

**10A:18-6.16 Supervision of visits**

(a) Visits shall be supervised to help prevent the passage of contraband and to insure the security and orderly operation of the correctional facility.

(b) The staff member in charge of the visiting room shall be responsible for ensuring that all visits are conducted in a quiet, orderly and dignified manner.

(c) The staff member(s) supervising visits should be cognizant of any articles passed between the inmate and the visitor. If there is a reasonable suspicion that articles are being passed which constitute contraband or are otherwise in violation of the law or regulations, the articles shall be confiscated and examined.

(d) Handshaking, embracing and kissing shall be permitted, within appropriate bounds, at the beginning and end of the visit in order to minimize the opportunity to introduce contraband into the correctional facility.

1. An inmate and visitor may hold hands during the visit.

2. Time restrictions regarding contact shall not apply to small children.

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 "orderly operation" for "welfare"; in (c), substituted "reasonable suspicion" for "substantial basis to conclude"; redefined (b)i and ii as (b)1 and 2; and in (b)2, substituted "Time restrictions regarding contact shall not" for "Contact restrictions shall not".

**10A:18-6.17 Play areas for children**

If a correctional facility provides play areas for children of visitors, signs shall be posted in both English and Spanish stating that children who use the area must be supervised by the parents or a relative and that the area and equipment are used at their own risk.

**10A:18-6.18 Gifts of money from visitors**

(a) A visitor(s) may only bring a money order or certified check to the correctional facility for deposit in an inmate's account. Cash shall not be accepted.

(b) When a visitor(s) brings a money order or certified check for deposit in the inmate's account, the correctional facility shall:

1. Accept the funds;
2. Establish and/or maintain an appropriate record of funds received;
3. Issue a signed receipt to the visitor(s); and
4. Retain a copy of the receipt.

(c) Each correctional facility may place a limit on the amount of funds which an inmate is permitted to receive, per day, from one visitor or a combination of visitors.

Amended by R.1996 d.22, effective January 2, 1996 (operative February 1, 1996).

See: 27 N.J.R. 3674(a), 28 N.J.R. 152(a).

Substituted "a money order or certified check" and "funds" for "cash", and specified that cash shall not be accepted.

**10A:18-6.19 Denial, termination or suspension of a visit**

(a) An inmate's visiting privileges shall not be denied because of a violation of correctional facility regulations, other than those regulations specifically related to or concerned with visiting privileges, except in the case of a termination of contact visits sanction as established in N.J.A.C. 10A:4-5.1(c) or 5.2(c).

(b) A visit may be denied, terminated or suspended and a visiting privilege suspended under the following circumstances:

1. The visitor(s) is under the influence of drugs or alcohol;
2. Space is unavailable;
3. The visitor(s) refuses to submit to search procedures;

4. The visitor(s) refuses or fails to produce sufficient identification or falsifies identifying information;

5. The visit rules of the correctional facility are violated by the visitor, provided that such rules are posted;

6. Children are disturbing other persons in the visiting area;

7. Physical contact between the visitor and inmate which is in excess of N.J.A.C. 10A:18-6.16(d);

8. Any action that affects the ability of the staff to ensure the safe, secure and orderly operation of the correctional facility and the visiting room; or

9. A violation of the Zero Tolerance Drug/Alcohol Policy as defined in N.J.A.C. 10A:1-2.2.

(c) Except in the case of a termination of contact visits sanction as established in N.J.A.C. 10A:4-5.1(c) or 5.2(c), prior to the denial or termination of visiting privileges for circumstances listed in (b) above, less restrictive action should be instituted. Such action may include:

1. Warning the inmate and/or visitor of improper conduct; and/or

2. Transferring the visit to a non-contact visiting area.

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)8, substituted "Any action . . . the visiting room" for "Denial or termination of visiting privileges is necessary to preserve security of the correctional facility and maintain order in the visiting room".

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), added an exception at the end; in (b), added a new 9; and rewrote (c).

#### **10A:18-6.20 Request to reinstate contact visit privileges**

(a) An inmate may request the reinstatement of contact visit privileges that were terminated in accordance with N.J.A.C. 10A:4-5.1(c) or 5.2(c). After 365 days from the date the sanction was imposed, the inmate may forward a written request for reinstatement of contact visits to the Administrator/Superintendent or designee. If a request is not produced by the inmate, no consideration of reinstatement shall be extended. If the Administrator/Superintendent or designee determines that an inmate's visiting privileges should be reinstated, such recommendation shall be forwarded to the Commissioner for review and final approval or disapproval. No reinstatement shall be permitted without the expressed consent/approval of the Commissioner.

(b) The reinstatement of contact visit privileges shall not be considered for an inmate who has been found guilty of a second or subsequent drug or alcohol related prohibited act as established in N.J.A.C. 10A:4-5.1(c) or 5.2(c).

New Rule, R.1998 d.526, effective November 2, 1998.

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

Former N.J.A.C. 10A:18-6.20, Suspension of visiting program under emergency conditions, was recodified to N.J.A.C. 10A:18-6.21.

#### **10A:18-6.21 Suspension of visiting program under emergency conditions**

(a) The Superintendent of a correctional facility shall notify the Commissioner of the Department of Corrections whenever the safety, security and orderly operation of the correctional facility is seriously threatened.

(b) The Commissioner shall determine if an emergency exists at the correctional facility and shall make a public declaration to this effect through the Department's Office of Public Information.

(c) In order to return the correctional facility to a safe, secure and orderly operation, the Superintendent may suspend certain programs for the duration of the emergency. The Superintendent shall consult with the Commissioner regarding the suspension of programs.

