

CHAPTER 61**ADDRESS CONFIDENTIALITY PROGRAM****Authority**

N.J.S.A. 47:4-4 and Reorganization Plan 004-1998.

Source and Effective Date

R.2005 d.115, effective March 15, 2005.
See: 36 N.J.R. 3225(a), 37 N.J.R.1177(a).

Chapter Expiration Date

Chapter 61, Address Confidentiality Program, expires on March 15, 2010.

Chapter Historical Note

Chapter 61, Recruitment and Training Program, was adopted as R.1970 d.55, effective May 15, 1970. See: 2 N.J.R. 23(a), 2 N.J.R. 47(a).

Chapter 61, Recruitment and Training Program, was repealed by R.1978 d.360, effective October 6, 1978. See: 10 N.J.R. 377(a), 10 N.J.R. 470(a).

Chapter 61, Address Confidentiality Program, was adopted as new rules by R.1999 d.359, effective October 18, 1999. See: 31 N.J.R. 2025(a), 31 N.J.R. 3084(a).

Chapter 61, Address Confidentiality Program, was readopted as R.2005 d.115, effective March 15, 2005. See: Source and Effective Date.

CHAPTER TABLE OF CONTENTS**SUBCHAPTER 1. PURPOSE AND SCOPE**

5:61-1.1 Purpose and scope

SUBCHAPTER 2. DEFINITIONS

5:61-2.1 Definitions

SUBCHAPTER 3. APPLICATION AND CERTIFICATION PROCESS

5:61-3.1 Requirements for participation in ACP
5:61-3.2 Certification

SUBCHAPTER 4. RECERTIFICATION

5:61-4.1 Requirements for recertification
5:61-4.2 Recertification
5:61-4.3 Notice of recertification to provider agencies

SUBCHAPTER 5. CERTIFICATION WITHDRAWAL, INVALIDATION, EXPIRATION AND TERMINATION

5:61-5.1 Withdrawal
5:61-5.2 Termination
5:61-5.3 Notice to State and/or local government agency

SUBCHAPTER 6. APPEAL OF CERTIFICATION TERMINATION

5:61-6.1 Filing procedures
5:61-6.2 Program manager response
5:61-6.3 Commissioner's decision

SUBCHAPTER 7. PROGRAM PARTICIPANT PRIVILEGES

5:61-7.1 Request for confidentiality
5:61-7.2 Provider agency requirements

SUBCHAPTER 8. DISCLOSURE OF INFORMATION

5:61-8.1 Disclosure

SUBCHAPTER 9. INFORMATION RELEASE TO LAW ENFORCEMENT AGENCIES OR UPON COURT ORDER

5:61-9.1 Release to law enforcement agencies generally
5:61-9.2 Requests for release of records to law enforcement agencies
5:61-9.3 Emergency release of records
5:61-9.4 Notice of release to program participant
5:61-9.5 Confidentiality of records released

SUBCHAPTER 10. AGENCY EXEMPTION REQUESTS

5:61-10.1 Requirements of request for exemption
5:61-10.2 Exemption determination
5:61-10.3 Appeal of denial of request for exemption

SUBCHAPTER 11. PROTECTED VOTER RECORDS

5:61-11.1 Confidentiality of voter records information
5:61-11.2 Processing of protected voter records

SUBCHAPTER 1. PURPOSE AND SCOPE**5:61-1.1 Purpose and scope**

(a) The purpose of this program is to establish uniform Statewide procedures for maintaining the confidentiality of name and address information of victims of domestic violence in the records of State and local government agencies.

(b) The provisions of this chapter shall be applicable to victims of domestic violence and/or individuals who are certified by the Commissioner of the Department of Community Affairs as eligible to participate in the Address Confidentiality Program (ACP) and State and local government agencies or nonprofit agencies authorized to assist program participants with ACP applications.

SUBCHAPTER 2. DEFINITIONS**5:61-2.1 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"ACP" means Address Confidentiality Program.

"Address" means a residential street address, school address, or work address of a person.

"Agency" means an office, department, division, bureau, board, commission or other statutory unit of State or local government or any functional subdivision of that agency.

"Application assistant" means an employee of a State or local government agency, or of a nonprofit program that provides counseling, referral or shelter services to victims of domestic violence, who meets the minimum training requirements of 40 hours of domestic violence training and is designated by the agency, and accepted and registered by the Commissioner to assist individuals in the completion of program participation applications.

"Authorized personnel" means an employee of a State or local government agency designated by the Chief Executive Officer of the agency, to process and have access to applications and records, pertaining to program participants.

"Commissioner" means the Commissioner of the Department of Community Affairs or his or her designee.

"Department" means the Department of Community Affairs.

"Domestic violence" means an act defined under N.J.S.A. 2C:25-19, which has been reported to a law enforcement agency or court.

"Program manager" means the agency employee designated by the Commissioner with responsibility for developing and administering the Address Confidentiality Program in accordance with the provisions of N.J.S.A. 47:4-1 et seq.

"Program participant" means a person and his or her minor children who meet the requirements for admission to the Address Confidentiality Program and are certified by the Commissioner and/or her or his designee as eligible to participate in the Address Confidentiality Program.

"Provider agency" means an agency from which a program participant is applying for or receiving services.

"Public record" means any paper, written or printed book, document or drawing, map or plan, photograph, microfilm, data processed document, sound-recording or similar device, of any copy thereof which has been made or is required by law to be received for filing, indexing or reproducing by any officer, commission, agency, or authority of the State or of any political subdivision thereof including subordinate boards thereof, or that has been received by any such officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, in connection with the transaction of public business and has been retained by such recipient of successor as evidence of its activities or because of the information contained therein.

"Substitute mailing address" means a mailing address designated by the Commissioner, which is not the program participant's residential address as documented on his or her application but is an alternative address to which mail is to be mailed.

Amended by R.2004 d.430, effective November 15, 2004.
See: 36 N.J.R. 3334(h), 36 N.J.R. 5094(a).
Rewrote "Program participant".

SUBCHAPTER 3. APPLICATION AND CERTIFICATION PROCESS

5:61-3.1 Requirements for participation in ACP

(a) All applicants for participation in ACP must be 18 years of age or over, an emancipated minor, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person.

(b) All applicants shall complete a standard application form and an authorization form, which may be obtained from a local domestic violence program. Information about how to contact the local domestic violence programs can be obtained by contacting the New Jersey Address Confidentiality Program at 1-877-218-9133.

1. The standard application form shall require the provision of the following:

- i. The applicant's name;
- ii. The names and ages of minor children who will participate in the program;
- iii. A statement that an act or acts of domestic violence has been reported to a law enforcement agency and/or court;
- iv. The application assistant's name (printed), signature and agency;
- v. The applicant's statement that the applicant fears further violent acts from the batterer and that the applicant has relocated to a location unknown to the batterer;
- vi. The applicant's new residential address, mailing address (if different from the residential address), work address, and/or school address and telephone numbers for which confidentiality is being requested;
- vii. The name(s), address(es), and telephone number(s) of a contact person(s) through whom the ACP may reach, or with whom the program manager may leave a message for, the applicant;
- viii. The applicant's designation of the Commissioner as her or his agent for service of process and for receipt of mail;