

SUPREME COURT OF NEW JERSEY

It is ORDERED that the attached amendments to Rule 1:38-3 of the Rules Governing the Courts of the State of New Jersey are adopted to be effective immediately.

For the Court,

A handwritten signature in blue ink, appearing to read "S. P. Rosen", is written over the text "For the Court,".

Chief Justice

Dated: February 28, 2013

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

The following court records are excluded from public access:

(a) ... no change

(b) ... no change

(c) ... no change

(d) ... no change

(e) Records of Guardianship Proceedings.

Guardianship records and reports maintained by the Surrogate and by the Chancery Division, Probate Part, except the guardianship index, of which only the following information shall be available [for public access] to an attorney-at-law of this state or to a title examiner seeking access to such records in connection with transactions affecting property of the ward: (1) minor's or incapacitated person's name, (2) name of the municipality where the minor or incapacitated person resided when the guardianship was created, (3) name of the guardian, (4) docket number, (5) date of the judgment appointing the guardian, and (6) date of the guardian's qualification.

[All guardianship records and reports, however, are available to the incapacitated person and the minor upon reaching majority; the incapacitated person's spouse, civil union partner, or domestic partner; the minor's or incapacitated person's parents and siblings; any adult children of the incapacitated person; the guardian appointed in the action; and any attorneys appearing in the guardianship action on behalf of these persons.]

Further, [any person] an attorney-at-law or a title examiner requiring access to the guardianship index in connection with a transaction affecting the property of the ward may inspect and copy the following guardianship file documents: the guardianship judgment, the Letters of Guardianship, and any subsequent order dealing with the powers or limitations of the guardian, provided any financial information contained in these documents, including information on the amount of the bond, is redacted prior to the documents being made available for review or copying. [Any individual or entity seeking other records must demonstrate before a Superior Court judge a special interest in the matter.]

All guardianship records and reports, however, are available to the incapacitated person and the minor upon reaching majority; the incapacitated person's spouse, civil union partner, or domestic partner; the minor's or incapacitated person's parents and siblings; any adult children of the incapacitated person; the guardian appointed in the action; and any attorneys appearing in the guardianship action on behalf of these persons. Appointed New Jersey Judiciary Guardianship Monitoring Program volunteers shall have access to guardianship records and reports in those guardianship matters to which they are assigned. Any other individual or entity seeking records must make a showing of a special interest in the matter to the Assignment Judge or the Assignment Judge's designee.

(f) ... no change

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)(1) 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.