-10, “Procedures for Appealing a Denial of Public Access to a Court Record or Administrative Record—Rule 1:38-10(b).”]

While this Directive summarizes many of the provisions of Rule 1:38, the actual text of that rule always should be consulted.

2. Definition of Court Records and Administrative Records

In Rule 1:38, the Supreme Court balances the principles of transparency and openness against individual privacy and security concerns. It provides for access to all court records as defined by R. 1:38-2 and all administrative records as defined by R. 1:38-4 except those records specifically excluded by the Rule.

Definition of Court Records (See Rule 1:38-2)

(a) A court record includes:

- any information maintained by a court in any form in connection with a case or judicial proceeding, including but not limited to pleadings, motions, briefs and their respective attachments, evidentiary exhibits, indices, calendars and dockets;
- any order, judgment, opinion or decree related to a judicial proceeding;
- any information in a computerized case management system created or prepared by the court in connection with a case or judicial proceeding; and
- any record made or maintained by a Surrogate in the course of his or her role as a judicial officer.

(b) A court record does not include:

- information gathered, maintained or stored by a governmental agency or other entity to which the court has access but which is not part of the court record; and
- unfiled discovery materials in any action.

Definition of Administrative Records (See Rule 1:38-4)

An administrative record is any information maintained in any form by the Judiciary that is not associated with any particular case or judicial proceeding.

3. **Procedures for Obtaining Copies of Records**

1. **Completion of Records Request Form.** The requester should complete Parts A through E of the Records Request Form, Attachment A. While use of the records request form is not mandatory, use of the form is encouraged in order to facilitate proper handling of the request.
2. **Records excluded from public access.** Staff will determine whether the record sought is excluded from public access. Attachments C-1 through C-5 lists records that R. 1:38 excludes from public access.
3. **Where to Direct a Records Request.** Where the request should be submitted depends on the type of record requested. Attachment D provides contact and county courthouse addressees. Address directories are also available at www.njcourts.com. The completed records request form should be delivered during regular business hours to the appropriate records request processing location as follows:
 - (a) Requests for **statewide lien judgment records and foreclosure case records** should be directed to the Superior Court Clerk's Office in Trenton. **Adoption records** from 1953-1978 are available by court order. Information on how to obtain copies of files or documents from the Superior Court Clerk's Office may be obtained by calling (609) 421-6100.
 - (b) Requests for **Superior Court records** should be directed to the Civil, Criminal, or Family Division office at the county courthouse where the case was heard.
 - (c) Requests for **Municipal Court records** should be directed to the Municipal Court Director or Administrator of the municipal court where the case was filed.
 - (d) Requests for **Appellate Division records** should be directed to the Clerk of the Appellate Division in Trenton.
 - (e) Requests for **Supreme Court records (including committees and offices reporting to the Supreme Court)** should be directed to the Clerk of the Supreme Court in Trenton.
 - (f) Requests for **Tax Court records** should be directed to the Clerk/Administrator of the Tax Court in Trenton.
 - (g) Requests for **Administrative Office of the Courts records and all other Judiciary records** should be directed to the Administrative Director of the Courts in Trenton.

- (h) Requests for **archived Superior Court records** such as Civil, Divorce, General Equity and Foreclosure case files should be directed to the Superior Clerk's Office in Trenton.
4. **Copy Fees.** The fees for copying a paper court record, which are listed on the records request form, are 5¢ per page letter size and 7¢ per page legal size. Attachment B describes additional fees charged for certified records, exemplified records and copies of records with a court seal. Personal check, money order, cash, or attorney collateral account is acceptable for payment. Copy fees are to be waived when federal, state or local governmental entities, including military recruiters, request a small number of copies of records. Individuals making such requests on behalf of a government agency should furnish official identification. Government agencies requesting a large number of copies may still be assessed a charge to defray at least a portion of the Judiciary's costs.
 5. **Copy Fee Deposit.** If the estimated cost of copying records exceeds \$50, the requester may be required to provide a deposit equal to 50% of the estimated cost.
 6. **Disposition of Record Request.** The record custodian will notify the requester if a record request is granted or denied. If the Judiciary is unable to comply with a request for access to a court record or administrative record, the custodian will state the reasons on the request form. A person denied access to a court record or administrative record may seek review by the Administrative Director of the Courts as provided in Directive #06-10, "New Jersey Judiciary Procedures for Appealing a Denial of Public Access to a Court Record or Administrative Record—Rule 1:38-10(b)." An appeal from a denial of a request for access to municipal court records shall first be directed to the Trial Court Administrator of the vicinage in which the municipal court is located.
 7. **Availability of Records.** In many cases, staff can provide access to a record stored on-site on the same date of the request. If the record is not readily available or is stored off-site, the custodian within 3 business days will advise the requester as to when the record will be made available and the estimated cost for providing the record.
 8. **Physical Inspection of Court File.** Requests for physical inspection of a court file or record will be granted in the same manner as requests for a photocopy of a record, but without charge. Access to the records requested will be provided as soon as practicable.
 9. **Records Available Only in the Form Maintained by the Judiciary.** Rule 1:38-13 provides that "Court records and administrative records are available only in the form in which they are maintained or indexed by the Judiciary. Requests by private individuals or entities for programming, searching, or compilation of records in a form other than as used for the Judiciary's purposes will not be granted."

