

CHAPTER 18

MAIL, VISITS, AND TELEPHONE

Authority

N.J.S.A. 30:1B-6 and 30:1B-10.

Source and Effective Date

R.2015 d.176, effective October 27, 2015.
See: 47 N.J.R. 1232(a), 47 N.J.R. 3031(a).

Chapter Expiration Date

Chapter 18, Mail, Visits, and Telephone, expires on October 27, 2022.

Chapter Historical Note

Chapter 18, Mail, Visits and Telephones, was adopted as R.1987 d.263, effective July 6, 1987. See: 19 N.J.R. 33(b), 19 N.J.R. 1214(b).

Pursuant to Executive Order No. 66(1978), Chapter 18, Mail, Visits and Telephone, was readopted as R.1992 d.262, effective May 27, 1992. See: 24 N.J.R. 1204(b), 24 N.J.R. 2627(a).

Subchapter 7, Bedside and Funeral Visits, was renamed as Subchapter 7, Bedside, Private Viewing, and Funeral Visits, by R.1996 d.489, effective October 21, 1996. See: 28 N.J.R. 3868(a), 28 N.J.R. 4580(b). Pursuant to Executive Order No. 66(1978), Chapter 18, Mail, Visits and Telephone, expired on May 27, 1997.

Chapter 18, Mail, Visits and Telephone, was adopted as R.1997 d.431, effective October 6, 1997. See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Subchapter 9, Restrictions on Sexually Oriented Materials at the Adult Diagnostic and Treatment Center, was adopted as R.1999 d.193, effective June 21, 1999. See: 31 N.J.R. 918(a), 31 N.J.R. 1615(a).

Chapter 18, Mail Visits and Telephone, was readopted as R.2002 d.407, effective November 19, 2002. See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

Chapter 18, Mail, Visits and Telephone, was readopted as R.2008 d.141, effective May 6, 2008. As a part of R.2008 d.141, Subchapter 1, Introduction, was renamed General Provisions, effective June 2, 2008. See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

Petition for Rulemaking. See: 42 N.J.R. 2150(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 18, Mail, Visits and Telephone, was scheduled to expire on May 6, 2015. See: 43 N.J.R. 1203(a).

Chapter 18, Mail, Visits and Telephone, was readopted as R.2015 d.176, effective October 27, 2015. As a part of R.2015 d.176, the chapter was renamed Mail, Visits, and Telephone, effective December 7, 2015. See: Source and Effective Date. See, also, section annotations.

Law Review and Journal Commentaries

ACLU Plans Suit to Challenge Prison Censorship. Hanna W. Rosin, 132 N.J.L.J. No. 13, 3 (1992).

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SUBCHAPTER 1. GENERAL PROVISIONS

10A:18-1.1 Purpose

(a) The purpose of this chapter is to establish guidelines for:

1. Permitting inmates to correspond with persons or entities outside the correctional facility;
2. Processing legal correspondence in correctional facilities;
3. Inmates sending and receiving publications;
4. Inmates sending and receiving packages;
5. Contact and non-contact visits with inmates;
6. Bedside, private viewing and funeral visits by an inmate to a dying or deceased relative; and
7. Inmate access to and use of the telephone.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (a)6, inserted "private viewing".

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (a)6, substituted "Bedside" for "Beside".

10A:18-1.2 Scope

(a) N.J.A.C. 10A:18-1, 2, 3, 4, 6, 7 and 8 shall be applicable to State correctional facilities operated by the Department of Corrections and to inmates housed in facilities other than county jails in accordance with contractual agreements with the Department of Corrections unless otherwise indicated in this chapter.

(b) N.J.A.C. 10A:18-5 shall be applicable to State correctional facilities operated by the Department of Corrections.

(c) N.J.A.C. 10A:18-9 shall be applicable to inmates confined to the Adult Diagnostic and Treatment Center.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Substantially amended section.

Amended by R.1999 d.193, effective June 21, 1999.

See: 31 N.J.R. 918(a), 31 N.J.R. 1615(a).

Added (a) designation; and added (b) and (c).

Amended by R.2008 d.141, effective June 2, 2008.
See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (a)1 through (a)4, substituted "commander" for "supervisor".

10A:18-2.18 Appeal and final disposition

(a) When the correspondence has been withheld in the mail room or when correspondence has been removed from the inmate's possession, the sender or inmate may appeal the action of the shift commander to the Administrator within 10 calendar days of the date of notice.

(b) The sender or inmate shall be permitted to submit documents in writing to the Administrator that state that the challenged correspondence does not violate the category indicated in the report of the staff member.

(c) The Administrator or designee, whose title shall not be lower than an Associate Administrator, Assistant Superintendent or Director of Custody Operations, shall consider the appeal.

(d) The Administrator or designee shall issue a written decision on the appeal and shall respond to the sender or inmate, as appropriate, within 72 hours of receipt of the written appeal. If the decision is to withhold the correspondence from the inmate, the decision shall contain a specific finding that the correspondence violates the category indicated in the report of the staff member.

(e) If a correspondence is found to be objectionable only in part and such part is easily separable from the rest of the correspondence, the sender or inmate, as appropriate, shall be given the choice of whether to allow the correctional facility to excise the offending portions or to forfeit the inmate's right to the correspondence.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Amended by R.2002 d.407, effective December 16, 2002.

