

NOTICE TO THE BAR

PROPOSED AMENDMENTS TO RULE 1:38-3(f) TO EXCLUDE FROM PUBLIC ACCESS NEW CONFIDENTIAL FORMS REQUIRED FOR CIVIL ADULT NAME CHANGE APPLICATIONS – PUBLICATION FOR COMMENT

An application for an adult name change in the Civil Division requires the submission of confidential personal identifiers, including the applicant's full Social Security number. Name change applications were until recently filed on paper. As of October 22, 2018, however, these applications are required to be filed electronically in eCourts, the Judiciary's electronic filing and recordkeeping system.

In preparation for the transition to electronic filing of adult name change applications in the Civil Division, the Judiciary revised its forms to remove the applicant's Social Security number from the Verified Complaint form and instead to require its submission in a new Certification of Confidential Information for Name Change form. The revised forms also now exclude the Social Security number from the Final Judgment form and instead require it in a new Final Judgment Addendum form. In creating the new Certification and new Addendum forms, the intention was for these documents to be excluded from public access and that they be treated as confidential in eCourts.

Since electronic filing of name change applications started in October 2018, the Judiciary as required by R. 1:38-7(e) individually has excluded from public access the Social Security numbers of name change applicants. Along those same lines, the Judiciary now proposes to protect from public access the Social Security numbers in the two new forms. Attached is the proposed amendment to R. 1:38-3(f) to add to the categories of documents excluded from public access the Certification of Confidential Information for Name Change and Final Judgment Addendum. This amendment will ensure that these documents are treated as confidential in eCourts.

Comments on the proposed amendment to Rule 1:38-3(f) should be submitted in writing by February 4, 2019 to:

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts
Attn: Comments – Amendments to Rule 1:38-3(f)
Hughes Justice Complex, P.O. Box 037
Trenton, New Jersey 08625-0037

Comments may also be submitted by email to: Comments.Mailbox@njcourts.gov.

The Supreme Court will not consider comments submitted anonymously. Thus, those submitting comments by mail should include their name and address and those

submitting comments by email should include their name and email address. Comments submitted in response to this notice are subject to public disclosure.

/s/ Glenn A. Grant

Glenn A. Grant, J.A.D.
Acting Administrative Director of the Courts

Dated: January 3, 2019

PROPOSED AMENDMENTS

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

The following court records are excluded from public access:

(a) – (e) no change

(f) Records of Other Proceedings.

(1) – (8) no change

(9) Written requests by a crime victim, or if such a person is deceased or incapacitated, a member of that person's immediate family, for a record to which the victim is entitled pursuant to N.J.S.A. 47:1A-5(b)(2)[.];

(10) Certification of Confidential Information for Name Change forms and Final Judgment Addendum forms prepared in actions for change of name pursuant to N.J.S.A. 2A:52-1 and R. 4:72-1 et seq.

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 26, 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; subparagraphs (f)(2) and (f)(5) amended, and new subparagraph (f)(9) added December 9, 2014 to be effective immediately; 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; new subparagraph (c)(13) adopted July 27, 2018 to be effective September 1, 2018; new subparagraph (c)(14) adopted and subparagraph (f)(5) amended September 12, 2018 to be effective immediately; new subparagraph (f)(10) adopted _____ to be effective immediately.