10. **Voluminous Requests—Time for Responding.** If a request is voluminous or if a request is for certain documents on an ongoing basis (for example, all complaints filed in the civil division each week), the request shall be referred to the appropriate Clerk of Court, division manager, or municipal court administrator. The Clerk of Court, division manager or municipal court administrator shall assess the request and together with the requester craft a reasonable solution that meets the public's need for access without interfering with normal court operations.
11. **Public Access Terminals.** Access to docket information is available on computer terminals available in most courthouses and the Superior Court Clerk's Office in Trenton. Access to case and judgment information is available on the Automated Case Management System (ACMS), Civil Judgment and Order Docket, Family Automated Case Tracking System (FACTS) (divorce cases only) and the Automated Traffic System (ATS).
12. **Remote Access to Electronic Databases.** The Judiciary operates automated data processing systems that are used to manage court business. Certain systems provide the public with remote access to court information. The current fee for remote access is \$1.00 per minute. Access to case and judgment information is available on the Automated Case Management System (ACMS), Civil Judgment and Order Docket, Family Automated Case Tracking System (FACTS) (divorce cases only) and the Automated Traffic System (ATS). To enroll in the electronic access program contact the Superior Court Clerk's Office in Trenton by calling (609) 421-6100 or by emailing SCCOEAP.Mailbox@judiciary.state.nj.us.
13. **Batch Reports.** The Judiciary generates reports containing information from Judiciary databases. These reports are available at the cost incurred by the Judiciary in producing them. The frequency at which a report is produced and the media on which a report can be obtained varies. Reports are generated from the Centralized Attorney Management System, the Bail Registry and the Centralized Automated Bail System, the Automated Case Management System (ACMS), PROMIS/Gavel, the Civil Judgment and Order Docket, the Municipal Court Traffic and Automated Complaint systems, the Tax Court system and the Trust Fund system. The charges for these reports and details as to their contents may be obtained from the Superior Court Clerk's Office in Trenton by e-mailing to SCCOEAP.Mailbox@judiciary.state.nj.us or by calling (609) 421-6100.

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ATTACHMENT A

RECORDS REQUEST FORM



New Jersey Judiciary Records Request Form

Request Date

Preferred Delivery

- Pick Up
 US Mail
 On Site Inspection
 Fax
 Email

Request Needed By

Part A: Requestor Identification

| | | | | |
|-----------|-------|----------------|---|--|
| Last Name | | Middle Initial | First Name | |
| Address | | | Daytime Telephone (Include area code) ext. | |
| City | State | Zip Code | Fax/Email (optional) | |

Part B: Records Request Processing Location

Please select one of the locations below to process your records request.

| | | |
|--|--|--|
| County _____ | <input type="checkbox"/> Appellate Division Clerk's Office | <input type="checkbox"/> Office of the Administrative Director |
| Division _____ | <input type="checkbox"/> Supreme Court Clerk's Office | <input type="checkbox"/> Municipal Court _____ |
| <input type="checkbox"/> Superior Court Clerk's Office | <input type="checkbox"/> Tax Court Clerk's Office | <input type="checkbox"/> Other _____ |

Part C: Case Identification

| | | | | |
|---|--|---------------------------------|---|--------------------------|
| Case Name | | Docket/Complaint/Ticket Number* | | |
| *In Criminal and Municipal Cases, if you do not know the docket number, please provide Defendant's information: | | | | |
| Defendant Name and alias(es), if any | | Defendant Birth Date | Last 4 digits of Defendant's Social Security Number | |
| Indictment/Arrest Date | Indictment/Accusation/Complaint/Municipal Number | Appeal Number | Sentencing Date | Name of Sentencing Judge |

Part D: Records Requested by Division

Please describe records requested as completely as possible. Include any case numbers, dates and names of individuals involved. Attach additional pages if necessary.

Part E: Copy Fees

| | | |
|---|--|---|
| Copy Fees: 5¢ per page letter size 7¢ per page legal size | Special Copy Requests - Additional fees will be charged <input type="checkbox"/> Seal only <input type="checkbox"/> Certified with Seal <input type="checkbox"/> Certified without Seal <input type="checkbox"/> Exemplified (includes Seal) | Are you a named party or attorney in this case? <input type="checkbox"/> Yes <input type="checkbox"/> No |
|---|--|---|

For Judiciary Use Only

| | |
|--|------------------|
| Disposition <input type="checkbox"/> Delivered <input type="checkbox"/> Denied <input type="checkbox"/> Unavailable | Disposition Date |
|--|------------------|

If request is denied or records are unavailable, explain here. Attach additional pages if necessary.

ATTACHMENT B

COPY FEES
(as of July 12, 2011)

(a) Copy Fees--Non-Certified Court Records.

Definition:

Non-certified court records are copies where the authentication of a court record is not requested.

Fees for non-certified copies of court records in all court units are as follows:

- 1) 5¢ per page for letter size
- 2) 7¢ per page for legal size

(b) Copy Fees--Certified Court Records.

Definition:

Certified copies are copies that include a certification that it is a true copy of the original record on file with the court office issuing the certified copy. A court "certification" stamp should indicate that the court record is a true copy and have the Clerk or Deputy Clerk's signature embedded in the stamp. Alternatively, the Clerk or Deputy Clerk can provide an original handwritten signature below the message that the court record is a true copy. The stamp should be placed on the last page of the certified copy.

Fees for certified court records in all court units are as follows:

- 1) All certified copies other than the first copy of a court record furnished to the Clerk or Deputy Clerk for certification, shall be provided upon the payment of:
 - a. \$5.00 for the first to the fifth pages and 75¢ for each page over five. N.J.S.A. 22A:2-19. [Note: While legislation in 2010 revised certain fees for copies of government documents, that legislation did not amend N.J.S.A. 22A:2-19; thus, the fees for certified copies continue to be as set forth here.]
 - b. A minimum charge of \$5.00 must be made for any certified copy. N.J.S.A. 22A:2-19.
 - c. In addition to the fees in a. and b. above, an additional \$5.00 is to be charged for placing a court seal on a certified copy. This

fee is required even when the seal is placed on the "first copy" of a certified court record. N.J.S.A. 22A:2-20.

- 2) If a litigant or an attorney *in that case* furnishes a copy of any order, judgment, pleading or other paper to the Clerk or Deputy Clerk for certification, then certification of this first copy is free of charge. N.J.S.A. 22A:2-19. Court staff are instructed to ask the litigant or attorney whether it is their first copy. Some Judges' chambers and Clerks' offices routinely certify the copies issued to the litigants. This makes it clear that they have already received a certified copy. Adoption of this practice is a local option.
- 3) If a litigant or attorney does not furnish the court record for certification, but rather requests the Clerk or Deputy Clerk to make a certified copy then the copy is not free of charge.

(c) Copy Fees--Court Records with Exemplification.

Definition:

An exemplified copy of a court record includes an exemplification and a seal of the Court. An exemplification is a document signed by both the Clerk or Deputy Clerk and a judge. The Clerk or Deputy Clerk certifies that the document is a true copy and the judge certifies that the attestation is in proper form. Then the exemplification is attached to the front of the copy of the court record. Exemplifications validate court records for use in another state, and therefore, are prescribed by federal law. 28 USC § 1738.