(d) The visiting program, including visits to inmates by attorneys and attorney representatives, may be suspended for the duration of an emergency. Information concerning such suspension shall be made part of the public announcement of an emergency.

(e) A public declaration shall be made through the Department's Office of Public Information when the state of emergency has passed, and the scheduling of visits by attorneys and attorney representatives shall be reinstated beginning no later than 24 hours from this public declaration. A statement to this effect shall be made in the public declaration.

(f) The public declaration that the state of emergency has passed shall also contain a statement as to whether the visiting program shall be reinstated. If the visiting program is not to be reinstated, a second public declaration shall be made announcing the date that the visiting program shall be reinstated.

(g) The scheduling of visiting, in terms of the number of visitors, times of visitation and frequency of visits, shall be subject to special conditions as determined by the Superintendent in consultation with the Commissioner. Efforts shall be made to supply all such pertinent information in the public declaration announcing reinstatement of the visiting program.

Recodified from N.J.A.C. 10A:18-6.20 by R.1998 d.526, effective November 2, 1998.

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

### **SUBCHAPTER 7. BEDSIDE, PRIVATE VIEWING, AND FUNERAL VISITS**

#### **Subchapter Historical Note**

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).

**10A:18-7.1 Notice to inmates**

(a) Inmates shall be informed of new or revised rules and procedures regarding bedside, private viewing, and funeral 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 bedside, private viewing, and funeral visits will 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 bedside, private viewing, and funeral visits.

(d) New or revised rules and procedures regarding bedside, private viewing, and funeral visits shall be incorporated in the next revision of the correctional facility Inmate Handbook.

Amended by R.1996 d.489, effective October 21, 1996.

See: 28 N.J.R. 3868(a), 28 N.J.R. 4580(b).

Added provision for private viewing.

Administrative correction.

See: 28 N.J.R. 5074(a).

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

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

**10A:18-7.2 Authority**

(a) Pursuant to N.J.S.A. 30:4-8.1, the correctional facility Superintendent may, at his or her discretion, authorize and permit the attendance of an inmate at the bedside of a dying relative, or at a private viewing, when no relatives or friends are present, of a deceased relative as defined in N.J.A.C. 10A:18-1.3 within a six month period of time. Should the relative previously visited at bedside expire more than six months after the date of the bedside visit, the Superintendent may authorize the private viewing visit.

(b) An inmate shall not be permitted to visit relatives or friends during the private viewing of a deceased relative unless the Superintendent has made a recommendation to, and received approval from, the appropriate Assistant Commissioner.

(c) An inmate shall not be permitted to attend or participate in a funeral service unless the Superintendent has made a recommendation to, and received approval from, the appropriate Assistant Commissioner.

(d) The Superintendent may, at his or her discretion and in accordance with (a) above, authorize and permit the attendance of an inmate at the bedside of a dying relative and/or the private viewing of a deceased relative other than those relatives listed in N.J.A.C. 10A:18-1.3 when it can be verified that the relative, such as a grandparent, acted, for a period of time, as a parent or guardian of the inmate.

Amended by R.1988 d.432, effective September 6, 1988.

See: 20 N.J.R. 1332(b), 20 N.J.R. 2294(c).

Substantially amended.

Amended by R.1995 d.585, effective November 20, 1995.

See: 27 N.J.R. 3274(a), 27 N.J.R. 4717(b).

Amended by R.1996 d.489, effective October 21, 1996.

See: 28 N.J.R. 3868(a), 28 N.J.R. 4580(b).

Added provision for private viewing.

Administrative correction.

See: 28 N.J.R. 5074(a).

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

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

**10A:18-7.3 Verification**

(a) The burden is on the inmate to prove that the ill or deceased person is a relative as defined in N.J.A.C. 10A:18-1.3 and this subchapter.

(b) The fact of illness or death shall be verified by the Superintendent or designee.

New Rule, R.1988 d.432, effective September 6, 1988.

See: 20 N.J.R. 1332(b), 20 N.J.R. 2294(c).

Old section 3 "Eligibility" recodified to section 4.

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

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

**10A:18-7.4 Eligibility**

(a) The correctional facility Superintendent shall determine whether an inmate is eligible to go on a bedside, private viewing, and/or funeral visit.

(b) If the Superintendent is in doubt as to the propriety of permitting a particular inmate to leave the correctional facility under the circumstances enumerated in this subchapter, the Superintendent shall consult with the appropriate Assistant Commissioner.

Amended by R.1988 d.432, effective September 6, 1988.

See: 20 N.J.R. 1332(b), 20 N.J.R. 2294(c).

Recodified old section 4 "Court ordered funeral visits" to section 7; repealed text in (a) "The correctional facility . . . his or her designee," also repealed subsections (c) and (d).

Amended by R.1995 d.585, effective November 20, 1995.

See: 27 N.J.R. 3274(a), 27 N.J.R. 4717(b).

Amended by R.1996 d.489, effective October 21, 1996.

See: 28 N.J.R. 3868(a), 28 N.J.R. 4580(b).

Added provision for private viewing.

Administrative correction.

See: 28 N.J.R. 5074(a).

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

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

**10A:18-7.5 Ineligibility**

(a) The inmate shall not be permitted to go on a bedside, private viewing, or funeral visit that is outside the State of New Jersey.

(b) The inmate shall not be permitted to go on a bedside, private viewing, or funeral that is in a private residence.

(c) The correctional facility Superintendent is not required to permit bedside, private viewing, or funeral visits if: