

NOTICE TO THE BAR

APPLICABILITY OF RECENT AMENDMENT TO RULE 1:38-7(a) – INFORMATION AS TO MILITARY STATUS AS A CONFIDENTIAL PERSONAL IDENTIFIER

Rule 1:38-7(b) requires that a party shall not set forth confidential personal identifiers in any document or pleading submitted to the court unless otherwise required by statute, rule, administrative directive, or court order, with limited exception for portions of active financial account numbers. The Supreme Court adopted amendments to Rule 1:38 effective September 12, 2018, including an amendment to R. 1:38-7(a) to add to the list of confidential personal identifiers “information as to an individual’s military status.”

This notice responds to questions about the applicability of R. 1:38-7(a) in two instances: (1) to affidavits of non-military status and (2) in matters involving appointment of a guardian ad litem to represent the interests of a party in military service.

1. Affidavits of non-military status and similar documents should be submitted (electronically or on paper) without redaction.

By definition, the affidavit provides information about non-military status, meaning that it divulges no confidential personal identifier as defined by R. 1:38-7(a). Attorneys and self-represented litigants, including parties seeking entry of a default judgment in the Special Civil Part using the Judiciary’s Default Judgment packet (CN10914), should include an unredacted affidavit and supporting attachments.

2. Motions and other documents referencing a guardian ad litem (GAL) appointed to represent a party in military service, including a defendant in foreclosure action (R. 4:46-1(h)), should be submitted on paper pending programming in eCourts to treat those documents as confidential.

A motion to appoint a guardian ad litem (GAL) to represent the interests of a party in military service discloses the party’s military status, which is now a confidential personal identifier pursuant to the recent amendments to R. 1:38-7(a). The Judiciary’s electronic case filing system, eCourts, will be enhanced to treat such documents as confidential.

Pending implementation of those technological changes, applications for appointment of a GAL and related documents should be filed on paper.

Questions regarding this notice or the amendment to R. 1:38-7(a) should be directed to the Superior Court Clerk's Office at (609) 421-6100.



Hon. Glenn A. Grant, J.A.D.

Dated: November 19, 2018