Fees for exemplification of a copy in all court units except Special Civil Part are as follows:

- 1) The fee for exemplification of a court record is \$5.00, in addition to the 5¢/7¢ copy fees set forth above. N.J.S.A. 22A:2-20. Unlike certified copies, the first copy with an exemplification is not free of charge for an attorney or litigant. N.J.S.A. 22A:2-20.
- 2) Since an exemplification already comes with a court seal, there is no additional \$5.00 charge for affixing the seal. 28 USC § 1738.

Fees for exemplification of a copy in Special Civil Part are as follows:

- 1) The fee for an exemplified copy of a judgment (two pages) in Special Civil Part is \$5.00. Each additional page is \$1.00. N.J.S.A. 22A:2-37.1. [Note: While legislation in 2010 revised certain fees for copies of government documents, that legislation did not amend N.J.S.A. 22A:2-37.1; thus, the fees for exemplified copies continue to be as set forth here.]

(d) Additional fees for certain services.

The Clerk and Deputy Clerks are authorized and directed to charge the following additional fees:

- 1) Affixing the seal of the Court to any document with the exception of an exemplified document: \$5.00. N.J.S.A. 22A:2-20.

Court Record Fee Chart

Non-Certified Court Records

| |
|---|
| 5¢ per page for letter size 7¢ per page for legal size |
|---|

Certified Court Records without Court Seal

| | |
|--|--------------|
| Pages 1-5 | \$5.00 |
| Pages 6 and over | 75¢ per page |
| Exception: Attorney or litigant gets one free certified copy in his/her case if furnished to the Clerk or Deputy Clerk for certification. <u>N.J.S.A. 22A:2-19</u> | |

Exemplified Court Records—Including Court Seal (except Special Civil Part Judgments)

| |
|---|
| \$5.00 plus 5¢ per page for letter size \$5.00 plus 7¢ per page for legal size <u>N.J.S.A. 22A:2-20</u> |
|---|

Exemplified Court Records—Including Court Seal (Special Civil Part Judgments only)

| |
|--|
| \$5.00 for pages 1-2 \$1.00 per page for pages 3 and over <u>N.J.S.A. 22A:2-37.1</u> |
|--|

Court Seal

| |
|---|
| \$5.00 for affixing the seal of the Court to any document other than exemplified court record. <u>N.J.S.A. 22A:2-20</u> |
|---|

ATTACHMENT C-1

Records Excluded from Public Access—General Provision

While court records are presumptively open to the public, Rule 1:38 lists certain records that are excluded from public access involving Civil, Criminal and Municipal, Family, and other proceedings. The exceptions are necessary to protect vulnerable members of the public such as children and certain victims, to address important public safety concerns and to preserve essential court functions.

In addition to the case-specific exclusions listed on Attachments C-2 through C-5, records are generally **excluded from public access** if they fall into these categories:

- (1) **General:** Records required to be kept confidential by statute, rule, or prior case law consistent with this rule, unless otherwise ordered by court. These records remain confidential even when attached to a non-confidential document.
(R. 1:38-3(a))
- (2) **Working Papers and Drafts:** Notes, memoranda, draft opinions, or other working papers maintained in any form by or for the use of a justice, judge, or judiciary staff member in the course of his or her official duties are confidential.
(R. 1:38-3(b)(1))
- (3) **Deliberative Process:** Records of consultative, advisory, or deliberative discussions pertaining to the rendering of decisions or the management of cases.
(R. 1:38-3(b)(2))
- (4) **Unfiled Discovery:** Discovery materials that have not been filed with the court in any action do not constitute court records available to the public. (R. 1:38-2(b)(2))

ATTACHMENT C-2

Criminal Division and Municipal Court Records (Rule 1:38-3(c))

Within the Criminal Division and Municipal Court, all case records are generally available for public inspection and copying except a limited number of specific types of documents that are confidential. Municipal courts are generally located in the individual municipality they serve and should be contacted individually for any records sought. The following records are confidential and are not available to the public:

