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The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW **14795-24 C.W.**

AGENCY DKT. NO. **C864755007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency denied Petitioner WFNJ/TANF benefits, contending that she failed to cooperate with child support requirements. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. The matter was initially scheduled for January 27, 2025, when Petitioner informed the tribunal that she did not have her divorce decree, nor child support order, due to the financial burden of affording the fees for certified copies from the Minnesota court system. The matter was adjourned until February 28, 2025, after the Agency requested Petitioner provide screenshots of her attempts to secure the requested documents. On February 28, 2025, the Honorable Bindi Merchant, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. The record was then held open for additional submissions and post-hearing briefs and closed on March 18, 2025. On March 19, 2025 the ALJ issued an Initial Decision, reversing the Agency's determination.

Exceptions to the Initial Decision were received from the Agency on March 25, 2025.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby MODIFY the Initial Decision, and REVERSE the Agency determinations in this matter, and REMAND the matter to the Agency, based on the discussion below.

Pursuant to N.J.A.C. 10:90-16.2, the first step in the application process for WFNJ/TANF eligibility, is cooperation with the child support requirements set out in N.J.A.C. 10:90-16.3, and the good faith effort requirement set out in N.J.A.C. 10:90-16.4.

Pursuant to N.J.A.C. 10:90-16.4(b)(1), (2), cooperation in good faith for WFNJ/TANF applicants shall include, but is not limited to, providing the Agency with information, to the best of the applicants ability, related to the non-custodial parent, which shall include at least three of the following: the parents full name; date of birth; Social Security number address (current or last known); employer (current or last known) or other sources of income; manufacturer, model and license plate number of automobile; motor vehicle driver's license number; the address and/or name of the non-custodial parent's parent(s) or siblings(s).

Here, the record reveals that Petitioner filed an application for WFNJ/TANF benefits on April 2, 2024, and on June 7, 2024, the Agency requested that Petitioner provide copies of birth certificates, social security cards, and identification, which were all provided by Petitioner on that same date. See Initial Decision at 3; see also Exhibits R-5, R-2. On June 11, 2024, the Agency requested a copy of Petitioner's marriage certification. See Initial Decision at 3. Petitioner advised the



Agency representative that she was having difficulty in retrieving the requested documents related to her child support, as she was unable to afford a certified copy of her divorce decree, which contained her child support order, and requested assistance from the Agency in obtaining the information from Minnesota. Ibid. On the following day, June 12, 2024, the Agency representative requested a “divorce settlement statement,” and Petitioner informed the Agency representative that she did not have the divorce documentation requested and asked if she would be able to provide a written statement regarding the information that she had pertinent to her divorce as the divorce decree incorporated the child support order. Ibid. The Agency informed Petitioner that her eligibility for benefits could not be determined without the submission of her divorce decree, and provided Petitioner twenty-five days to provide same. Ibid. Petitioner informed the Agency she could not provide the divorce decree as she did not have the financial means to obtain a certified copy from the Minnesota courts and she requested the Agency assist in confirming details of her child support information based on the information and documentation she had previously provided. See Initial Decision at 3-4. Petitioner testified that she attempted to contact the Minnesota Child Support Office but that she did not receive a response. See Initial Decision at 4. On July 17, 2024, the Agency denied Petitioner’s WFNJ/TANF benefits application citing that she failed to provide her child support order to the Agency. See Initial Decision at 4; see also Exhibit R-3.

On January 29, 2025, Petitioner contacted the Minnesota courts and was advised that certified copies of her divorce decree and child support order would cost \$28, but that she could be provided uncertified copies at no cost. See Initial Decision at 4. Petitioner attempted to contact the Agency to determine if uncertified copies would be accepted, however, she received no response. Ibid. On January 30, 2025, the Minnesota Child Support Office sent a letter to Petitioner informing her they were trying to contact her, and upon receipt, Petitioner contacted that office and requested copies of her divorce decree and child support order. Ibid. The Minnesota Child Support Office informed Petitioner that such documents would have to be requested from the Court, however, if the Agency were to request the documents, they could be shared with them. Ibid.

On February 25, 2025, the Agency requested to know if Petitioner had received uncertified copies of her divorce decree and child support order, and although she had not yet received the documents, Petitioner provided proof of her request to the court for uncertified copies. See Initial Decision at 4. On February 28, 2025, prior to the hearing in this matter, Petitioner provided the Agency with uncertified copies of her divorce decree and child support order. Ibid; see also Exhibit P-1.

Here, the ALJ found that, when the Agency determined that the information provided by Petitioner was insufficient, and Petitioner was unable to obtain the information without assistance, the Agency representative failed to assist Petitioner. See Initial Decision at 5; see also N.J.A.C. 10:90-16.4(c). Accordingly, the ALJ found that Petitioner cooperated in good faith, that the Agency’s denial of her WFNJ/TANF benefits was improper and must be reversed, and that her April 2, 2024, application for WFNJ/TANF benefits must be processed. See Initial Decision at 5; see also N.J.A.C. 10:90-16.1, -16.2, -16.3, -16.4. I agree, and as such, I direct that the Agency expedite the review of Petitioner’s application for WFNJ/TANF benefits and is to accept the uncertified copies of the divorce decree and child support order as entered into the record in this matter, and to issue retroactive benefits, accordingly. See N.J.A.C. 10:90-9.16(e). The Initial Decision is modified to reflect the above findings, and the matter is remanded back to the Agency for action, as directed above.

By way of comment, I have reviewed the Agency’s Exceptions and find that the arguments made therein do not alter my decision in this matter.

Accordingly, the Initial Decision is hereby MODIFIED, the Agency’s action is REVERSED, and the matter is REMANDED to the Agency for further action, as outlined above.

Officially approved final version. May 14, 2025

Natasha Johnson
Assistant Commissioner

