N.J.A.C. 10:90

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM

Title 10, Chapter 90 -- Chapter Notes

Statutory Authority

CHAPTER AUTHORITY:

N.J.S.A. 30:1-12.

History

CHAPTER SOURCE AND EFFECTIVE DATE:

Effective: October 4, 2021.

See: 53 N.J.R. 1846(b).

CHAPTER HISTORICAL NOTE:

Chapter 90, The Handbook for Home Services Program, was filed and became effective prior to September 1, 1969. Chapter 90, The Handbook for Home Services Program, was repealed by R.1980 d.208, effective May 9, 1980. See: 12 N.J.R. 192(a), 12 N.J.R. 323(a).

Chapter 90, Monthly Reporting Policy Manual, was adopted as R.1982 d.399, effective November 15, 1982. See: 14 N.J.R. 958(a), 14 N.J.R. 302(a).

Pursuant to Executive Order No. 66(1978), Chapter 90, Monthly Reporting Policy Manual, was readopted as R.1987 d.454, effective November 16, 1987. See: 19 N.J.R. 1517(a), 19 N.J.R. 2193(a). Pursuant to Executive Order No. 66(1978), Chapter 90, Monthly Reporting Policy Manual, expired on October 14, 1992.

Chapter 90, Work First New Jersey Program, was adopted as R.1997 d.311, effective July 1, 1997 (to expire January 1, 1998). See: 29 N.J.R. 3287(a).

Pursuant to Executive Order No. 66(1978), Chapter 90, Work First New Jersey Program, was readopted as R.1998 d.42, effective December 10, 1997. See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Subchapter 17, Early Employment Initiative (EEI), was adopted as R.1998 d.383, effective July 20, 1998. See: 30 N.J.R. 1489(a), 30 N.J.R. 3656(a) (operative August 1, 1998).

Subchapter 18, Essex/Atlantic Substance Abuse Research Demonstration, was adopted as R.1999 d.66, effective March 1, 1999. See: 30 N.J.R. 3629(a), 31 N.J.R. 685(a).

Subchapter 19, Kinship Care Subsidy Program (KCSP), was adopted as R.2002 d.349, effective November 4, 2002. See: 33 N.J.R. 4191(a), 34 N.J.R. 3778(b).

Chapter 90, Work First New Jersey Program, was readopted as R.2003 d.226, effective May 5, 2003. As a part of R.2003 d.226, Subchapter 18, Essex/Atlantic Substance Abuse Research Demonstration, was repealed and Subchapter 18, Substance Abuse, and Subchapter 20, The Family Violence Option Initiative, were adopted as new rules, effective June 16, 2003. See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Chapter 90, Work First New Jersey Program, was readopted as R.2007 d.240, effective July 16, 2007. See: 39 N.J.R. 832(a), 39 N.J.R. 3936(a).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 90, Work First New Jersey Program, was scheduled to expire on July 16, 2014. See: 43 N.J.R. 1203(a).

Chapter 90, Work First New Jersey Program, was readopted, effective January 24, 2014. See: 46 N.J.R. 440(b).

In accordance with N.J.S.A. 52:14B-5.1, Chapter 90, Work First New Jersey Program, was scheduled to expire on January 24, 2021. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 103, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Chapter 90, Work First New Jersey Program, was readopted, effective October 4, 2021. See: Source and Effective Date.

Chapter 90, Work First New Jersey Program, was updated by administrative change, effective June 11, 2024, to change all references to county welfare agencies (CWA) and county welfare boards to county social service agencies (CSSA) and county social services boards, respectively. See: 56 N.J.R. 1244(a).

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N.J.A.C. 10:90-1.1

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§ 10:90-1.1 Purpose, philosophy and scope of the WFNJ program

(a) The Work First New Jersey (WFNJ) program has been established to transform the design and purpose of the welfare system in New Jersey. For the first time, one comprehensive program has been created by the Legislature and the Governor to uniformly both inspire and require all able-bodied families with dependent children, single adults and couples without dependent children to WORK rather than receive welfare. WFNJ builds and expands upon the foundation of the basic principles set forth in the Federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Public Law 104-193. The Act established the Temporary Assistance for Needy Families (TANF) block grant program which ended the Aid to Families with Dependent Children program and established the WFNJ Program pursuant to the Work First New Jersey Act, Public Law 1997 c.13, c.14, c.37 and c.38.

(b) WFNJ, building upon the base of our former State and Federally funded Aid to Families with Dependent Children (AFDC) program and our State funded General Assistance (GA) program, creates one WFNJ program. However, due to certain necessary differences in the requirements and the responsibilities entailed in being a single adult, a couple without dependent children or a single adult or couple with dependent children, the WFNJ program recognizes two segments which, for ease of reference and clarity throughout this manual are referred to as either the WFNJ/TANF component, which encompasses families with children whether headed by a single adult or a couple, and the WFNJ/GA component, which encompasses single adults and couples without dependent children.

(c) The WFNJ Program is designed specifically to emphasize personal responsibility, instill dignity, promote self-sufficiency and pride through work and strongly reinforce all parents' responsibility for their child(ren) through strict enforcement of child support requirements. WFNJ clearly recognizes that both parents of a child(ren), whether or not they are the custodial caretakers of these children share fully and equally in the responsibility for the financial support of the child(ren), as well as all the positive developmental aspects which occur throughout childhood. All adults have primary responsibility for supporting both themselves and their families.

(d) Assistance benefits provided under WFNJ are time-limited and considered a temporary cash subsidy to bridge the gap while individuals seek and obtain self-

sufficiency through bona fide unsubsidized employment. Applicants shall be informed that receipt of WFNJ assistance benefits is limited to a lifetime maximum of 60 cumulative months and that seeking and accepting employment are the primary requirements for receipt of continuing cash assistance.

(e) The applicant(s) and/or his or her designee shall be assisted by the WFNJ worker in completing the Application and Affidavit for WFNJ and the Agreement to Repay pursuant to N.J.S.A. 44:10-64. The applicant shall be given the WFNJ Participant Handbook, an information card concerning the "Fair Hearings in the Work First New Jersey Program (WFNJ)", and written notification of his or her rights and responsibilities under the WFNJ program.

(f) In line with protecting its most vulnerable citizens, it should be emphasized that the WFNJ Program has availed itself of the PRWORA option regarding protections for victims of Family Violence. PRWORA and WFNJ provide the flexibility to uniquely address the specific problems of victims of family violence, as well as victims of rape and incest (see N.J.A.C. 10:90-20 regarding family violence provisions).

(g) The purpose of this chapter is to establish the policies necessary for the orderly and equitable provision of WFNJ Program benefits to single adults, couples without dependent children and families with dependent children on a Statewide basis. The policies and procedures are binding on the county or municipal agency charged with the responsibility for administering the WFNJ Program and are enforceable by the Department of Human Services (DHS), Division of Family Development (DFD). The DHS shall oversee the actions of the county or municipal agency as they relate to program administration and shall coordinate with other departments within the State of New Jersey in an effort to establish the necessary linkages to assist recipients of WFNJ to achieve social and economic self-sufficiency. Questions of interpretation shall be resolved by the Division of Family Development. If any rules herein contradict or conflict with rules or policies established at N.J.A.C. 10:81 , 10:82 or 10:86 such material is superseded by this chapter.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote (e) and (f).

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N.J.A.C. 10:90-1.2

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§ 10:90-1.2 Opportunity and decision to apply

(a) Any person who believes he or she is eligible for WFNJ assistance must be given the opportunity to apply without delay. Applicants shall be informed about the eligibility requirements and their rights and obligations in applying for and receiving assistance. The decision to apply rests with the person. The applicant has the right to withdraw the application before eligibility or ineligibility has been determined.

(b) The application process begins with the initial contact by a member of the assistance unit with the designated county or municipal agency and ends with a decision by that agency as to the eligibility of the assistance unit for WFNJ benefits. Both the applicant and the county or municipal agency have a responsibility to verify and document eligibility.

(c) Initial contact may be an inquiry, a referral or an application:

1. Inquiry means any request for information about assistance programs which is not a request for an application. A record is necessary only when the inquiry requires follow-up action.

2. Referral means a request from a public or private agency or individual for assistance on behalf of another individual/family. All referrals must be recorded with appropriate facts, and the disposition noted.

3. Application means a written request for public assistance by an individual, couple without children, natural or adoptive parent(s), parent-person(s), minor parent(s), or legal guardian acting on behalf of the individual/family.

(d) There are four types of applications: new application, reapplication, reopened application and transfer application (see N.J.A.C. 10:90-15 for definitions).

(e) The applicant(s) and/or his or her designee shall be assisted by the WFNJ worker in completing the Application and Affidavit for WFNJ and the Agreement to Repay pursuant to N.J.S.A. 44:10-64. The applicant shall be given the WFNJ Participant Handbook, an information card concerning the "Fair Hearings in the Work First New Jersey Program (WFNJ)", and written notification of his or her rights and responsibilities under the WFNJ program.

(f) Responsibilities of the county or municipal agency during the initial contact shall include, but not be limited to:

1. Explaining the programs/services and detailing the applicant's rights and responsibilities including immediate need, his or her mandatory cooperation with Child Support and Paternity (CSP) requirements, work requirements, family violence provisions, personal identification requirements, time limits, requirements for affidavits regarding felony conviction, parole violation, drug conviction, and minor parent requirements;

2. Providing an orientation to the WFNJ program to each applicant for assistance to explain the need for each individual to comply with WFNJ work requirements as a condition of eligibility for WFNJ benefits, unless deferred. All WFNJ applicants unless they are 60 years old or over, a victim of family violence, a child-only case, or EEI eligible are required to register for work with the New Jersey One-Stop Career Center (NJOSCC);

i. The work registration is completed via an electronic transfer of information to America's One-Stop Operating System (AOSOS) upon determination of eligibility for WFNJ. If the person is deemed employable through the completion of Part A of the Employability Plan Development Tool (EPDT), then the CSSA/MWA shall make a referral to the NJOSCC using the AOSOS interagency referral system.

3. Informing the applicant how and where to apply and what verifications and documents are needed to complete the intake interview;

4. Advising the applicant that Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination in determining eligibility for public assistance (see N.J.A.C. 10:90-1.7 regarding specific nondiscrimination provisions) and furnishing him or her with a copy of the WFNJ Participant Handbook;

5. Determining whether the applicant does indeed wish to apply with full understanding of the need to verify essential eligibility factors and the requirement for a personal interview, which includes, as an initial step, a CSP interview;

i. County CSP staff shall be co-located with WFNJ/TANF intake staff, to insure that the child support interview does not delay the application process;

6. Informing the applicant of the availability of the New Jersey Supplemental Nutrition Assistance Program (NJ SNAP), specifying the requirements for qualification and, if appropriate, assisting the applicant in applying if he or she so chooses and assisting the applicant in obtaining verification documentation.

i. When the applicant is applying for multiple benefits, for example, WFNJ, Medicaid, and NJ SNAP, the agency shall determine if the child support interview and work registration requirement can be completed on the day of initial contact with the agency. Where the child support interview and/or work requirement cannot be completed on the day of application, the applicant shall be afforded the opportunity to file the application, for NJ SNAP purposes, that day. At a minimum, the applicant shall provide his or her name and signature, as well as the date of

filing, on the application. The applicant shall also complete the questions on the PA-1J which are relevant in determining whether the household is entitled to NJ SNAP expedited service. In addition, the applicant shall be provided with an appointment to return to the agency to comply with the CSP interview and/or the work registration requirement;

7. Advising a pregnant woman that she may make application for assistance for herself and the expected child up to 90 days before the expected birth date of her child, as well as providing information regarding prenatal benefits available under Medicaid and supplemental benefits available under the Woman, Infants and Children (WIC) program;

8. Taking the WFNJ application at the county level, on the same day when an individual appears at the office to request an application, if possible, or in hardship cases, when a home visit occurs, which includes an Agreement to Repay (form WFNJ-10D), as well as an application for NJ SNAP benefits and an application for Medicaid or medical benefits, as appropriate. If the agency determines that the application cannot be completed on the day of the request, the applicant shall be afforded the opportunity to file the application that day by providing his or her name and signature, as well as the date of filing, on the application. The applicant shall be provided with an appointment to complete the application process. The agency must ensure that eligibility shall be retroactive to the date on which the individual signed the application.

i. For GA cases applying for Supplemental Security Income, in addition to form WFNJ-10D, the applicant shall also sign the WFNJ/GA-30 (Authorization for Reimbursement of Initial Supplemental Security Income (SSI) Payment or Initial SSI Post-eligibility Payment) and the WFNJ/GA-30A (Agreement to Repay Assistance From Initial SSI Payment) in accordance with N.J.A.C. 10:90-14.5(c);

9. Taking the WFNJ application at the municipal level, on the same day when an individual appears at the office to request an application, if possible, or in hardship cases, when a home visit occurs, which includes an Agreement to Repay (form WFNJ-10D) for cash assistance, emergency assistance, and any monies that the Division of Medical Assistance and Health Services spends as a direct result of accident-related injuries. If the agency determines that the application cannot be completed on the day of request, the applicant shall be afforded the opportunity to file the application that day by providing his or her name and signature, as well as the date of filing, on the application. The applicant shall be provided with an appointment to complete the application process. The agency must ensure that eligibility shall be retroactive to the date the individual signed the application.

i. For GA cases applying for Supplemental Security Income, in addition to form WFNJ-10D, the applicant shall also sign the WFNJ/GA-30 and the WFNJ/GA-30A, in accordance with N.J.A.C. 10:90-14.5(c); and

10. Determining the employability and/or type of assistance the applicant is seeking.

i. To determine an applicant's employability, the agency shall help the applicant who appears to meet financial and non-financial eligibility requirements and who is

considered an eligible candidate for WFNJ cash assistance, to complete Part A of the EPDT. The information obtained from Part A of the EPDT shall be used to develop the initial Individual Responsibility Plan (IRP) (see N.J.A.C. 10:90-4.8 for provisions regarding IRP plan completion).

ii. If a referral to the NJOSCC for "To-Work" services is appropriate, the CSSA/MWA shall document the referral as a WFNJ eligibility requirement on the initial IRP. The IRP shall reflect that an appointment shall be scheduled with the NJOSCC to complete Part B of the EPDT upon determination of eligibility for WFNJ.

iii. Those individuals with barriers to employment identified by the EPDT, or who are deferred from the work requirement, shall have their social service needs met by the CSSA/MWA, until such time as their barriers are removed and they are redetermined mandatory "To-Work" participants. When a referral is made to a barrier removal activity, the initial IRP shall indicate that the individual's first activity is a referral to be assessed by the appropriate agency.

iv. The county or municipal agency, as appropriate, shall ensure the provision of necessary case management for all recipients. Case management means the provision of certain services to recipients, which shall include an assessment and development of an IRP for each adult recipient, minor parent, and 16- through 18-year old individual that is not attending school on a full-time basis. (See N.J.A.C. 10:90-4.7 and 4.9 for provisions regarding assessment and N.J.A.C. 10:90-4.8 for provisions regarding IRP plan completion.) The most intensive case management shall be directed to those facing the most serious barriers to employment.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (e), added information detailing written notification of rights and responsibilities under WFNJ; in (f)2 added "immediate need" and "domestic violence provisions" and added (f)3; recodified former (f)3 to (f)4 and added (f)4i, recodified former (f)4 to (f)5 and former (f)5 to (f)6; recodified former (f)6 to (f)7 and added (f)7i; recodified former (f)7 to (f)8 and added (f)8i, recodified former (f)8 to (f)9 and former (f)9 to (f)10; and added (f)11.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote (e) and (f).

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (f)3, inserted "for each adult recipient, parent minor, and 16 through 18 year old individual that is not attending school on a full time basis" following "responsibility plan (IRP)".

Amended by R.2008 d.324, effective November 3, 2008.

See: 40 N.J.R. 2188(a), 40 N.J.R. 6459(a).

In (c)3, substituted "minor parent(s)" for "parent-minor"; and rewrote (f).

Amended by R.2012 d.188, effective November 19, 2012.

See: 44 N.J.R. 544(a), 44 N.J.R. 2947(b).

In the introductory paragraph of (f)6, substituted "New Jersey Supplemental Nutrition Assistance" for "Food Stamp (FS)" and a period for a semicolon at the end and inserted "(NJ SNAP),"; in (f)6i, inserted a comma following "Medicaid" and substituted "NJ SNAP" for "food stamps"; and rewrote the introductory paragraphs of (f)8 and (f)9.

Amended by R.2024 d.026, effective April 1, 2024.

See: 55 N.J.R. 2311(a), 56 N.J.R. 486(a).

In (f)1, deleted "family cap provisions," following "time limits,".

Amended by R.2024 d.080, effective September 3, 2024.

See: 56 N.J.R. 403(a), 56 N.J.R. 1801(a).

Rewrote (f).

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N.J.A.C. 10:90-1.3

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§ 10:90-1.3 Immediate need

(a) All applicants for WFNJ shall be evaluated for immediate need at the time of application. If the county or municipal agency determines that immediate need exists, based upon an applicant's written statement signed under oath and subject to the applicant appearing to meet all other program eligibility requirements, the agency shall ensure that the needs of the assistance unit are met until such time as the final eligibility determination is made.

1. Immediate need means that the assistance unit lacks shelter or is at imminent risk of losing shelter, essential utilities, or has no food or insufficient food for unit members' immediate needs, or lacks minimal clothing to protect their health and safety. In those situations where no other appropriate services are available to meet the needs of the assistance unit, a cash assistance benefit shall be provided but shall not exceed the amount of the cash assistance payment level for the appropriate eligible assistance unit size for that period.

2. In situations where immediate need exists and other appropriate services are not immediately available to meet the needs of the assistance unit, or if the applicant expresses a need for emergency assistance, county/municipal agencies shall ensure that the application be processed that day in order to provide a cash assistance benefit.

i. In cases of immediate need, where the CSP interview and/or work registration requirement cannot be completed on the day of application, the application process is to continue with the applicant being provided an appointment to return to the agency to comply with the CSP interview and/or the work registration requirement.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Added 2 and 2i.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), added the first sentence in the introductory paragraph and inserted "immediately" preceding "available" and "or if the applicant expresses a need for emergency assistance," following "assistance unit," in 2.

Amended by R.2008 d.324, effective November 3, 2008.

See: 40 N.J.R. 2188(a), 40 N.J.R. 6459(a).

In (a)1 and (a)2, substituted "a cash assistance benefit" for "cash assistance"; and in (a)1, substituted "is a imminent risk of losing" for "imminently lacks" and deleted "such monies" following "but".

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N.J.A.C. 10:90-1.4

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§ 10:90-1.4 Notice and information to client

(a) If immediate need is not apparent and a decision of approval or disapproval is not reached within 30 days of application, the county/ municipal agency shall notify the applicant in writing of this fact and the reason for the delay (see N.J.A.C. 10:90-9). When a decision is reached, the applicant shall be notified in writing of this decision (approved or disapproved). If a county/municipal agency does not take action to approve or deny the application through no fault of the applicant then the agency shall act on the application in accordance with immediate need provisions at N.J.A.C. 10:90-1.3(a)1.

1. When the county/municipal agency has failed to take action to approve or deny the application through no fault of the applicant within 25 days of the date of application, the county/municipal agency shall send a notice to the client scheduling an interview within five days in order to determine if the applicant is in an immediate need situation and to make an appropriate determination as to the applicant's eligibility for WFNJ.

(b) In cases of family violence, rape or incest, corroboration shall not be sought from the perpetrator of the rape or incest or from the perpetrator of family violence so that any further risk of harm to the victim is not heightened in accordance with the intent of N.J.S.A. 2C:25-18 et seq.

(c) The client will also be advised in writing that if he or she is dissatisfied with any adverse action or inaction of the county/municipal agency, he or she may request a hearing. He or she shall be informed of the steps that are to be followed in making such a request (see N.J.A.C. 10:90-9).

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Added (a)1.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

In (b), substituted "family" for "domestic" throughout.

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N.J.A.C. 10:90-1.5

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§ 10:90-1.5 Prompt disposition by the county or municipal agency

Persons shall be given the opportunity to comply with the eligibility requirements and apply for WFNJ benefits without delay. Staff of the county or municipal agency shall accept, process, and recommend action on applications for assistance within 30 days. If the applicant is eligible, payment shall be issued as soon as eligibility is established. The county or municipal agency shall act promptly and timely on applications as long as the WFNJ participant is eligible for assistance and is complying with program requirements. Failure of the county or municipal agency to act promptly and timely shall not be a basis for denying or delaying the issuance of benefits. The county and municipal agency shall also act promptly and timely on redetermining eligibility, but failure of the county or municipal agency to act promptly and timely shall not be a basis for delay in granting assistance.

History

HISTORY:

Amended by R.2012 d.188, effective November 19, 2012.

See: 44 N.J.R. 544(a), 44 N.J.R. 2947(b).

Inserted designation (a); in the introductory paragraph of (a), inserted a comma following "process", and added (a)1.

Amended by R.2024 d.080, effective September 3, 2024.

See: 56 N.J.R. 403(a), 56 N.J.R. 1801(a).

Rewrote the section.

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N.J.A.C. 10:90-1.6

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§ 10:90-1.6 Primary source of information

(a) Applicants and recipients are in all instances the primary source of information about themselves and their families. It is the responsibility of the county or municipal agency to determine eligibility and, as necessary, to secure verification from secondary sources. The applicant will be informed that the county or municipal agency needs to document the facts regarding certain eligibility criteria and that this process will include contacting collateral sources as necessary.

1. Public records are preferred evidence and use of these sources shall be exhausted before other sources are used.

2. Sources of collateral evidence to establish eligibility may include, as appropriate, but are not limited to, the following:

i. Birth, death and marriage certificates, records from religious institutions, immigration and naturalization papers, census records, school records, military service records, court records, employment records, records of public or private welfare agencies, voting records, medical records, personal records, and affidavits from knowledgeable persons. Whenever possible, the WFNJ worker shall assist the applicant in securing these documents, or shall verify such information through interagency contacts.

ii. The use of an affidavit is not sufficient to verify immigration status under WFNJ. Immigration status must be verified through the Federal Office of Homeland Security.

iii. In cases where paternity has not been established and an affidavit is the only available verification of a blood relationship, the applicant shall start adjudication proceedings within 30 days to maintain eligibility. In such cases, the use of an affidavit is sufficient to verify a blood relationship under WFNJ only until adjudication has occurred.

(b) Only evidence to corroborate facts essential to eligibility shall be sought. In determining the relative validity of the above sources of evidence in (a) above, the county or municipal agency shall bear in mind the type and source of document.

(c) While it is usually desirable to obtain evidence in written form, personal inspection of records by the agency personnel, where permission can be secured, is an acceptable practice and is often quicker and simpler.

(d) In situations concerning family violence, rape or incest, documentation shall be obtained from the person(s) who has factual knowledge of the relevant circumstances through the use of an affidavit. At no time shall documentation be sought from the perpetrator of the rape or incest or from the perpetrator of family violence in accordance with the intent of N.J.S.A. 2C:25-18 et seq.

(e) With respect to "enumeration at birth," for WFNJ/TANF clients, the county agency shall request proof of receipt of the Social Security number (SSN) after six months from the child's birth have lapsed or at time of the recipient's next redetermination, whichever occurs first.

(f) At the time of application, the WFNJ worker shall provide the applicant with a written list of the verification needed to determine eligibility. The WFNJ worker shall review this list with the applicant and shall inform the applicant that the worker will, whenever possible, assist the applicant in obtaining documentation. The WFNJ worker shall take appropriate action and/or provide appropriate direction to the applicant to assure that all relevant documentation is promptly obtained. The WFNJ worker shall assist the applicant in obtaining verification documentation, whenever necessary.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (a) 2i, deleted "church" and inserted "from religious institutions"; and in (d) deleted "abusive partner or ex-partner of a victim" and inserted "perpetrator".

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a)2i, added a second sentence; in (d), substituted "family" for "domestic" throughout; and in (f), added the first two sentences.

Amended by R.2008 d.324, effective November 3, 2008.

See: 40 N.J.R. 2188(a), 40 N.J.R. 6459(a).

Added (a)2ii and (a)2iii.

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N.J.A.C. 10:90-1.7

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§ 10:90-1.7 Nondiscrimination

(a) There shall be no discrimination on grounds of race, creed, color, religion, ancestry, age, sex, national origin, marital, parental, familial or birth status, affectional or sexual orientation, liability for service in the Armed Forces of the United States, nationality or handicap/disability, in accordance with all discrimination laws, including, but not limited to, State and Federal provisions in (b) through (k) below, by the State or the county or municipal agency in the administration of any public assistance program.

(b) The New Jersey Legislature has declared that practices of discrimination against any of its inhabitants, because of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, marital status, familial status, handicap, liability for service in the Armed Forces of the United States, or nationality are matters of concern to the government of the State, and that such discrimination threatens not only the rights and proper privileges of the inhabitants of the State but menaces the institutions and foundation of a free democratic State; provided, however, that nothing in this expression of policy prevents the making of legitimate distinctions between citizens and aliens when required by Federal law or otherwise necessary to promote the national interest.

(c) All persons shall have the opportunity to obtain employment, and to obtain all the accommodations, advantages, facilities, and privileges of any place of public accommodation, publicly assisted housing accommodation, and other real property without discrimination because of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, or sex, subject only to conditions and limitations applicable alike to all persons. This opportunity is recognized as and declared to be a civil right. Additionally, this also shall be construed to prohibit any unlawful discrimination against any person because such person is or has been at any time handicapped or any unlawful employment practice against such person, unless the nature and extent of the handicap reasonably precludes the performance of the particular employment.