- (1) **Discovery materials** provided to the Criminal Division Manager's Office by the prosecutor pursuant to R. 3:9-1 and R. 3:13-3;
- (2) **Writs to produce prisoners** pending execution of the writ;
- (3) **Indictments sealed** pursuant to R. 3:6-8(a);
- (4) **Records relating to grand jury proceedings** pursuant to R. 3:6-7 except as provided by R. 3:6-6(b) and R. 3:6-9(d);
- (5) **Records relating to participants in drug court programs and programs approved for operation under R. 3:28 (Pre-trial Intervention), and reports made for a court or prosecuting attorney pertaining to persons enrolled in or applications for enrollment in such programs, but not the fact of enrollment and the enrollment conditions imposed by the court;**
- (6) **Victim statements** unless placed on the record at a public proceeding;
- (7) **Expunged records** pursuant to N.J.S.A. 2C:52-15. (Restricted access to expunged records applies only to third party requesters and does not apply to defendants seeking copies of their own expunged records.);
- (8) **Reports of the Diagnostic Center** to the extent provided under R. 3:21-3;
- (9) **Records relating to child victims** of sexual assault or abuse pursuant to N.J.S.A. 2A:82-46;
- (10) **Search warrants** pursuant to R. 3:5-4 and the affidavit or testimony upon which a warrant is based, except as provided in Rules 3:5-6(c) and 3:13-3.
- (11) **Certain Megan's Law records**, specifically, documents, records and transcripts related to proceedings and hearings required by the Supreme Court pursuant to Doe v. Poritz, 142 N.J. 1, 39 (1995), or subsequent orders of the Court; and
- (12) **Names and addresses of victims or alleged victims of domestic violence or sexual offenses.**

ATTACHMENT C-3

Family Division Records (Rule 1:38-3(d))

Within the Family Division, matrimonial (divorce) case records are generally available for public inspection and copying except a limited number of specific types of documents that are confidential. However, many Family Division records involving children (juvenile delinquency, child support, abuse and neglect) are closed to the public. The following records are confidential and are not available to the public:

- (1) **Family Case Information Statements** required by R. 5:5-2 and Financial Statements in Summary Support Actions required by R. 5:5-3, including all attachments;
- (2) **Confidential Litigant Information Sheets** pursuant to R. 5:4-2(g);
- (3) **Medical, psychiatric, psychological and alcohol and drug dependency records, reports, and evaluations in matters related to child support, child custody or parenting time determinations.** These records remain confidential even when attached to or incorporated into a non-confidential document;
- (4) **Documents, records and transcripts related to proceedings and hearings required by the Supreme Court pursuant to Doe v. Poritz, 142 N.J. 1, 39 (1995), or subsequent orders of the Court;**
- (5) **Juvenile delinquency records** and reports pursuant to R. 5:19-2 and N.J.S.A. 2A:4A-60;
- (6) **Records of Juvenile Conference Committees** to the extent provided under R. 5:25-1(e);
- (7) **Expunged juvenile records** pursuant to N.J.S.A. 2A:4A-62(f) and 2C:52-15;
- (8) **Sealed juvenile records** pursuant to N.J.S.A. 2A:4A-62;
- (9) **Domestic violence records** and reports pursuant to N.J.S.A. 2C:25-33;
- (10) **Names and addresses of victims or alleged victims of domestic violence or sexual offenses;**
- (11) **Records relating to child victims of sexual assault or abuse** pursuant to N.J.S.A. 2A:82-46;
- (12) **Records relating to Division of Youth and Family Services proceedings** held pursuant to R. 5:12;

- (13) **Child custody evaluations** and reports pursuant to R. 5:8-4, R. 5:8B and N.J.S.A. 9:2-1 and 9:2-3;
- (14) **Paternity records and reports**, except for the final judgments or birth certificates pursuant to N.J.S.A. 9:17-42;
- (15) **Records and reports relating to child placement matters** pursuant to R. 5:13-8(a);
- (16) **Adoption records and reports** pursuant to N.J.S.A. 9:3-52; and
- (17) **Records of hearings on the welfare or status of a child**, to the extent provided under R. 5:3-2.

