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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 **06618-26 A.G.**

AGENCY DKT. NO. **C776025007 (ESSEX COUNTY DIVISION OF WELFARE)**

Petitioner appeals from the Respondent Agency's denial of her application for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency denied Petitioner WFNJ/TANF benefits, contending that she had failed to provide required child support information. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law ("OAL") for a hearing. On May 27, 2026, the Honorable Gerard Hughes, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On June 9, 2026, the ALJ issued an Initial Decision, reversing the Agency's determination.

No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development ("DFD"), Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I hereby ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination, 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.

Consistent with the Work First New Jersey ("WFNJ") regulations, the goal of the Family Violence Option Initiative ("FVO") is to transition WFNJ recipients, who are victims of domestic violence, "from dependency on WFNJ [...] cash assistance benefits to employment and self-sufficiency." N.J.A.C. 10:90-20.1(a). The FVO allows an individual to request a waiver of WFNJ program or time-limit requirements. See N.J.A.C. 10:90-20.1(b), and -20.4(a)(2), (b)(2). The FVO does not authorize the provision of WFNJ benefits indefinitely based on an individual's history of domestic violence. See DFD Instruction ("DFDI") 12-12-05 (expressing that FVO "grants 'good cause' temporary waivers of WFNJ program requirements to [WFNJ] applicants/recipients"). Any waiver under the FVO is based on need as determined by a risk assessment. See N.J.A.C. 10:90-20.2(a)(2)(iv), -20.6, -20.7, -20.8, -20.9, and DFDI 12-12-05. An individual is re-evaluated for their continued need for a waiver at least every six months or sooner depending on an individual's circumstances. See N.J.A.C. 10:90-20.8(c)(1), -20.9(c)(1).

Here, the record reveals that Petitioner applied for WFNJ/TANF benefits on November 10, 2025, and was informed by the Agency on January 8, 2026, that she would have to comply with a process to enforce child support owed to her. See Initial Decision at 2. Upon receipt of such information from the Agency, Petitioner requested an exception from compliance with such requirement due to domestic violence, and the Agency referred Petitioner to the Family Violence



Unit ("FVU") for a domestic violence assessment. See Initial Decision at 2; see also Exhibit R-1. On January 8, 2026, a representative from the FVU phoned Petitioner to discuss her domestic violence situation, however, Petitioner was unable to answer the call and the representative did not leave a voicemail, due to safety considerations. See Initial Decision at 3. On that same date, the representative emailed Petitioner requesting the best phone number to reach her. Ibid. On January 13, 2026, subsequent emails followed with Petitioner requesting a call from the FVU representative, who called on that same day, but was unable to reach Petitioner, and, again, she did not leave a voicemail. Ibid. On that same date, Petitioner sent a message through the Agency's online system and requested a date and time be scheduled so she did not miss any further phone calls. Ibid. On that same date, an Agency note was entered indicating that the Petitioner could not be reached and the FVU would not be taking any further action. Ibid. On February 1, 2026, Petitioner sent an additional message through the Agency's online system requesting a scheduled time for a phone call and indicating she was seeking an exception to the child support requirements of the WFNJ program. Ibid. On February 2, 2026, an Agency representative emailed Petitioner inquiring if she wanted to proceed with her WFNJ application, to which Petitioner responded indicating times on that date and the next when she would be available for a telephone call. See Initial Decision at 3-4. On February 3, 2026, Petitioner emailed the Agency representative again indicating that she was awaiting a contact for her domestic violence assessment and indicating that she had made multiple attempts to contact the FVU and had not received a response. See Initial Decision at 4. On that same date, the Agency issued a notice of non-cooperation status to Petitioner, alleging that she had failed to comply with the child support requirements of the WFNJ program. Ibid.; see also Exhibit R-2. On March 3, 2026, the Agency issued a denial notice based upon Petitioner's failure to cooperate with child support. Ibid.

The ALJ in this matter found Petitioner credible when she testified that she attempted to outreach to the Agency, as well as the FVU unit, on several occasions without success, including that she requested to schedule a date and time to discuss her concerns in further detail, which constituted a good faith effort to comply with the Agency's child support and FVO process. See Initial Decision at 5-6.

Accordingly, the ALJ concluded that the Agency's denial of WFNJ/TANF benefits was improper and must be reversed, and further ordering the Agency to complete the FVO process necessary to determine whether or not Petitioner must comply with the child support cooperation requirements of the WFNJ program. See Initial Decision at 6. Based on an independent review of the record, as it appears that there are no other WFNJ/TANF benefits eligibility criteria which have not been met by Petitioner, I concur with the ALJ's reversal of the Agency's determination and order that the Agency expedite a FVO assessment for Petitioner. I note that the ALJ in this matter indicates that Petitioner may no longer be eligible for receipt of WFNJ/TANF benefits due to her beginning employment in January, 2026. See Initial Decision at 6; see also Exhibit R-3. As the FVO assessment is required to determine whether or not Petitioner must comply with the child support requirements of the program, such assessment must first occur before an eligibility determination, and potential provision of any retroactive benefits may be considered. Should Petitioner be denied benefits following the FVO assessment, she is without prejudice to request another hearing on such denial.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is REVERSED, as outlined above.

Officially approved final version. July 30, 2026

Natasha Johnson
Assistant Commissioner

