

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rules 1:38-1 and 1:38-3 of the Rules Governing the Courts of the State of New Jersey are adopted to be effective immediately.

For the Court,



Chief Justice

Dated: May 15, 2018

1:38-1. Policy

Court records and administrative records as defined by R. 1:38-2 and R. 1:38-4 respectively and within the custody and control of the judiciary 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. [Restrictions on access pursuant to R. 1:38, unless otherwise provided by law, shall not be applicable to named parties, defendants, or their legal counsel in the specific case or judicial proceeding.]

Note: New caption for Rule 1:38 adopted July 16, 2009 to be effective September 1, 2009. New Rule 1:38-1 adopted July 16, 2009 to be effective September 1, 2009; amended May 30, 2017 to be effective immediately; amended May 15, 2018 to be effective immediately.

1:38-3. Court Records Excluded from Public Access

The following court records are excluded from public access:

(a) General. . . . no change.

(b) Internal Records. . . . no change.

(c) Records of Criminal and Municipal Court Proceedings.

(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, except for parties and their counsel of record;

(2) ... no change.

(3) ... no change.

(4) ... no change.

(5) ... no change.

(6) ... no change.

(7) ... no change.

(8) ... no change.

(9) ... no change.

(10) ... no change.

(11) ... no change.

(12) ... no change.

(d) Records of Family Part Proceedings.

(1) Family Case Information Statements required by R. 5:5-2, notices required by R. 5:5-10 including requisite financial, custody and parenting plans, Financial Statements in Summary Support Actions required by R. 5:5-3 including all attachments, and settlement agreements incorporated into judgments or orders in dissolution and nondissolution actions, except for parties and their counsel of record;

(2) Confidential Litigant Information Sheets pursuant to R. 5:4-2(g) and Affidavits or Certifications of Insurance Coverage pursuant to R. 5:4-2(f), except for the filing party and his or her counsel of record;

(3) ... no change

(4) ... no change

(5) Juvenile delinquency records and reports pursuant to R. 5:19-2 and N.J.S.A. 2A:4A-60, except for parties and their counsel of record;

(6) Records of Juvenile Conference Committees to the extent provided under R. 5:25-1(e), except for parties and their counsel of record;

(7) ... no change.

(8) ... no change.

(9) Domestic violence records and reports pursuant to N.J.S.A. 2C:25-33, except for parties and their counsel of record in the underlying domestic violence matter;

(10) ... no change.

(11) ... no change.

(12) ... no change.

(13) ... no change.

(14) ... no change.

(15) ... no change.

(16) ... no change.

(17) ... no change

(e) Records of Guardianship Proceedings. ...no change.

(f) Records of Other Proceedings.

(1) ... no change.

(2) ... no change.

(3) ... no change.

(4) ... no change.

(5) ... no change.

(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, except for parties and their counsel of record;

(7) ... no change.

(8) ... no change.

(9) ... no change.

Note: New Rule 1:38-3 adopted July 16, 2009 to be effective September 1, 2009; subparagraph (b)(1) amended December 9, 2009 to be effective immediately; paragraphs (e) and (f) amended January 5, 2010 to be effective immediately; subparagraph (c)(11) amended, subparagraph (c)(12) adopted, and subparagraph (d)(10) amended February 16, 2010 to be effective immediately; subparagraph (d)(1) amended June 23, 2010 to be effective July 1, 2010; paragraph (e) amended October 10, 2010 to be effective immediately; paragraph (e) amended February 28, 2013 to be effective immediately; subparagraph (d)(12) amended July 9, 2013 to be effective September 1, 2013; subparagraph (d)(2) amended July 27, 2015 to be effective September 1, 2015; subparagraph (b)(1) amended May 30, 2017 to be effective immediately; paragraph (a) and subparagraphs (d)(1) and (d)(13) amended July 28, 2017 to be effective September 1, 2017; subparagraphs (c)(1), (d)(1), (d)(2), (d)(5), (d)(6), (d)(9), and (f)(6) amended May 15, 2018 to be effective immediately.