ATTACHMENT C-4

Other Court Records (All Divisions) (Rule 1:38-3(f))

The following additional records, which may be located in files in the Civil, Criminal, Family and Probation Divisions, Municipal Courts and Tax Court, are confidential and are not available to the public:

- (1) **Records pertaining to mediation sessions and complementary dispute resolution proceedings** pursuant to R. 1:40-4(d) and R. 7:8-1, but not the fact that mediation has occurred;
- (2) **Records and transcripts of civil commitment proceedings**, pursuant to N.J.S.A. 30:4-24.3, N.J.S.A. 30:4-27.27(c), N.J.S.A. 30:4-82.4h, R. 4:74-7 and R. 4:74-7A;
- (3) **Police investigative reports**, unless admitted into evidence or submitted to the court in support of a motion, brief, or other pleading;
- (4) **Records that are impounded**, sealed pursuant to R. 1:38-11, or subject to a protective order pursuant to R. 4:10-3;
- (5) **Criminal, Family, and Probation Division records** pertaining to: (a) any investigations and reports made by court staff or pursuant to court order for a court or (b) persons on probation;
- (6) **Family, Finance and Probation Division records containing information pertaining to persons receiving or ordered to pay child support**, including the child(ren); custodial parents; non-custodial parents; legal guardians; putative fathers; family members and any other individuals for whom information may be collected and retained by the court in connection with child support cases subject to Title IV-D of the Social Security Act, 42 U.S.C. §651 et seq. and applicable state and federal statutes, **but not the complaint or orders** in such cases;
- (7) **Records maintained by the Judiciary that contain identifying information about a person who has or is suspected of having AIDS or HIV infection**, pursuant to N.J.S.A. 26:5C-7, except as provided in N.J.S.A. 26:5C-8 and -9; and
- (8) **Records of appeals from the Division of Developmental Disabilities** in accordance with N.J.S.A. 30:4-24.3.

ATTACHMENT C-5

Administrative Records (Rule 1:38-5)

The following administrative records are not available to the public:

- (a) **Records required to be kept confidential** by statute, rule or prior case law consistent with this rule, unless otherwise ordered by a court;
- (b) **Notes, memoranda, or other working papers** maintained in any form by or for the use of a justice, judge or judiciary staff member in the course of his or her official duties, including administrative duties;
- (c) **Minutes, reports, memoranda, notes, and correspondence in any form pertaining to the development and implementation of judiciary rules and policies**, including draft versions of rules, policies and procedures, self-critical analysis reports and peer review reports;
- (d) **Reports, memoranda, and other records pertaining to policies and procedures for court security and data security;**
- (e) **Personnel records**, except for an employee's name, title, position, salary, compensation, dates of service, and date and type of separation;
- (f) **Records concerning volunteers**, except for a volunteer's name, title, if any, program to which assigned, and dates of service;
- (g) **Juror source lists** prepared pursuant to N.J.S.A. 2B:20-2, **jury questionnaires** completed pursuant to N.J.S.A. 2B:20-3, and **preliminary lists** prepared pursuant to N.J.S.A. 2B:20-4 of persons to be summoned for possible service as grand or petit jurors, which shall remain confidential, except as provided in Rule 1:8-5, unless otherwise ordered by the Assignment Judge;
- (h) **Reports required to be prepared by trial court judges** on a weekly, monthly or other basis and submitted to the Administrative Director of the Courts pursuant to R. 1:32-1;
- (i) **Records and information obtained and maintained by the Judicial Performance Committee** pursuant to R. 1:35A, except as otherwise provided in that rule;
- (j) **Records of the Ethics Telephone Research Service operated by the Supreme Court Advisory Committee on Professional Ethics** to the extent provided under R. 1:19-9;

- (k) **Records of proceedings concerning advisory opinions of the Committee on Attorney Advertising** to the extent provided under R. 1:19A-5;
- (l) **Records relating to attorney discipline** to the extent provided under R. 1:20-9;
- (m) **Records of District Fee Arbitration Committees** to the extent provided under R. 1:20A-5;
- (n) **Records of the Attorney Disciplinary Oversight Committee** to the extent provided under R. 1:20B-4;
- (o) **Records of the Lawyers Fund for Client Protection** to the extent provided under R. 1:28-9; and
- (p) **Records of the Advisory Committee on Judicial Conduct** to the extent provided under R. 2:15-20.

ATTACHMENT D

Contacts

Acting Administrative Director of the Courts
Richard J. Hughes Justice Complex
P.O. Box 037
Trenton, New Jersey 08625-0037
(609) 984-0275

Clerk of the Supreme Court
Richard J. Hughes Justice Complex
P.O. Box 970
Trenton, New Jersey 08625
(609) 292-4837

Clerk of the Appellate Division, Superior Court
Richard J. Hughes Justice Complex
P.O. Box 006
Trenton, New Jersey 08625
(609) 292-4822

Clerk of the Superior Court
Richard J. Hughes Justice Complex
P.O. Box 971
Trenton, New Jersey 08625
(609) 421-6100

Tax Court Clerk/Administrator
Richard J. Hughes Justice Complex
P.O. Box 972
Trenton, New Jersey 08625
(609) 292-6989

County Courthouse Addresses

| | |
|--------------------------|--|
| <p>Atlantic County</p> | <p>Atlantic County Civil Courts Building 1201 Bacharach Boulevard Atlantic City, NJ 08401 (609) 345-6700</p> <p>Atlantic County Criminal Courts Complex 4997 Unami Blvd. Mays Landing, NJ 08330 (609) 909-8154</p> |
| <p>Bergen County</p> | <p>Bergen County Justice Center 10 Main Street Hackensack, NJ 07601 (201) 527-2700</p> |
| <p>Burlington County</p> | <p>Burlington County Court Facility 49 Rancocas Road Mt. Holly, NJ 08060 (609) 518-2600</p> |
| <p>Camden County</p> | <p>Camden County Hall Of Justice 101 South 5th Street Camden, NJ 08103-4001 (856) 379-2200</p> |
| <p>Cape May County</p> | <p>Cape May County Courthouse 9 North Main Street Cape May Courthouse, NJ 08210 (609) 465-1000</p> |
| <p>Cumberland County</p> | <p>Cumberland County Courthouse Broad & Fayette Streets Bridgeton, NJ 08302 (856) 451-8000</p> |
| <p>Essex County</p> | <p>Essex County Veterans Courthouse 50 West Market Street Newark, NJ 07102 (973) 693-5701</p> <p>Wilentz Justice Complex 212 Washington Street Newark, NJ 07102 973-693-6678</p> <p>Essex County Historic Courthouse 470 Dr. Martin Luther King Blvd. Newark, NJ 07102</p> |

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|-------------------|---|
| Gloucester County | Gloucester County Courthouse 1 North Broad Street Woodbury, NJ 08096 (856) 853-3200 Gloucester County Justice Complex 70 Hunter Street Woodbury, NJ 08096 |
| Hudson County | William J. Brennan, Jr. Courthouse 583 Newark Avenue Jersey City, NJ 07306 (201) 795-6000 Hudson County Administration Building 595 Newark Avenue Jersey City, NJ 07306 (201) 795-6000 |
| Hunterdon County | Hunterdon County Courthouse 65 Park Avenue Flemington, NJ 08822 (908) 237-5800 |
| Mercer County | Mercer Criminal Courts Building 209 South Broad Street Trenton, NJ 08650-0068 (609) 571-4200 Mercer Civil Courts Building 175 South Broad Street Trenton, NJ 08650 (609) 571-4000 |
| Middlesex County | Middlesex County Courthouse 56 Paterson St. New Brunswick, NJ 08903-0964 (732) 519-3200 Middlesex County Family Courthouse 120 New Street New Brunswick, NJ 08903-0964 (732) 519-3200 |
| Monmouth County | Monmouth County Courthouse 71 Monument Park Freehold, NJ 07728-1266 (732) 677-4300 |

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|-----------------|--|
| Morris County | Morris County Courthouse Washington & Court Streets P.O. Box 910 Morristown, NJ 07963-0910 (973) 656-4000 |
| Ocean County | Ocean County Courthouse 118 Washington Street Toms River, NJ 08754 (732) 244-2121 |
| Passaic County | Passaic County Courthouse/ Administrative Building Complex 77 Hamilton Street Paterson, NJ 07505-2017 (973) 247-8000 |
| Salem County | Salem County Courthouse 92 Market Street Salem, NJ 08079 (856) 935-7510 |
| Somerset County | Somerset County Courthouse 20 North Bridge Street Somerville, NJ 08876-1262 (908) 231-7191 |
| Sussex County | Sussex County Judicial Center 43-47 High Street Newton, NJ 07860 (973) 579-0675 |
| Union County | Union County Courthouse 2 Broad Street Elizabeth, NJ 07207 (908) 659-4600 |
| Warren County | Warren County Courthouse 413 Second Street, P.O. Box 900 Belvidere, NJ 07823 (908) 475-6161 |