

## **CORRECTIONS**

### **THE COMMISSIONER**

#### **Inmate Access to Courts**

#### **Proposed Readoption with Amendments: N.J.A.C. 10A:6**

#### **Proposed Repeals: N.J.A.C. 10A:6-2.16 and 3.3**

Authorized By: Victoria L. Kuhn Esq., Commissioner, Department of Corrections.

Authority: N.J.S.A. 30:1B-6 and 30:1B-10, 30:4-16 et seq., and 52:27EE-26; and 28 U.S.C. § 1915.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2025-090.

Submit written comments by October 3, 2025, to:

Kathleen Cullen

Administrative Rules Unit

New Jersey Department of Corrections

PO Box 863

Trenton, New Jersey 08625-0863

or email to: [ARU@doc.nj.gov](mailto:ARU@doc.nj.gov)

The agency proposal follows:

#### **Summary**

Pursuant to N.J.S.A. 52:14B-5.1.c, N.J.A.C. 10A:6 was scheduled to expire on July 10, 2025. Pursuant to N.J.S.A. 52:14B-5.1.c(2), as the Department of Corrections (“Department” or “NJDOC”) submitted this notice of proposal to the Office of Administrative Law prior to that date, the chapter expiration date was extended 180 days to January 6, 2026. The Department has

reviewed these rules and, with the exception of the proposed amendments and repeals, has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. The rules are, therefore, proposed for readoption with amendments and repeals.

The Department has determined that the comment period for this notice of proposal will be 60 days; therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, this notice is excepted from the rulemaking calendar requirement.

Subchapter 1 describes the purpose and scope of the chapter, along with definitions for terms specific to the chapter. At N.J.A.C. 10A:6-1.1(a), the Department proposes a technical amendment replacing “establish” with “set forth” since this chapter has existed for many years, and at N.J.A.C. 10A:6-1.1(a)2, to replace “altered to reflect an inmate's new legal name” with “updated to reflect an inmate’s new legal name” to increase accuracy of the sentence. The job title Legal Services Coordinator (LSC) is no longer used and the Department proposes to delete the definition at N.J.A.C. 10A:6-1.3.

Subchapter 2 sets forth rules for inmate legal services including, but not limited to, inmate access to courts, inmate legal services, the inmate law library, photocopying legal documents, legal phone calls, legal supplies, inmate legal materials, and inmate paralegals. The Department proposes the following amendments at Subchapter 2:

- At the beginning of the sentence at N.J.A.C. 10A:6-2.2(a)1, remove “Establishment and,” as law libraries in New Jersey State correctional facilities were established long ago.
- At N.J.A.C. 10A:6-2.2(a)5, the Department proposes to replace “Use of typewriters” with “Use of computers or typewriters for preparation of legal documents, letters, etc.”

since the equipment in the law libraries may include computers for the preparation of legal documents.

- In the first sentence at N.J.A.C. 10A:6-2.4(a), replace the law library Administrator responsibilities of “establishing and maintaining an inmate law library and for developing internal management procedures for library use and supervision” with “maintaining inmate law libraries in correctional facilities and maintaining procedures for library use and supervision” because the inmate law libraries already exist, need to be maintained, and there must be procedures for their orderly use. At N.J.A.C. 10A:6-2.4(a)6, replace “typewriter and/or word processor use” with “Use of a computer, typewriter, and/or word processor as may be available for the preparation of legal documents, letters, etc.” to set forth that use of such equipment is to be used for legal documentation preparation when available.
- Delete N.J.A.C. 10A:6-2.4(c), as the job title Legal Services Coordinator is no longer used by the Department.
- N.J.A.C. 10A:6-2.4(d) will be recodified as a result of the deletion of subsection (c). In addition, since the materials in the law libraries already exist, deletion of “the initial purchase of” is proposed preceding “legal reference material” with new language “available in the correctional facility law libraries” to make clear the subsection applies to law libraries across all Department correctional facilities.
- N.J.A.C. 10A:6-2.4(f), (g), and (h) pertain to internal Department budget matters that are not considered administrative rules, therefore, they are proposed for deletion.

The last two sentences at N.J.A.C. 10A:6-2.7(d) through subsection (g) duplicate language at N.J.A.C. 10A:6-2.7(b), (c), (d), and (e) and are proposed for deletion. As a result, the cross-references at N.J.A.C. 10A:6-2.7(c)1 and (i) are updated.

