

CHAPTER 10A**DIVISION OF YOUTH AND FAMILY
SERVICES HEARINGS****Authority**

N.J.S.A. 52:14F-5(e), (f) and (g).

Source and Effective Date

R.2003 d.84, effective February 18, 2003.
See: 34 N.J.R. 3568(a), 35 N.J.R. 1053(a).

Chapter Expiration Date

Chapter 10A, Division of Youth and Family Services Hearings,
expires on February 18, 2008.

Chapter Historical Note

Chapter 10A, Department of Corrections Inmate Discipline Cases,
was adopted pursuant to N.J.S.A. 52:14F-5(e), (f) and (g) as R.1985
d.489, effective September 16, 1985. See: 17 N.J.R. 1610(a), 17 N.J.R.
2288(b).

Chapter 10A, Department of Corrections Inmate Discipline Cases,
was repealed by R.1987 d.200 and new rules were adopted, effective
May 4, 1987 (operative July 1, 1987). See: 18 N.J.R. 728(a), 18 N.J.R.
1728(a), 19 N.J.R. 715(a).

Chapter 10A, Department of Corrections Inmate Discipline Cases,
was repealed by R.1992 d.213, effective May 18, 1992. See: 24 N.J.R.
321(a), 24 N.J.R. 1873(b).

Chapter 10A, Division of Youth and Family Services Hearings, was
adopted as new rules by R.2003 d.84. See: Source and Effective
Date.

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SUBCHAPTER 1. APPLICABILITY**1:10A-1.1 Applicability**

The rules in this chapter shall apply to matters transmitted to the Office of Administrative Law by the Division of Youth and Family Services (DYFS) involving issues of child abuse or neglect. These rules also apply to any case transmitted to the Office of Administrative Law by another State agency which is consolidated with a DFYS case involving issues of child abuse or neglect. Any aspect of the hearing not covered by the special hearing rules shall be governed by the Uniform Administrative Procedure Rules (UAPR) contained in N.J.A.C. 1:1. To the extent that these rules are inconsistent with the UAPR, these rules shall apply.

SUBCHAPTERS 2. THROUGH 11. (RESERVED)**SUBCHAPTER 12. MOTIONS****1:10A-12.1 Motion for access for records**

(a) Any person or entity who is not a party to the contested case and who at any time prior to the issuance of the initial decision seeks access to the hearing, the record of the hearing, the initial decision, or other material protected by an order to seal issued pursuant to N.J.A.C. 1:10A-14.1 shall apply by motion to the administrative law judge.

(b) Motions for access to records shall be decided within 20 days from the date of submission.

(c) The order issued by the administrative law judge shall be submitted to the Director of the Division of Youth and Family Services for review. The Director of the Division of Youth and Family Services shall issue a final determination as to the issue of disclosure no later than 20 days from receipt of the order of the administrative law judge.

(d) Any person or entity who is not a party to the contested case and who at any time after issuance of the initial decision seeks access to the record of the hearing, the initial decision, or other material protected by an order to seal issued pursuant to N.J.A.C. 1:10A-14.1 shall apply by motion to the Director of the Division of Youth and Family Services. The Director of the Division of Youth and Family Services shall issue a final determination within 20 days of receipt of the motion.

SUBCHAPTER 13. (RESERVED)**SUBCHAPTERS 15. THROUGH 16. (RESERVED)****SUBCHAPTER 14. CONDUCT OF CASES****1:10A-14.1 Public hearing; records as public; sealing a record**

(a) In any DYFS matter involving allegations of child abuse or neglect which has not been consolidated with a case from another State agency, the judge shall immediately issue an order closing the hearing and sealing the record including all evidence, stenographic notes or audiotape and the initial decision.

(b) In any matter where in a DYFS case involving allegations of child abuse and neglect has been consolidated with a case transmitted by another State agency, the judge shall issue an order closing the hearing and sealing the record of the case as necessary to protect all DYFS records and reports regarding child abuse.

SUBCHAPTER 17. CONSOLIDATION OF TWO OR MORE CASES; MULTIPLE AGENCY JURISDICTION CLAIM; DETERMINATIONS OF PREDOMINANT INTEREST**1:10A-17.1 Predominant interest regarding confidentiality issues**

In any instance where a DYFS case involving allegations of child abuse and neglect has been consolidated with a case transmitted by another State agency, the Division of Youth and Family Services shall be deemed to have the predominant interest with regard to the issue of confidentiality of any records or reports of child abuse and neglect.