See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

Substituted "Administrator" for "Superintendent" and references to staff member for correction officer throughout; in (a), inserted "calendar" following "10"; in (b), inserted "state that" preceding "the challenged"; in (c), inserted "an Associate Administrator" preceding "Assistant Superintendent".

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (a), substituted "commander" for "supervisor".

10A:18-2.19 Forwarding correspondence to an inmate transferred to another correctional facility

(a) Whenever an inmate is transferred from one correctional facility to another, the inmate shall be responsible for notifying correspondents of the change of address.

(b) For a period not to exceed three months, the correctional facility from which the inmate is transferred shall forward all incoming correspondence to the correctional facility to which the inmate has been transferred.

(c) Any correspondence received after the three month period shall be returned to the sender. If the sender cannot be

identified, the correspondence shall be marked "Refused" and returned to the United States Postal Service unopened.

Amended by R.1989 d.338, effective July 3, 1989.

See: 20 N.J.R. 2854(a), 21 N.J.R. 1910(a).

In (c): added language regarding procedures for marking correspondence and returning it unopened.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

10A:18-2.20 Forwarding correspondence to an inmate released on parole or at expiration of maximum sentence

(a) Designated staff at each correctional facility shall obtain an inmate's forwarding address at or about the time of the inmate's release on parole or at the expiration of the inmate's maximum sentence.

(b) The inmate shall be asked whether correspondence received at the correctional facility should be forwarded to the inmate.

(c) Upon the inmate's request, correspondence shall be forwarded.

(d) Certified or registered mail shall not be forwarded, but shall be returned to the sender.

(e) Correspondence shall be forwarded for a maximum of three months from the date of the inmate's release. Correspondence received thereafter shall be returned to the sender. If the sender cannot be identified, the correspondence shall be marked "Refused" and returned to the United States Postal Service unopened.

Amended by R.1989 d.338, effective July 3, 1989.

See: 20 N.J.R. 2854(a), 21 N.J.R. 1910(a).

In (e): added language describing the procedures for marking correspondence and returning it unopened.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (a), substituted "Designated staff at each" for "The"; in (c), deleted "the correctional facility shall forward the" preceding "correspondence" and inserted "shall be forwarded"; in (d), substituted "Certified" for "The correctional facility shall not forward certified" and "be returned" for "return it", and inserted "shall not be forwarded".

10A:18-2.21 Forwarding correspondence to an inmate remanded to a detention facility

(a) When an inmate is remanded to a county jail or other facility in which he or she is temporarily detained to await trial for a prior offense or for any other reasons, correspondence received for the inmate at the correctional facility shall be forwarded to the other facility, upon the inmate's request.

(b) Designated staff at the correctional facility shall develop written procedures for forwarding an inmate's correspondence when the inmate is remanded to a detention facility. These procedures shall include a form that the inmate

shall sign before the inmate is transferred to the other facility indicating whether the inmate wishes correspondence forwarded.

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (b), substituted "Designated staff at" for "Written procedures shall be developed by" and "that" for "which", and inserted "shall develop written procedures".

10A:18-2.22 Forwarding correspondence of an inmate who has escaped

(a) All incoming correspondence addressed to an inmate who has escaped from a correctional facility shall be returned to the sender with an indication that the inmate is no longer in custody.

(b) If the incoming mail does not have a return address, it shall be opened to determine the sender.

(c) If the sender cannot be identified, the correspondence shall be resealed and returned to the United States Postal Service.

Amended by R.1989 d.338, effective July 3, 1989.

See: 20 N.J.R. 2854(a), 21 N.J.R. 1910(a).

In (c): deleted "destroyed" and added "resealed ... Office."

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

10A:18-2.23 Correspondence to and from illiterate inmates

(a) If an inmate is unable to read or write, the social worker assigned to the inmate's housing unit shall, upon request, assist the inmate in maintaining community ties by:

1. Writing a letter as dictated by the inmate; and
2. Reading incoming correspondence to the inmate.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

10A:18-2.24 Cost of mailing correspondence for nonindigent inmates

(a) If a nonindigent inmate has funds in his or her account, the nonindigent inmate shall be charged for the cost of mailing correspondence.

(b) If the nonindigent inmate has temporarily overdrawn the account or has a balance in the account, but the balance is not sufficient to pay the total cost of mailing the correspondence, the correctional facility shall:

1. Ensure that the correspondence is mailed via First Class or standard mail whichever costs less;
2. Remove from the nonindigent inmate's account the amount available in accordance with (c) below;
3. Charge the nonindigent inmate's account the amount owed the correctional facility; and

4. Advise the nonindigent inmate in writing of the amount owed and the reason therefor.

(c) Until the correctional facility has been reimbursed in full for the cost of mailing correspondence via First Class or standard mail whichever is lower, the Business Manager or designee shall:

1. Remove from the nonindigent inmate's account any amount of funds in excess of the one time monthly amount of \$15.00 for reimbursement for the full cost of mailing correspondence in accordance with N.J.A.C. 10A:2-2;

2. Note in the nonindigent inmate's account each removal of funds from an inmate's account;

3. Provide to the nonindigent inmate a monthly account statement to include each removal of funds for the cost of mailing correspondence from the nonindigent inmate's account; and

4. Reimburse to the correctional facility the funds collected from the inmate for the cost of mailing correspondence. Reimbursements shall be made in accordance with applicable State and Departmental internal management policies.