At recodified N.J.A.C. 10A:6-2.7(e)4 and 2.8(a), the Department proposes to replace “internal management procedures” with “procedures,” since internal management procedures are not available to inmates, but correctional facility procedures are available to inmates and are often included in inmate handbooks.

The Department proposes to add “computers” after “typewriters” at N.J.A.C. 10A:6-2.9(c) and replace “to the extent that they are” with “as may also be” in front of “available” to adjust the tone.

In order to improve the accuracy of the rules, the Department proposes to replace “inmates in keep separate status” with “inmates with an established keep separate alert” at N.J.A.C. 10A:6-2.12(d), since “keep separate” is a file alert regarding housing restrictions for the safety of the inmate or inmates.

Currently, the rules at N.J.A.C. 10A:6-2.13(a) and (c) set forth rules for the Legal Services Coordinator (LSC), which is no longer used, therefore, the Department proposes the following:

- At N.J.A.C. 10A:6-2.13(a) and (c), replace “Legal Services Coordinator” with “Supervisor of Education”; and
- At N.J.A.C. 10A:6-2.13(d), remove the “Legal Services Coordinator” since reference to the “Supervisor of Education” already appears in the rule.

The rules at N.J.A.C. 10A:6-2.13 include specific course names that unintentionally limit the Department’s ability to modify and improve the paralegal training curriculum without

amending the rules, therefore, the Department proposes to generalize the rule by removing the specific course name and replacing it with more general language, thereby providing flexibility in curriculum updates and improvements. These proposed rule updates are accomplished as follows:

- Replace “Introduction to Paralegal Functions” course that includes training in “courses that address but may not be limited to the following” at N.J.A.C. 10A:6-2.13(b);
- Replace “Introduction to Paralegal Functions course” with “paralegal training courses offered by NJDOC” at N.J.A.C. 10A:6-2.13(d); and
- Replace “Introduction to Paralegal Functions” with “all required course work” at N.J.A.C. 10A:6-2.13(e).

Use of “internal management procedures” at N.J.A.C. 10A:6-2.15 is not accurate, as they are not actually NJDOC internal management procedures, but procedures to be used in correctional facilities and the following amendments to the rules are proposed to clarify the type of procedures and to condense the section for improved readability by:

- Deleting “internal management” from the subchapter heading at N.J.A.C. 10A:6-2.15(a); and
- Replacing “pursuant to this subchapter are established These written internal management procedures shall be known as the Institutional Legal Access Plan and shall be incorporated into the next revision of the correctional facility Inmate Handbook. A copy of the written internal management procedures shall also be posted in the inmate law library” with “shall be maintained and posted in inmate law libraries and housing units as well as included in the inmate handbooks.”

The Department proposes to delete the language at N.J.A.C. 10A:6-2.15(b) referencing internal management procedures, as well as revisions to the Inmate Handbook, as it is already set forth with the amendments proposed at N.J.A.C. 10A:6-2.15(a).

N.J.A.C. 10A:6-2.16 requires the Department to review internal management procedures for inmate legal services. This is an internal Department procedure that is driven by internal policy, not administrative rules. N.J.A.C. 10A:6-2.16 is, therefore, proposed for repeal.

Subchapter 3 sets forth the rules for inmate legal name changes and their associated responsibilities to amend correctional facility records, among other related topics. The Department proposes to update the heading at N.J.A.C. 10A:6-3.1 by adding “legal name change” at the beginning of the heading since the heading “inmate responsibilities” is unclear. In addition, the following amendments at N.J.A.C. 10A:6-3 are proposed:

- At N.J.A.C. 10A:6-3.1(a), replace “altered” with “updated,” as a technical change;
- Delete N.J.A.C. 10A:6-3.1(a)3, since courts no longer require publication of name changes in newspapers; and
- At recodified N.J.A.C. 10A:6-3.1(a)3, add “and all parties required by the court” preceding “the Secretary of State” and replace “45 days of the court judgement” with “within the timeframe prescribed in the court judgment, along with proof that any additional requirements set forth by the court judgement have been satisfied” since the related court judgement may specify certain parties must be notified and other timeframes may apply.

The Department proposes to precede the word “requirements” with “legal name change” at N.J.A.C. 10A:6-3.2(a) for consistency with the referenced subchapter. In addition, the Department proposes to eliminate the names of, and references to, specific NJDOC internal

operating systems/databases at N.J.A.C. 10A:6-3.2(c), by replacing “the following of the inmate’s name change” with “the Offender Records Unit, Department of Corrections; of the need to update systems with the new legal name of the inmate,” and eliminating the two paragraphs of the subsection.

As administrative rules do not typically set forth rules in the negative, the Department proposes to repeal N.J.A.C. 10A:6-3.3. The Department also proposes to restate the premise in a more positive way as new N.J.A.C. 10A:6-3.2(d) as follows: “Department and correctional facility records shall only be modified with name changes following appropriate court proceedings and judgements.”

The Department proposes to recodify N.J.A.C. 10A:6-3.4 as N.J.A.C. 10A:6-3.2(e) with minor wording changes, replacing “procedure” with “process” and replacing “incorporated into” with “included in,” so that all rules related to inmate name changes are in the same subchapter.

Subchapter 4 sets forth rules for inmate lawsuits, including information about filing fees for civil actions in State and Federal courts, forfeiture of commutation credits, civil action monetary judgements, and use of funds.

### **Social Impact**

The rules proposed for readoption with amendments and repeals provide information regarding the health services provided to incarcerated persons while assigned to a correctional facility. The Department anticipates a positive social impact as the rules proposed for readoption with amendments and repeals are necessary for inmate access to courts through the use of inmate law libraries and trained inmate paralegals.

### **Economic Impact**

Additional funding is not necessary to implement the requirements of the rules proposed for readoption with amendments and repeals. The cost of meeting and maintaining the requirements of the rules proposed for readoption with amendments and repeals is met by the Department through the established budget with funds allocated by the State and has no external economic impact.

### **Federal Standards Statement**

The rules proposed for readoption with amendments and repeals are promulgated pursuant to the authority of the rulemaking requirements of the Department, as established at N.J.S.A. 30:1B-6 and 10. The rules proposed for readoption with amendments and repeals are not subject to any Federal statutes, requirements, or standards; therefore, a Federal standards analysis is not required.

### **Jobs Impact**

The rules proposed for readoption with amendments and repeals will cause neither the generation of nor the loss of any jobs.

### **Agriculture Industry Impact**

The rules proposed for readoption with amendments and repeals will have no impact on the agriculture industry.

### **Regulatory Flexibility Statement**

A regulatory flexibility analysis is not required because the rules proposed for readoption with amendments and repeals do not impose reporting, recordkeeping, or other compliance requirements on small businesses, as defined pursuant to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules proposed for readoption with amendments and repeals affect the Department and governmental entities responsible for the enforcement of the rules.



### **Housing Affordability Impact Analysis**

The rules proposed for readoption with amendments and repeals will have no impact on housing affordability and there is an extreme unlikelihood that the rules proposed for readoption with amendments and repeals would evoke a change in the average costs associated with housing. The rules proposed for readoption with amendments and repeals concern inmate access to courts through the use of inmate law libraries and trained inmate paralegals.

### **Smart Growth Impact Development Analysis**

The rules proposed for readoption with amendments and repeals will have no impact on the achievement of smart growth and there is an extreme unlikelihood the rules proposed for readoption with amendments and repeals will evoke a change in housing production within Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan. The rules proposed for readoption with amendments and repeals concern inmate access to courts through the use of inmate law libraries and trained inmate paralegals.

### **Racial and Ethnic Community Criminal Justice and Public Safety Impact**

The Department has evaluated this rulemaking and determined that it will not have an impact on pretrial detention or sentencing. Health services do not directly impact probation and potential parole and have been implemented and updated in compliance with related State laws. Accordingly, no further analysis is required.

**Full text** of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 10A:6.

**Full text** of the proposed amendments and repeals follow (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

## SUBCHAPTER 1. GENERAL PROVISIONS

### 10A:6-1.1 Purpose

(a) The purpose of this chapter is to [establish] **set forth**:

1. (No change.)

2. Procedures whereby the records of correctional facilities can be [altered] **updated** to reflect an inmate's new legal name; and

3. (No change.)

### 10A:6-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

...

["Legal Services Coordinator" means a Department of Corrections Central Office staff person who coordinates the provision of inmate legal services with the correctional facility Administrator by ensuring correctional facilities maintain adequate legal materials in inmate law libraries and by maintaining a program for the purpose of training inmate paralegals.]

...

## SUBCHAPTER 2. INMATE LEGAL SERVICES

### 10A:6-2.2 Inmate legal services

(a) Inmate legal services as established in this subchapter, which permit access to the courts, shall include the following:

1. [Establishment and use] **Use** of an inmate law library or access to legal reference materials;

2.-4. (No change.)

5. Use of **computers** or typewriters **for preparation of legal documents, letters, etc.,** to the extent that they are available and/or operable;

6.-8. (No change.)

#### 10A:6-2.4 Inmate law library

(a) Each correctional facility Administrator, or designee, shall be responsible for [establishing and] maintaining [an] inmate law [library] **libraries in correctional facilities** and [for developing internal management] **maintaining** procedures for library use and supervision. The procedures shall specify:

1.-5. (No change.)

6. [Typewriter] **Use of a computer, typewriter,** and/or word processor [use], **as may be available for the preparation of legal documents and letters;** and

7. (No change.)

(b) (No change.)

[(c) The Legal Services Coordinator, Department of Corrections is responsible for the initial purchase of legal reference materials.]

[(d)] (c) [The initial purchase of legal] **Legal** reference material **available in the correctional facility law libraries** shall be consistent with law and correctional facility needs.

[(e)] (d) (No change in text.)

[(f) Maintenance of the inmate law library includes:

1. Annual update costs; and
2. Replacement of lost or damaged volumes and legal materials.

(g) As part of the annual budget request, the Administrator or designee shall include a specific request (line item) for budgeted funds to maintain the inmate law library. An alternative source of funds shall be used for maintenance of the inmate law library if the specified budget request is reduced or eliminated.

(h) Information concerning costs and sources of legal materials may be obtained from the Legal Services Coordinator. All purchases of reference materials shall be cleared through the Legal Services Coordinator's office.]

#### 10A:6-2.7 Legal photocopying services for nonindigent inmates

(a)-(b) (No change.)

(c) If the nonindigent inmate has temporarily overdrawn his or her account or has a balance in the account, but the balance is not sufficient to pay the cost of all photocopying of legal material, the correctional facility shall:

1. Remove from the nonindigent inmate's account the amount available in accordance with [(h)1] **(e)1** below;

- 2.-3 (No change.)

(d) If a nonindigent inmate has insufficient funds to cover the cost of photocopying, the correctional facility shall copy only legal material, **as set forth at N.J.A.C. 10A:6-2.6**, that must be photocopied for a legitimate purpose related to a pending litigation that directly or collaterally challenges an inmate's sentence, or that challenges the conditions of confinement, such as a civil

rights action or a writ of habeas corpus. [Such legal materials may include supporting documents, such as relevant prior correspondence and copies of receipts, which are to be attached to court documents. The legal material submitted for photocopying may be reviewed by the Supervisor of Education or designee, in order to determine whether the legal material falls within the definition of legal material provided in N.J.A.C. 10A:1-2.2, and:

1. Must be photocopied for a legitimate purpose related to pending litigation; or
2. Should be duplicated by typing instead of photocopying, as provided by (f) below.

(e) The Supervisor of Education or designee, has complete discretion in determining whether the criteria enumerated in (d) above are fulfilled. Photocopies will be limited in quantity to the number required by the court plus one photocopy for the inmate.

(f) If, in the discretion of the Supervisor of Education or designee, the legal material that the inmate seeks to have photocopied should instead be duplicated by typing, the inmate shall be required to type the duplicates and the correctional facility shall not provide photocopies.

(g) Exceptional circumstances may dictate that material other than legal material would need to be photocopied. The photocopying of such material shall be permitted at the discretion of the Supervisor of Education or designee.]

[(h)] (e) Until the correctional facility has been reimbursed in full for the photocopying of legal material, the Business Manager, or designee, shall:

1.-3. (No change.)

4. Reimburse to the correctional facility, the funds collected from inmates for the cost of photocopying legal material. Reimbursements shall be made in accordance with applicable State and Departmental [internal management] procedures.

[(i)] **(f)** 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 by electronic notification of the remaining amount due the sending correctional facility for photocopying of legal materials. 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 handle the collected funds in accordance with [(h)4] **(e)4** above and shall issue a check for the funds collected from the inmate and forward the check to the sending correctional facility.

Recodify existing (j)-(l) as **(g)-(i)** (No change in text.)

#### 10A:6-2.8 Legal telephone calls

(a) The Administrator, or designee, shall [establish] **maintain** written [internal management] procedures by which inmate paralegals and/or professional staff members may place telephone calls to the following individuals or agencies for purposes of requesting assistance in legal research or preparation of legal documents for inmates:

1.-5. (No change.)

(b) (No change.)

#### 10A:6-2.9 Legal supplies and forms

(a)-(b) (No change.)

(c) Typewriters, **computers**, and/or word processors, [to the extent that they are] **as may also be** available and/or operable, may be provided for inmate use in the inmate law library area in Close Custody Units.

#### 10A:6-2.12 Inmate paralegals

(a)-(c) (No change.)

(d) Unless otherwise restricted (such as, but not limited to, inmates [in] **with an established** keep separate [status] **alert**), upon approval by the I.C.C., inmates with any of the titles [in] **at**

(b) above may render legal assistance to other inmates in accordance with the provisions of this subchapter.

(e) (No change.)

#### 10A:6-2.13 Inmate paralegal training course(s)

(a) The [Legal Services Coordinator] **Supervisor of Education** shall be responsible for training **courses for** inmate paralegals.

(b) Inmate paralegals shall successfully complete [an Introduction to Paralegal Functions] courses [which includes training in] **that address, but may not be limited to, the following:**

1.-9. (No change.)

(c) The course selections may be modified at the discretion of the [Legal Service Coordinator] **Supervisor of Education.**

(d) The Supervisor of Education [and the Legal Services Coordinator] may, at their discretion, determine that an inmate's experience, training, and/or education in paralegal functions will serve

as a substitute for [the Introduction to Paralegal Functions course] **paralegal training course(s) offered by NJDOC.**

(e) An inmate may participate in the Legal Services Program on an internship basis with the provision that prior to becoming a designated inmate paralegal, he or she successfully completes the [Introduction to Paralegal Functions] **all required course work** at the next course offering date.

(f) (No change.)

#### 10A:6-2.15 Written [internal management] procedures

(a) The Administrator, or designee, of each correctional facility shall ensure that written [internal management] procedures [pursuant to this subchapter are established. These written internal management procedures shall be known as the Institutional Legal Access Plan and shall be incorporated into the next revision of the correctional facility Inmate Handbook. A copy of the written internal management procedures shall also be posted in the inmate law library] **shall be maintained, and posted in inmate law libraries and housing units, as well as included in the inmate handbooks.**

(b) New and revised [internal management procedures to the] Institutional Legal Access Plan shall be posted in each housing area and [in the Inmate Law Library. These revisions shall be] incorporated into the next publication of the Inmate Handbook.

#### 10A:6-2.16 [Departmental review] **(Reserved)**



[Written correctional facility internal management procedures regarding inmate legal services and any new internal management procedures related to this subject shall be submitted to the Office of Policy and Planning for review prior to implementation.]

### SUBCHAPTER 3. RECORDING LEGAL CHANGE OF INMATE'S NAME

#### 10A:6-3.1 [Inmate] **Legal name change inmate** responsibilities

(a) In order to have Department of Corrections' records [altered] **updated** to reflect a new legal name, the inmate must:

1. (No change.)

2. Submit an authentic copy of the court order to the Administrator's office of the correctional facility to which he or she is assigned; **and**

[3. Submit verification, to the Administrator's office of the correctional facility, which documents that a copy of the judgment was published in a newspaper of general circulation in the inmate's county of residence within 20 days of the court judgment. The inmate's county of residence shall be considered the county of his or her last known residence as is reflected in the Department of Corrections' records, unless otherwise specified by a judge's order; and]

[4] **3. Submit verification, to the Administrator's office of the correctional facility, which documents that a certified copy of the judgment was filed with all parties required by the court and including the Secretary of State within [45 days of the court judgment] the timeframe prescribed in the court judgment, along with proof that any additional requirements set forth by the court judgement have been satisfied.**

#### 10A:6-3.2 Amendment of correctional facility records

(a) The Administrator, or designee, shall order that the correctional facility records to include the computerized inmate information recordkeeping systems be amended to reflect the inmate's new legal name after the **legal name change** requirements [of] **at** N.J.A.C. 10A:6-3.1(a) have been satisfactorily fulfilled.

(b) (No change.)

(c) The Administrator shall also notify the [following of the inmate's name change:] **Offender Records Unit, Department of Corrections, of the need to update their systems with the new legal name of the inmate.**

[1. The Offender Records Unit, Department of Corrections; and

2. The Offender Based Correctional Information System (O.B.C.I.S.) Data Base,

Department of Corrections.]

**(d) Department and correctional facility records shall only be modified with name changes following appropriate court proceedings and judgements.**

[10A:6-3.3 "Common law" change of name

No correctional facility records shall be altered if an inmate decides to change his or her name through the "common law" practice, that is, on the inmate's own authority and without any legal court proceedings.

10A:6-3.4 Inmate handbook]

(e) The [procedure] **process** whereby an inmate can legally change his or her name shall be [incorporated into] **included in** the Inmate Handbook.