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New guidelines will give public more access to court documents

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For decades, some residents could not get court documents they were entitled to see because the judiciary had limited guidelines on which records were available for public viewing.

That's expected to change next month when a new rule recently adopted by the state's highest court goes into effect.

Evidence admitted in New Jersey courts are just some of the records specifically defined as "open for public inspection" in the state's new guidelines.

Records not open to residents after Sept. 1 will include financial information in divorce proceedings and what the court calls "personal identifiers" such as Social Security, driver's license, insurance policy and credit card numbers.

"We have to take into account the need for openness while taking into account the need to protect those who are most vulnerable in our society," said Justice Barry Albin, who chaired a 21-person committee whose 35 recommendations were accepted and slightly modified by the justices last month.

Thomas Cafferty, a lawyer for the New Jersey Press Association and member of the committee, said the rules let people know where they stand when seeking court documents.

"It was less than clear before what would be accessible to the public. I think the Albin report makes it clear," he said.

The new limit on financial records in divorce cases was enacted because the information is "very personal and detailed" about households, said Toni McLaughlin, a member of the committee.

Nearly every other state already limits "personal identifiers" such as Social Security numbers, said Gregory Hurley, a Knowledge Management Analyst with the National Center for State Courts.

Those filing court papers after Sept. 1 are required to take the information out, said Francis W. Hoeber, a Special Assistant with the Administrative Office of the Courts.

In the past, the judiciary did not take steps to redact personal information, said Hoeber. That means documents could be released to data companies making a request.

Hoeber said personal information in documents filed before the rule takes effect will still be released because the courts don't have the manpower to take them out.

A primer on court records:

Q. What is a court record, under the new rule?

A. Any information maintained by a court in any form in connection with a case including but not limited to: pleadings, motions, briefs and their attachments, evidence, indices and dockets. Also, transcripts or recordings of a public judicial proceeding, and any information in computerized case management systems created by the court.

Q. What records am I not allowed to look at?

A. Notes and working papers belonging to justices, judges or judiciary staff members; sealed indictments or other sealed records; records relating to drug court programs; and cases of child sexual assault victims.

Q. How is my safety protected, as someone involved in a divorce or child custody case?

A. Divorce proceedings will still be available to the public. Those Family Court records kept private include paternity records, certain Division of Youth and Family Services proceedings and domestic violence reports. Psychological/medical records on parents, in cases where children are involved, are also off-limits to the public. Financial records relating to divorce cases will be confidential after Sept. 1

Q. If some court records are public, won't someone be able to steal my identity?

A. Individuals filing with the courts are responsible for removing certain personal information like Social Security numbers, driver's licenses, financial accounts and credit card numbers from the records. But documents filed before Sept. 1 can still be made public with the information in it.

Q. Where can I look at court records and how can I get a copy?

A. Records are available at the county courthouse where the case took place. But copying the records still comes at a price -- 75 cents per page for the first 10, 50 cents for the next 10 and 25 cents for additional pages. Some advocates worry those fees are too high for the general public. The Supreme Court will revisit this issue, judiciary spokeswoman Winnie Comfort said.

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