(d) In the event a nonindigent inmate is transferred to another correctional facility within the Department of Corrections, the Business Manager or designee of the sending correctional facility shall notify the Business Manager of the receiving correctional facility in writing of the remaining amount due the sending correctional facility for mailing correspondence. The notification shall also request that funds continue to be removed from the nonindigent inmate's account until reimbursement has been made in full. The receiving correctional facility shall issue a check for the funds collected from the inmate and forward the check to the sending correctional facility.

(e) Whenever a nonindigent inmate's account exceeds a negative balance of \$25.00, the Administrator or designee shall be notified.

(f) Mailing costs are regarded as collectable if a nonindigent inmate is paroled or released prior to making full reimbursement of funds owed for correspondence mailing costs.

(g) The Business Manager or designee shall notify in writing the Central Office Revenue Unit (CORU) of the remaining amount due the correctional facility. The CORU shall take whatever action is possible to collect the mailing costs due and forward same to the correctional facility.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Inserted nonindigent references throughout and substantially amended.

Amended by R.2002 d.407, effective December 16, 2002.

See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

In (e), substituted "Administrator" for "Superintendent".

ance is not sufficient to pay the total cost of mailing the legal correspondence, the cost of mailing shall be handled in accordance with N.J.A.C. 10A:18-2.24.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Inserted nonindigent references and substituted N.J.A.C. reference for specific handling instructions.

10A:18-3.8 Cost of mailing legal correspondence by indigent inmates

(a) The correctional facility shall provide letter writing materials and shall assume the cost of mailing legal correspondence for indigent inmates as defined in N.J.A.C. 10A:1-2.2.

(b) The cost of mailing legal correspondence shall extend only to First Class or standard postage and shall not include:

1. Registered mail;
2. Certified mail;
3. Preferential mail; or
4. Insured mail.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (a), substituted N.J.A.C. reference for specific handling instructions; in (b), inserted reference to standard postage; and deleted (c), relating to status as indigent upon receiving job offer at facility.

Amended by R.2002 d.407, effective December 16, 2002.
See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

In (b), inserted new 3 and recodified former 3 as 4.

10A:18-3.9 Forwarding legal correspondence to an inmate transferred to another correctional facility

(a) Whenever an inmate is transferred from one correctional facility to another, the inmate shall be responsible for notifying his or her correspondents of the change of address.

(b) For a period not to exceed three months, the correctional facility from which the inmate is transferred shall forward all regular incoming legal correspondence to the correctional facility to which the inmate has been transferred.

(c) Any legal correspondence received after the three month period shall be returned to the sender.

10A:18-3.10 Forwarding legal correspondence to an inmate released on parole or released after expiration of maximum sentence

(a) The correctional facility shall obtain an inmate's forwarding address at or about the time of the inmate's release on parole or at the expiration of the inmate's maximum sentence.

(b) The inmate shall be asked whether legal correspondence received at the correctional facility should be forwarded to him or her.

(c) Upon the inmate's request, the correctional facility shall forward the legal correspondence to him or her.

(d) The correctional facility shall not forward certified or registered mail, but shall return it to the sender.

(e) Legal correspondence shall be forwarded for a maximum of three months from the date of the inmate's release. Legal correspondence received thereafter shall be returned to the sender.

10A:18-3.11 Forwarding legal correspondence to an inmate remanded to a detention facility

(a) When an inmate is remanded to a county jail or other facility in which he or she is temporarily detained to await trial for a prior offense or for any other reasons, legal correspondence received for the inmate at the correctional facility shall be forwarded to the other facility, upon the inmate's request.

(b) Designated staff at the correctional facility shall develop written procedures for forwarding an inmate's legal correspondence when the inmate is remanded to a detention facility. These procedures shall include a form that the inmate shall sign before the inmate is transferred to the other facility indicating whether the inmate wishes the legal correspondence forwarded.

Amended by R.2008 d.141, effective June 2, 2008.
See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (b), substituted "Designated staff at" for "Written procedures shall be developed by" and "that" for "which", and inserted "shall develop written procedures".

10A:18-3.12 Forwarding legal correspondence of an inmate who has escaped

(a) All incoming legal correspondence addressed to an inmate who has escaped from a correctional facility shall be returned to the sender with an indication that the inmate is no longer in custody.

(b) If the incoming legal correspondence does not have a return address, it shall be opened to determine the sender.

(c) If the sender cannot be identified, the correspondence shall be destroyed.

10A:18-3.13 (Reserved)

Repealed by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Section was "Inmate use of inter-office correspondence".

SUBCHAPTER 4. PUBLICATIONS

10A:18-4.1 Notice to inmates

(a) Inmates shall be informed of new or revised rules and procedures regarding the mailing and receipt of publications

by posting appropriate notices in each housing area and other areas of the correctional facility.

(b) Notice of new or revised rules and procedures regarding publications shall be given to each Inmate Liaison Committee. These Committees shall be responsible for notifying the inmate population.

(c) During the admission orientation program, new inmates shall be given a description and explanation of the rules and procedures regarding publications.

(d) New or revised rules and procedures regarding publications shall be incorporated into the next revision of the Inmate Handbook.

(e) Inmates are permitted to receive and retain publications that comply with the rules set forth in this chapter and that do not threaten the safe, secure, discipline or orderly operation of the correctional facility or facilitate criminal activity, or are otherwise prohibited by law.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).
Amended by R.2008 d.141, effective June 2, 2008.
See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).
Added (e).

10A:18-4.2 Limitation on source of publications

(a) Inmates in general population shall be permitted to receive hardcover books, paperback books, magazines and other softcover publications from an authorized source of sale only, such as, but not limited to, the publisher, a book club or a bookstore.

(b) Inmates shall be permitted to receive newspapers only by subscription mailed directly from the publisher.

(c) There shall be no restriction on the number of publications an inmate in general population may receive.

(d) All books, magazines, publications and newspapers must be prepaid.

(e) Limitations regarding publications for inmates confined in close custody units shall be set forth in the unit internal management procedures.

Amended by R.1999 d.209, effective July 6, 1999.
See: 31 N.J.R. 833(a), 31 N.J.R. 1814(a).
Rewrote (a); deleted a former (b); recodified former (c) through (e) as (b) through (d); and in the new (d), deleted "by the inmate" at the end.
Amended by R.2002 d.407, effective December 16, 2002.
See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).
In (a) and (c), inserted "in general population" following references to inmate; added (e).
Amended by R.2008 d.141, effective June 2, 2008.
See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).
In (a), inserted "an authorized source of sale only, such as, but not limited to," and substituted ", a book club or a bookstore" for "or source of sale only".

10A:18-4.3 Publications in a language other than English

All State correctional facilities shall permit incoming publications in a language other than English.

10A:18-4.4 (Reserved)

Amended by R.1989 d.318, effective June 19, 1989.
See: 21 N.J.R. 837(a), 21 N.J.R. 1701(a).
Deleted reference to correctional facilities "within the State" thus authorizing reading of publications to or from inmates from other states.
Repealed by R.1999 d.209, effective July 6, 1999.
See: 31 N.J.R. 833(a), 31 N.J.R. 1814(a).
Section was "Publications to or from other inmates".

10A:18-4.5 Inspection of incoming publications

(a) Each incoming publication shall be opened and inspected for contraband, but shall not be read unless there is reason to believe that the publication contains disapproved content (see N.J.A.C. 10A:18-4.9) and then only upon the prior authorization of the Administrator or designee.

(b) A confidential list of the incoming publications that are read shall be maintained in the Special Investigations Division or mail room of the correctional facility, or wherever the confidentiality of the list can be maintained.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).
Administrative change.
See: 32 N.J.R. 303(a).
Amended by R.2002 d.407, effective December 16, 2002.
See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).
In (a), substituted "Administrator" for "Superintendent".

10A:18-4.6 Identification of incoming publications

(a) The sender's name and address and the inmate's name and number shall appear legibly on the outside of all incoming publications.

(b) The inmate's name and number shall appear on the outside of the incoming publication. Publications without both the inmate's name and number shall be returned to sender.

(c) If the sender's name and address do not appear on the outside of the publication, the publication shall be opened and examined to determine the identity of the sender.

(d) If the sender cannot be identified, the publication shall be destroyed.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).
Inserted new (b); and recodified former (b) and (c) as (c) and (d).

10A:18-4.7 Inspection and identification of outgoing publications

(a) Outgoing publications shall be reviewed to determine the sender.

3. The publication shall be returned to the inmate within 48 hours if the shift commander disagrees with the determination of the staff member.

4. The written report shall be initialed and returned to the staff member if the shift commander agrees with the determination of the staff member.

5. The staff member shall provide the inmate, within 72 hours of the removal, with a written notice which identifies:

- i. The publication removed;
- ii. The reason for removing the publication; and
- iii. The inmate's right to appeal the removal.

Amended by R.2002 d.407, effective December 16, 2002.

See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

Substituted references to staff member for references to correction officer throughout.

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In the introductory paragraph of (a), updated the N.J.A.C. reference; and in (a)1 through (a)4, substituted "commander" for "supervisor".

10A:18-4.13 Appeal and final disposition

(a) When a publication has been withheld in the mail room or when a publication has been removed from the inmate's possession, the sender or inmate may appeal the action of the shift commander to the Administrator within 10 calendar days of the date of the notice.

(b) The sender or inmate shall be permitted to submit arguments, in writing to the Administrator, that the challenged publication does not violate the category indicated in the report of the staff member.

(c) The Administrator or designee, whose title shall not be lower than Associate Administrator, Assistant Superintendent or Director of Custody Operations, shall consider the appeal.

(d) The Administrator or designee shall issue a written decision on the appeal and respond to the sender or inmate, as appropriate, within 72 hours of receipt of the written appeal. If the decision is to withhold the publication from the inmate, the decision shall contain a specific finding that the publication violates the category indicated in the report of the staff member and a notification that the publication is being returned to the sender.

(e) If a publication is found to be objectionable only in part and such part is easily separable from the rest of the publication (such as a magazine article, etc.) the inmate shall be given the choice of whether to allow the correctional facility to excise the offending portion(s) or to forfeit his or her right to the publication.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (b), substituted "submit arguments" for "argue".

Amended by R.2002 d.407, effective December 16, 2002.

See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

Substituted "Administrator" for "Superintendent" throughout; in (a), inserted "calendar" following "10"; in (b) and (d), substituted references to staff member for correction officer throughout.

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (a), substituted "commander" for "supervisor".

10A:18-4.14 Forwarding publications to an inmate transferred to another correctional facility

(a) Whenever an inmate is transferred from one correctional facility to another, the inmate shall be responsible for notifying the publishers of the change of address.

(b) For a period not to exceed three months, the correctional facility from which the inmate is transferred shall forward all publications to the correctional facility to which the inmate has been transferred.

(c) Any publications received after the three month period may be destroyed or placed in the library of the correctional facility from which the inmate was transferred.

10A:18-4.15 Forwarding publications to an inmate released on parole or at expiration of maximum sentence

(a) The correctional facility shall obtain an inmate's forwarding address at or about the time of the inmate's release on parole or at the expiration of the inmate's maximum sentence.

(b) The inmate shall be asked whether publications received at the correctional facility should be forwarded to him or her.

(c) Upon the inmate's request, the correctional facility shall forward the publications to him or her.

(d) Publications shall be forwarded for a maximum of three months from the date of the inmate's release. Publications received thereafter may be destroyed or placed in the library of the correctional facility.

10A:18-4.16 Forwarding publications to an inmate remanded to a detention facility

(a) When an inmate is remanded to a county jail or other facility in which he or she is temporarily detained to await trial for a prior offense or for any other reasons, publications received for the inmate at the correctional facility shall be forwarded to the other facility, upon the inmate's request.

(b) Designated staff at the correctional facility shall develop written procedures for forwarding an inmate's publications when the inmate is remanded to a detention facility. These procedures shall include a form that the inmate shall sign before the inmate is transferred to the other facility indicating whether the inmate wishes publications forwarded.

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (b), substituted "Designated staff at" for "Written procedures shall be developed by" and "that" for "which", and inserted "shall develop written procedures".

10A:18-4.17 Return of publications addressed to an inmate who has escaped

(a) All publications addressed to an inmate who has escaped from a correctional facility shall be returned to the sender with an indication that the inmate is no longer in custody.

(b) If the publication does not have a return address, it shall be opened to determine the sender.

(c) If the sender cannot be identified, the publication may be destroyed or placed in the library of the correctional facility.

(d) All packages must be prepaid.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (c), substituted "source of sale" for "a retail store"; and deleted a former (d).

Amended by R.1998 d.301, effective June 15, 1998 (operative October 19, 1998).

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c), 30 N.J.R. 2209(a).

Inserted a new (c); and recodified former (c) as (d).

Petition for Rulemaking.

See: 31 N.J.R. 559(a).

Amended by R.1999 d.209, effective July 6, 1999.

See: 31 N.J.R. 833(a), 31 N.J.R. 1814(a).

In (a), inserted "Administrator or designee" in the introductory paragraph, and rewrote 1; in (b), substituted "in this section" for "by (a) above" at the end; and in (d), deleted "received from source of sale" following "packages".

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (c), inserted "an authorized".

Case Notes

Prison clothing regulation precluding inmates from wearing symbols or indicia of group membership or rank and precluding inmate from wearing dashiki was not illegal. *Lumumba v. Morton*, 280 N.J.Super. 400, 655 A.2d 487 (A.D.1995).

SUBCHAPTER 5. PACKAGES

10A:18-5.1 Notice to inmates

(a) Inmates shall be informed of new or revised rules and procedures regarding the mailing and receipt of packages by the posting of appropriate notices in each housing area and other areas of the correctional facility.

(b) Notice of new or revised rules and procedures regarding packages shall be given to each Inmate Liaison Committee. These Committees shall be responsible for notifying the inmate population.

(c) During the admission orientation program, new inmates shall be given a description and explanation of the rules and procedures regarding packages.

(d) New or revised rules and procedures regarding packages shall be incorporated into the next revision of the Inmate Handbook.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

10A:18-5.2 Limitations on packages

(a) Each correctional facility Administrator or designee shall promulgate:

1. Internal management procedures written in accordance with this section that include a written list of items which may be received in a package; and

2. A limit on the number and weight of packages which may be received by an inmate each month.

(b) Each inmate shall be given written notice of package limitations as established in this section.

(c) Inmates shall not be permitted to receive packages except from an authorized source of sale.

10A:18-5.3 Inspection of incoming packages

(a) Every incoming package shall be opened and searched for contraband except as established in (c) below.

(b) Any item of contraband which is found during a search shall be processed in accordance with N.J.A.C. 10A:3-6.

(c) Any package(s) received from a source other than an authorized source of sale shall be marked "Refused" and returned to the sender unopened if the sender can be identified.

Amended by R.1998 d.301, effective June 15, 1998 (operative October 19, 1998).

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c), 30 N.J.R. 2209(a).

Added (c).

Amended by R.1999 d.209, effective July 6, 1999.

See: 31 N.J.R. 833(a), 31 N.J.R. 1814(a).

In (a), added an exception at the end; and in (c), added "if the sender can be identified" at the end.

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (c), inserted "an authorized".

10A:18-5.4 Identification of incoming mailed packages

(a) Every incoming package shall be clearly marked with the name and address of the source of sale and the inmate's name and number.

(b) The inmate's name and number or the name of the inmate group shall appear on the outside of the incoming mailed package. Packages without both the inmate's name and number or the name of the inmate group shall be returned to the sender.

(c) If the name and address of the sender or source of sale does not appear on the outside of the incoming mailed

package, it shall be examined to identify the sender or source of sale when it is opened. (See N.J.A.C. 10A:18-5.3.)

(d) If the sender or source of sale of an incoming mailed package cannot be identified, the content of the package shall be destroyed.

Recodified from 10A:18-5.5 and amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Inserted references to source of sale throughout; in (b), inserted references to inmate group. Former section "Inspection and identification of outgoing packages" repealed.

Amended by R.1998 d.301, effective June 15, 1998 (operative October 19, 1998).

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c), 30 N.J.R. 2209(a).

In (a), deleted a reference to sender; in (b), deleted a reference to source of sale.

10A:18-5.5 Inspection and identification of outgoing packages

(a) Every outgoing package shall be opened and inspected.

(b) Every outgoing package shall be clearly marked with the inmate's name and number or the name of the inmate group on the outside of the package.

(c) If either the inmate's name or number or the name of the inmate group does not appear on the outside of the outgoing package, when opened for inspection, it shall be examined to identify the sender so that it can be returned to the inmate or inmate group for proper mailing.

(d) If the sender of an outgoing package cannot be identified, the content of the package shall be destroyed.

(e) The content of outgoing packages shall be limited to inmate personal property.

(f) Any item of contraband which is found during an inspection of outgoing packages shall be processed in accordance with N.J.A.C. 10A:3-6.

New Rule, R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

10A:18-5.6 Package processing

(a) All properly identified incoming packages (see N.J.A.C. 10A:18-5.4) shall be distributed to inmates as soon as possible to avoid spoilage of perishable items.

(b) All properly identified outgoing packages (see N.J.A.C. 10A:18-5.4) shall be sent to the post office within one day of their receipt in the mail room excluding weekends, holidays and during emergency incidents.

(c) Inmates shall not be involved in the processing of either incoming or outgoing packages.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (b), inserted reference to emergency incidents.

Amended by R.2002 d.407, effective December 16, 2002.

See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

In (a), amended the N.J.A.C. reference.

10A:18-5.7 Forwarding packages to an inmate transferred to another correctional facility

(a) Whenever an inmate is transferred from one correctional facility to another, the inmate shall be responsible for notifying his or her correspondents of the change of address.

(b) For a period not to exceed three months, the correctional facility from which the inmate is transferred shall forward all packages to the correctional facility to which the inmate has been transferred.

(c) Any packages received after the three month period shall be returned to the sender, if possible, or destroyed.

10A:18-5.8 Forwarding packages to an inmate released on parole or at expiration of maximum sentence

(a) The correctional facility shall obtain an inmate's forwarding address at or about the time of the inmate's release on parole or at the expiration of the inmate's maximum sentence.

(b) The inmate shall be asked whether packages received at the correctional facility should be forwarded to him or her.

(c) Upon the inmate's request, the correctional facility shall forward the packages to him or her.

(d) Packages shall be forwarded for a maximum of three months from the date of the inmate's release. Packages received thereafter shall be returned to the sender, if possible, or destroyed.

10A:18-5.9 Forwarding packages to an inmate remanded to a detention facility

(a) When an inmate is remanded to a county jail or other facility in which he or she is temporarily detained to await trial for a prior offense or for any other reasons, packages received for the inmate at the correctional facility shall be forwarded to the other facility, upon the inmate's request.

(b) Designated staff at the correctional facility shall develop written procedures for forwarding packages to an inmate when the inmate is remanded to a detention facility. These procedures shall include a form that the inmate shall sign before the inmate is transferred to the other facility indicating whether the inmate wishes packages forwarded.

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (b), substituted "Designated staff at" for "Written procedures shall be developed by" and "that" for "which", and inserted "shall develop written procedures".

10A:18-5.10 Forwarding packages of an inmate who has escaped

(a) All incoming packages addressed to an inmate who has escaped from a correctional facility shall be returned to the sender with an indication that the inmate is no longer in custody.

(b) If the package does not have a return address, the package shall be opened to determine the sender.

(c) If the sender cannot be identified, the package shall be destroyed.

SUBCHAPTER 6. VISITS

10A:18-6.1 Notice to inmates

(a) Inmates shall be informed of new or revised rules and procedures regarding visits by posting appropriate notices in each housing area and other appropriate areas of the correctional facility.

(b) Notice of new or revised rules and procedures regarding visits shall be given to each Inmate Liaison Committee. These Committees shall be responsible for notifying the inmate population.

(c) During the admission orientation program, new inmates shall be given a description and explanation of the rules and procedures regarding visits.

(d) New or revised rules and procedures regarding visits shall be incorporated into the next revision of the Inmate Handbook.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

10A:18-6.2 List of visitors

(a) Upon admission, inmates are responsible for submitting a list of names and addresses of their potential visitors to the Administrator or designee.

(b) Inmates are responsible for submitting any subsequent revisions to their list of visitors in accordance with internal management procedures of the correctional facility.

Amended by R.2002 d.407, effective December 16, 2002.

See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

Substituted "Administrator" for "Superintendent".

Amended by R.2009 d.208, effective July 6, 2009.

See: 41 N.J.R. 954(a), 41 N.J.R. 2659(a).

Added designation (a); rewrote (a); and added (b).

10A:18-6.3 Approval of potential visitors

(a) The correctional facility Administrator or designee may approve the following persons to visit an inmate:

1. Relatives (see N.J.A.C. 10A:1-2.2). For the purposes of this subchapter, "relative" shall also include grandparents, cousins and aunts and uncles;

2. Close friends;

3. Clergy; and

4. Persons who may have a constructive influence on the inmate.

(b) Any person with an adult criminal conviction or who is currently on probation or parole who wishes to visit an inmate shall disclose such criminal history. Such persons shall not be automatically excluded from visiting an inmate. The nature and extent of an individual's criminal record, plus their history of recent criminal activity, shall be weighed against the benefits of visitation in determining visitation eligibility. Failure to provide such disclosure shall result in the visitor being banned from visiting an inmate committed to the custody of the Department of Corrections for a minimum of 60 days and the visitor shall be required to apply in writing to the Administrator for approval/disapproval of the reinstatement of visit privileges.

(c) Persons determined, by substantial evidence, to have a harmful influence upon the inmate or to constitute a threat to the security of the correctional facility shall be banned from visiting an inmate committed to the custody of the Department of Corrections for a minimum of 365 days and the visitor shall be required to apply in writing to the Administrator for approval/disapproval of the reinstatement of visit privileges.

(d) At the discretion of the Administrator, former employees of the Department of Corrections may be permitted to visit an inmate. The decision of the Administrator shall be made on a case-by-case basis after due consideration of the security interests involved, and after the Administrator is satisfied that the visit will not pose a threat to the safe, secure and orderly operation of the correctional facility.

(e) Employees of the Department of Corrections who have relatives incarcerated in facilities under the jurisdiction of the New Jersey Department of Corrections shall be permitted to visit an inmate in accordance with N.J.A.C. 10A:18-6.4.

(f) Approval of special visits shall be in accordance with N.J.A.C. 10A:18-6.5.

(g) Approval of visits between incarcerated family members shall be in accordance with N.J.A.C. 10A:18-6.6.

(h) Approval of visits by attorneys and court related persons shall be in accordance with N.J.A.C. 10A:18-6.7.

(i) Approval of visits by children shall be in accordance with N.J.A.C. 10A:18-6.8.

(j) No person shall coerce an inmate to add a potential visitor to their list of visitors.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

In (a), inserted "Superintendent or designee".

Amended by R.2002 d.407, effective December 16, 2002.

See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

Substituted references to Administrator for references to Superintendent throughout; rewrote (a)1; in (d), inserted "safe, secure and" preceding "orderly operation".

Amended by R.2007 d.17, effective January 16, 2007.

See: 38 N.J.R. 4159(a), 39 N.J.R. 216(a).

In (a)1, updated N.J.A.C. reference.

Amended by R.2009 d.208, effective July 6, 2009.

See: 41 N.J.R. 954(a), 41 N.J.R. 2659(a).

Rewrote (b) and (c); and added (j).

10A:18-6.4 Employee visits with incarcerated relatives

(a) Employees of the Department of Corrections who have relatives incarcerated in facilities under the jurisdiction of the New Jersey Department of Corrections shall be permitted to visit an incarcerated relative provided the Administrator is satisfied that there is no threat to the orderly operation of the correctional facility.

(b) An employee of the Department of Corrections who wishes to visit a relative incarcerated in a correctional facility under the jurisdiction of the New Jersey Department of Corrections shall submit a written request for permission to visit the incarcerated relative to the Administrator of the correctional facility at which the relative is housed.

(c) The Administrator may schedule the visit during regular visiting hours or at special times, according to the orderly administration and staffing of the correctional facility.

Amended by R.1990 d.124, effective February 20, 1990.

See: 21 N.J.R. 3410(a), 22 N.J.R. 662(a).

At (c), clarified the requirement of submitting a written request and deleted (e).

Petition for Rulemaking.

See: 33 N.J.R. 1478(b).

Amended by R.2002 d.407, effective December 16, 2002.

See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

Substituted "Administrator" for "Superintendent" throughout; deleted former (b) and recodified former (c) and (d) as (b) and (c).

10A:18-6.5 Special visits

(a) Special visits may be authorized by the correctional facility Administrator or designee. Special visits include:

1. Visits from persons who have come long distances;
2. Visits to hospitalized inmates;
3. Visits to inmates in disciplinary status; and
4. Visits between inmates and:
 - i. Members of the clergy;
 - ii. Social service agency representatives;
 - iii. Prospective employers;
 - iv. Foreign counsels;
 - v. Sponsors; and

vi. Parole advisors.

(b) The Administrator or designee may approve or disapprove a visit from a visitor who accompanies a person on the approved list.

(c) Close Custody visits shall be governed by N.J.A.C. 10A:5, Close Custody Units, and N.J.A.C. 10A:4-10, Detention Program.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Amended by R.1998 d.526, effective November 2, 1998.

See: 30 N.J.R. 2810(a), 30 N.J.R. 3965(a).

In (a), substituted "may" for "must" following "visits" in the introductory sentence; and in (b), inserted "or disapprove a visit from" following "may approve".

Amended by R.2002 d.407, effective December 16, 2002.

See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

Substituted "Administrator" for "Superintendent" throughout.

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

Added new (a)4iv; and recodified former (a)4iv and (a)4v as (a)4v and (a)4vi.

10A:18-6.6 Visits between incarcerated relatives

(a) Visits shall be permitted between incarcerated relatives (see N.J.A.C. 10A:1-2.2) that are incarcerated in facilities under the jurisdiction of the New Jersey Department of Corrections.

(b) The following requirements must be met before visits between incarcerated relatives shall be permitted:

1. Relative relationships must be substantiated by documentation found in the classification folder or from other appropriate resources;
2. Visits must be approved by the Classification Committee(s); and
3. The cost of the visit shall be borne by the inmates involved.

(c) The Business Manager or designee of the correctional facility shall predetermine the expenses involved in arranging a visit between relatives and a detailed statement of expenses shall be prepared in accordance with N.J.A.C. 10A:3-9.13(c).

(d) The frequency, duration and time of the visits must be coordinated between the correctional facilities involved and shall be subject to the other sections of the subchapter.

Amended by R.1997 d.431, effective October 6, 1997.

See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Substituted "relatives" for "family" or "family members" throughout; deleted former (b); recodified former (c) through (e) as (b) through (d); and in (c), substituted N.J.A.C. reference for specified criteria.

Amended by R.2008 d.141, effective June 2, 2008.

See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (a), updated the N.J.A.C. reference.

10A:18-6.7 Attorneys and court related personnel visits

(a) Attorneys licensed in any jurisdiction and representatives of attorneys shall be permitted contact visits during reg-

ular business hours when sufficient space and staff are available.

(b) At the request of the attorneys referenced in (a) above, representatives of attorneys may be granted contact visits. Such representatives shall include, but not be limited to, the following:

1. Investigators;
2. Investigative aides;
3. Expert witnesses;
4. Paralegals; and
5. Law students.

(c) A written notice or a telephone request from an attorney shall be required a minimum of 24 hours in advance of an intended visit. The purpose of the advance notice is to ensure the availability of:

1. Space;
2. Staff; and
3. The inmate.

(d) The advance written notice or telephone request from an attorney shall include the following information:

1. Name of the attorney or representative;
2. Name of the inmate to be interviewed;
3. Name of the attorney for whom the representative is acting;
4. Name of the organization the attorney or their representative represents (if any);
5. A written statement from the attorney or their representative providing any disclosures set forth in N.J.A.C. 10A:18-6.3 and 6.9 and affirming compliance with the provisions set forth in this subchapter; and
6. Date and time the interview is sought.

(e) Form 292-I Request for Attorney-Client Contact Visit may be used to verify the inmate's desire to meet with the requesting attorney in the context of an attorney-client relationship.

(f) Appropriate identification is required of attorneys and attorney representatives who visit the inmate at a correctional facility.

(g) Contact visits with attorneys or their representatives may be restricted or prohibited when, in the judgement of the correctional facility Administrator or designee, the inmate is exhibiting inappropriate behavior or is especially dangerous, or when necessary to ensure the safe, secure and orderly operation of the correctional facility. Contact visits may also

be denied where the attorney or representative poses a threat to the security or orderly operation of the correctional facility.

(h) In those cases in which contact visits have been denied, every effort shall be made to provide a non-contact visit that is consistent with the safe, secure and orderly operation of the correctional facility.

(i) The Administrator or designee may authorize a visit without prior written notice, under exceptional circumstances.

Amended by R.1991 d.155, effective March 18, 1991.
See: 23 N.J.R. 14(a), 23 N.J.R. 859(c).

Added "licensed in any jurisdiction" to modify "attorneys"; added new subsection (e) regarding forms.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Amended by R.2002 d.407, effective December 16, 2002.
See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

In (g) and (h), substituted "Administrator" for "Superintendent".
Amended by R.2008 d.141, effective June 2, 2008.
See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

Section was "Attorneys and court related personal visits". In the introductory paragraph of (b), inserted a comma following "to"; added new (b)3; and recodified former (b)3 and (b)4 as (b)4 and (b)5.

Amended by R.2009 d.208, effective July 6, 2009.
See: 41 N.J.R. 954(a), 41 N.J.R. 2659(a).

Rewrote the introductory paragraph of (b); in the introductory paragraph of (c), inserted "a" preceding "telephone request" and inserted "a minimum of"; in the introductory paragraph of (d), substituted "The advance written" for "Advance" and inserted "or telephone request from an attorney"; in (d)3, deleted "and" from the end; added new (d)4 and (d)5; recodified former (d)4 as (d)6; in (g), substituted "exhibiting inappropriate behavior" for "acting out", inserted ", or when necessary to ensure the safe, secure and orderly operation of the correctional facility" and recodified the former last sentence as new (h); recodified former (h) as (i); and in (h), inserted "that is" and "safe, secure and".

10A:18-6.8 Visits from children

(a) Children under the age of 18 shall not be permitted to visit unless accompanied by an adult family member of the child defined as a "relative." (see N.J.A.C. 10A:18-6.3.)

(b) In unusual circumstances, exceptions to (a) above may be made by special approval of the Administrator or designee.

(c) The adult family member of the child shall be fully responsible for the supervision of the child and for obtaining any parental consent that may be necessary for the child to accompany said family member on the visit.

Amended by R.1997 d.431, effective October 6, 1997.
See: 29 N.J.R. 2769(a), 29 N.J.R. 4311(c).

Added (c).
Petition for Rulemaking.

See: 33 N.J.R. 1478(b).
Amended by R.2002 d.407, effective December 16, 2002.
See: 34 N.J.R. 3050(a), 34 N.J.R. 4444(b).

In (a), inserted "an adult" preceding "family member" and "of the child" preceding "defined" and amended the N.J.A.C. reference; in (b), substituted "Administrator" for "Superintendent"; in (c), inserted "of the child" preceding "shall be responsible".

Amended by R.2008 d.141, effective June 2, 2008.
See: 39 N.J.R. 5043(a), 40 N.J.R. 3309(a).

In (c), inserted "fully" and substituted "and for obtaining any parental consent that may be necessary for the child to accompany" for "accompanying".