(d) In general, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any public assistance program receiving Federal assistance. The Department of Human Services, Division of Family Development or any political subdivisions of the State, or an instrumentality of any state or political

subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any state, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, shall not engage in specific discriminatory actions, directly or through contractual or other arrangements, as follows:

1. Deny an individual any service, financial aid, or other benefit provided under the program;

2. Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the same program;

3. Subject an individual to segregation or separate treatment in any manner related to his or her receipt of any service, financial aid, or other benefit under the program;

4. Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving the same service, financial aid or benefit under the program;

5. Treat an individual differently from others in determining whether he or she satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

6. Deny an individual an opportunity to participate in the program through the provision of services or otherwise, or afford him or her an opportunity to do so which is different from that afforded others under the program; or

7. Deny a person an opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(e) Additionally, the Department of Human Services, Division of Family Development or any other recipient to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, directly or through contractual or other arrangements, may not utilize criteria or methods of administration or determine a site location which will have the effect of subjecting individuals to discrimination or have the effect of defeating or substantially impairing accomplishment of the objectives of the program. Where the primary objective of the program is to provide employment, a recipient may not directly or through contractual or other arrangements, subject an individual to discrimination in its employment practices, including recruitment, advertising, employment, layoff, or termination, upgrading, demotion or transfer, rates of pay or other forms of compensation, and use of facilities.

(f) The U.S. Department of Health and Human Services, Office for Civil Rights (OCP) provides in its official guidance on Limited English Proficiency (LEP), OCR Guidance, August 29, 2000, and April 12, 2002, that all recipients of Federal financial assistance, such as State and local agencies, private institutions or organizations, or any public or private individual in health or social services, must ensure that LEP persons are given meaningful opportunities to participate in their programs, services and benefits. Where

such language differences prevent meaningful access on the basis of national origin, the law requires that recipient agencies provide oral and written language assistance at no cost to the LEP person. Meaningful access for an LEP person is established by ensuring that the relevant circumstances of the LEP person's situation can be effectively communicated to the service provider and the LEP person is able to understand the services and benefits available and is able to receive those services and benefits for which he or she is eligible in a timely manner. The Office for Civil Rights assesses compliance on a case by case basis, taking into consideration the size of the recipient agency, the size of the eligible LEP population it serves, the nature of the program or service, the objectives of the program, the total resources, the frequency with which languages are encountered and the frequency with which LEP persons come into contact with the program.

(g) In general, no qualified handicapped/disabled person shall, on the basis of handicap/disability, be excluded from participation in, be denied benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from Federal financial assistance. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 specifically provides that Federal civil rights laws, including Section 504 of the Rehabilitation Act of 1973 and The Americans with Disabilities Act of 1990, apply to TANF programs. The Americans with Disabilities Act (ADA) protects individuals with physical and mental health problems and learning disabilities. The ADA prohibits discrimination on the basis of disability by both private and public entities, whether or not they receive Federal financial assistance. Both Section 504 and Title II of the ADA cover all states as well as counties and municipalities administering public assistance programs.

(h) Recipients of Federal funding that employ 15 or more persons shall provide appropriate auxiliary aids to persons with impaired sensory, manual, or speaking skills, where necessary to afford such persons an equal opportunity to benefit from the service in question. Section 504 allows recipients of Federal funding that employ less than 15 people to refer individuals with disabilities to another provider if unable to make an accommodation. The Department of Human Services, Division of Family Development or any other recipient to whom Federal financial assistance is extended, in providing any aid, benefit, or service, may not take discriminatory actions, directly or through contractual, licensing, or other arrangements, on the basis of handicap/disability as follows:

1. Deny a qualified handicapped/disabled person the opportunity to participate in or benefit from the aid, benefit, or service;

2. Afford a qualified handicapped/disabled person an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

3. Provide a qualified handicapped/disabled person with an aid benefit or service that is not as effective as that provided to others;

4. Provide different or separate aid, benefit, or service to handicapped/disabled persons or to any class of handicapped/ disabled persons unless such action is

necessary to provide qualified handicapped/disabled persons with aid, benefits, or services that are as effective as those provided to others;

5. Aid or perpetuate discrimination against a qualified handicapped/disabled person by providing significant assistance to an agency, organization, or person that discriminates on the basis of handicap/disability in providing any aid benefit, or service to beneficiaries of the recipients program;

6. Deny a qualified handicapped/disabled person an opportunity to participate as a member of a planning or advisory board; or

7. Otherwise limit a qualified handicapped/disabled person in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving aid, benefit or service.

(i) A recipient of Federal financial assistance may not utilize criteria, use methods of administration or determine a facility site location which has the effect of subjecting a qualified handicapped/ disabled person to discrimination, or that has the purpose or effect of defeating or substantially impairing accomplishment of objectives of the program, or perpetuates the discrimination of another recipient agency. A recipient agency that provides notice concerning benefits or services or written material concerning waivers of rights or consent to treatment shall take such steps as are necessary to ensure qualified handicapped/disabled persons, including those with impaired sensory or speaking skills, are not denied effective notice because of their disability. The county and municipal agencies shall offer the hearing impaired the services of an interpreter. If the client chooses not to avail himself or herself of these services, the client shall sign a certification to that effect.

(j) The Department of Health and Human Services, Office for Civil Rights (OCR) provides in its official guidance, OCR Guidance, January 2001, that the two principles that must be served by all agencies in implementing TANF in compliance with the law are: the individualized treatment of a disabled person, and the provision of an effective and meaningful opportunity to access the services or benefits available. Thus, each agency is required to ensure equal access through the provision of appropriate services; modify policies, practices and procedures to provide such access unless it would result in a fundamental change to the program; and adopt non-discriminatory methods of administering the program. All WFNJ agencies are required to have a written policy on reasonable modifications to avoid discrimination.

(k) In general, no person in the United States shall, on the basis of age, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Department of Human Service, Division of Family Development or any other recipient of Federal financial assistance may not, in any program or activity receiving Federal financial assistance, directly or through contractual, licensing, or other arrangements, use age distinctions or take any other actions which have the effect, on the basis of age, of:

1. Excluding individuals from, denying benefits of, or subjecting them to discrimination under a program or activity receiving Federal financial assistance; or

2. Denying or limiting individuals in their opportunity to participate in any program or activity receiving Federal financial assistance.

(l) A recipient agency of Federal financial assistance is permitted to take action otherwise prohibited or that may have a disproportionate effect on persons of different ages, if the action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program.

History

HISTORY:

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Designated the existing text as (a); added (b) through (l).

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N.J.A.C. 10:90-1.8

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§ 10:90-1.8 Adherence to law and regulations

There must be strict adherence to Federal and State laws and regulations.

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N.J.A.C. 10:90-1.9

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§ 10:90-1.9 No duplication of assistance

Financial assistance for maintenance or other needs shall not be authorized through public assistance when, during the same period, such financial needs are actually being provided by other agencies or organizations, whether public or private, unless such aid/assistance supplements but does not supplant WFNJ benefits. Supplementary programs such as Medicaid, SSI and NJ SNAP, as well as in-kind contributions are not considered duplicative.

History

HISTORY:

Administrative change.

See: 44 N.J.R. 1529(a).

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N.J.A.C. 10:90-1.10

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§ 10:90-1.10 Assistance to non-English speaking applicants

Information, applications and agency personnel shall be available to assist non-English speaking applicants. Spanish language program material is routinely prepared by the Division and distributed to county and municipal agencies. Program materials in languages other than Spanish may be prepared based upon knowledge of the population served by programs under the auspices of the Division.

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N.J.A.C. 10:90-1.11

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§ 10:90-1.11 Release of information by county or municipal agency

Information about applicants or recipients shall be used or disclosed only for purposes directly connected with the administration of public assistance and related services which cannot be offered without such information in accordance with the confidentiality provisions at N.J.A.C. 10:90-7.7.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-1.12

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§ 10:90-1.12 Refusal to apply for eligible benefits

A person who appears to be eligible for other benefits such as (but not limited to) unemployment insurance benefits; disability benefits, Social Security; Retirement, Survivors and Disability Insurance; Supplemental Security Income; or Veterans' benefits and such person refuses or neglects to apply for such benefits within 30 days of written notification without good cause, the entire assistance unit shall be ineligible to receive cash assistance.

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N.J.A.C. 10:90-1.13

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§ 10:90-1.13 Change in circumstances

(a) The client shall be informed periodically (at least once every six months) by the agency of his or her continuing obligation to furnish accurate and timely information to the county or municipal agency concerning changes in income, resources, or other circumstances which may affect the amount of the grant. The client must inform the county or municipal agency of any change in circumstances as soon as possible but no later than 10 calendar days after the change takes place.

(b) If a client deliberately misrepresents or conceals relevant facts in order to obtain or attempt to obtain payments of assistance for which the individual is not eligible, fraud may be suspected and a referral for fraud/intentional program violation (IPV) shall be initiated (see N.J.A.C. 10:90-11).

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-1.14

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§ 10:90-1.14 Issuance of summons or subpoena

(a) When all other means of determining facts and circumstances concerning an application for assistance have been exhausted, the county agency director may, in accordance with N.J.S.A. 44:7-20:

1. Issue a subpoena to a third party in the State who has necessary and relevant information and require that pertinent records and other documents be produced for examination;

2. Administer oaths for the purpose of such examinations.

(b) Action for contempt of court may be initiated when such person fails to obey a subpoena issued by the county agency director or to testify to facts and circumstances pertinent to the application for assistance.

(c) The refusal of such person to cooperate will not disqualify the applicant.

(d) When all other means of determining facts and circumstances concerning an application for assistance have been exhausted, the municipal agency director may initiate the necessary steps through a court to obtain a subpoena in order to obtain any pertinent records and any other documents.

1. Action for contempt of court may be initiated when such person fails to obey a subpoena or to testify to facts and circumstances pertinent to the application for assistance.

2. The refusal of such person to cooperate will not disqualify the applicant.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-1.15

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§ 10:90-1.15 Voluntary quit

An adult applicant for WFNJ shall not be eligible for benefits when the applicant's eligibility is the result of a voluntary cessation of employment, without good cause, including situations in which an applicant has been discharged from employment due to an action or inaction on his or her part in violation of the employer's written rules or policies, or lawful job related instructions within 90 days prior to the date of application. The applicant shall be ineligible for assistance for a period of 90 days beginning with the date of quit. Other members of the adult applicant's assistance unit shall remain eligible to apply for benefits. The individual who voluntarily ceased employment shall be responsible for providing the necessary information so that a good cause determination can be made (see N.J.A.C. 10:90-4.14(b) for voluntary quit provisions for WFNJ recipients and N.J.A.C. 10:90-4.14(c) regarding good cause provisions).

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Rewrote the section.

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N.J.A.C. 10:90-1.16

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§ 10:90-1.16 Assignment or transfer of property

A voluntary assignment or transfer of income or resources within one year prior to the time of application for benefits for the purpose of qualifying for WFNJ benefits shall render the applicant/recipient and the applicant/recipient's assistance unit members ineligible for benefits in accordance with N.J.A.C. 10:90-3.10(e).

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N.J.A.C. 10:90-2.1

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-2.1 General provisions

(a) This subchapter describes those Work First New Jersey (WFNJ) program eligibility factors, other than financial, which must be considered in making eligibility determinations.

(b) Eligibility for WFNJ is based upon certain criteria including, but not limited to, age, relationship, CSP cooperation, cooperation with work requirements, citizenship/eligible alien status, residence in the State, county and municipality and financial need.

1. In addition to the conditions of eligibility for WFNJ/TANF at N.J.A.C. 10:90-2.2, participation in the Early Employment Initiative (EEI) program is a condition of eligibility for those WFNJ/TANF applicant families which meet the EEI eligibility criteria for participation in accordance with the EEI provisions set forth at N.J.A.C. 10:90-17.

(c) Maximum allowable income eligibility and benefit payment levels for assistance units eligible for WFNJ benefits appear at N.J.A.C. 10:90-3.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Amended by R.1998 d.383, effective July 20, 1998, (operative August 1, 1998).

See: 30 New Jersey Register 1489(a), 30 New Jersey Register 2656(a).

In (b), added a new 1.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

In (b)1, substituted "program" for "pilot project".

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N.J.A.C. 10:90-2.2

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§ 10:90-2.2 WFNJ TANF/GA eligibility requirements

(a) An applicant/recipient, as a condition of eligibility for WFNJ TANF/GA benefits, shall, subject to good cause exceptions, be required to do the following:

1. Cooperate with child support by identifying his or her child(ren), providing specific information regarding the noncustodial or custodial parent(s), such as, name, address, date of birth and Social Security number and take certain actions as requested by the appropriate child support agency to help establish paternity, or establish, modify or enforce a child support order (see N.J.A.C. 10:90-16.2(a) and 16.3(d));

2. Cooperate with work requirements, including interviewing for and accepting employment, if offered;

3. Make application within 30 days for any other assistance for which members of the assistance unit may be eligible when the agency refers the individual, and cooperate with all requirements to establish eligibility for other programs, which includes, but is not limited to, participating in the appeals process, as appropriate. In addition, the individual shall be informed that he or she shall inform the WFNJ agency of all eligibility decisions for other programs within 10 days of receiving notification of the decision. This requirement shall in no way prevent, or delay, an agency from accepting and processing an application for WFNJ assistance;

4. Be income and resource eligible, including the deeming of income and resources as appropriate;

5. Provide all necessary documentation (which shall include contact information);

6. Sign an Agreement to Repay benefits (pursuant to N.J.S.A. 44:10-64), if not already incorporated into the application, in the event of receipt of income or resources. (See N.J.A.C. 10:90-3.18 for treatment of lump sum income as well as N.J.A.C. 10:90-7.8 for settlement of suits and claims);

7. Satisfy any sanction or repayment obligation incurred pursuant to any Federal or State law governing public assistance;

8. Supply the county/municipal agency with the Social Security number of each member of the assistance unit or apply for a Social Security number for any such

person who does not already have one. If an applicant refuses to provide or apply for the appropriate Social Security number(s), the county/municipal agency shall declare the entire assistance unit ineligible for WFNJ benefits.

i. Effective no later than July 1, 1998, the Federal Social Security number shall be used as the common identifier of individuals for any record, license, certificate or other document identifying a person by name which is used by an agency of State government in accordance with requirements of Federal law.

ii. The Federal Social Security number must be provided for all assistance unit members, except for an eligible alien who cannot be assigned a Social Security number due to his or her status;

9. Comply with personal identification requirements as a condition of receiving benefits, which shall employ the use of high technology processes for the detection of fraud.

i. Each adult WFNJ/TANF applicant/recipient and each WFNJ/GA applicant/recipient (except nursing facility applicants/recipients) shall, as a condition of receiving WFNJ benefits, be issued a photo-identification card by the county agency until implementation of the electronic benefit distribution system is begun in that county agency. Once a county begins to implement the electronic benefit distribution system, the county agency shall no longer be required to issue a photo-identification card to each adult recipient but may continue the issuance of photo-identification cards separate from the benefit cards.

ii. WFNJ/GA applicants/recipients (except nursing facility applicants/recipients) are required to participate in the high technology process at the time of application and at other times when the county/municipal agency deems it necessary to deter duplication of assistance; and

10. Participate in an intensive case management program after receiving 48 months of cash assistance if the recipient does not appear to be exempt from the 60-month time limit or if the recipient is "chronically unemployable" as defined at N.J.A.C. 10:90-2.4(a)4.

(b) An applicant/recipient who is a minor parent must, as a condition of eligibility, comply with all of (a) above and must also cooperate with the minor parent provisions at N.J.A.C. 10:90-2.17.

1. Failure of the minor parent to cooperate with the requirements listed at (a) above renders the minor parent and the minor parent's child ineligible for WFNJ/TANF cash assistance but does not render the entire assistance unit with whom the minor parent resides ineligible for WFNJ/TANF cash assistance.

(c) All adult applicants and recipients, minor parents and 16- through 18-year-old individuals not attending school on a full-time basis, as a condition of eligibility, shall complete the EPDT (Part A) and sign an individual responsibility plan (IRP), which shall be developed jointly with the county or municipal agency in accordance with the provisions at N.J.A.C. 10:90-1.2(f)10 and 4.8.

(d) Any WFNJ applicant/recipient who fails at any time to cooperate with any of the WFNJ program eligibility requirements without good cause shall render some or all assistance unit members ineligible for WFNJ benefits. (See N.J.A.C. 10:90-11.11 regarding intentional program violation disqualification penalties.)

1. An applicant/recipient who cooperates fully with the conditions of eligibility listed in (a) above, but who has a non-cooperating 16 through 18 year old dependent child as a member of the assistance unit, shall not become ineligible for WFNJ/TANF assistance, nor shall other members of the assistance unit become ineligible for WFNJ/TANF assistance. The non-cooperating 16 through 18 year old dependent child does, however, become ineligible for WFNJ/TANF assistance until such time as he or she complies.

(e) Any WFNJ recipient who fails at any time to participate in work activities without good cause shall lose cash assistance benefits in accordance with the sanction provisions at N.J.A.C. 10:90-4.13. The individual may re-apply for WFNJ benefits; however, the individual must satisfactorily complete any outstanding sanction obligations and demonstrate compliance with a work activity, in accordance with N.J.A.C. 10:90-4.11 and 4.18, in order to qualify for cash assistance.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Added (b)1 and (d)1.

Amended by R.2000 d.347, effective August 21, 2000.

See: 32 N.J.R. 2031(a), 32 N.J.R. 3070(a).

Rewrote (a)1.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), inserted "noncustodial or" preceding "custodial" in 1, rewrote 6, and deleted references to fingerimaging in 9; in (c) added references to the initial IRP; in (e), amended N.J.A.C. references.

Amended by R.2009 d.289, effective September 21, 2009.

See: 40 N.J.R. 5494(a), 41 N.J.R. 3435(a).

In (a)2, inserted ", including interviewing for and accepting employment, if offered"; rewrote (a)3 and (c); in (a)9ii, substituted "; and" for a period at the end; added (a)10; in (b), substituted "minor parent" for "parent-minor" throughout; in the introductory paragraph of (b), deleted "cited" preceding "at"; in (b)1, substituted "minor parent's" for "parent-minor's"; in (c), updated the first N.J.A.C. reference; and in (e), updated the first N.J.A.C. reference.

Amended by R.2011 d.068, effective February 22, 2011 (operative April 25, 2011).

See: 42 N.J.R. 1466(a), 43 N.J.R. 424(a).

In (a)1, deleted a comma following "birth" and "modify", deleted "2v" following "N.J.A.C. 10:90-16.2(a)", and substituted "Social Security" for "social security"; and in (a)5, inserted "(which shall include contact information)".

Amended by R.2012 d.188, effective November 19, 2012.

See: 44 N.J.R. 544(a), 44 N.J.R. 2947(b).

Rewrote (a)2.

Amended by R.2024 d.080, effective September 3, 2024.

See: 56 N.J.R. 403(a), 56 N.J.R. 1801(a).

In (a)2, deleted ", and for employable GA applicants, participating in a minimum of 28 days of employment-related activities through LWD before eligibility can be established" following "offered".

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N.J.A.C. 10:90-2.3

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§ 10:90-2.3 Time limits on eligibility for WFNJ TANF/GA benefits

(a) Effective April 2, 1997, eligibility for cash assistance benefits shall be limited to a lifetime total of 60 cumulative months for an adult individual recipient, except as otherwise provided in this subsection, whether the assistance was received in the WFNJ/TANF component, the WFNJ/GA component or a combination of both the WFNJ TANF/GA components of the program. The calculation of the lifetime limit will be based upon the number of days the recipient received benefits up to the 60-cumulative-month lifetime limit.

1. At the end of an individual adult recipient's 60 cumulative months of receipt of cash assistance, the assistance unit shall no longer be eligible to receive WFNJ/TANF or WFNJ/GA assistance.

2. In the event that a recipient who has received cash assistance as a dependent child or minor parent and later becomes a head of household or other adult assistance unit member, the time during which such dependent child or minor parent had previously received benefits shall not count toward the 60-cumulative-month lifetime limit.

3. For eligible aliens identified at N.J.A.C. 10:90-2.10, who are single adults or couples without dependent children, the benefit period is further limited by the alien's eligibility and application for citizenship status.

i. Eligible aliens who are single adults or couples without dependent children may receive benefits until they meet the minimum residency requirements to apply for citizenship in accordance with INS rules, which include, but are not limited to: continuous residence within the United States, after being lawfully admitted for permanent residence, for at least three years immediately preceding the date of filing a petition for naturalization if married to a United States citizen or, if not, continuous residence within the United States, after being lawfully admitted for permanent residence, for at least five years immediately preceding the date of filing a petition for naturalization. Because only individuals with legal permanent residence status are eligible to apply for citizenship, this provision applies only to aliens with legal permanent resident status.

ii. After residency requirements for citizenship are met, aliens who have applied for citizenship shall not receive benefits for more than six months unless they attain citizenship, or pass the language and civics component (prior to or at the time of the alien's interview with the United States Citizenship and Immigration Services, unless exempt), and are awaiting a final determination delayed through no fault of their own. The six-month time limit shall not apply if an individual is unable to meet with the United States Citizenship and Immigration Services or if an individual is delayed or unable to complete the language and civics component due to scheduling delays with the United States Citizenship and Immigration Services. In this situation, individuals shall continue to receive benefits while cooperating with the United States Citizenship and Immigration Services to attain citizenship. The agency shall monitor and document the individual's efforts to attain citizenship to ensure compliance.

iii. An alien who attains citizenship may continue to receive benefits for a lifetime total of 60 cumulative months from April 2, 1997 forward or the effective date of eligibility for WFNJ/GA, if later than April 2, 1997. The total months of eligibility include any time the individual was receiving WFNJ benefits prior to becoming a citizen.

iv. An alien who meets the requirements for residency and citizenship on or after August 22, 1996, but does not initiate the naturalization process shall not be eligible to receive benefits.

(b) A WFNJ/GA recipient's receipt of non-Federally funded general public assistance benefits while in another state shall count towards the WFNJ/GA 60 cumulative month lifetime limit.

1. In determining the number of months for which an adult recipient has received cash assistance, the first 90 days of each period of a temporary disability resulting from injury or illness related to participation in a community work experience program (CWEP) or alternative work experience program (AWEP) shall be exempted from the 60 cumulative month time limit.

(c) A WFNJ/TANF recipient's receipt of assistance from Federal TANF block grant funds provided by another state or territory shall count towards the 60 cumulative month lifetime limit, except for an adult recipient as described in (c)1 and 2 below.

1. In determining the number of months for which an adult has received assistance, any month during which the adult lived on an Indian reservation or in an Alaskan Native village shall be disregarded if, during the month, at least 1,000 individuals were living on the reservation or in the village and at least 50 percent of the adults living on the reservation or in the village were unemployed.

2. In determining the number of months for which an adult recipient has received cash assistance, the first 90 days of each period of a temporary disability resulting from injury or illness related to participation in a community work experience program (CWEP) or alternative work experience program (AWEP) shall be exempted from the 60 cumulative month time limit.

(d) In determining the number of months for which an adult recipient has received cash assistance, the months an individual spent in sanction status shall not count towards the 60 cumulative month lifetime limit.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (a)3iii, added last sentence and language regarding effective date of eligibility; added (b)1 and (d).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a)3i, added the last sentence.

Amended by R.2009 d.289, effective September 21, 2009.

See: 40 N.J.R. 5494(a), 41 N.J.R. 3435(a).

In the introductory paragraph of (a), substituted "60-cumulative-month" for "60 cumulative month"; in (a)2, substituted "minor parent" for "parent-minor" twice, and "60-cumulative-month" for "60 cumulative months"; and rewrote (a)3ii.

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N.J.A.C. 10:90-2.4

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-2.4 Exemptions from the 60-cumulative-month time limit

(a) A WFNJ TANF/GA recipient shall be exempted from the 60-cumulative-month time limit if the recipient is:

1. Sixty years of age or older;

2. One parent, in a two-parent family or a caretaker relative of a disabled child or other disabled dependent who must provide full-time care for the disabled child or other disabled dependent;

i. A disabled child is a person from birth to the age of 18 years who has a medically determinable physical or mental impairment which substantially reduces the child's ability to function independently, appropriately, and effectively in an age-appropriate manner; whose impairment is expected to last for a continuous period of not less than 12 months; and who requires the continuous presence and personal services of the parent/caretaker relative to maintain his or her basic level of functioning.

ii. A disabled dependent is a person over the age of 18 years who suffers from a medically determinable physical or mental impairment which reduces the dependent adult's ability to engage in substantial gainful activity; whose impairment is expected to last for a continuous period of not less than 12 months; and who requires the continuous presence and personal services of the parent/caretaker relative to maintain his or her basic level of functioning.

3. Permanently disabled, including, but not limited to, a person eligible for disability insurance benefits under Title II or Title XVI of the Federal Social Security Act or persons who have never completed an application for SSI or SSDI benefits, or did not appeal a denial by SSA.

i. A permanently disabled individual is an individual whose physical or mental impairment, defect or injury prevents him or her from engaging in full-time employment for a period of 12 or more months as certified by an attending physician (including a licensed or certified psychologist, as appropriate), or advanced practice nurse on a minimum of one WFNJ/MED-1, Examination Report. Such individuals may be awaiting eligibility determination for Federal long-term

disability (SSI or RSDI) benefits or be among those who have been determined by the State Department of Labor and Workforce Development to be impaired to such a degree that they will not likely achieve employment even with the provision of vocational rehabilitation services. This includes persons who are permanently disabled because of HIV-related illness who are eligible for Federal SSI benefits.

ii. Such individuals, if their physical or mental impairment allows, may participate in part-time WFNJ work activities or employment for a length of time as designated by the certifying practitioner. When such individuals choose to engage in a WFNJ work activity and/or employment and then find that their condition or impairment prevents such activity, he or she can revert back to deferred status and are not subject to sanction. Part-time participants shall be given access to the same services and supports as non-deferred recipients, such as access to training slots, transportation and child care supports.

iii. At the time of case redetermination, a permanently disabled individual's condition shall be reviewed. A recertification using a WFNJ/MED-1 shall not be required for those individuals who provide documentation that they have been determined permanently disabled and are receiving disability insurance benefits under Title II or Title XVI of the Federal Social Security Act; otherwise a recertification using a WFNJ/MED-1 form shall be required annually. If the condition remains unchanged, a new Individual Responsibility Plan does not have to be completed for the permanently disabled individual.

(1) For an individual that may be work ready, a new WFNJ/MED-1 must be completed. Additionally, if the WFNJ agency worker, through his or her observation or through any other means, which can be documented, believes that a positive change in the individual's condition occurred, such observations shall be documented through the worker's completion of a WFNJ-6, Work First New Jersey Medical-Social Information Report;

4. Chronically unemployable as defined by the provisions below:

i. A chronically unemployable adult cannot be identified until at least 36 months have been spent in the WFNJ program and the adult exhibits a limited and inconsistent or no history of full-time, ongoing successful gainful employment (including, but not limited to, multiple or lengthy periods of unemployment or underemployment) or successful participation in work activities despite good faith efforts which have been documented.

ii. No single factor or employment barrier is used to make a determination of chronically unemployable, but rather, an individual shall be considered chronically unemployable if he or she has a limited and inconsistent or no work history as defined above and any one of the following criteria:

(1) Has low literacy or math level (below sixth grade); or

(2) Exhibited personal, social or psychological factors (as indicated in (a)4ii(2)(A) through (E) below) which indicate that the person is unlikely to ever get and/or keep a job in the foreseeable future-any one of the following which

would require medical or other appropriate documentation and/or trigger a referral to SSI:

(A) A history of chronic substance abuse/early onset;

(B) A personal history of crises and traumas, both physical and/or emotional, as well as significant mental health problems, including, but not limited to, chronic or major depression, over the person's lifetime;

(C) Borderline mental retardation or severe learning disability;

(D) The adult, 55 years of age or older, has a prolonged work history in one particular field or occupation and is no longer able to maintain such employment due to his or her age and inability to perform the unique requirements of the job, and lacks the education/training necessary to engage in other successful gainful employment; or

(E) As long as New Jersey is within the 20 percent exemption limit allowed under PRWORA, adults who have participated in the Supportive Assistance for Individuals and Families (SAIF) program and demonstrated continued efforts to engage in education or employment activities but after 24 months of intensive intervention exhibit more than one barrier to employment, such as:

(I) Lack of a high school diploma/GED;

(II) Limited English proficiency;

(III) Lack of skills/training;

(IV) Criminal record (resistant to expunction or bonding);

(V) Lack of work experience;

(VI) Child care unavailable for a special needs child;

(VII) Family problems of participant or dependent involving behavioral health system, CP&P or legal issues; or

(VIII) Chronic health problems of participant or dependent (with Division of Medical Assistance and Health Services (DMAHS) review).

iii. When an adult individual exhibits early indications of being a person who will be eventually classified as a chronically unemployable individual, it is important to carefully plan a realistic Individual Responsibility Plan with such an individual to phase the individual gradually into activities to build up basic skills, to instill confidence and reinforce any talents or aptitudes the individual exhibits. Also, when significant physical, emotional, or other disabilities are present, the individual should be directed to apply for SSI. Such individuals should be placed in less stressful work placements such as, but not limited to, supervised employment or community service activities. Referrals should also be made to all other appropriate services designed to assist the developmental progress of such individuals;

5. Subject to family violence (see N.J.A.C. 10:90-2.6 for a description of other program requirements which may be waived for victims of family violence). This exemption shall be based upon the request of the recipient. If any of the following family violence situations occur, then an exemption shall be granted. However, this is not an all inclusive list of family violence situations that may warrant an exemption:

i. Individuals currently living in an active family violence situation are to be determined eligible for an exemption to the 60-month lifetime limit on receipt of cash assistance benefits, if a deferral from the work requirement is or was requested;

ii. Individuals with a recent history of family violence who have not been participating in the WFNJ work requirement due to the family violence situation and remain deferred due to family violence are to be determined eligible for an exemption to the 60-month lifetime limit on receipt of cash assistance benefits;

iii. Individuals with a previous history of family violence who were deferred at some time and were not able to fully participate, and have recently been participating in the WFNJ work requirement, shall be determined eligible for an exemption to the 60-month lifetime limit on receipt of cash assistance benefits, if the inability to participate in the WFNJ requirement has impacted his or her ability to become self-sufficient; and/or

iv. A past or present victim of family violence who has previously or who is currently engaging in work activities, if the recipient has been unable to become self-sufficient due to family violence;

6. An individuals who has exhausted 60 cumulative months of WFNJ TANF/GA benefits may be eligible to reapply for and receive assistance after his or her case has been closed if he or she meets the criteria for an extension or an exemption; or

7. An individual whose case is in post 60-month extension or exemption status who continues to have a work requirement and fails to be in compliance with that requirement, without good cause, shall have his or her case sanctioned in accordance with provisions at N.J.A.C. 10:90-4.13.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (a)4iii, substituted "any one of the problem areas noted above" for "significant physical, emotional, or other disabilities."

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote the section.

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

Substituted references to WFNJ/MED-1 for WFNJ-5 (DRS-1) throughout.

Amended by R.2006 d.137, effective April 17, 2006.

See: 37 N.J.R. 4153(a), 38 N.J.R. 1736(a).

In (a)1, substituted "Sixty years of age or older" for "Over 60 years of age"; rewrote (a)4i and ii; in (a)4iii, substituted "indications" for "symptoms".

Amended by R.2009 d.289, effective September 21, 2009.

See: 40 N.J.R. 5494(a), 41 N.J.R. 3435(a).

Section was "Exemptions from the 60 cumulative month time limit". In the introductory paragraph of (a), substituted "60-cumulative-month" for "60 cumulative month"; in the introductory paragraph of (a)3, substituted a period for a semicolon at the end; in (a)3i, substituted "him or her" for "them", "full-time" for "full time", "an attending" for "a", "advanced practice nurse" for "licensed nurse practitioner", and "HIV-related" for "HIV related"; and inserted "(including a licensed or certified psychologist, as appropriate)," and "and Workforce Development"; in (a)3ii, substituted "may participate" for "are encouraged to engage", "practitioner" for "physician", and "a WFNJ work" for "an", inserted the first occurrence of "WFNJ work", and deleted "less than 35 hours a week" preceding "for a length" and a comma following "such as"; rewrote the introductory paragraph of (a)3iii; in (a)3iii(1), (a)4iii, (a)5i, (a)5ii and (a)5iv, substituted a semicolon for a period at the end; in (a)3iii(1), inserted a comma following "means"; deleted (a)4iv; in (a)5iii; substituted "; and/or" for a period at the end; and in (a)6, substituted "; or" for a period at the end.

Administrative change.

See: 46 N.J.R. 855(b).

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N.J.A.C. 10:90-2.5

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§ 10:90-2.5 Extensions to the 60-cumulative-month time limit

(a) A recipient shall receive an extension of no more than 12 cumulative months beyond the 60 cumulative month time limit, to be granted in increments that shall not exceed six months, if the recipient meets one of the following criteria:

1. The recipient or the recipient's dependent child(ren) would be subject to extreme hardship or incapacity in the event of a termination of benefits (see N.J.A.C. 10:90-6);

i. Extensions due to extreme hardship or incapacity will be evaluated within the last three months of the eligibility period prior to reaching the 60-month lifetime limit on benefit assistance. Extensions of this nature require prior approval and authorization by DFD. The assistance unit's case record shall be reviewed to determine if cause to grant an extension due to extreme hardship or incapacity exists. Extreme hardship shall be defined as situations that would:

(1) Result when the recipient has secured employment but without such an extension the transition of the assistance unit from WFNJ to employment could not be effected due to extenuating circumstances, such as, a lack of transportation or available child care to support work.

(2) Result when, during a review of the case record, it was determined that periods of temporary incapacity experienced by the individual which resulted in work deferrals of more than 12 months did not allow the individual sufficient time in which to gain self-sufficiency during the individual's receipt of 60 months of cash assistance;

(3) Result from a situation in which the individual began work activities immediately as scheduled, has cooperated throughout all phases of the WFNJ program, has been fully compliant in the last year, and has no more than one sanction in the prior 12 months for failure to comply with any aspect of the program but fails at the end of the 60 months to secure employment which renders the assistance unit financially ineligible for continued benefits. This situation will be subject to review by a State appointed panel for a final determination;

(4) Result from when the individual experiences a family violence situation which renders the individual temporarily incapable of sustaining the family without continued support. (Victims of family violence are entitled to extensions as long as necessary, see N.J.A.C. 10:90-20 regarding family violence); or

(5) Result when a current temporary deferral exists in accordance with provisions outlined at N.J.A.C. 10:90-4.10 and 4.11. For example, the period of incapacity may be due to the individual experiencing a recent temporary physical incapacity, being in her third trimester of pregnancy or needing to provide care for a child under 12 weeks of age.

2. The recipient is engaged in full-time employment but remains eligible for benefits due to earned income disregards;

3. The recipient has not received an opportunity to engage in work activities as specified in the individual responsibility plan; or

4. The recipient was engaged in full-time employment and was income-ineligible for benefits but was terminated from the employment through no fault of the recipient.

(b) At a minimum, approved extensions shall be reviewed prior to the expiration of the six-month extension period. If an extension has been granted for a shorter period of time than six months, then the extension shall be reviewed timely prior to its expiration.

(c) When a case is closed with an adult(s) and his or her own natural or adoptive child(ren), then that case shall not be transferred automatically to a child only case. In order for a child(ren) who has had his or her case terminated with his or her parent(s) to return to the WFNJ program, another eligible needy parent-person or another non-needy parent-person who is not the child(ren)'s natural or adoptive parent must apply on behalf of the child(ren) who is now in his or her care unless the child's parent(s) later qualified for an extension or exemption. However, a related kinship child(ren) who is not the natural and/or adoptive child(ren) of the recipient who was receiving cash benefits in an assistance unit that reaches the 60-month lifetime limit shall continue to receive benefits as a child only case with the former TANF head of household now designated as the payee for the related kinship child(ren).

1. Child only cases with non-needy parent-persons designated as the payee for the child(ren) are not subject to the 60-month lifetime limit on benefits.

(d) An individual who has exhausted 60 cumulative months of WFNJ TANF/GA benefits may be eligible to reapply for and receive assistance after his or her case has been closed if he or she meets the criteria for an extension or an exemption.

(e) An individual whose case is in post 60-month extension or exemption status who continues to have a work requirement and fails to be in compliance with that requirement, without good cause, shall have his or her case sanctioned in accordance with provisions found at N.J.A.C. 10:90-4.13.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Amended by R.2003 d.127, effective March 17, 2003.

See: 34 N.J.R. 3674(a), 35 N.J.R. 1425(a).

Added (b).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote the section.

Amended by R.2009 d.289, effective September 21, 2009.

See: 40 N.J.R. 5494(a), 41 N.J.R. 3435(a).

Section was "Extensions to the 60 cumulative month time limit". Deleted (f).

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N.J.A.C. 10:90-2.6

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§ 10:90-2.6 Family violence

(a) Certain WFNJ program requirements shall be waived for those recipients who have been screened and identified through an affidavit as victims of family violence, rape, or incest and assessed by the victim service provider agency (see N.J.A.C. 10:90-20). The program requirements that shall be waived upon request of the individual include, but are not limited to, the following, when compliance would make it more difficult for the individual to escape family violence, or when present, past, or future family violence impacts on the individual's ability to comply:

1. Time limits on benefits;

2. Residency requirements;

3. Work requirements;

4. WFNJ/TANF living arrangements for minor parents (see N.J.A.C. 10:90-2.17(c)); and/or

5. Emergency assistance (EA) requirements, in accordance with N.J.A.C. 10:90-6.1(c)4.

(b) Child support cooperation requirements shall not apply when a good cause determination has been made by the WFNJ/IV-D agency worker in accordance with N.J.A.C. 10:90-16.5.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (a) added second and third sentences; deleted (a)3; recodified 4, 5 and 6 to 3, 4, and 5; and added (b).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), substituted "family" for "domestic" throughout, amended N.J.A.C. reference, and deleted 5.

Amended by R.2009 d.289, effective September 21, 2009.

See: 40 N.J.R. 5494(a), 41 N.J.R. 3435(a).

Rewrote the introductory paragraph of (a); in (a)3, deleted "and" from the end; in (a)4, substituted a semicolon for a period at the end; and added (a)5 and (a)6.

Amended by R.2024 d.026, effective April 1, 2024.

See: 55 N.J.R. 2311(a), 56 N.J.R. 486(a).

In the introductory paragraph of (a), substituted "through" for "via", added a comma following "rape" and "past"; deleted former (a)3; and recodified (a)4 through (a)6 as (a)3 through (a)5.

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N.J.A.C. 10:90-2.7

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§ 10:90-2.7 Composition of the WFNJ/TANF and WFNJ/GA eligible assistance unit

(a) Composition of the eligible WFNJ/TANF assistance unit is as follows:

1. An eligible assistance unit under WFNJ/TANF shall be comprised of those individuals who are living together and functioning as one economic unit and whose relationship is based upon a blood and/or legal relationship. (A legal relationship is one that is created through marriage, adoption, civil union or legal guardianship procedures.) The eligible WFNJ/TANF assistance unit includes the parent(s), parent person(s) or legal guardian (see (a)3 below) and his or her related dependent children up to the age of 18, or up to the age of 19 if they are full-time students in a secondary school, or in the equivalent level of vocational or technical training, and are reasonably expected to complete the program before reaching age 19. Children up to the age of 21 are also eligible for WFNJ/TANF if they are enrolled in a special education program.

i. When any school or course of training involves attendance during an academic year, a child shall be considered eligible during the summer months when he or she has been accepted for admission in the fall. He or she shall be considered eligible during regular vacation periods unless the educational program has been completed or unless there is verification that the child does not attend or is not acceptable to re-enter the program.

ii. When a parent and another adult relative live in the same household and both are providing care and control of the child(ren), it shall be presumed that the parent is exercising primary responsibility for the care and control of the child(ren) and, therefore, the other adult relative shall not be included in the TANF assistance unit.

(1) In cases where it is determined by the WFNJ agency worker that the parent is not providing the care and control of the child, but instead the adult relative is considered the caretaker relative, then the parent, the caretaker relative and the child shall be included in the eligible TANF unit.

iii. An SSI recipient parent with a needy child may be eligible to receive TANF assistance on behalf of that child. A needy parent of an SSI recipient child may be eligible to receive TANF assistance for himself or herself.

iv. When an RSDI recipient child joins a TANF assistance unit headed by an adult other than his or her natural or adoptive parent and the child's income and/or child support would make the TANF assistance unit financially ineligible, that child shall be excluded from the TANF assistance unit.

v. An ineligible alien parent with an eligible child may be eligible to receive TANF assistance on behalf of that child. An eligible parent with an ineligible child may be eligible to receive TANF assistance for himself or herself.

2. A recipient child cannot be included in the WFNJ/TANF cash payment after the month in which he or she attains the age when he or she is no longer eligible as a child. Furthermore, an individual who attains such age on the first day of the month is not considered to be of eligible age during that month and is not eligible for inclusion in the grant for that month. Additionally, the assistance unit ceases to be eligible for WFNJ/TANF when the youngest assistance unit member is no longer of eligible age. However, the individual adult(s) may apply for assistance under the WFNJ/GA component.

3. The term "parent" shall refer to natural and/or adoptive parent(s), parent-person(s) or legal guardian(s). By law, certain relatives shall be recognized as taking the place of a parent.

i. The term "parent-person" refers to any person related by blood, marriage, civil union, adoption or legal guardianship.

(1) An applicant who is a parent-person may apply for WFNJ/TANF benefits for a child(ren) and him or herself as a needy parent-person.

(2) Non-needy caretakers and/or parent persons shall also be eligible to apply for WFNJ/TANF benefits for the children in their care.

ii. Spouses of any persons named in the above groups may be considered "parent-persons" even though the marriage has been terminated by death or divorce.

iii. Under New Jersey law, relatives of persons who adopt children become legally related to such adopted children to the same extent that they are related to natural children of the adopting parent.

iv. A legal guardian, according to N.J.S.A. 9:3-38, refers to a person who has "the right to exercise continuing control over the person or property or both of a child which includes any specific right of control over an aspect of the child's upbringing, pursuant to a court order."

4. Any child for whom a payment or subsidy is received from CP&P, including, but not limited to, a resource family care payment, guardianship subsidy, or adoption subsidy, shall not be included in the eligible assistance unit. Such child's parent(s) may be

eligible to receive cash assistance for himself or herself and all other eligible children in the household.

5. Although a WFNJ cash assistance benefit shall not be granted for any child receiving a Kinship Legal Guardianship subsidy through CP&P or DFD, a kinship caregiver who has obtained subsidy payments as a kinship legal guardian, either through CP&P or DFD, may be eligible to receive TANF assistance for himself or herself and all other eligible children in the household.

(b) Composition of the eligible WFNJ/GA assistance unit is as follows:

1. The WFNJ/GA assistance unit shall be comprised of one or more persons. In most cases, it will consist of a single individual, 18 years of age or over, or a couple without dependent children. In room and board or residential treatment situations, each person is an eligible assistance unit of one, with the exception of situations involving couples without dependent children who are considered as an eligible unit of two. In all other situations, the eligible assistance unit shall consist of:

i. The applicant/recipient;

ii. The spouse of the applicant/recipient who lives in the home unless the spouse is receiving SSI or public assistance through another program; or

iii. The person with whom the applicant/recipient lives as a couple (that is, two individuals who live together, function as one economic unit, and present themselves as a couple to the WFNJ agency), unless such person is receiving SSI or public assistance through the WFNJ/TANF program component.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In(a)1, added second sentence and rewrote the third sentence; added "or legal guardian(s)" to (a)3; added language to (b)1 regarding an exception; added (a)3iv; and rewrote (b)1iii.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), rewrote 3i; in (b), rewrote 1iii.

Amended by R.2009 d.289, effective September 21, 2009.

See: 40 N.J.R. 5494(a), 41 N.J.R. 3435(a).

In the introductory paragraph of (a)1, inserted ", civil union" and "related dependent"; added (a)1ii through (a)1v, (a)4 and (a)5; and in the introductory paragraph of (a)3i, substituted ", civil union," for "or", and inserted "or legal guardianship".

Administrative change.

See: 46 N.J.R. 855(b).

Amended by R.2019 d.097, effective September 16, 2019.

See: 50 N.J.R. 2194(a), 51 N.J.R. 1461(c).

In (a)4, substituted "for whom" for "receiving", "is received from" for "through", and "resource family" for "foster", and inserted a comma following "including" and "subsidy".

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N.J.A.C. 10:90-2.8

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§ 10:90-2.8 Individuals ineligible for WFNJ TANF/GA

(a) The following persons shall not be eligible for assistance and shall not be considered to be members of the WFNJ/TANF or WFNJ/GA assistance units:

1. Non-needy caretakers, except that the eligibility of a dependent child shall not be affected by the income or resources of a non-needy caretaker;

2. Supplemental Security Income recipients, except for the purposes of receiving emergency assistance benefits and burial assistance, which are funded through SSI and administered by the WFNJ agency;

3. Illegal aliens;

4. Other aliens who are not eligible aliens as defined in N.J.A.C. 10:90-2.10;

5. A person absent from the home who is incarcerated in a Federal, State, county or local corrective facility or under the custody of correctional authorities;

6. A person who is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the jurisdiction from which the person has fled, for a crime or an attempt to commit a crime which is a felony or a high misdemeanor under the laws of the jurisdiction from which the person has fled; or is violating a condition of probation or parole imposed under Federal or State law;

i. Under the laws of the State of New Jersey, a crime is defined at N.J.S.A. 2C:1-4(a) as "an indictable offense . . . for which a sentence of imprisonment in excess of 6 months is authorized."

7. A person who has legal custody of a child(ren) but who is unable to prove a legal and/or blood relationship with such child(ren) (as defined at N.J.A.C. 10:90-2.7(a)1);

i. According to N.J.S.A. 9:3-38, legal custody is defined as the "general right to exercise continuing control over the person of a child derived from court order or otherwise."

8. A convicted drug felon, unless the eligibility criteria delineated at N.J.A.C. 10:90-18, the rules established for convicted drug felons, are met;

9. A person found, on or after August 22, 1996, to have willfully and knowingly fraudulently misrepresented his or her residence in order to simultaneously obtain means-tested, public assistance benefits in two or more states or jurisdictions. Such person shall be ineligible for benefits for a period of 10 years from the date of conviction in a Federal or State court;

10. A person who, after July 1, 1997 and provided that the person has received written notice informing them of the WFNJ disqualification penalties, intentionally makes a false or misleading statement or misrepresents, conceals or withholds facts for the purpose of receiving benefits. Such person shall be ineligible for benefits for a period of six months for the first violation, 12 months for the second violation, and permanently for the third violation;

11. A GA applicant or recipient who is eligible for or who is a recipient of WFNJ/TANF, or who has been found ineligible for WFNJ/TANF due to voluntary refusal to comply with program requirements;

12. A GA applicant or recipient who is admitted or committed to an institution (see N.J.A.C. 10:90-9.1(d)3);

13. A resource family parent who is unable to prove a legal or blood relationship with a child in resource family care, (as defined at N.J.A.C. 10:90-2.7(a)1), when there are no other eligible children in the household;

14. A person who is seeking legal guardianship of an unrelated child.

i. Although ineligible for TANF benefits, when needed, the WFNJ agency shall provide contact information to these cases for assistance in obtaining guardianship; and

15. A WFNJ/GA applicant or recipient over the age of 60 who is claimed as a dependent on his or her adult child's or other relative's U.S. Individual Income Tax Return (1040 forms) regardless of whether or not he or she is residing in the same household.

i. If the individual's circumstances have changed since being claimed as a dependent, then he or she shall be reevaluated for WFNJ/GA eligibility.

(b) When the county agency determines a family to be financially ineligible for WFNJ/TANF, such family shall not be eligible to receive WFNJ/GA benefits, unless there is a change in family status, such as the only minor child in the home becoming 18 years of age.

(c) WFNJ benefits shall not be payable for any month in which any individual applicant/recipient in the assistance unit is participating in a strike. The individual who is on strike is ineligible for benefits; however, other members of the assistance unit remain eligible for benefits.

1. The term "strike" includes any strike or other concerted stoppage of work by employees (including a stoppage by reason of expiration of a collective bargaining agreement) and any concerted interruption of operations by employees.

2. The term "participating in a strike" means an actual refusal, in concert with others, to provide services to one's employers.

3. Examples of non-strikers who are eligible to participate in the program include, but are not limited to:

i. Employees whose workplace is closed by an employer in order to resist the demands of employees (for example, lockout);

ii. Employees unable to work as a result of striking employees (for example, truck drivers who are not working because striking pressmen prevent newspapers from being printed); or

iii. Employees who are not part of the bargaining unit on strike who do not want to cross the picket line due to fear of personal injury.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Added (a)7 and 7i, recodified former 7 through 10 as 8 through 11; and added language to (a)8 regarding occurrence date of state law offense.

Amended by R.1999 d.177, effective June 7, 1999.

See: 31 N.J.R. 249(a), 31 N.J.R. 1507(a).

Inserted a new (b); and recodified former (b) as (c).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), rewrote 8.

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

Added (a)12.

Amended by R.2009 d.289, effective September 21, 2009.

See: 40 N.J.R. 5494(a), 41 N.J.R. 3435(a).

In (a)2, inserted "and burial assistance, which are funded through SSI and administered by the WFNJ agency"; in the introductory paragraph of (a)7, inserted "(as defined at N.J.A.C. 10:90-2.7(a)1)"; in (a)8, substituted a comma for "may not establish eligibility for WFNJ cash assistance benefits" following "felon"; in (a)8, (a)9 and (a)12, substituted a semicolon for a period at the end; in (a)9, substituted ". Such person" for a comma following "jurisdictions"; in (a)10, inserted ". Such person" preceding "shall", and a semicolon at the end; rewrote (a)11; and added (a)13 and (a)14.

Amended by R.2011 d.068, effective February 22, 2011 (operative April 25, 2011).

See: 42 N.J.R. 1466(a), 43 N.J.R. 424(a).

In (a)13, deleted "and" from the end; in (a)14i, substituted a semicolon for a period at the end; and added (a)15 and (a)16.

Amended by R.2012 d.188, effective November 19, 2012.

See: 44 N.J.R. 544(a), 44 N.J.R. 2947(b).

Rewrote the introductory paragraphs of (a)15 and (a)16; and added (a)15i and (a)16i.

Amended by R.2019 d.097, effective September 16, 2019.

See: 50 N.J.R. 2194(a), 51 N.J.R. 1461(c).

In (a)13, substituted "resource family parent" for "foster parent(s)", and "a child in resource family care," for "the foster child".

Amended by R.2020 d.015, effective February 3, 2020.

See: 51 N.J.R. 804(a), 52 N.J.R. 141(b).

In the introductory paragraph of (a)14, substituted a period for a semicolon; in (a)14i, substituted "; and" for a period; deleted former (a)15; and recodified former (a)16 as (a)15.

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N.J.A.C. 10:90-2.9

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-2.9 Definition of employable/unemployable persons in WFNJ/GA

(a) The definition of employable/unemployable persons for determination of payment level is as follows:

1. An employable person is any person applying for or receiving cash assistance who is able-bodied and does not meet any one of the criteria of deferred delineated in (a)2 below; and

2. An unemployable person is any person who meets any of the criteria listed below:

i. Persons who are 62 years of age or older;

ii. Persons receiving inpatient hospital care and treatment who were receiving an unemployable grant prior to entering the hospital. (Persons who were listed as employable shall retain such employable status until hospital discharge.);

iii. Persons who are residents in long term care facilities;

iv. Persons in the first 12 months of residential treatment in centers licensed by the New Jersey Department of Health and Senior Services for the treatment of drug abuse, when medical evidence exists that the residential treatment is necessary (see N.J.A.C. 10:90-2.8(a)7ii regarding drug abuse treatment for those convicted of possession or use of controlled substances). The 12 month period starts anew for each commencement of treatment, previous incomplete or unsuccessful courses of treatment notwithstanding;

v. Persons normally eligible to receive RSDI (Title II benefits), SSI or Railroad Retirement benefits on the basis of disability, but due to administrative delays in that respective program, payments are being withheld;

vi. Persons who have been determined to be legally blind by the New Jersey Commission for the Blind and Visually Impaired;

vii. Persons in the third trimester of pregnancy when an examining physician certifies to both the pregnancy and its term;

viii. Pregnant persons when an examining physician certifies that employment poses a threat to the mother or the fetus;

ix. A caretaker relative of a disabled dependent who must provide full-time care for the disabled dependent (see N.J.A.C. 10:90-2.4(a)2ii). No more than one person in an eligible unit may be considered unemployable for this reason without written authorization from the DFD; and/or

x. Persons determined to be incapacitated by the agency that administers the WFNJ/GA program are unemployable when such determination of incapacity is supported by the following circumstances:

(1) Form WFNJ/MED-1 shall be fully completed by an examining physician that the individual is unable to comply with WFNJ/GA requirements. Such certification shall include, at a minimum, the date of examination, diagnosis, length of incapacity, functional limitations, prescribed treatment, an indication of whether or not reevaluation will be necessary, and the examining physician's signature. The cash assistance benefit shall be issued at the employable rate until the recipient is determined unemployable for a minimum of six continuous months by the examining physician. Upon presentation of documentation of unemployability, applicants and recipients shall be considered deferred from the work requirement in accordance with N.J.A.C. 10:90-4.10. A recipient whose unemployable status fluctuates from month-to-month will continue to receive cash assistance at the employable rate until he or she is determined unemployable for a minimum of six continuous months by an examining physician. Payment at the unemployable rate shall begin at the seventh month of unemployability. If medical documentation presented at application or redetermination indicates a period of unemployability of six months or more, then the unemployable cash assistance rate shall be issued upon a determination of eligibility.

(A) Individuals who are deferred from the work requirement because of a physical or mental condition, which prevent them from being able to work full-time may participate part-time in a WFNJ work activity or employment if their physical or mental impairment allows, and the examining practitioner certifies on the WFNJ/MED-1 that the individual's physical or mental condition will allow participation. If a deferred individual chooses to participate in a work activity or employment and then finds that his or her condition precludes continuing participation, he or she shall not be subject to a WFNJ sanction. Part-time participants shall be given access to the same services and supports as non-deferred recipients, such as access to training slots, transportation and child care supports.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (a)2ix, added reference to N.J.A.C. 10:90-2.4(a)2ii.

Special amendment, R.2000 d.392, effective September 1, 2000 (to expire March 1, 2001).

See: 32 N.J.R. 3615(a).

In (a)1, deleted a former second sentence.

Amended by R.2001 d.42, effective December 27, 2000.

See: 32 N.J.R. 3615(a), 33 N.J.R. 564(a).

In (a)1, deleted second sentence.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a)1, inserted "cash" following "receiving".

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (a)2x(1), rewrote the first sentence.

Amended by R.2009 d.289, effective September 21, 2009.

See: 40 N.J.R. 5494(a), 41 N.J.R. 3435(a).

In (a)1, substituted "; and" for a period at the end; in (a)2i, deleted "over" preceding "60"; and inserted "or older"; in the introductory paragraph of (a)2x, substituted "that" for "which", and deleted "any of" preceding "the following"; in the introductory paragraph of (a)2x(1), substituted "examination" for "examining", and deleted a comma following "necessary"; and added (a)2x(1)(A).

Amended by R.2011 d.068, effective February 22, 2011 (operative April 25, 2011).

See: 42 N.J.R. 1466(a), 43 N.J.R. 424(a).

In (a)2i, substituted "62" for "60".

Amended by R.2012 d.188, effective November 19, 2012.

See: 44 N.J.R. 544(a), 44 N.J.R. 2947(b).

Rewrote (a)2x(1).

Amended by R.2024 d.080, effective September 3, 2024.

See: 56 N.J.R. 403(a), 56 N.J.R. 1801(a).

In (a)2x(1), deleted "and shall not be required to meet the WFNJ/GA 28-day work activity requirement" following the N.J.A.C. reference.

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N.J.A.C. 10:90-2.10

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§ 10:90-2.10 WFNJ TANF/GA citizenship/eligibility requirements

(a) Only those persons who are United States citizens, or eligible aliens shall be eligible for WFNJ TANF/GA benefits. In addition, for WFNJ/GA eligibility purposes only, those persons permanently residing in the United States under color of law as of August 21, 1996 are considered eligible for WFNJ/GA benefits.

1. Eligible alien means an alien as defined in the provisions of section 431 of Title IV of Federal Public law 104-193 pursuant to section 101 of the Immigration and Nationality Act (INA) (42 U.S.C. §§ 601 and 602).

(b) The following individuals are considered to be eligible aliens:

1. An alien present in the United States prior to August 22, 1996, and who is:

i. A lawful permanent resident;

ii. A refugee, pursuant to section 207 of the Immigration and Nationality Act;

iii. An asylee pursuant to section 208 of the Immigration and Nationality Act;

iv. An alien who has had deportation withheld pursuant to section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. §§ 1101 et seq.);

v. An alien who has been granted parole for at least one year by the Immigration and Naturalization Service pursuant to section 212(d)(5) of the Immigration and Nationality Act;

vi. An alien granted conditional entry pursuant to section 203(a)(7) of the immigration laws in effect before April 1, 1980;

vii. An alien who is honorably discharged or on active duty in the United States armed forces and his or her spouse and the unmarried dependent children of the alien or spouse;

viii. An alien who is a Cuban or Haitian entrant as defined in Section 501(e) of the Refugee Education Assistance Act of 1980;

ix. An alien admitted to the United States as an Amerasian immigrant as described in Section 402(a)(2)(A)(i)(V) of the Refugee Education Assistance Act of 1980;

x. An alien who obtained one of the statuses in (b)1i through ix above after August 22, 1996 if the alien was continuously present in the United States from the latest date of entry prior to August 22, 1996, until he or she obtained qualified alien status. In general, any single absence from the United States of more than 30 days, or a total of aggregated absences of more than 90 days shall be considered to interrupt continuous presence; or

xi. An alien who is a victim of human trafficking; and

2. An alien entering the United States on or after August 22, 1996 and who is an alien described in (b)1ii, iii, iv, vii, viii or ix above.

i. An alien described in (b)1i, v or vi above is not eligible until five years after entry into the United States.

3. Certain eligible aliens, regardless of their date of entry into the United States, as provided in Section 431 of Title IV of Federal P.L. 104-193 pursuant to Section 101 of the INA who resided in the United States and are victims of domestic violence, subject to certain conditions as described below:

i. The alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent acquiesced to such battery or cruelty; or

ii. The alien's child has been battered or subjected to extreme cruelty in the United States by the spouse or parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse or parent's family residing in the same household as the alien when the spouse or parent acquiesced to and the alien did not actively participate in such battery or cruelty; and

iii. In addition to the provisions described in (b)4i or ii above, if the individual responsible for the battery or cruelty continues to reside in the same household or family assistance unit as the individual who was subjected to such battery or cruelty, then the alien shall be ineligible for benefits.

iv. Federal law stipulates that the Attorney General of the United States shall issue guidance in the Attorney General's sole and unreviewable discretion concerning:

(1) The meaning of the terms "battery" and "extreme cruelty"; and

(2) The standards and methods to be used for determining whether a substantial connection exists between battery or cruelty suffered and an individual's need for benefits under a specific Federal, State or local program.

v. Until such time as specific guidance is issued by the Attorney General in accordance with (b)4iv above, the alien's statement, taken in the form of an

affidavit, shall be accepted as documentation that the alien or the alien's child is subject to battery or extreme cruelty and the alien and the child(ren) shall be eligible for assistance.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Added (b)1viii; and added a new (b)3 and recodified existing (b)3 as (b)4.

Administrative correction.

See: 30 N.J.R. 4239(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote (b).

Amended by R.2009 d.289, effective September 21, 2009.

See: 40 N.J.R. 5494(a), 41 N.J.R. 3435(a).

In (b)1iv, substituted "241(b)(3)" for "243(h)" and "§§ 1101" for "§§ 101"; in (b)1ix, substituted "Refugee" for "Refuge"; and deleted "or" from the end; in (b)1x, substituted "or" for "and" at the end; and added (b)1xi.

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N.J.A.C. 10:90-2.11

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§ 10:90-2.11 WFNJ TANF/GA residency requirements

(a) WFNJ/TANF residency requirements are as follows:

1. The law requires that an applicant for or recipient of WFNJ/TANF assistance shall reside in New Jersey. Any person who responds affirmatively to the question on the application "Do you plan to continue living in New Jersey?" fulfills this requirement. The requirement is also satisfied when the person resides in the State having entered with a job commitment or is seeking employment even if he or she is currently unemployed.

(b) WFNJ/GA residency requirements are as follows:

1. A resident of a municipality is a person who maintains a permanent customary home in the municipality, or a person who is in the municipality with intention to remain. No time intervals are relevant so long as the home is not established for a temporary purpose such as for a visit or vacation. A resident may live in his or her own home, a rented home or apartment, the home of a friend or relative, in a residential health care facility or boarding home, homeless shelter or in a long-term care facility. However, a resident over the age of 18 who resides in his or her parent(s)' home and is claimed as a dependent on his or her parent(s)' U.S. Individual Income Tax Return (1040 forms) is not eligible for GA.

2. Nonresidents/transients are persons in a municipality who may not intend to remain in that municipality and who are not residents of long-term care facilities who shall, if otherwise eligible, be granted assistance until arrangements can be made to return them to their customary place of residence.

i. For any person in a municipality who is away from the municipality of his or her customary home and wishes to return but cannot, because of lack of funds, the agency shall grant sufficient funds to allow the individual to travel to his or her own municipality or to the nearest place at which it has been confirmed that the individual's needs may be met. Travel costs shall be estimated or ascertained, as appropriate, according to the least expensive method of travel which is appropriate. The travel grant shall be sufficient to allow payment for the fare and such food, clothing, or shelter as may be essential during the trip.

(1) When circumstances prevent an accurate determination as to whether an applicant would be otherwise eligible to receive WFNJ/GA, the agency will evaluate the application according to the best information available.

(2) Assistance for travel purposes in any amount over $ 100.00 shall be granted only with prior approval from the DFD. Such approval shall be contingent upon the presence of the following positive indicators: the individual has actually resided where he or she wishes to go; there is a place for the individual to reside upon return; and someone will be responsible for the individual upon his or her return. Furthermore, the individual must not have established a pattern of requesting travel assistance annually or more frequently.

3. College students are individuals age 18 or over who are attending school or college. They may be found eligible for WFNJ/GA only when all of the following conditions are present:

i. He or she is a resident of the municipality in which application is made, and such municipality is his or her acknowledged home on a year-round basis;

(1) An individual coming from another state for the purpose of attending school or college is not eligible for WFNJ/GA during the period he or she is attending school;

ii. He or she is eligible in accordance with the eligibility provisions of the WFNJ/GA program;

iii. He or she shall comply with the WFNJ work requirements and must be willing to seek and accept employment, if offered, while attending college;

iv. He or she is employed for a minimum of 20 hours per week and receiving earnings at least equal to the Federal minimum wage;

(1) Participation in a Federal- or State-financed work study program shall be considered acceptable employment during the regular school year when:

(A) The student is approved for work study at the time of the WFNJ/GA application is completed;

(B) The work study has been approved for the school term; and

(C) The student anticipates working the entire school term;

v. He or she is not living at home with his or her parent(s);

vi. He or she cannot be claimed as a dependent by his or her parent(s) for income tax purposes; and

vii. He or she is not residing out-of-State in order to attend school.

OFFICE OF ADMINISTRATIVE LAW NOTE: The State Appropriations Acts for Fiscal Years 2013 (P.L. 2012, c. 18) and 2014 (P.L. 2013, c. 77) provided that the amounts therein "appropriated for Payments for Cost of General Assistance and General Assistance Emergency Assistance Program are subject to the following condition: no funds shall be expended to provide benefits to recipients enrolled in

college. For purposes of this provision, 'college' is defined as that term is defined in N.J.A.C.9A:1-1.2."

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (b)2i(2), added second and third sentences.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), deleted 1i.

Amended by R.2011 d.068, effective February 22, 2011 (operative April 25, 2011).

See: 42 N.J.R. 1466(a), 43 N.J.R. 424(a).

In (b)1, inserted the last sentence; in (b)3iii, inserted "and must be willing to seek and accept employment, if offered, while attending college", and deleted "and" from the end; added new (b)3iv through (b)3vi; recodified former (b)3iv as (b)3vii; and in (b)3vii, substituted "He or she is not" for "A college student shall not be eligible for WFNJ/GA while".

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N.J.A.C. 10:90-2.12

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§ 10:90-2.12 County/municipal residence for identification

(a) Residence in a county or municipality is not an eligibility requirement. A county or municipality of residence is necessary to identify which county/municipal agency is legally responsible for receipt, registration and processing an application and for issuance of payment, but shall not preclude or limit the opportunity for any person residing in New Jersey to apply for and receive assistance without delay.

(b) Wherever a family is living shall be considered that family's county or municipal residence. When a recipient family, or any member thereof, goes to another county, municipality or state for the purpose of a temporary visit, that county, municipality or state shall not become their residence unless it is a permanent transfer and provisions at N.J.A.C. 10:90-2.13 apply.

(c) A permanent residence is not an eligibility requirement. If an applicant expresses an intent to reside in the county or municipality, by providing verification of residence or by affirmatively stating his or her intent to reside in the jurisdiction, for purposes of WFNJ eligibility, the applicant shall be deemed to be a resident of such county and/or municipality.

(d) A public or private institution of custodial, curative or penal character shall not be considered an individual's customary residence, including those situations listed below:

1. When a WFNJ/TANF client is placed in a substance abuse residential treatment facility out-of-county and the child(ren) remains in the county of origin, then the parent(s) shall be considered on a temporary absence, in accordance with the provisions of N.J.A.C. 10:90-2.15(c), and the parent's eligibility for WFNJ/TANF shall not be affected.

2. If both parent(s) and child(ren) are placed in the facility, the case shall remain under the supervision of the county of origin.

3. If the WFNJ/TANF family is separated, with the parent(s) and one or more of the children placed in the facility and the other children remaining in the county of origin, then case responsibility shall remain in the county of origin.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Added a new (c); recodified former (c) as (d) and rewrote new (d).

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N.J.A.C. 10:90-2.13

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§ 10:90-2.13 Temporary absence from the State (WFNJ TANF/GA)

(a) The county/municipal agency may, with the approval of the DFD, continue assistance payments to recipients who leave the State under specified conditions, such as, but not limited to, the need to provide temporary care to a sick or elderly relative when no one else is available to provide the care, or the recipient's presence is required in order to settle an estate. A recipient must notify the county/municipality when leaving the State for more than seven days. A recipient assistance unit may leave the State for up to a one month period with no resultant effect upon eligibility or payment. Special circumstances may allow for an extension of benefits beyond the one month time frame but such an extension must be approved by the DFD. Special circumstances include, but are not limited to, serious illness or accident while the recipient is out of the State, and a period of recuperation is required prior to returning to the State.

(b) Upon establishment of the fact that the recipient assistance unit still considers its permanent residence to be New Jersey and that it plans to return thereto, continuation of assistance shall be granted for the following reason(s):

1. Ill health;
2. Inability to travel of one or more members;
3. Mental or physical welfare; or
4. Family responsibility (for example, settling affairs of deceased).

(c) Assistance shall not be continued for a recipient assistance unit which leaves New Jersey when there has been no information provided to the county/municipal agency establishing that the absence is purely temporary.

(d) Whenever a recipient assistance unit wishes to leave New Jersey either to establish a permanent place of abode or for a temporary visit, he or she shall be advised of the effects of this plan on their eligibility for continued assistance, and on the amount of assistance, if any, for which he or she may continue to be eligible during a temporary absence.

(e) The county/municipal agency shall maintain an up-to-date record of all cases of recipients approved to receive assistance while out of the State.

(f) Recipients who are receiving assistance out-of-State shall be afforded the same full advance notice including information about their right to a fair hearing in accordance with present policy regarding termination, reduction or suspension applicable in WFNJ. A copy of any such notice shall be sent to any out-of-State agency with which there has been communication regarding the case.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

In (a), added language regarding conditions warranting continued assistance payments and added last sentence.

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N.J.A.C. 10:90-2.14

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§ 10:90-2.14 Responsibility of a parent to report temporary absence of a child from the home

(a) Eligibility for WFNJ/TANF may exist during the absence of a child from the home under the circumstances described in N.J.A.C. 10:90-2.15 and 2.16.

1. A parent or needy caretaker relative who fails to notify the county agency of the absence of the minor child from the home by the end of the five day period that begins with the date that it becomes clear to the parent or caretaker relative that the minor child will be absent for more than 180 consecutive days shall be ineligible for benefits for a period of three months.

i. The period of 90 days ineligibility for benefits shall begin on the first day of the month following the month in which the county agency becomes aware of the recipient's failure to notify the agency of the child's absence.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-2.15

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-2.15 Child, parent or WFNJ/GA individual in an institution

(a) When a child who would be otherwise eligible for WFNJ is out of the home due to voluntary/involuntary placement in an institution, he or she shall be recognized as a member of the assistance unit so long as it is anticipated that he or she will return home within one year from the date of the placement. State only funds shall be used after the minor child has been absent from the home for more than 180 consecutive days.

1. A child whose placement is specified for a period longer than one year shall not be eligible during the entire period of placement.

2. Placement for an unspecified or indeterminate period shall be construed to be for less than one year. Should such period extend beyond one year, the child shall be deleted from the eligible unit at the end of the year.

3. In the case of a new application, eligibility of an institutionalized child shall be based upon the specified length of the placement starting from the date the placement began.

(b) The term "parent" as used in (c) below includes natural/adoptive parents, parent-persons, and legal guardians (see N.J.A.C. 10:90-2.7(a)3).

(c) Rules concerning a parent in an institution are:

1. Under WFNJ, when a parent is absent for diagnostic treatment or care and, even though hospitalized, is able to retain responsibility for supervising a plan for adequate care and control of his or her child(ren), eligibility shall continue so long as necessary to complete recovery but not to exceed 90 days.

i. When it appears that the absence will continue for more than 90 days, the case shall be reevaluated.

(d) When a WFNJ/GA assistance unit member is hospitalized for more than 30 days, cash assistance and TRA benefits shall be continued for up to 60 additional days for the purpose of retaining shelter to which the person can return.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (b), added "natural/adoptive" and "legal guardians"; and added new (d).

Amended by R.2011 d.068, effective February 22, 2011 (operative April 25, 2011).

See: 42 N.J.R. 1466(a), 43 N.J.R. 424(a).

In (d), substituted "TRA" for "EA".

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N.J.A.C. 10:90-2.16

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§ 10:90-2.16 Absence for reasons other than institutionalization

(a) Temporary absence of a child which has not lasted more than 30 consecutive days does not affect eligibility. When the absence of a child lasts longer than 30 days, or it appears that an absence will last longer than 30 days, the county agency shall review the situation and take appropriate action.

1. If it is found that the parent, parent person, or legal guardian lacks or will lack both physical custody and responsibility for day-to-day care of the child and the situation is likely to continue for more than 90 days, the child is no longer eligible for assistance. In situations in which the whereabouts of the child is unknown, or the parent, parent-person, or legal guardian is precluded from contact, or the time period is otherwise indefinite, the child is no longer eligible for assistance.

2. If it is found there is reasonable expectation that the child will return to the home within 90 days, the child remains eligible.

3. The child remains eligible during the time that the above review is in process, but not longer than 90 days.

4. In unusual situations involving particular hardship, the county agency may consult with the DFD regarding the continuing eligibility of the child.

5. A child is considered temporarily absent from the home and regarded as an eligible member of the assistance unit if he or she is receiving vocational training at a residential Job Corps Center which permits him or her to return home for weekends.

i. A child who is receiving training at one of the three National Job Corps Centers located in Kentucky, Indiana, and Utah is to be considered permanently absent from the home and shall not be considered a member of the eligible assistance unit for WFNJ eligibility purposes.

(b) Regarding the parent, parent-person, or legal guardian, temporary absence of not more than 30 consecutive days for whatever reason will not affect eligibility provided that adequate care and supervision of the child(ren) has been arranged in advance. When necessary, arrangements will be made by the county agency regarding issuance of the grant.

1. The county agency shall obtain approval from the DFD for continuing eligibility in unusual situations of temporary absence of a parent, parent-person, or legal guardian which lasts more than 30 consecutive days. Unusual situations shall include, but not be limited to, those referenced in N.J.A.C. 10:90-2.13(a).

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Added references to legal guardian.

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N.J.A.C. 10:90-2.17

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§ 10:90-2.17 Provisions for minor parents

(a) Minor parents (applicants/recipients who are less than 18 years of age, never married, are the natural parents of the dependent child and are caring for the dependent child) shall be required, as a condition of eligibility for benefits for the applicant or recipient and the applicant's or recipient's dependent child, to:

1. Reside in a home maintained by, and have the benefits paid to, the applicant's or recipient's parent, legal guardian or other adult relative; and

i. Regularly attend a high school or equivalency program of study on a full-time basis. The hours of participation shall be in accordance with the scheduled program; or

ii. Engage in a work activity or employment, or participate in the TANF Initiative for Parents (TIP) Program, for a minimum of 35 hours per week if the applicant or recipient has completed secondary education in accordance with N.J.A.C. 10:90-4.2(c)2.

(b) If living with the parent, legal guardian, or other adult relative is determined unsuitable for the minor parent because of the good cause reasons listed in (c) below, then the county agency shall refer the minor parent to an alternate adult-supervised supportive living arrangement.

(c) Good cause for locating an alternative living arrangement for the minor parent shall exist if, during the application or eligibility process, as appropriate, the county agency determines that the parent, legal guardian or other adult relative with whom the applicant or recipient would otherwise be required to reside in order to be eligible for benefits:

1. Refuses or is unable to allow the applicant/recipient, or that person's dependent child, to reside in that adult's home;

2. Poses a threat to the emotional health or physical safety of the applicant/recipient or that person's dependent child;

3. Has exhibited neglect with respect to the needs of the applicant/recipient or the applicant/recipient's dependent child, or poses a risk of doing so;

4. Has abused the applicant or recipient, or the applicant's or recipient's dependent child, or poses a risk of doing so; or

5. Allows others to live in the home, for example, siblings of the minor parent or non-related adults, who have abused or neglected the minor parent or the minor parent's dependent child (or pose a risk of doing so).

(d) An applicant or recipient shall be exempt from regularly attending high school or an equivalency program of study if, based upon an assessment of the person's ability and aptitude, it is determined that the applicant or recipient lacks a reasonable prospect of being able to successfully complete the academic requirements of a high school or equivalency program of study. The individual shall be required to participate in a State-approved alternative educational or training program authorized by the Department of Human Services.

(e) When a minor parent and the minor parent's child are residing with the minor parent's natural or adoptive parent(s), income deeming rules apply to determining the eligibility of the minor parent (see N.J.A.C. 10:90-3.16).

(f) When a minor parent and the minor parent's child reside with an adult relative other than their natural/adoptive parent(s), the minor parent's natural or adoptive parents shall be subject to the same income deeming provisions noted at N.J.A.C. 10:90-3.16.

(g) When a minor parent and his or her child(ren) are living in the home of the minor parent's natural or adoptive parents, relatives who qualify as parent-person(s) of the minor parent, or legal guardians of the minor parent and such parent(s), parent-persons, or legal guardians are themselves eligible for cash assistance, the eligible family shall consist of the parent, parent-person, or legal guardian of the minor parent, the minor parent, the minor parent's child(ren) and other minor siblings.

(h) Failure to comply with the requirement for school attendance or other work activity participation shall be sanctioned in accordance with N.J.A.C. 10:90-4.13.

(i) Failure of the minor parent to cooperate with WFNJ eligibility requirements, work requirements and/or the provisions for minor parents renders only the minor parent and his or her child(ren) ineligible for WFNJ/TANF cash assistance, not the entire assistance unit with whom the minor parent resides.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (c), added new 5; and in (h), added references to legal guardians.

Amended by R.2009 d.289, effective September 21, 2009.

See: 40 N.J.R. 5494(a), 41 N.J.R. 3435(a).

Section was "Parent-minor provisions". In the introductory paragraph of (a), substituted "Minor parents" for "Parent-minors"; in the introductory paragraph of (a)1, deleted a comma following "guardian"; rewrote (a)1i and (a)1ii; deleted former (d); recodified former (e) through (h) as (d) through (g); in (b), the introductory paragraph of (c), (c)5, (e), (f), and (g), substituted "minor parent" for "parent-minor" throughout; in (c)5, (e) and (f) substituted "minor parent's" for "parent-minor's"; in (e) and (f), substituted the first occurrence of "minor parent" for "parent-minor(s)"; in (f), deleted "or as a separate household, in accordance with (d) above," following "parent(s),"; in (g), substituted "parent, parent-person, or legal guardian of the minor parent, the minor parent, the minor parent's child(ren) and other minor siblings" for "parent-minor, the parent-minor's child, the parent-minor's parent(s), parent-person(s) or legal guardian(s) and the parent-minor's brothers and sisters (see N.J.A.C. 10:90-2.7"; and added new (h) and (i).

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N.J.A.C. 10:90-2.18

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 2. NON-FINANCIAL ELIGIBILITY REQUIREMENTS

§ 10:90-2.18 (Reserved)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (a)1, substituted "full months" for "months"; added (a)4i to (a)4ii; and in (a)8i, cited (a)8i(1).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Deleted (a)9.

Amended by R.2009 d.289, effective September 21, 2009.

See: 40 N.J.R. 5494(a), 41 N.J.R. 3435(a).

In the introductory paragraph of (a), inserted "and non-recipient" and ", with the exception of non-needy caregivers,"; in (a)7i, substituted "minor parent" for "parent-minor" twice, "minor parent's" for "parent-minor's", and "10-month" for "10 month"; and added (b) and (c).

Administrative change.

See: 44 N.J.R. 1529(a).

Repealed by R.2024 d.026, effective April 1, 2024.

See: 55 N.J.R. 2311(a), 56 N.J.R. 486(a).

Section was "Family cap provision for WFNJ/TANF".

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N.J.A.C. 10:90-2.19

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§ 10:90-2.19 Refusal to cooperate with Quality Assurance reviews

An adult assistance unit member shall be determined ineligible for cash assistance if he or she refuses to cooperate in a State Quality Assurance review. If an adult assistance unit member is deleted for refusal to cooperate, without good cause, with a Quality Assurance review, such an individual shall be removed from the assistance unit until such time as the individual cooperates with the review.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-2.20

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§ 10:90-2.20 The Supportive Assistance for Individuals and Families (SAIF) Program

(a) The Supportive Assistance for Individuals and Families (SAIF) Program shall provide intensive case management (ICM) at 48 months for Work First New Jersey (WFNJ) recipients who have complied with WFNJ requirements and have not become self-sufficient and who do not appear to be exemptible from time limits under N.J.A.C. 10:90-2.4, except for those recipients who would meet the definition of "chronically unemployable." Within the limits of available funding, recipients who appear to be chronically unemployable shall receive intensive case management through the SAIF Program. The goal of the SAIF Program is to assist SAIF Program participants to become self-sufficient before they reach the 60-month time limit.

(b) Intensive case management shall be provided for a total period of 24 months. Recipients shall be required to continue to meet financial and non-financial eligibility requirements for the WFNJ program.

(c) Time limit extensions shall not be granted under N.J.A.C. 10:90-2.5. Instead, all individuals who have exhausted 48 months of benefits, and who are not exempt from time limits, may be eligible to receive assistance for a total period of 24 months under the SAIF Program.

(d) After 48 months of assistance, participation in the SAIF Program becomes a WFNJ program requirement for eligible recipients and the participant shall begin to receive intensive case management services. As a condition of continued eligibility, participants shall receive and cooperate with individualized and intensive case management, and, if appropriate, substance abuse treatment and mental health services. Participation in the SAIF Program is a WFNJ program requirement for the recipients who are required to participate in the SAIF Program. The individual shall fully participate in the SAIF Program to continue receiving cash assistance benefits. If a SAIF participant fails to cooperate with SAIF requirements without good cause, the WFNJ case shall be closed.

(e) SAIF Program participants shall cooperate in the development of a new Individual Responsibility Plan (IRP). The IRP shall be updated every six months. See N.J.A.C. 10:90-4.8 regarding the provisions for the IRP.

(f) Failure, without good cause, to begin or continue to participate in an agreed-upon assigned activity, shall be considered as refusal to cooperate without good cause. This action shall result in the sanction procedures and penalties being imposed, as set forth at N.J.A.C. 10:90-4.13 through 4.18.

1. The SAIF Program shall adhere to all notice and hearing requirements as set forth at N.J.A.C. 10:90-9.

(g) SAIF Program participants shall continue to be eligible for WFNJ social and work support services.

(h) Participants shall receive priority treatment by all WFNJ vendors. When referred for an assessment or treatment, a SAIF Program participant shall be given the first available appointment, and in all cases shall be seen within 30 days.

1. This includes, but is not limited to, referrals for substance abuse assessment and treatment.

(i) Child welfare is a primary component of the SAIF Program. As a result, a strong link must be established with the Division of Child Protection and Permanency (CP&P) for families with dual cases. CP&P records shall be consulted for all SAIF Program participants at the beginning of the ICM period to identify if an open CP&P case exists.

(j) An individual who has exhausted 60 cumulative-months of WFNJ benefits may be eligible for two six-month extensions by participating in the SAIF Program, unless the individual has already received 24 months of assistance through the SAIF Program.

1. Individuals who have received less than 24 months of assistance through the SAIF Program may be eligible to participate in the SAIF Program for the remainder of the 24-month period if he or she meets the criteria in this section.

(k) Assistance may be continued after an individual has exhausted 24 cumulative-months in the SAIF Program only if the individual meets the criteria for an exemption from the WFNJ 60-month time limit at N.J.A.C. 10:90-2.4 or if he or she has not exhausted his or her 60-month time limit according to the Federal TANF clock. Eligibility for continuation of assistance shall be evaluated prior to reaching the 24-month time limit. If the household is ineligible for an exemption, the cash assistance case shall be terminated. Terminations shall require prior approval and authorization by the Division of Family Development.

(l) Prior to terminating the cash assistance case of any SAIF Program participant with an open CP&P case, the county social service agency shall refer the family to community-based agencies for services appropriate for their needs. Additionally, the county social service agency shall notify the Department of Children and Families that the participant's cash assistance will be terminated.

History

HISTORY:

New Rule, R.2003 d.340, effective August 18, 2003 (operative October 1, 2003).

See: 35 N.J.R. 1824(a), 35 N.J.R. 3859(b).

Amended by R.2006 d.137, effective April 17, 2006.

See: 37 N.J.R. 4153(a), 38 N.J.R. 1736(a).

In introductory paragraph (a), updated internal reference to include (a)9; added (a)9; in (b), deleted "in increments not to exceed six months" and "up to".

Repeal and New Rule, R.2007 d.224, effective August 6, 2007.

See: 39 N.J.R. 1222(a), 39 N.J.R. 3382(a).

Section was "Work First New Jersey Post 60-Month Pilot Program: Supportive Assistance for Individuals and Families (SAIF) Program".

Amended by R.2010 d.102, effective June 21, 2010.

See: 41 N.J.R. 4052(a), 42 N.J.R. 1199(c).

Section was "The Commissioner's Pilot Program for Long-Term Welfare Recipients". Substituted "SAIF Program" for "pilot program" throughout; in (a) and (j)1, substituted "the SAIF Program" for "this pilot program"; in (a), substituted "Supportive Assistance for Individuals and Families (SAIF) Program" for "Commissioner's Pilot Program for Long-Term Welfare Recipients" and "Within the limits of available funding, recipients" for "Recipients"; in (c), substituted "Time limit" for "For the duration of the pilot program, new"; in (d), inserted the third through fifth sentences; in the introductory paragraph of (j), substituted "SAIF" for "Supportive Assistance for Individuals and Families (SAIF)"; in (j)1, substituted the second occurrence of "in" for "under"; in (k), inserted "or if he or she has not exhausted his or her 60-month time limit according to the Federal TANF clock"; and in (*l*), substituted "Families" for "Family Services".

Administrative change.

See: 46 N.J.R. 855(b).

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N.J.A.C. 10:90-3.1

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§ 10:90-3.1 General financial eligibility provisions

(a) Benefits for recipients of WFNJ/TANF and WFNJ/GA shall be determined according to standards of countable income (earned and unearned) and countable resources. These standards shall take into account, for the determination of eligibility and provision of benefits, all income and resources of all persons in an assistance unit of which the applicant or recipient is a member, including any income deemed to the assistance unit members as a result of deeming from parents to minor parents and from sponsors to eligible aliens.

(b) Initial financial eligibility for WFNJ benefits shall be determined through an initial test for assistance units applying as a new applicant, reapplicant or reopened case by comparing the total countable income with the maximum income allowed for the appropriate unit size in accordance with Schedule I at N.J.A.C. 10:90-3.3 for WFNJ/TANF and Schedule III at N.J.A.C. 10:90-3.5 for WFNJ/GA employable single adults and couples without dependent children. If the assistance unit has income equal to or less than the maximum allowable income level, then initial financial eligibility exists.

1. There is no separate initial income eligibility test for WFNJ/GA unemployable single adults and couples without dependent children; instead, the total countable income of the WFNJ/GA unemployable assistance unit shall be compared to the unemployable maximum benefit payment level for the appropriate unit size in accordance with Schedule V at N.J.A.C. 10:90-3.6. If the assistance unit has income less than the maximum benefit payment level, then WFNJ/GA initial financial eligibility exists.

(c) Once initial financial eligibility is determined, as long as the total countable income of a WFNJ/TANF or WFNJ/GA assistance unit (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income) is less than the maximum benefit payment level for the appropriate eligible assistance unit size in accordance with Schedule II at N.J.A.C. 10:90-3.3, Schedule IV at N.J.A.C. 10:90-3.5 or Schedule V at N.J.A.C. 10:90-3.6, as appropriate, financial eligibility shall exist until such income equals or exceeds the maximum benefit payment level for the appropriate unit size except for cases with earned income that are subject to six-month reporting requirements. Such cases need not report changes in earned income until such time as the assistance unit's total income exceeds

130 percent of the Federal Poverty Level (FPL) as published by the Department of Health and Human Services in the Federal Register. However, if the assistance unit does report a change, the county/municipal agency shall act on that change.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (a), substituted "to adolescent parents and from sponsors to eligible aliens" for "and sponsors" at the end; in (b)1, deleted "equal to or" following "income" in the last sentence; in (c), deleted "is equal to or" following "income", and inserted "equals or" following "income"; and in (d), added 2.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote (c); deleted (d).

Amended by R.2011 d.078, effective March 7, 2011.

See: 42 N.J.R. 2561(b), 43 N.J.R. 630(a).

In (a), substituted "minor" for "adolescent".

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N.J.A.C. 10:90-3.2

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§ 10:90-3.2 Determining initial financial eligibility for WFNJ/TANF assistance units with dependent children

(a) For the initial financial eligibility test, that is, in order to determine initial financial eligibility for assistance units applying for WFNJ/TANF as a new applicant, reapplicant or reopened case, all countable income available to the assistance unit shall be considered and compared to the initial maximum allowable income levels for the appropriate eligible assistance unit size in Schedule I at N.J.A.C. 10:90-3.3. If the assistance unit has income equal to or less than the initial maximum allowable income level for the appropriate unit size, then WFNJ/TANF initial financial eligibility exists.

(b) WFNJ/TANF initial maximum allowable financial income eligibility levels are based on 150 percent of the maximum benefit payment levels (provided within the limit of funds appropriated by the Legislature) for the appropriate assistance unit size in Schedule II at N.J.A.C. 10:90-3.3.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

In (a), added "For the initial financial eligibility test, that is" at the beginning.

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N.J.A.C. 10:90-3.3

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 3. FINANCIAL ELIGIBILITY--INCOME, RESOURCES, BENEFITS

§10:90-3.3 WFNJ/TANF-initial allowable maximum income and maximum benefit payment levels (Schedules I and II)

(a) Schedule I below identifies the WFNJ/TANF initial maximum allowable income eligibility levels for the appropriate assistance unit size that shall be used for new applicant, reapplicant and reopened cases to determine initial financial eligibility for families with dependent children.

(b) Schedule II below identifies the WFNJ/TANF maximum allowable benefit payment levels for the appropriate assistance unit size that shall be used for families with dependent children. As long as the assistance unit's countable income is less than the applicable benefit level, WFNJ/TANF financial eligibility exists. When the total countable income equals or exceeds the applicable benefit level, the assistance unit is no longer eligible for WFNJ/TANF benefits except for cases with earned income that are subject to six-month reporting requirements. Such cases need not report changes in earned income until such time as the assistance unit's total income exceeds 130 percent of the Federal Poverty Level (FPL). However, if the assistance unit does report a change, the county/municipal agency shall act on that change.

WFNJ/TANF Schedules I and II
WFNJ/TANF Initial Maximum Allowable Income Levels and
Maximum Benefit Payment Levels
Families with Dependent Children

Schedule I		Schedule II
Initial Maximum Allowable Income Levels	Number in Assistance Unit	Maximum Benefit Payment Levels
$ 321	1	$ 214
$ 638	2	$ 425
$ 839	3	$ 559
$ 966	4	$ 644
$ 1,092	5	$ 728
$ 1,221	6	$ 814
$ 1,341	7	$ 894
$ 1,442	8	$ 961
Add $ 99 for each additional person	More than 8	Add $ 66 for each additional person

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (b), deleted "equal to or" following "income is" in the first sentence, and inserted "equals or" following "income" in the second sentence.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote (b).

Administrative change, effective July 10, 2023.

See: 55 N.J.R. 1738(a).

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N.J.A.C. 10:90-3.4

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 3. FINANCIAL ELIGIBILITY--INCOME, RESOURCES, BENEFITS

§ 10:90-3.4 Determining initial financial eligibility for employable WFNJ/GA assistance units

(a) For the initial financial eligibility test, that is, in order to determine initial financial eligibility for assistance units composed of employable single adults or couples without dependent children, who are applying for WFNJ/GA as a new applicant, reapplicant or reopened case, all countable income available to the assistance unit shall be considered and compared to the initial maximum allowable income levels for the appropriate eligible assistance unit size in Schedule III at N.J.A.C. 10:90-3.5. If the assistance unit has income equal to or less than the initial maximum allowable income level for the appropriate unit size, then WFNJ/GA initial financial eligibility exists.

(b) WFNJ/GA initial maximum allowable financial income eligibility levels are based on 150 percent of the maximum benefit payment levels (provided within the limit of funds appropriated by the Legislature) for the appropriate assistance unit size in Schedule IV at N.J.A.C. 10:90-3.5.

1. When an eligible WFNJ/GA assistance unit is composed of a couple without dependent children and at least one individual is employable, Schedule III shall be used to determine initial financial eligibility.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

In (a), added "For the initial eligibility test, that is," at the beginning.

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N.J.A.C. 10:90-3.5

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 3. FINANCIAL ELIGIBILITY--INCOME, RESOURCES, BENEFITS

§ 10:90-3.5 WFNJ/GA employable, initial allowable maximum income, and maximum benefit payment levels (Schedules III and IV)

(a) Schedule III below identifies the WFNJ/GA initial maximum allowable income eligibility levels for the appropriate assistance unit size that shall be used for new applicant, reapplicant, and reopened cases to determine initial financial eligibility for employable single adults and couples without dependent children.

(b) Schedule IV below identifies the WFNJ/GA maximum allowable benefit payment levels for the appropriate assistance unit size that shall be used for employable single adults and couples without dependent children. As long as the assistance unit's countable income is less than the applicable benefit level, WFNJ/GA financial eligibility exists. When the countable income equals or exceeds the applicable benefit level, the assistance unit is no longer eligible for WFNJ/GA benefits except for cases with earned income that are subject to six-month reporting requirements. Such cases need not report changes in earned income until such time as the assistance unit's total income exceeds 130 percent of the Federal Poverty Level (FPL). However, if the assistance unit does report a change, the county/municipal agency shall act on that change.

WFNJ/GA Employable Assistance Units Schedules III and IV

WFNJ/GA Initial Maximum Allowance Income Levels and Maximum Benefit Payment Levels for Employable Single Adults and Couples without Dependent Children

Schedule III Schedule IV

WFNJ/GA Employable Maximum Allowable Income Levels	Number in Assistance Unit	WFNJ/GA Employable Maximum Benefit Payment Levels
$ 278	1	$ 185
$ 381	2	$ 254

History

HISTORY:

Administrative correction.

See: 29 N.J.R. 3729(a).

In (b), in table, amended income level for 1 in assistance unit.

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (b), deleted "equal to or" following "income is" in the first sentence, inserted "equals or" following "income" in the second sentence, and in the table, changed headings and decreased income level added for additional persons.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote (b).

Amended by R.2012 d.188, effective November 19, 2012.

See: 44 N.J.R. 544(a), 44 N.J.R. 2947(b).

Section was "WFNJ/GA employable, initial allowable maximum income and maximum benefit payment levels (Schedules III and IV)". In (a), inserted a comma following "reapplicant"; and rewrote the Schedule table.

Administrative change, effective July 10, 2023.

See: 55 N.J.R. 1738(a).

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N.J.A.C. 10:90-3.6

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-3.6 Eligibility/maximum benefit payment levels for WFNJ/GA unemployable single adults and couples without dependent children (Schedule V)

(a) There is no separate initial income eligibility test for WFNJ/GA unemployable single adults and couples without dependent children. Instead, for unemployable assistance units who apply as a new applicant, re-applicant, or reopened case, the total countable income of the WFNJ/GA shall be compared to the unemployable maximum benefit payment level in Schedule V below. If the assistance unit has income less than the maximum benefit payment level for the appropriate unit size, then initial financial eligibility exists; and, financial eligibility shall continue to exist as long as the total countable income is less than the applicable benefit payment level. When the income equals or exceeds the benefit payment level, the assistance unit is no longer financially eligible for WFNJ/GA benefits.

WFNJ/GA Unemployable Assistance Units Schedule V

WFNJ/GA Initial Maximum Benefit Payment Levels for Unemployable Single Adults and Couples without Dependent Children

Number in Assistance Unit	WFNJ/GA Unemployable Maximum Benefit Payment Levels
1	$ 277
2	$ 382

History

HISTORY:

Administrative correction.

See: 29 N.J.R. 3729(a).

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (a), deleted "equal to or" following "income is" throughout, and inserted "equals or" following "income" in the last sentence.

Administrative correction.

See: 36 N.J.R. 4316(a).

Amended by R.2012 d.188, effective November 19, 2012.

See: 44 N.J.R. 544(a), 44 N.J.R. 2947(b).

In (a), inserted a comma following "reapplicant"; and rewrote the Schedule table.

Administrative change, effective July 10, 2023.

See: 55 N.J.R. 1738(a).

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N.J.A.C. 10:90-3.7

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 3. FINANCIAL ELIGIBILITY--INCOME, RESOURCES, BENEFITS

§ 10:90-3.7 Computing prorated cash assistance benefits for WFNJ TANF/GA recipients

(a) The county or municipal agency shall prorate the initial cash assistance benefit or any other cash benefit that is issued for less than one month. The prorated benefit shall be determined by counting all income which has been received or which will be received in the month of application, and applying the appropriate disregards (see N.J.A.C. 10:90-3.8) to the earned income. The countable income shall be subtracted from the appropriate monthly maximum benefit payment level (Schedule II, IV or V located at N.J.A.C. 10:90-3.3, 3.5 and 3.6, as appropriate) and the result prorated by multiplying that amount by the factor appropriate for the date of application in the proration table below. If the result is not a whole dollar amount, the amount shall be rounded to the next lower whole dollar.

1. The effective date of the initial cash assistance benefit shall be the date of the application if the client was eligible on that date. If the client was found eligible on any other date, the initial grant shall be the date eligibility was established.

Proration Table for
Initial/Partial
Assistance Payments

Date of Application	Multiplication Factor	Date of Application	Multiplication Factor
1	1.000	16	.5000
2	.9666	17	.4666
3	.9333	18	.4333
4	.9000	19	.4000
5	.8666	20	.3666
6	.8333	21	.3333
7	.8000	22	.3000
8	.7666	23	.2666
9	.7333	24	.2333
10	.7000	25	.2000
11	.6666	26	.1666
12	.6333	27	.1333
13	.6000	28	.1000
14	.5666	29	.0666

15	.5333	30 and 31	.0333

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End of Document

N.J.A.C. 10:90-3.8

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-3.8 Computing the WFNJ TANF/GA monthly cash benefit using disregards for earned and unearned income

(a) An earned income disregard shall not be applied in the initial financial eligibility determination for applicants who are employed. If financial eligibility exists, the appropriate disregard as set forth in (b) below shall be applied in computing the monthly cash assistance benefit thereafter.

(b) In computing the cash assistance benefit for WFNJ recipients who are employed an average of 20 hours or more per week, 100 percent of the gross earned income shall be disregarded for the first full month in which the earned income would be counted. After the 100 percent disregard for the first month of employment, if the recipient is employed for an average of 20 hours or more a week, 75 percent of the gross earned income shall be disregarded for six consecutive months, and 50 percent of the gross earned income shall be disregarded for each continuous month of employment thereafter. If the recipient is employed less than an average of 20 hours a week, after the 100 percent disregard for the first month of employment, 50 percent of the gross earned income shall be disregarded for each continuous month of employment thereafter. The appropriate disregard shall be applied to the earned income of each person in the assistance unit.

1. For purposes of budgeting income from new employment, earned income shall be budgeted prospectively. Recipients shall report earned income no later than 10 days from the date the recipient receives his or her first paycheck. The disregard shall not be provided until the employment hours and earnings are verified by the employee's pay stub(s) or equivalent employer supplied information. For self-employed recipients, earnings are the gross income less business expenses. Self-employment hours are determined by dividing the recipient's self-employment earnings by the Federal minimum wage. CSSAs/MWAs have 10 days from the date that such income is reported to act on the change. The 100 percent disregard shall then be applied for the first full month for which the income will be budgeted.

2. When budgeting new income from employment, if the agency is not able to budget the income for the first month following the month such income is reported, then the income and the 100 percent disregard shall be applied for the first of the next following month.

3. If a recipient's hours of employment are reduced below 20 hours per week during the 75-percent disregard period, through no fault of his or her own, he or she shall be entitled to receive the balance of any unused months of the 75-percent disregard, provided he or she has returned to being employed a minimum of 20 hours or more per week and it is within the six-month disregard period.

4. If an employable recipient has a documented disability that limits the person from accepting 20 hours of employment per week, the WFNJ agency may waive the 20 hours or more requirement and the recipient shall be entitled to the 75 percent earned income disregard for six consecutive months of employment, and the 50 percent earned income disregard for each continuous month of employment thereafter.

(c) In computing the cash assistance benefit for recipients who lose their employment through no fault of their own and subsequently become reemployed, the 100 percent disregard and the 75-percent disregard may be applied again only once every 12 months; otherwise, the 50 percent disregard shall be applied for each continuous month of employment.

(d) When a member of the eligible assistance unit receives a lump sum payment for services rendered over a period of more than a month, any disregard of earned income is to be computed for each month in which such income was earned.

(e) Income shall be considered available when with the exception of income from self employment, the income becomes payable but is not received by the individual due to his or her preference to voluntarily defer receipt of the income.

(f) In situations where a WFNJ applicant's or recipient's State or Federal benefit such as RSDI has been reduced due to an overpayment, the actual amount received from such entitled State or Federal benefit shall be counted when determining the cash assistance benefit.

(g) If gross income from employment is reduced due to garnishment of wages for a loan, lien or repayment of other outstanding debts other than child or spousal support, gross earned income shall be countable.

1. Child support and spousal support payments paid by any member of a WFNJ household assistance unit shall be disregarded in the determination of initial eligibility and calculation of the assistance payment.

(h) After an assistance unit has passed the initial eligibility test indicated at N.J.A.C. 10:90-3.1(b) and is verified as being in receipt of child support, the following disregards shall apply:

1. If the amount of child support verified as being received is less than $ 100.00 per month for one child, the assistance unit shall receive the actual amount of child support received and the actual amount received shall be disregarded when calculating the cash assistance benefit;

2. If the amount of child support verified as being received is $ 100.00 or more per month for one child, the assistance unit shall receive $ 100.00 and that $ 100.00 shall be disregarded when calculating the cash assistance benefit;

3. If the amount of child support verified as being received is less than $ 200.00 per month for two or more children, the assistance unit shall receive the actual amount of child support received and the actual amount received shall be disregarded when calculating the cash assistance benefit; or

4. If the amount of child support verified as being received is $ 200.00 or more per month for two or more children, the assistance unit shall receive $ 200.00 and that $ 200.00 shall be disregarded when calculating the cash assistance benefit.

(i) When an individual is not included in the eligible assistance unit because of a sanction for failure to or refusal to comply with a WFNJ program requirement or is disqualified for an intentional program violation, and such individual has earned income, the gross amount of earned income shall be considered available, without application of the earned income disregards, to the eligible assistance unit (see N.J.A.C. 10:90-3.12).

(j) In the case of an overpayment caused by the recipient's failure, without good cause, to report earned income on a timely basis, the amount of the overpayment shall be calculated without application of the earned income disregards (see N.J.A.C. 10:90-3.21).

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Added (c)1 and 2.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote the section.

Amended by R.2007 d.163, effective May 21, 2007.

See: 39 N.J.R. 8(a), 39 N.J.R. 2113(a).

Added (k).

Special amendment, R.2008 d.182, effective June 3, 2008.

See: 40 N.J.R. 4232(a).

Section was "Computing the WFNJ TANF/GA monthly cash benefit using disregards for earned income". Rewrote (a) and the introductory paragraph of (b); in (b)1, inserted the third through fifth sentences; added (b)3 and (b)4; in (c), inserted "and the 75-percent disregard" and deleted "for the first full month of employment" following "again"; and deleted (k).

Amended by R.2009 d.135, effective April 20, 2009.

See: 40 N.J.R. 5501(a), 41 N.J.R. 1861(a).

In (h), substituted "$ 100.00" for "$ 50.00" throughout.

Amended by R.2011 d.078, effective March 7, 2011.

See: 42 N.J.R. 2561(b), 43 N.J.R. 630(a).

Rewrote (h).

Amended by R.2024 d.112, effective November 18, 2024.

See: 56 N.J.R. 1226(a), 56 N.J.R. 2241(a).

Rewrote (h).

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N.J.A.C. 10:90-3.9

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§ 10:90-3.9 Income--WFNJ TANF/GA

(a) Income is either countable or exempt. The provisions pertaining to exempt income may be found at N.J.A.C. 10:90-3.19.

(b) Income refers to earned or unearned and means, but is not limited to, child support, commissions, salaries, self-employed earnings, and spousal support payments, interest and dividend earnings, wages, receipts, unemployment compensation, any legal or equitable interest or entitlement owed that was acquired by a cause of action, suit, claim or counterclaim, insurance benefits, temporary disability claims, estate income, trusts, Federal income tax refunds, state income tax refunds, homestead rebates, inheritances, lottery, casino, sports betting and racetrack winnings, including online winnings, annuities, retirement benefits, RSDI, veterans' benefits, union benefits, or other sources that may be construed or defined as income.

(c) Earned income refers to gross income received by an individual through the receipt of wages, tips, salaries or commissions or receipt of income from self-employment. It includes earnings over a period of time for which settlement is made in one payment, for example, as in the sale of farm crops.

1. Earnings payable under the terms of a renewable contract, for example, earnings of school personnel, are to be averaged over a 12-month period.

(d) With respect to self-employment, the term "earned income" means the total profit from a business enterprise (such as farming) resulting from a comparison of the gross receipts with the business expenses. Business expenses are those costs directly related to producing the goods or services and without which, the goods or services could not be produced.

1. Allowable deductions (expenses) for self-employment income for WFNJ recipients include the identifiable costs of labor, stock, seed, fertilizer, raw material, payments on the principal and interest of the purchase price of income-producing real estate and capital assets, equipment, machinery and other durable goods, insurance premiums and taxes paid on an income-producing property.

2. Costs which are not allowable deductions in calculating self-employment income include net losses from earlier periods, personal expenses such as entertainment and

travel to and from work, money set aside for retirement and taxes on retirement funds, depreciation, and Federal, State, and local income taxes.

3. Net losses incurred by self-employed farmers who have earnings or anticipated annual gross earnings of $ 1,000 or more from the farming enterprise, must be prorated and offset against other countable income in the following order:

i. First against other self-employment income; and

ii. Second against the total amount of earned or unearned income deduction after the earned income deduction has been applied.

4. Persons who are self-employed shall be required to submit evidence of business receipts and expenditures as the basis for a sound estimate of earned income. A reliable, accurate accounting system or the method utilized in reporting to the Internal Revenue Service shall be acceptable for determining net income.

5. Assistance shall not be provided to subsidize a failing business.

i. A business which is already established (that is, in operation for at least 24 months) and which shows only marginal profit, either constant or intermittent, shall be considered to be failing if the profit, averaged over the preceding 12 months, is less than the State minimum wage multiplied by 35 hours per week.

ii. For a new business, a period not to exceed 12 months from the start of the new business shall be considered adequate to determine its potential for self-support. In situations where, in the judgment of the county or municipal agency, additional time would enable the business to show a profit, the period may be extended for up to 12 additional months.

(e) Unearned income includes, but is not limited to, returns from capital investments such as dividends and interest; benefits and pensions; RSDI; annuities; compensation payments; recurring contributions; temporary disability insurance payments; temporary worker's compensation payments; unemployment insurance benefits; and, worker's compensation received by a CWEP or AWEP participant or by a dependent, as a result of a participant's death, for a permanent disability sustained during a CWEP or AWEP activity.

(f) Lump sum income is addressed at N.J.A.C. 10:90-3.18.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (b) and (e), inserted references to RSDI.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote (d).

Amended by R.2009 d.261, effective August 17, 2009.

See: 41 N.J.R. 1368(a), 41 N.J.R. 3091(a).

In (c)1, substituted "averaged over a 12-month period" for "prorated over the stated term of the contract only".

Amended by R.2024 d.120, effective December 16, 2024.

See: 56 N.J.R. 1228(a), 56 N.J.R. 2335(b).

In (b), substituted "lottery, casino, sports betting and" for "lottery prizes, casino and", and inserted "including online winnings,".

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N.J.A.C. 10:90-3.10

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§ 10:90-3.10 Resources--WFNJ TANF/GA

(a) Resources are either countable or exempt. The provisions pertaining to exempt resources may be found at N.J.A.C. 10:90-3.20.

(b) Resources are defined as all real and personal property, including bank accounts, which is within the control of one or more members of each eligible assistance unit, or to which the member(s) may have a valid claim, and certain benefits and other contributions of support which may become available to each eligible assistance unit. Available resources include cash and other forms of income immediately obtainable to meet the needs of each eligible assistance unit.

1. For checking and saving accounts in which the names of the owners are stated in the conjunctive ("and" accounts), the eligible assistance unit member shall be presumed to possess the funds in proportion to the number of owners listed on the account. Such presumption is rebuttable and shall not apply if the eligible assistance unit member and/or the other owner(s) demonstrate to the county or municipal agency that actual ownership (based on the contributions by each of the parties to the sums on deposit) of the funds is in a different proportion.

2. For checking and saving accounts in which the names of the owners are stated in the disjunctive ("or" accounts), the eligible assistance unit member shall be presumed to possess all the funds therein regardless of their source. Such presumption is rebuttable and shall not apply if the eligible assistance unit member and/or the other owner(s) demonstrate to the county or municipal agency that ownership of the funds is in a different proportion, predicated on contributions by each party to the sums on deposit.

(c) When ownership of nonexempt real property is the only reason for the ineligibility of an otherwise eligible assistance unit, the assistance unit may receive assistance benefits under the following terms and conditions:

1. Liquidation of the real property shall be undertaken and completed within nine months. An extension beyond the nine month period may be permitted, subject to the approval of the DFD, if good cause exists and is recognized by the DFD. Good cause shall be said to exist in this instance if the recipient, in spite of having made all good

faith efforts (see (c)3 below), has nevertheless been unsuccessful in liquidating the real property and there is reason to believe that conditions will change, thereby making liquidation possible. Otherwise, at the end of nine months, granting of assistance benefits under these provisions shall no longer be authorized.

2. The signer(s) of the assistance application shall sign a written agreement with the county or municipal agency which describes a mutually acceptable plan of liquidation which includes a statement of market value of the property. The plan may be revised as necessary by mutual agreement. If an appraisal is found necessary in order to reach agreement, the county or municipal agency may advance the cost of the appraisal from the administrative account. Such cost is subject to repayment or recovery (see (c)4 below).

3. The owner(s) of the real property shall, in accordance with the written plan of liquidation, make continuous good faith efforts to liquidate the property at market value. Any breach in the good faith efforts, as determined by the county or municipal agency, ends the authorization of all assistance benefits under these provisions.

4. In accordance with the agreement to repay, upon liquidation of the real property, the former owner(s) of the real property shall repay to the county or municipal agency either the amount of all assistance granted or the net amount received from the liquidation, whichever is less. Any funds remaining to the former owners after repayment constitute a resource for regular eligibility determination. Beginning April 2, 1997, any period for which WFNJ assistance has been repaid in full shall not count toward a recipient's 60-month cumulative time limit on receipt of assistance.

(d) Rules concerning the liquidation of all debts, claims, interests, settlements, and trust funds are as follow:

1. Members of each eligible assistance unit shall take all necessary and reasonable action to avail themselves of funds for support from others who owe or may owe money to them or who are holding funds for them. Any funds made available by such action (except funds from liquidation of a nonexempt resource) are to be considered as income to each eligible assistance unit.

2. Any failure or refusal by any person to take required action or to cooperate with the county or municipal agency in liquidation efforts renders the entire assistance unit ineligible for assistance for as long as the failure or refusal continues.

3. In situations customarily processed under contingent fee arrangements with private counsel, such as liability matters, an eligible assistance unit shall be required to undertake action by that method or by an alternative method acceptable to the county or municipal agency.

4. When a trust fund exists for a member of the eligible assistance unit (with the exception of any funds placed in trust for a minor child to make the minor child whole as a result of an injury as provided in N.J.A.C. 10:90-7.8), the county or municipal agency shall determine whether or not the funds are currently accessible and if accessible, such funds shall be considered in determining eligibility.

i. When a trust fund is not currently accessible and it exists at the time of application, the applicant must, as a condition of eligibility, make a bona fide presentation of a petition to the appropriate court for release of the funds for current and future support. The county or municipal agency shall assist the applicant if necessary.

ii. When a trust fund is not currently accessible and came into being during the term of the assistance case, the county or municipal agency shall present a petition to the appropriate court for release of funds for current and future support. The recipient must, as a condition of continuing eligibility, provide whatever cooperation may be necessary in the presentation of the petition.

(e) A voluntary assignment or transfer of income or resources for the purpose of qualifying for WFNJ TANF/GA benefits shall render the applicant/recipient and the applicant/recipient assistance unit members ineligible for a period of up to one year (see Disqualification Period Chart at (e)4 below) from the date of discovery of the transfer. This disqualification period shall be applied if the resources are transferred knowingly in the one year period prior to application or if an assistance unit acquires assets after being certified for benefits and then transfers such assets knowingly in order to prevent the assistance unit from exceeding the maximum resource limit.

1. Eligibility for WFNJ shall not be affected by the following transfers:

i. Resources which would not otherwise affect eligibility; for example, resources consisting of excluded personal property such as furniture or money that, when added to other nonexcluded household resources, total less than the allowable resource limit at the time of the transfer;

ii. Resources that are sold or traded at or near fair market value;

iii. Resources which are transferred between members of the same assistance unit (including excluded assistance unit individuals whose resources are being considered available to the assistance unit); or

iv. Resources which are transferred for reasons other than qualifying or attempting to qualify for WFNJ benefits.

2. If the county or municipal agency does establish that an applicant has knowingly transferred resources for the purpose of qualifying or attempting to qualify for WFNJ benefits, the assistance unit shall be sent a notice of denial explaining the reason for and length of disqualification. The period of disqualification shall begin in the month of application.

3. If the county or municipal agency establishes a transfer of assets by a WFNJ recipient assistance unit (or by an assistance unit which had been certified for eligibility), a notice of adverse action explaining the reason for and length of disqualification shall be sent. The period of disqualification shall be made effective with the first cash assistance payment to be issued after the notice of adverse action period has expired, unless the assistance unit has requested a fair hearing and continued benefits.

4. The length of the disqualification period shall be based on the amount by which nonexempt transferred resources, when added to other countable resources, exceed the allowable limits.

i. The following chart, which has been aligned with the chart utilized in the NJ SNAP program, shall be used to determine the period of disqualification when the transfer of nonexempt resources was for the purpose of qualifying for WFNJ.

Disqualification Period Chart

Amount in Excess of Resource Limit	**Period of Assistance Unit Disqualification**
$ 0.01-$ 249.99	1 month
250-999.99	3 months
1,000-2,999.99	6 months
3,000-4,999.99	9 months
5,000 and over	12 months

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (c)1, inserted a third sentence; and in (c)2, substituted a reference to (c)4 for a reference to (a)4 at the end.

Amended by R.2011 d.078, effective March 7, 2011.

See: 42 N.J.R. 2561(b), 43 N.J.R. 630(a).

In the introductory paragraph of (e)4, deleted the last sentence.

Administrative change.

See: 44 N.J.R. 1529(a).

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N.J.A.C. 10:90-3.11

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§ 10:90-3.11 Determining the income of WFNJ TANF/GA assistance units

(a) All earned and unearned income shall be determined by using a prospective budgeting methodology. WFNJ eligibility and cash assistance benefit calculations shall be based on an estimate of the assistance unit's income, using income averaging and, other circumstances that will exist until the assistance unit reports a change in circumstance or at the time of case redetermination, whichever occurs first. The estimate of income is based on the assistance unit's and the agency's reasonable expectations and knowledge of current, past and future circumstances.

(b) For purposes of determining the assistance unit's financial eligibility and benefits, the county or municipal agency shall determine earnings by obtaining wage information for the four consecutive week period immediately preceding the date of application, redetermination or change in circumstance. Likewise, all unearned income received within this four week period is also determined. All earned and unearned income received within this four week period must be verified and documented in the case record, even if all four weeks of income are not ultimately used to calculate the estimate.

(c) In order to maintain consistency in policy application between the WFNJ and NJ SNAP programs, the county or municipal agency shall utilize the same income estimate for both the WFNJ application/redetermination period and the NJ SNAP application/recertification period, whenever possible. Therefore, in those WFNJ/NJ SNAP cases where the NJ SNAP calculation encompasses a five-paycheck (or a three paycheck month for bi-weekly income) month, county or municipal agencies are authorized to use that same method for WFNJ eligibility and cash assistance benefit. Documentation of the income estimate determination must be maintained in the case record.

1. Since the receipt of income by a WFNJ individual usually occurs weekly, bi-weekly, or on a semi-monthly basis, the county or municipal agency shall convert the averaged income amount to a gross monthly amount by multiplying the averaged income amount by the appropriate conversion factors as follows:

i. Weekly amounts by 4.333;

ii. Bi-weekly amounts by 2.167; and

iii. Semi-monthly amounts by two.

(d) In determining an estimate of income, the following procedures shall be used by the county or municipal agency:

1. Verify and document in the case record, all unearned income (through bank letters, statements, etc.) and earned income (through wage stubs or documentation from the employer) received within the four week period specified in (b) above;

i. For purposes of budgeting income from new employment, earned income shall be budgeted prospectively no later than 10 days from the date the recipient reports the receipt of his or her first paycheck. The 100 percent disregard shall then be applied for the first full month for which the income will be budgeted.

ii. When budgeting new income, the agency is required to send timely or adequate notices to clients for the month in which the 100 percent disregard is applied. If the agency is unable to provide the recipient with timely notice and adequate notice of budgeting or has insufficient time to budget the income for the first month following the month the recipient reports the receipt of the paycheck, then the income and the 100 percent disregard shall be applied for the first of the next following month.

2. Determine, through review of the documentation, the case record and discussion with the client, if any of the income received is not expected to be representative of the future. For instance, the first pay check of new employment may not represent a full pay period; a missing week's income may represent a summer plant closing; or a larger check may represent nonrecurring overtime, all of which may not be anticipated to occur in the future. Non-representative income shall not be used in calculating the estimate. For example, the assistance unit receives regular weekly income but is missing one week's pay due to a plant closing for that week only. The three available amounts would be averaged to determine average weekly income and that average converted to monthly gross income as described in (c)1 above;

3. If income fluctuates to the extent that a four-week period is not expected to provide an appropriate income estimate until the next redetermination, the agency shall require the assistance unit to submit verified wage information for those months subsequent to the month of review, in order that the agency may recalculate the estimate. When income fluctuates dramatically, agencies shall rebudget the case as often as deemed necessary to ensure the most accurate income estimate and correct assistance payment;

i. When four consecutive weeks of income fluctuate but are representative of the assistance unit's anticipated fluctuation in income for future months, the agency shall average the income from the four-week period and project that gross income estimate for future months;

4. The final step shall be to average the income that has been determined to be representative of the eligible assistance unit's circumstances and to convert that average to a gross monthly income estimate amount by using the conversion factors set forth in (c)1 above. The estimate amount shall then be used to determine initial

eligibility and benefit amount until the next redetermination or report of a change in circumstances.

(e) WFNJ assistance units shall be required to report any change in unearned income and circumstances that could affect eligibility and the benefit amount as soon as possible to the county or municipal agency, but in no event later than 10 calendar days of the date the change happened or in the case of new earnings no later than 10 days from the date of receipt of the first paycheck. For cases with earned income see (e)3 below regarding reporting requirements. The agency shall initiate appropriate action on the reported change within 10 calendar days of receiving the report of the change, subject to timely and/or adequate notice.

1. Reportable income and circumstance changes are defined as changes in sources or amounts of earned or unearned income or changes to the eligible assistance unit size which are expected to continue into the future. Examples of such changes include, but are not limited to: starting a new job or gaining a new source of unearned income; losing a source of unearned income; permanent or long term changes in unearned income; or addition of or loss of an eligible unit member.

2. A change in circumstances of the eligible assistance unit may result in an adjustment upward or downward in the amount of the cash assistance payment. Downward adjustments shall be subject to timely and adequate notice.

3. Cases with earned income are assigned a six-month reporting cycle that coincides with the time of the next case redetermination. Cases with earned income are not required to report changes in monthly earned income unless total monthly household income exceeds 130 percent of the Federal Poverty Level (FPL). This is the only required change that a recipient on six-month reporting must report prior to the next case redetermination.

i. Only assistance units that have countable earned income are eligible for six-month reporting. This includes assistance units that have earned income from a disqualified member and those in which the only earned income is from self-employment, even if, after the cost of producing that income is deducted, the actual earned income is zero.

ii. If a six-month assistance unit reports any changes, the county/municipal agency shall act on those changes in accordance with (e)1 and 2 above. Other than the requirement to report earned income over 130 percent of the FPL, the only change reporting to be encouraged is one that will result in the assistance unit obtaining higher benefits during the six-month period, such as losing a job or source of unearned income; permanent or long term changes in hours worked and/or rate of pay or permanent or long term changes in unearned income that result in decreased earned income to the household; changing from full-time to part-time employment; short term plant closings (such as one or more weeks) or periods of sick leave without compensation (more than one day); or addition of an eligible unit member. The agency shall, verbally and in writing, inform all recipients subject to six-month reporting that they are not required to report increases in earned income if the total earnings are less than 130 percent of the Federal

Poverty Guidelines, and that any reporting of an earnings increase will result in a decrease in benefits. In addition, the agency shall, verbally and in writing, inform all recipients subject to six-month reporting that they are encouraged to report a decrease in earnings, as a decrease in earnings could result in an increase in benefits.

iii. County/municipal agencies shall act on all changes that are received from sources other than the assistance unit when such information is considered verified upon receipt. Verified upon receipt means that the information received is not questionable. Such information includes, but is not limited to, the Beneficiary Data Exchange (BENDEX) and the State Data Exchange (SDX) computer matches, letters from employers verifying wages and reports from other county/municipal agencies that an assistance unit member has left the unit and is applying in another jurisdiction.

iv. When an assistance unit is on six-month reporting and exceeds the income eligibility standard for a WFNJ TANF/GA grant, the unit is not required to report changes in earnings until their total income equals or exceed 130 percent of the FPL or until the next redetermination, whichever occurs first. Since such households are not required to report changes that do not exceed 130 percent of the FPL, no overpayment has occurred and no claim shall be established.

v. If an individual subject to six-month reporting leaves an assistance unit and moves into another assistance unit, or becomes a separate assistance unit or reports the addition of a new member already participating in six-month reporting on another case, the CSSA shall take appropriate action to remove the person from the losing case, add the person to the gaining case, and ensure there is no duplicate participation.

(1) If the individual leaving the assistance unit is the only individual with earned income, the county/municipal agency shall convert the case back to the normal reporting requirements at the time of the next case redetermination.

(2) When the individual with earnings joins another assistance unit without income, the county/municipal agency shall convert the case to six-month reporting requirements at the time of the next case redetermination.

vi. County/municipal agencies are not precluded from conducting investigations of suspected fraud cases.

(f) Under certain circumstances, including, but not limited to, the following, a supplemental payment to the last regular benefit payment may be issued during the current payment period.

1. An assistance payment was incorrectly computed or not issued due to administrative error. Such supplemental payment(s) shall be considered as corrections to underpayments;

2. A change in circumstances occurred; or

3. A new member was added to the eligible unit.

(g) Any supplemental payment to an eligible assistance unit shall be calculated using the proration chart at N.J.A.C. 10:90-3.7 based on the date of the change if all other eligibility factors are met.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (c), substituted a reference to WFNJ/FS cases for a reference to PA/FS cases; and added (d)1i and ii.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote (d) and (e).

Administrative change.

See: 44 N.J.R. 1529(a).

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N.J.A.C. 10:90-3.12

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-3.12 Treatment of income and resources from eligible and noneligible individuals in the WFNJ TANF/GA household, as appropriate

(a) Income of the spouse is considered available for the other spouse and income of a parent (natural or adoptive) is considered available for children under 18. If the spouse or parent is living with his or her spouse or children, respectively, income is considered available regardless of whether the spouse or natural or adoptive parent is noneligible or sanctioned.

(b) When an individual is not included in the eligible assistance unit because of a sanction for failure or refusal to comply with a WFNJ program requirement or is disqualified for an intentional program violation and, such individual has earned or unearned income of his or her own, that income shall be considered available to the remaining members of the eligible unit.

1. For earned income, the gross amount to be considered available to the eligible assistance unit shall be determined without application of earned income disregards provided for at N.J.A.C. 10:90-3.8.

(c) The resources of eligible and noneligible individuals in the WFNJ TANF/GA household specified in (a) and (b) above shall be determined in accordance with the provisions of this subchapter. Resources shall be determined countable or exempt as such determination would be made as if the individual was eligible for WFNJ TANF/GA. Where such individual's resources are countable and exceed the resource limit for a specific exemption, the excess shall be counted as available to the eligible unit. For example, if the individual's liquid resources exceed the $ 2,000 resource exemption, the excess shall be counted available to the eligible unit.

(d) If the noneligible individual is an illegal alien parent or noneligible alien parent and has citizen or eligible alien children, his or her income shall be considered available to the eligible assistance unit and shall be calculated in accordance with the parent to minor parent deeming formula at N.J.A.C. 10:90-3.16 at initial determination and redetermination of eligibility.

(e) A parent person other than a natural or adoptive parent or stepparent, who is a care-giver to a dependent child(ren) who is that care-giver's legal blood relative, shall be

evaluated to determine whether that person is eligible for benefits if that person's income does not exceed 150 percent of the Federal Poverty Income Guidelines, as published in the Federal Register and subsequently as a public notice in the New Jersey Register.

(f) For WFNJ/GA single adults and couples without dependent children, retroactive SSI payments are subject to reimbursement in accordance WFNJ/GA fiscal provisions at N.J.A.C. 10:90-14.

History

HISTORY:

Administrative correction.

See: 29 N.J.R. 3729(a).

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Added (c); recodified former (c) through (e) as (d) through (f).

Amended by R.2011 d.078, effective March 7, 2011.

See: 42 N.J.R. 2561(b), 43 N.J.R. 630(a).

In (d), substituted "minor parent" for "parent-minor".

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N.J.A.C. 10:90-3.13

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-3.13 Treatment of income for needy stepparents who are married to a WFNJ recipient parent

(a) When a needy stepparent is married to a natural or adoptive WFNJ recipient parent and is not the parent of any of the WFNJ children, the stepparent shall be included as a member of the eligible assistance unit, with all needs recognized and his or her income considered in determining the adjusted allowance and the amount of the cash assistance benefit in accordance with all regulations in this chapter.

1. If the stepparent's income causes the eligible assistance unit to become ineligible, then the stepparent is considered non-needy and the rules at N.J.A.C. 10:90-3.14 shall be applied.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-3.14

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-3.14 Treatment of income for a non-needy stepparent who is married to a natural or adoptive WFNJ recipient parent

(a) When a non-needy stepparent is married to a natural or adoptive WFNJ recipient parent and is not the parent of any of the WFNJ children, the non-needy stepparent, the stepparent's natural or adoptive children and the WFNJ recipient parent shall be excluded from the eligible assistance unit; therefore, the eligible assistance unit shall consist of only the WFNJ children. Eligibility for the WFNJ children shall be established provided that the gross income of the assistance unit does not exceed the maximum income limits for the applicable household size as referenced in (a)1 below, and the countable income of the eligible children does not exceed the limits referenced in (c) below.

1. Household maximum income limits for non-needy stepparents marrying WFNJ recipient parents shall be based on 150 percent of the Federal Poverty Income Guidelines as published each year in the Federal Register and subsequently as a public notice in the New Jersey Register.

(b) WFNJ eligibility shall not exist for any month if the total income exceeds 150 percent of the Federal Poverty Income Guidelines for the appropriate number of persons in the household. The household shall include the natural or adoptive parent, his or her children, the non-needy stepparent and the stepparent's children residing in the same household who are claimed or could be claimed by the stepparent as dependents for Federal personal income tax liability and who are not recipients of WFNJ or SSI benefits.

1. The income of the assistance unit shall be determined by counting the gross income of all members of the household, which shall be reduced only by any amounts paid as alimony or child support to individuals not living in the household. Although SSI benefits are exempt, all other countable income of the natural or adoptive parent is considered.

2. The gross income derived from the computation procedures in (b)1 above shall be compared to 150 percent of the Federal Poverty Income Guidelines. Provided the household's gross income is less than the amount for the appropriate household size, initial WFNJ eligibility shall be established for the children of the natural or adoptive parent (excluding children who are recipients of SSI benefits). If the household's gross

income equals or exceeds the applicable poverty level guideline amount, all members of the household shall be ineligible for WFNJ benefits.

i. The parent of the eligible children shall sign the application for assistance and fulfill all obligations contained therein.

ii. The grant for eligible children shall be:

(1) The appropriate maximum allowance payment in Schedule II at N.J.A.C. 10:90-3.3, less any income available to the eligible assistance unit, including the countable income of the natural or adoptive parent as determined in (c) below.

(2) In no event shall the WFNJ payment for the eligible children be reduced below $ 10.00 until such time as gross income of the assistance unit exceeds the applicable Federal Poverty Income Guideline for the appropriate household size, and the countable income of the eligible children does not exceed the maximum benefit payment amount in Schedule II at N.J.A.C. 10:90-3.3 for the appropriate eligible unit size.

(c) Countable income to the WFNJ eligible children shall be determined in accordance with the following procedures:

1. The income of the non-needy stepparent shall be totally excluded.

2. Any earned income of the WFNJ parent shall be reduced by the appropriate disregard as specified at N.J.A.C. 10:90-3.8, and the result added to any unearned income received by that parent. The result of this calculation is further reduced by the payment benefit level amount for an eligible unit of one in Schedule II at N.J.A.C. 10:90-3.3.

3. All remaining income of the natural or adoptive parent shall be considered as unearned income and shall be added together with any other countable income of the children to determine the total countable income available to the eligible assistance unit.

4. The total countable income shall be deducted from the payment benefit level for the appropriate eligible unit size in Schedule II at N.J.A.C. 10:90-3.3, and the remainder shall be the WFNJ benefit payable for the eligible children.

i. In the event that the WFNJ benefit calculation results in a benefit of less than $ 10.00, (b)2ii(2) above shall apply.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (b)2, substituted "is less than" for "does not exceed" following "income" in the second sentence, and inserted "equals or" following "income" in the third sentence; and in (c), substituted references to N.J.A.C. 10:90-3.3 for references to N.J.A.C. 10:90-3.5 throughout.

Amended by R.2007 d.163, effective May 21, 2007.

See: 39 N.J.R. 8(a), 39 N.J.R. 2113(a).

In (c)2, substituted "appropriate" for "50 percent".

Amended by R.2011 d.268, effective November 7, 2011 (operative December 7, 2011).

See: 43 N.J.R. 1561(b), 43 N.J.R. 3023(a).

Section was "Treatment of income for non-needy stepparents who are married to a natural or adoptive WFNJ recipient parent". In (b)1, substituted a comma for "(with the exclusion of SSI recipients)" following the first occurrence of "household", and inserted the last sentence.

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N.J.A.C. 10:90-3.15

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-3.15 Eligibility of sponsored aliens and deeming of sponsor's income and resources to a sponsored alien for eligible aliens who entered the United States after August 22, 1996

(a) The income and resources of an alien's sponsor shall be deemed to be unearned income and resources of an alien applying for WFNJ for a period of three years following the alien's entry into the United States. For purposes of deeming, a sponsor is an individual who executed an affidavit of support, Form I-134, or similar agreement (except as noted in (j) below) on behalf of an alien (who is not the child of the sponsor or the sponsor's spouse) as a condition of the alien's entry into the United States.

1. No income or resources shall be deemed from a sponsor who is (or whose spouse is) receiving WFNJ or SSI.

(b) An alien may also be sponsored by a public or private agency or organization; however, alien sponsor deeming provisions are not applicable. In such situations, (b)1 below applies.

1. Any alien who was sponsored by a public or private agency or organization, and is not exempt from deeming provisions as described in (i) or (j) below, shall be ineligible for public assistance for a period of three years following his or her entry into the United States unless the county or municipal agency determines that the public or private agency or organization no longer exists or has been declared bankrupt by a court of appropriate jurisdiction.

(c) For a period of three years following entry for permanent residence into the United States, a sponsored alien who is not exempt from deeming, as described in (i) or (j) below, shall provide the county or municipal agency with any information and documentation necessary to determine the income and resources of the sponsor and the sponsor's spouse (if applicable and if living with the sponsor) that can be deemed available to the alien, and obtain any cooperation necessary from the sponsor.

1. If the alien's circumstances change during the three-year period such that the alien is no longer exempt from or subject to deeming in accordance with (i) or (j) below, the county or municipal agency shall reflect the resulting change in unearned income in the assistance payment.

2. A sponsored alien is ineligible in any month in which adequate information concerning the income and resources of the sponsor (or sponsor's spouse if living with the sponsor) is not provided.

3. Unsponsored family members may remain eligible even if a sponsored alien fails to provide information concerning the sponsor (or sponsor's spouse if living with the sponsor). However, any income the unsponsored family members actually receive from the sponsor must be reported and considered in determining their eligibility.

(d) The amount of income of a sponsor which shall be deemed to be the unearned income of an alien shall be determined as follows:

1. The sponsor's total monthly wages, salaries, and net earnings from self-employment (and that of his or her spouse if living with the sponsor) shall be reduced by 20 percent.

2. The amount determined in (d)1 above shall be added to the unearned income of the sponsor (and that of his or her spouse if living with the sponsor).

3. The amount determined in (d)2 above shall be reduced by the following:

i. The appropriate amount from Schedule VI at N.J.A.C. 10:90-3.18 (Schedule VI is also used for calculating lump sum income) for the sponsor, spouse, and other persons residing in his or her household who are or could be claimed by the sponsor as dependents for determination of Federal personal income tax liability and who are not recipients of WFNJ;

ii. Any amounts actually paid by the sponsor or sponsor's spouse to people not living in the household who are or could be claimed by them as dependents to determine their Federal personal income tax liability; and

iii. Actual payments of spousal support or child support with respect to individuals not in the household.

4. The remaining amount shall be deemed to the alien and shall be counted as unearned income in the determination of eligibility and cash assistance benefit.

(e) The amount of resources of the sponsor (and of the sponsor's spouse if living with the sponsor) shall be determined in accordance with the provisions of this subchapter. The value of the sponsor's resources shall be reduced by $ 2,000 and remaining amount shall be deemed available to the alien and counted in the determination of WFNJ eligibility and benefit payment level.

(f) In any case where a person is the sponsor of two or more aliens, the income and resources of the sponsor (and the sponsor's spouse if living with the sponsor), to the extent the income and resources would be deemed to any one of the aliens under the provisions of this section, shall be equally divided among the sponsored aliens.

(g) Income and resources which are deemed to a sponsored alien shall not be considered in determining the need of other unsponsored members of the alien's family except to the extent the income and resources are actually available. The sponsor's

obligatory contribution shall not exceed the per capita share of the eligible unit's adjusted allowance for the alien(s) for whom the sponsor is liable.

(h) Any individual sponsor of an alien, and the alien, shall be jointly and severally liable for any overpayment of public assistance made to the alien during the three years after the alien's entry into the United States that was caused by the sponsor's failure to provide correct information under the provisions of this section, except as provided in (h)1 below.

1. When a sponsor is found to have good cause or to be without fault for not providing information to the county or municipal agency, the sponsor will not be held liable for the overpayment and recovery will not be made from this sponsor.

2. An overpayment for which the alien or the sponsor and the alien are liable as described above shall be repaid to the county or municipal agency or recovered in accordance with the provisions of N.J.A.C. 10:90-3.21. If the county or municipal agency is unable to recover the overpayment through this method, the overpayment shall be withheld from future payments to which the alien or the alien and the individual sponsor are entitled under:

i. Any State administered or supervised program established by the Social Security Act; or

ii. Any cash benefit program administered by the Social Security Administration and established by the Social Security Act.

(i) These deeming provisions do not apply to any alien who is:

1. Admitted as a conditional entrant refugee to the United States as a result of the application of the provision of Section 203(a)(7) (in effect prior to April 1, 1980) of the Immigration and Nationality Act;

2. Admitted as a refugee to the United States as a result of the application of the provisions of Section 207(c) (in effect after March 31, 1980) of the Immigration and Nationality Act (8 U.S.C. §§ 1101 et seq.);

3. Paroled into the United States as a refugee under Section 212(d)(5) of the Immigration and Nationality Act;

4. Granted political asylum by the Attorney General under Section 208 of the Immigration and Nationality Act;

5. A Cuban or Haitian entrant as defined in Section 501(e) of the Refugee Education Assistance Act of 1980 (Public Law 96-422);

6. The dependent child of the sponsor or sponsor's spouse; or,

7. An Amerasian admitted under Section 584 of the Foreign Operation Appropriations Act beginning March 20, 1988.

(j) The enforceable "Affidavit of Support", Form I-864, is required for family based immigrants, who apply for an immigrant visa or adjustment of status on or after December 19, 1997. The I-864 form is also required in employment-based cases where a relative of

the immigrant filed the employment based immigrant petition or has a significant ownership interest in the entity that filed the petition.

1. The enforceable affidavit is a contract between the sponsor and the U.S. Government that requires the sponsor to maintain the immigrant at 125 percent of the Federal Poverty Level until the sponsor dies, the immigrant becomes a citizen, or the immigrant obtains credit for 40 qualifying quarters of work and becomes an otherwise eligible alien.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), inserted reference to Form I-134 and "(except as noted in (j) below)"; added (j).

Amended by R.2011 d.078, effective March 7, 2011.

See: 42 N.J.R. 2561(b), 43 N.J.R. 630(a).

In (b)1, deleted "a" preceding "public or private".

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N.J.A.C. 10:90-3.16

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-3.16 Deeming income of parents of minor parents

(a) A minor parent is an individual under the age of 18 who is himself or herself a parent of a dependent child.

(b) Whether or not a minor parent lives in the same home as his or her own parent(s), the income of such parent(s) shall be deemed available to the eligible assistance unit; however, inability to obtain financial information of such parent(s) shall not preclude eligibility of the minor parent. Under circumstances when the natural or adoptive parent of the adolescent parent receives SSI, the SSI benefit shall be exempt from the income deemed available while all other income of the SSI recipient parent is deemed available to the adolescent parent. Deeming under this provision shall be in accordance with the following procedures:

1. Reduce the gross earned income (and net income from self-employment) of each employed parent by the appropriate disregard as specified at N.J.A.C. 10:90-3.8;

2. Add the result to the unearned income of the parent(s);

3. Any income remaining shall be reduced by any amounts paid by the parent(s) as spousal support or child support to individuals not living in the household; and

4. All income remaining shall be counted as unearned income available to the eligible unit and shall be counted toward total income and in the determination of financial eligibility and the cash assistance benefit amount.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Amended by R.2007 d.163, effective May 21, 2007.

See: 39 N.J.R. 8(a), 39 N.J.R. 2113(a).

In (b)1, substituted "appropriate" for "50 percent".

Amended by R.2011 d.078, effective March 7, 2011.

See: 42 N.J.R. 2561(b), 43 N.J.R. 630(a).

Section was "Deeming income of parents of adolescent parents". In (a), substituted "A minor" for "An adolescent", and deleted "and" following "18"; and in the introductory paragraph of (b), substituted "a minor" for "an adolescent", and substituted "minor" for "adolescent" twice.

Amended by R.2011 d.268, effective November 7, 2011 (operative December 7, 2011).

See: 43 N.J.R. 1561(b), 43 N.J.R. 3023(a).

In the introductory paragraph of (b), rewrote the second sentence.

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N.J.A.C. 10:90-3.17

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§ 10:90-3.17 WFNJ/GA special payment provisions for other living arrangements

(a) When an individual is purchasing a room and board living arrangement, the following shall apply:

1. When an individual who is in need of extensive personal services on a regular and continuous basis is purchasing a room and board living arrangement in a residential health care facility (licensed by the New Jersey Department of Community Affairs for purposes other than the care or treatment of drug or alcohol abuse), the monthly assistance payment ($ 1,153.05), including a personal allowance, shall not exceed the rate approved by the New Jersey Department of the Treasury, less any countable income. When a rate increase is approved, a notice of administrative change to that effect will be published in the New Jersey Register. Information about the current rate may also be obtained by contacting the DFD. However, the cost of purchasing such living arrangement shall not exceed the minimum amount that the establishment customarily charges to or for other guests not dependent on public assistance, for the same accommodations and/or services.

2. When an individual is purchasing room and board in a group facility or a boarding home (including a private home) other than a residential health care facility as in (a)1 above, or a center for treatment of drug or alcohol abuse as in (a)3 below, the total monthly benefit payment shall be the maximum benefit payment amount for a single adult as given in Schedule IV or Schedule V at N.J.A.C. 10:90-3.5 and 3.6, as appropriate, less any countable income.

i. The spouse of a boarding home operator when living in the same home is also considered a boarding home operator. Neither the spouse nor a child under age 18 of a boarding home operator may be considered a boarder there.

3. When an individual is receiving room and board in a residential center for the treatment of drug or alcohol abuse, whether or not the center is licensed by the New Jersey Department of Human Services, the total allowance shall not exceed the amount to which the individual would be entitled as an eligible unit of one as given in Schedule IV or Schedule V at N.J.A.C. 10:90-3.5 and 3.6, as appropriate. Of that

amount, $ 25.00 shall be considered as an allowance for personal incidentals and the remainder as the room and board payment to the center. (Note: Licensure of the center by the New Jersey Department of Health as a medical institution will not affect the payment rate.)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Administrative change.

See: 30 N.J.R. 2090(a).

Administrative change.

See: 31 N.J.R. 873(a).

Administrative change.

See: 32 N.J.R. 1395(a).

Special amendment, R.2000 d.392, effective September 1, 2000 (to expire March 1, 2001).

See: 32 N.J.R. 3615(a).

In (a)3, changed N.J.A.C. reference.

Amended by R.2001 d.42, effective December 27, 2000.

See: 32 N.J.R. 3615(a), 33 N.J.R. 564(a).

In (a)3, changed N.J.A.C. reference.

Public Notice: WFNJ/GA Rate in Residential Health Care Facilities.

See: 33 N.J.R. 2217(a).

Administrative change.

See: 34 N.J.R. 1749(a).

Administrative change.

See: 35 N.J.R. 1669(b).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a)3, amended N.J.A.C. reference.

Administrative change.

See: 36 N.J.R. 2481(a).

Administrative change.

See: 37 N.J.R. 2020(a).

Administrative change.

See: 39 N.J.R. 781(a).

Administrative change.

See: 40 N.J.R. 4818(a).

Administrative change.

See: 41 N.J.R. 2014(a).

Amended by R.2011 d.078, effective March 7, 2011.

See: 42 N.J.R. 2561(b), 43 N.J.R. 630(a).

Deleted former (a)3; and recodified former (a)4 as (a)3.

Administrative change.

See: 44 N.J.R. 669(b).

Administrative change and corrections.

See: 45 N.J.R. 2143(a).

Administrative change.

See: 46 N.J.R. 1361(a).

Administrative change.

See: 47 N.J.R. 997(b).

Administrative change.

See: 51 N.J.R. 89(a).

Administrative change, effective May 9, 2022.

See: 54 N.J.R. 1082(a).

Administrative change, effective January 1, 2024.

See: 56 N.J.R. 1106(a).

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N.J.A.C. 10:90-3.18

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-3.18 Treatment of lump sum income WFNJ TANF/GA

(a) Lump sum income includes, but is not limited to, payments in the nature of a windfall such as inheritances, lottery, casino, racetrack, and sports betting winnings, including online winnings; RSDI, Railroad Retirement, Veterans and Worker's Compensation retroactive awards; and personal injury awards.

1. Nonrecurring lump sum income will be subject to repayment of past assistance (including emergency assistance) in accordance with the agreement to repay except as noted in (a)1i below (see N.J.A.C. 10:90-7.8 regarding agreement to repay provisions); after the agreement to repay is satisfied, any remaining amount of the lump sum income shall be considered in determining the period of WFNJ ineligibility.

i. RSDI, Railroad Retirement, Worker's Compensation, Veteran's Administration benefits, and temporary disability benefits are exempted by law from the repayment process. However, lump sum payments from these sources are subject to the lump sum regulations in (c) through (e) below.

2. SSI payments shall not be subject to lump sum repayment rules for WFNJ/TANF recipients (see (a)2i below for WFNJ/GA recipients).

i. For WFNJ/GA recipients, retroactive SSI payments are subject to repayment in accordance with WFNJ/GA fiscal provisions at N.J.A.C. 10:90-14.5.

(b) The recipient shall notify the county or municipal agency within 10 calendar days of the receipt of a lump sum income.

(c) When a recipient receives nonrecurring earned or unearned lump sum income, the extent it is not earmarked and used for the purpose for which it was paid (for example, moneys for back medical bills resulting from accidents or injury, funeral and burial costs, replacement or repair of resources, and so forth), that income shall be used to repay assistance granted in accordance with the agreement to repay. After the agreement to repay is satisfied, any lump sum remaining will be added together with all other countable income received that month by the eligible assistance unit after application of the appropriate disregards in N.J.A.C. 10:90-3.8.

1. An allowance may be made to disregard a portion of the remaining lump sum money that may be spent to purchase items that are integral in promoting self-sufficiency, such as the purchase of a first vehicle, vehicle repairs or essential household items.

2. Effective April 2, 1997, if assistance payments (including emergency assistance) are repaid to a county or municipal agency, in accordance with the agreement to repay, the months of assistance for which cash payments were repaid shall not count toward a recipient's five year time limit on receipt of public assistance.

(d) When the total remaining lump sum income (for either a WFNJ/TANF or WFNJ/GA case) exceeds 200 percent of the WFNJ/TANF maximum payment level for the appropriate eligible assistance unit size as set forth in Schedule VI below, the assistance unit will be ineligible for WFNJ for the number of full months derived by dividing this total income by the payment level applicable to the eligible assistance unit size in Schedule VI.

1. Schedule VI shall also be used for alien sponsor-income deeming as set forth in N.J.A.C. 10:90-3.15.

WFNJ/TANF and WFNJ/GA Schedule VI

Number in Eligible Unit	200% of WFNJ/TANF Payment Level
1	$ 428
2	$ 850
3	$ 1,118
4	$ 1,288
5	$ 1,456
6	$ 1,628
7	$ 1,788
8	$ 1,922
More than 8	Add $ 132.00 each person

(e) For purposes of determining the period of ineligibility, the WFNJ assistance unit and any other individual (such as a stepparent) whose lump sum income caused the assistance unit's income to exceed the allowance standard shall be included in such determination.

1. The period of ineligibility shall begin in the first month subsequent to the month the nonrecurring income is received or, if there is insufficient time for a timely adverse action notice, the following month.

2. In the event the nonrecurring income is not reported timely, the period of ineligibility shall begin at the point the ineligibility would have occurred had the county or municipal agency had knowledge of its receipt. The amount of overpayment for the period of ineligibility must be established and recovery made.

3. The period of ineligibility applies to each individual in the eligible assistance unit at the time of receipt of the lump sum nonrecurring income.

4. Once established, the period of ineligibility may be recalculated/reduced only if the lump sum income used to determine such period becomes unavailable to the eligible assistance unit for reasons beyond the control of the assistance unit members. It is the responsibility of the former eligible assistance unit to provide all necessary information and documentation required to make a determination to shorten the period

of ineligibility. The basis for a determination to shorten the period of ineligibility shall be thoroughly documented in the case record. Acceptable reasons include, but are not limited to, those below:

i. Allegation of loss or theft of part or all of the lump sum, including circumstances where a member of the former eligible assistance unit has absconded with the funds.

(1) The former eligible assistance unit shall thoroughly substantiate an allegation of loss or theft of income and must provide the county or municipal agency with evidence that a police report of an incident of theft has been filed. Upon receipt of credible evidence of loss or theft of the income the county agency shall reduce the amount of the original lump sum by the amount of the loss or theft;

ii. The former eligible assistance unit incurs and pays verifiable expenses due to an emergent situation, for which, had the assistance unit been eligible, emergency assistance would have been authorized under N.J.A.C. 10:90-6. Upon receipt of credible verification of those expenses, the county or municipal agency shall reduce the amount of the original lump sum;

iii. The assistance unit incurs, becomes responsible for, and pays medical expenses during the period of ineligibility; or

iv. Other circumstances, with the provision of appropriate verification, as approved by the DFD.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (d), inserted "(for either a WFNJ/TANF or WFNJ/GA case)" following "income".

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), rewrote 1 and added i.

Amended by R.2011 d.078, effective March 7, 2011.

See: 42 N.J.R. 2561(b), 43 N.J.R. 630(a).

In (c)1, deleted "(up to the resource allowed for such vehicle in these rules at N.J.A.C. 10:90-3.20)" following the first occurrence of "vehicle".

Administrative change, effective July 10, 2023.

See: 55 N.J.R. 1738(a).

Amended by R.2024 d.120, effective December 16, 2024.

See: 56 N.J.R. 1228(a), 56 N.J.R. 2335(b).

In the introductory paragraph of (a), substituted "casino, racetrack, and sports betting winnings, including online winnings; RSDI" for "casino and racetrack winnings; RSDI".

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N.J.A.C. 10:90-3.19

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§ 10:90-3.19 Exempt income

(a) Exempt income is not considered in determining initial and continued eligibility for assistance or in computing the amount of WFNJ cash assistance payments; however, as part of the determination of eligibility for emergency assistance, the agency shall evaluate all potential contributions of support to the household in accordance with N.J.A.C. 10:90-6.1(c)2. The following sources of income shall be exempt:

1. Income tax refunds;

2. Homestead property tax rebates;

3. Earned income tax credit (EITC) payments;

4. Unearned income (including moneys to offset training expenses) received by a WFNJ dependent child through the Workforce Investment Act (WIA);

5. Earned income received through the WIA by a WFNJ dependent child;

6. Allowance payments to offset expenses related to training received by any WFNJ recipient who is participating in the WIA program;

7. The earned income of any middle or secondary school student in the eligible assistance unit;

i. This income exemption applies to children who are full-time students up to the age of 18, or up to the age of 19 if they are expected to complete an educational program before reaching age 19; and children up to the age of 21, if they are enrolled in a special education program (see N.J.A.C. 10:90-2.7);

8. Any grant, scholarship, student loan or other financial aid received by an eligible child or eligible adult who is a student, including funds received through college work study programs for TANF recipients, so long as the eligible child or eligible adult continues to attend school and meets the conditions under which such moneys are granted and complies with required WFNJ work requirements at N.J.A.C. 10:90-4. Income received through a college work study program is not exempt for GA recipients;

i. During any period for which a child or adult who is a student receives a grant, scholarship or student loan under a Federal, State or other public or private program, he or she shall not be entitled to any allowances for expenses incident to training which are otherwise provided for through student financial aid. In other situations allowances shall be provided in accordance with the supportive services provisions at N.J.A.C. 10:90-5;

9. SSI benefits for WFNJ/TANF;

10. Income-in-kind or benefits received in the form of goods, services or via third party payments, rather than cash;

11. Kinship Subsidy Program payments;

12. Individual Development Accounts including matching contributions and interest;

13. The following funds are considered as exempt income and are also identified as exempt resources designated for special purposes at N.J.A.C. 10:90-3.20(a)14:

i. Relocation adjustment payments which are made pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

ii. The value of the NJ SNAP allotment for any household participating in the NJ SNAP program of the U.S. Department of Agriculture;

iii. Allowances for participation in the WFNJ program, including payments for transportation and related expenses set forth in the supportive services section at N.J.A.C. 10:90-5 and payments for child care;

iv. Allowance payments, that is, monies paid to offset expenses related to training received by a WFNJ parent or parent-person who is participating in the WIA program;

v. Payments to assistance units for child care in situations where special circumstances occur within the household (such as emergency illness of the parent(s)) that necessitate alternative care for a child on a temporary basis; and transportation or the cost of transportation, which is not available from any other source, to transport that child to and from the child care site when it is essential for the child's physical health and safety;

vi. Supplemental aid by other agencies or organizations, whether public or private, provided that:

(1) There is no duplication between such aid and the public assistance grant;

(2) Such aid is for a special purpose not within the function of the public assistance agency (for example, vocational rehabilitation); or

(3) Such aid is to any undergraduate student for educational purposes;

vii. Monies received through the Subsidized Adoption Program of the Division of Child Protection and Permanency pursuant to N.J.S.A. 30:4C-45 through 49 (P.L. 1973, c.81);

viii. Monies received on behalf of a child in resource family care, including extra payments received for special services; and

ix. Funds received by applicants and recipients through certain Federal programs as delineated in (a)14ix(1) through (19) below:

(1) Funds distributed or held in trust for members of any Indian Tribe under Public Law 92-254 or 93-134;

(2) Funds which are tax-exempt portions of payments made pursuant to Public Law 92-03, the Alaska Native Claims Settlement Act;

(3) Benefits or assistance received through the WIC program (Special Supplemental Food program for Women, Infants and Children) and the special food services program for children under the National School Lunch Act as amended by Public Laws 92-433 and 93-150;

(4) Benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965 (42 U.S.C. §§ 3001 et seq.);

(5) Payments made through Service Corps of Retired Executives (SCORE), Active Corps of Executives (ACE);

(6) Payments made through the United States Department of Housing and Urban Development (HUD) Section 8, Rental Assistance Program (RAP), which provides funds to certain disabled individuals and low income families to assist them in meeting shelter costs;

(7) HUD community development block grant funds under Title I of the Housing and Community Development Act of 1974;

(8) Benefits received by eligible households under the Low Income Home Energy Assistance Act of 1981 pursuant to section 2605(f) of Public Law 97-35;

(9) Allowances and benefits under the National and Community Service Trust Act of 1993 (NCSTA) which established a Corporation for National and Community Service which administers national service programs, including the Americorps programs, the Senior Corps and Youth Corps programs; the Learn and Serve program and, the Volunteers in Service to America (VISTA) program;

(10) All student financial assistance received under Title IV of the Higher Education Act and under the Bureau of Indian Affairs student assistance programs;

(11) Student financial assistance made for attendance costs under the Carl D. Perkins Vocational Education Act Amendments of 1990;

(12) Restitution made, under Section 105 of Title I of P.L. 100-383, the Civil Liberties Act of 1988, to individuals of Japanese ancestry who were interned during World War II;

(13) Restitution made, under Section 206 of Title II of P.L. 100-383, the Aleutian and Pribilof Islands Restitution Act, to Aleuts who were relocated by the U.S. government during World War II;

(14) Major disaster and emergency assistance granted under Section 105 of P.L. 100-707, the Disaster Relief and Emergency Assistance Amendments of 1988, including FEMA;

(15) Agent Orange payments as provided for under Section 1(a) of P.L. 101-201 and Section 10405 of P.L. 101-239 of the Omnibus Budget Reconciliation Act of 1989;

(16) Amounts paid to individuals, under Section 6(h)(2) of P.L. 101-426, the Radiation Exposure Compensation Act of 1990, for injuries or deaths due to exposure to radiation from nuclear testing and uranium mining;

(17) Payments made to individuals because of their status as victims of Nazi persecution;

(18) Stipends received by individuals who participate in the New Jersey Youth Corps Stipends Program; and

(19) Certain payments made by the Department of Veterans Affairs to the natural children of female Vietnam veterans who served in the Republic of Vietnam from February 28, 1961 through May 7, 1975;

14. Kinship Legal Guardian subsidy payments, received either through CP&P or DFD;

15. Benefits received pursuant to N.J.S.A. 52:4B-1 et seq., the Criminal Injuries Compensation Act of 1971;

16. Income earned as a result of temporary census employment; and

17. Supplemental participant allowance payments issued in accordance with N.J.A.C. 10:90-4.2(a)2i.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Added (a)8i and (a)12.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), substituted "WFNJ/TANF/GA" for "WFNJ/TANF/GA only" in 10, added new 12 through 14 and recodified former 12 as 15.

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (a), rewrote 10 and added 19.

Amended by R.2009 d.135, effective April 20, 2009.

See: 40 N.J.R. 5501(a), 41 N.J.R. 1861(a).

In (a)1, substituted "$ 100.00" for "$ 50.00".

Amended by R.2011 d.068, effective February 22, 2011 (operative April 25, 2011).

See: 42 N.J.R. 1466(a), 43 N.J.R. 424(a).

In (a)8, inserted "for TANF recipients" and ". Income received through a college work study program is not exempt for GA recipients"; and in (a)13, substituted "unemployable WFNJ/GA individuals and deferred WFNJ/TANF individuals" for "WFNJ TANF/GA families/individuals", and inserted "and the WFNJ work requirement".

Amended by R.2011 d.078, effective March 7, 2011.

See: 42 N.J.R. 2561(b), 43 N.J.R. 630(a).

Rewrote the introductory paragraph of (a); deleted former (a)1; recodified former (a)2 through (a)15 as (a)1 through (a)14; in (a)3, inserted "tax" and substituted "(EITC)" for "(EIC)"; in (a)4, substituted "Workforce Investment Act (WIA)" for "Job Training Partnership Act (JTPA)"; in (a)5 and (a)6, substituted "WIA" for "JTPA"; in (a)13, deleted "and" from the end; in (a)14ii, substituted the first occurrence of "Food Stamp" for "coupon"; in (a)14iv, substituted "WIA" for "Job Training Partnership Act (JTPA)"; in (a)14ix(19), substituted a semicolon for a period at the end; and added (a)15 through (a)18.

Amended by R.2012 d.188, effective November 19, 2012.

See: 44 N.J.R. 544(a), 44 N.J.R. 2947(b).

Deleted former (a)13; recodified former (a)14 through (a)18 as (a)13 through (a)17; in (a)13ii, substituted "NJ SNAP" for "Food Stamp" and "NJ SNAP program" for "Food Stamp Program".

Administrative change.

See: 46 N.J.R. 855(b).

Amended by R.2019 d.097, effective September 16, 2019.

See: 50 N.J.R. 2194(a), 51 N.J.R. 1461(c).

In (a)13viii, substituted "a child in resource family" for "foster child".

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N.J.A.C. 10:90-3.20

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§ 10:90-3.20 Exempt resources

(a) Exempt resources are not subject to any requirement for liquidation and are not considered in determining WFNJ eligibility or in determining the cash assistance benefit. In addition to the exempt income set forth at N.J.A.C. 10:90-3.19, the following resources shall be exempt for each assistance unit:

1. Benefits available through the WFNJ program which are over and above the cash assistance allowance, such as, but not limited to, child care and transportation payments;

2. Aid/assistance from other agencies or organizations, whether public or private, as exempt from Federal and/or State law such as, but not limited to, Federal Emergency Management Assistance (FEMA), which supplements but does not supplant WFNJ benefits;

3. Up to a total of $ 2,000 in resources (including savings);

i. An exception to the $ 2,000 limit may be made for minor parents living in alternate adult supervised living arrangements only. For such minor parents, the full amount of special minor parent alternate living arrangement savings accounts and all interest and/or dividend earnings from such an account shall also be exempt;

ii. In addition to the above resources, moneys, matching contributions and interest on funds which are held in separate approved Individual Development Accounts are totally exempt. Funds which are held in approved Individual Development Accounts shall not be considered available for the assistance unit's use for emergency assistance purposes. The funds in these accounts are controlled by other entities and must be designated for one of the following purposes:

(1) Purchase of a home;

(2) Educational/training expenses;

(3) Purchase of a motor vehicle; or

(4) Purchase of a business.

iii. Moneys identified at (a)3 and 3i above are exempt in determining eligibility for WFNJ. However, in the event that a WFNJ assistance unit is in need of emergency assistance, such funds may be considered available for the assistance unit's use to meet the emergency need prior to the issuance of emergency assistance;

4. All motor vehicle(s) registered in the name of a member of the assistance unit;

i. Recreational vehicles are not subject to the resource exemption and the value of recreational vehicles, registered in the name of an assistance unit member, shall be included in the determination of financial eligibility. The fair market value of a recreational vehicle shall be determined by the value of those vehicles as indicated on the National Automobile Dealers Association Internet website www.nadaguides.com. The county or municipal agency shall not increase the basic value of a vehicle by adding the value of low mileage or other factors such as optional or handicap accessible equipment. If a new vehicle is not listed on the website, the county or municipal agency shall determine the wholesale value by some other means such as, but not limited to, contacting a dealer that sells that make of recreational vehicle;

5. Real property owned by an eligible assistance unit member(s) and used as a home by a member(s) of the eligible assistance unit, together with so much of the land on which the house stands as is reasonably necessary for the maintenance of the house;

i. The property may remain in exempt status during temporary absence of the entire assistance unit for a period up to four months, at which time the county or municipal agency shall review the status and, if so indicated, may allow it to remain in exempt status for an additional four months. Continued absence through the entire eight months shall be deemed to be permanent and the property shall be removed from exempt status;

6. Personal property, such as, but not limited to, house furnishings and clothing which are used regularly or likely to be used;

i. Furnishings and clothing in storage may be deemed to be exempt in the presence of a reasonable plan for their use;

ii. Personal effects if regularly used or of small intrinsic value;

(1) Items of exceptional value not regularly used and not essential to the physical health and safety of the eligible assistance unit are not exempt;

7. Livestock, machinery, tools, equipment, and stock-in-trade which serve to produce some net income in cash or in kind or serve as an incentive for self-help; livestock or property owned or used by a child in connection with a group or school activity (such as 4-H); and farm and garden products raised by the eligible assistance unit for its own use;

8. Any asset, real or personal, the liquidation of which would produce no net revenue to the eligible assistance unit;

9. Nonrecurring gifts and contributions of nominal amount or value, such as those for birthdays, graduations or holidays;

10. Bona fide and/or personal loans which are held and used for specific purposes in accordance with the conditions of the loan and not used to meet day-to-day living costs; and, such loans are evidenced by a document signed by the client and the lender which states the amount of the loan and terms of repayment;

11. Fees paid in conjunction with the collection of a pending claim when the costs were incurred during a period of receipt of WFNJ (see N.J.A.C. 10:90-7);

12. Prepaid burial plots (limited to one for each member of the eligible assistance unit) and prepaid bona fide funeral agreements up to a total value of $ 4,000 per assistance unit member, to the extent that the total equity value of any agreement attributable to each member of an eligible assistance unit does not exceed $ 2,430, unless such assistance unit member was a recipient of General Assistance prior to July 1, 1997 and the exemption at (a)12iii below applies;

i. Burial plots mean conventional gravesites, crypts, mausoleums, urns or other repositories which are customarily and traditionally used for the remains of deceased persons.

ii. Funeral agreements mean contractual arrangements to provide for the costs connected with burial, cremation, or other funeral arrangements.

iii. Prepaid irrevocably assigned funeral/burial arrangements, as noted in (a)12iii(1) through (3) below, for WFNJ/GA recipients who were General Assistance recipients and had made such arrangements prior to July 1, 1997;

(1) Prepaid irrevocable funeral/burial insurance policies;

(2) Prepaid irrevocable funeral/burial annuity policies;

(3) Prepaid irrevocable funeral/burial trust funds;

13. Life insurance policies;

14. Resources designated for special purposes as follow:

i. Relocation adjustment payments which are made pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

ii. The value of the NJ SNAP allotment for any household participating in the Supplemental Nutrition Assistance Program of the U.S. Department of Agriculture;

iii. Allowances for participation in the WFNJ program, including payments for transportation and related expenses set forth in the supportive services section at N.J.A.C. 10:90-5 and payments for child care;

iv. Allowance payments, that is, monies paid to offset expenses related to training received by a WFNJ parent or parent-person who is participating in the Workforce Investment Act (WIA) program;

v. Payments to assistance units for child care in situations where special circumstances occur within the household (such as emergency illness of the parent(s)) that necessitate alternative care for a child on a temporary basis; and transportation or the cost of transportation, which is not available from any other

source, to transport that child to and from the child care site when it is essential for the child's physical health and safety;

vi. Supplemental aid by other agencies or organizations, whether public or private, provided that:

(1) There is no duplication between such aid and the public assistance grant;

(2) Such aid is for a special purpose not within the function of the public assistance agency (for example, vocational rehabilitation); or

(3) Such aid is to any undergraduate student for educational purposes;

vii. Monies received through the Subsidized Adoption Program of the Division of Child Protection and Permanency pursuant to N.J.S.A. 30:4C-45 through 49 (P.L. 1973, c.81);

viii. Monies received on behalf of a child in resource family care, including extra payments received for special services; and

ix. Funds received by applicants and recipients through certain Federal programs as delineated in (a)14ix(1) through (18) below:

(1) Funds distributed or held in trust for members of any Indian Tribe under Public Law 92-254 or 93-134;

(2) Funds which are tax-exempt portions of payments made pursuant to Public Law 92-03, the Alaska Native Claims Settlement Act;

(3) Benefits or assistance received through the WIC program (Special Supplemental Food program for Women, Infants and Children) and the special food services program for children under the National School Lunch Act as amended by Public Laws 92-433 and 93-150;

(4) Benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965 (42 U.S.C. §§ 3001 et seq.);

(5) Payments made through Service Corps of Retired Executives (SCORE), Active Corps of Executives (ACE);

(6) Payments made through the United States Department of Housing and Urban Development (HUD) Section 8, Rental Assistance Program (RAP), which provides funds to certain disabled individuals and low income families to assist them in meeting shelter costs;

(7) HUD community development block grant funds under Title I of the Housing and Community Development Act of 1974;

(8) Benefits received by eligible households under the Low Income Home Energy Assistance Act of 1981 pursuant to section 2605(f) of Public Law 97-35;

(9) Allowances and benefits under the National and Community Service Trust Act of 1993 (NCSTA) which established a Corporation for National and Community Service which administers national service programs, including the Americorps programs, the Senior Corps and Youth Corps programs; the Learn

and Serve program and, the Volunteers in Service to America (VISTA) program;

(10) All student financial assistance received under Title IV of the Higher Education Act and under the Bureau of Indian Affairs student assistance programs;

(11) Student financial assistance made for attendance costs under the Carl D. Perkins Vocational Education Act Amendments of 1990;

(12) Restitution made, under Section 105 of Title I of P.L. 100-383, the Civil Liberties Act of 1988, to individuals of Japanese ancestry who were interned during World War II;

(13) Restitution made, under Section 206 of Title II of P.L. 100-383, the Aleutian and Pribilof Islands Restitution Act, to Aleuts who were relocated by the U.S. government during World War II;

(14) Major disaster and emergency assistance granted under Section 105 of P.L. 100-707, the Disaster Relief and Emergency Assistance Amendments of 1988, including FEMA;

(15) Agent Orange payments as provided for under Section 1(a) of P.L. 101-201 and Section 10405 of P.L. 101-239 of the Omnibus Budget Reconciliation Act of 1989;

(16) Amounts paid to individuals, under Section 6(h)(2) of P.L. 101-426, the Radiation Exposure Compensation Act of 1990, for injuries or deaths due to exposure to radiation from nuclear testing and uranium mining;

(17) Payments made to individuals because of their status as victims of Nazi persecution; and

(18) Stipends received by individuals who participate in the New Jersey Youth Corps Stipends Program.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (a)12, added an exception at the end of the first paragraph, and added iii.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), rewrote 3 and 4.

Amended by R.2011 d.078, effective March 7, 2011.

See: 42 N.J.R. 2561(b), 43 N.J.R. 630(a).

In (a)3i, substituted "minor" for "teen" preceding "parents" twice and "minor parent" for "teen" following "special"; rewrote the introductory paragraph of (a)4 and (a)4i; deleted (a)4ii and (a)4iii; in (a)14ii, substituted the first occurrence of "Food Stamp" for "coupon"; and in (a)14iv, substituted "Workforce Investment Act (WIA)" for "Job Training Partnership Act (JTPA)".

Administrative change.

See: 44 N.J.R. 1529(a).

Administrative change.

See: 46 N.J.R. 855(b).

Amended by R.2019 d.097, effective September 16, 2019.

See: 50 N.J.R. 2194(a), 51 N.J.R. 1461(c).

In (a)14viii, substituted "a child in resource family" for "foster child".

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N.J.A.C. 10:90-3.21

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§ 10:90-3.21 Overpayments and underpayments

(a) Overpayment means a financial assistance payment (including emergency assistance) received by or for an eligible assistance unit for the payment month(s) which exceeds the amount for which that unit was eligible.

1. The county or municipal agency shall seek recovery of all overpayments (including emergency assistance) regardless of fault, including overpayments caused by administrative action or inaction and overpayments resulting from assistance paid pending hearing decisions.

2. Recovery may be accomplished by any of the following methods: securing repayment from the existing income and resources of the adult members of the assistance unit; reducing the cash benefits payable to the assistance unit; or securing repayment through court action, if necessary. For cases which have both an underpayment and overpayment, the county or municipal agency may offset one against the other in correcting the payment.

i. Child-only cases, as defined in N.J.A.C. 10:90-15.1, are not subject to recovery of overpayments, except in situations where Kinship Subsidy payments have resulted in a duplication of assistance.

3. The amount of the overpayment shall be the amount of assistance (including emergency assistance) received during the period of overpayment less the amount of assistance which should have been received.

i. In the case of an overpayment caused by the client's failure without good cause to report earned income on a timely basis, the amount of the overpayment shall be calculated without benefit of the earned income disregards provided for at N.J.A.C. 10:90-3.8.

ii. If an eligible assistance unit is overpaid for which the county agency receives child support collections, only that amount of assistance paid in excess of support payments received during the period of overpayment shall be considered for overpayment collection.

4. Liability for overpayment of assistance (including emergency assistance) is established jointly among the adult individual responsible for the overpayment, the overpaid adult members of the eligible assistance unit, the adult individual members of the eligible assistance unit and any eligible assistance unit of which an adult member of the overpaid eligible unit subsequently becomes a member.

5. Upon discovery of an overpayment, the county or municipal agency shall inform the client in writing of the incorrect payment(s), the amount of overpayment and what corrective actions will be taken.

6. Overpayment to an eligible unit which is currently receiving assistance (including adult recipients whose overpayment occurred during a prior period of eligibility) may be repaid in full by the eligible unit or in part wherein the assistance benefit amount may be reduced by 10 percent of the appropriate benefit allowance for the unit size, until recovery is completed.

i. If, on a case by case basis, it is determined that, in the judgment of the county or municipal agency, the 10 percent reduction in the assistance benefit may be detrimental to the well-being of the assistance unit, a lesser rate of recovery shall be established, but not below a minimum rate of five percent.

ii. If the benefit assistance amount is reduced to zero because of recovery, members of the eligible unit will continue to be considered recipients of WFNJ. If the amount payable because of recovery is less than $ 10.00, the WFNJ benefit shall be issued in that lesser amount.

7. When a member of the eligible assistance unit is the individual responsible for the overpayment, the agency shall recover the overpayment from the adult members of that eligible unit.

8. If the individual responsible for the overpayment is no longer receiving assistance, the agency shall initiate court action against the responsible adult individual to recover the overpayment.

i. If despite agency action, recovery is not completed through court action, the agency shall recover the overpayment in accordance with (a)10 below.

9. If the individual responsible for the overpayment is a member of another eligible unit, the agency shall recover the overpayment from the adult members of that unit.

10. In all other circumstances, the priority of recovery of overpayments shall be: the overpaid adult members of the eligible unit; any eligible unit of which an adult member of the overpaid eligible unit subsequently becomes a member; or any adult individual members of the overpaid eligible unit whether or not currently recipients.

11. Overpayment to an assistance unit, all members of which are no longer receiving WFNJ, shall be recovered by the county or municipal agency through a court of appropriate jurisdiction if the adult members of the assistance unit do not voluntarily repay the overpayment.

i. Where the overpayment amount owed by an assistance unit no longer receiving WFNJ is less than $ 100.00, or it is determined that, after reasonable effort to

recover the overpayment, it is no longer cost effective to continue recovery efforts, the county or municipal agency may waive recovery of the overpayment. All circumstances concerning a waiver of recovery must be fully documented in the case record.

ii. Recovery of overpayments due to fraud or Intentional Program Violation (IPV) (see N.J.A.C. 10:90-11) shall not be waived regardless of the amount of overpayment.

12. The county or municipal agency must take one of the following three actions by the end of the quarter following the quarter in which the overpayment is first identified:

i. Recover the overpayment(s);

ii. Initiate action to locate and/or recover the overpayment(s) from a former adult recipient; or

iii. Execute a recovery agreement from a current adult recipient's grant or income/resources.

13. In all situations of overpayments, the facts and circumstances in each case shall be evaluated and, where indicated, action taken as appropriate in accordance with regulations pertaining to fraudulent receipt of assistance (see N.J.A.C. 10:90-11).

(b) Underpayment means a financial assistance payment received by or for an eligible assistance unit for the payment month which is less than the amount for which the unit was eligible, or failure by the county or municipal agency to issue a financial assistance payment for the payment month to an eligible assistance unit if such payment should have been issued. Upon discovery of an underpayment, the county or municipal agency shall determine the amount underpaid and proceed as follows:

1. When underpayment was due to failure of a member of the eligible assistance unit to provide appropriate information, the next regular payment shall reflect the corrected grant amount for that payment period and the amount necessary to correct the payment for the period immediately preceding.

2. When underpayment was due exclusively to administrative error by the agency, corrective payment shall be made, retroactive to the month the administrative error first occurred, within the 12 months immediately preceding the discovery of the underpayment.

i. Such retroactive adjustment shall be made as an additional payment as promptly as possible but in no event later than the time of the next regular payment.

ii. For purposes of determining continuing eligibility or the amount of assistance, retroactive corrective payments shall not be considered as income or resources to the eligible assistance unit either in the month paid or in the following month(s).

(c) No adjustments in the grant other than those recognized in this section are authorized to account for the overpayment or underpayment.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Inserted references to adults throughout.

Amended by R.2011 d.078, effective March 7, 2011.

See: 42 N.J.R. 2561(b), 43 N.J.R. 630(a).

In (a)2, inserted "any of the following methods:", substituted a semicolon for ", by" following the first occurrence of "assistance unit" and a semicolon for a comma following the second occurrence of "assistance unit", and deleted "by" preceding the second occurrence of "securing"; added (a)2i; and in (a)6ii, substituted the second occurrence of "benefit" for "check".

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N.J.A.C. 10:90-3.22

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-3.22 WFNJ TANF/GA case redetermination process

(a) Case redetermination is a review of the factors affecting WFNJ TANF/GA eligibility and payment amount. At the time of redetermination, the recipient shall execute a formal application for continuation for assistance. If a redetermination is not conducted and the county/municipal agency is responsible, the right of the client to continued assistance shall not be jeopardized.

1. WFNJ/TANF cases shall be redetermined at least every 12 months.

i. Kinship caregivers participating in the TANF Kinship Care Subsidy Program (KCSP) shall comply with WFNJ/TANF redetermination requirements in accordance with (a)1 above.

2. WFNJ/GA cases, which are designated in accordance with N.J.A.C. 10:90-2.9 as "employable," shall be redetermined at least every six months. WFNJ/GA cases, which are designated in accordance with N.J.A.C. 10:90-2.9 as "unemployable" due to age, or a permanent disability as evidenced by a WFNJ/MED-1 certifying a disability for a period of 12 months, shall be redetermined at least every 12 months. All WFNJ/GA recipients who are designated as "unemployable" for any reason other than those listed above shall be redetermined at least every six months. A monthly review of eligibility may also be conducted in accordance with (a)2i below.

i. The eligibility of each WFNJ/GA case may be reviewed at least once each calendar month. The Form WFNJ/GA-19, Authorization and Case Review Card, shall be utilized during the review. This review provides an opportunity for the agency administering the WFNJ/GA program to evaluate any change in the client's circumstances or income and make appropriate adjustments on Form WFNJ/GA-19 in the amount of assistance to be granted.

ii. The CSSA/MWA shall maintain appropriate documentation to substantiate the "unemployable" status of an individual for each month in the 12-month redetermination period.

(b) WFNJ recipients shall be personally interviewed by the WFNJ worker regarding the application for continuation of assistance. The WFNJ worker shall assist the recipient as necessary. If the recipient cannot read, the contents of the form shall be read to the

recipient. Upon request, the recipient will be given a copy of his or her executed application form, with any attachments. Signature requirements shall be the same as for initial application. The contact shall focus on a discussion of the eligibility factors which are subject to change (with special attention being given to any change in residence which may affect county/municipal responsibility and age of the youngest child and school attendance) and shall include information about any change in agency policy or procedure which affects the recipient's status or his or her assistance payment. There will also be a reevaluation of the recipient's need for social services. When the recipient is represented by a protective payee or has a representative payee (see N.J.A.C. 10:90-3.23), such person shall also be interviewed. A summary report including all pertinent information shall be made by the WFNJ worker for each contact with the recipient and any collateral sources.

(c) When there is a substantial question of continuing WFNJ eligibility to be resolved, the monthly assistance benefit may be suspended, subject to timely and adequate notice provisions at N.J.A.C. 10:90-9, for a period of up to three months.

1. If a determination is made to reinstate benefits, the county or municipal agency shall give adequate notice to the recipient and the monthly assistance benefit shall be retroactive to the time of suspension, adjusted to reflect any change in circumstances which may have occurred during the suspension period.

2. If a determination is made to terminate WFNJ assistance, the county or municipal agency shall give timely and adequate notice of the impending adverse action to the recipient.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Amended by R.2011 d.078, effective March 7, 2011.

See: 42 N.J.R. 2561(b), 43 N.J.R. 630(a).

In (a)1, substituted "12" for "six"; added (a)1i; rewrote the introductory paragraph of (a)2; and added (a)2ii.

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N.J.A.C. 10:90-3.23

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§ 10:90-3.23 Payees in WFNJ

(a) Payees in WFNJ are classified as designated payees, temporary payees, protective payees and representative payees (see (b) through (e) below).

1. In addition to the provisions allowing for payees under the WFNJ program, provisions are also included for situations which may warrant the use of restricted payments in the form of vendor payments or two-party checks for goods and services provided to or for a recipient. Such restricted assistance payments shall be provided at the request of the WFNJ recipient or at the discretion of the county or municipal agency (see (f) below).

(b) A designated payee is a person signing the application to whom the benefit is issued.

1. No person under official commitment in a mental institution, who has been adjudicated mentally incompetent, or whom the county or municipal agency has determined is an alleged incompetent may be a designated payee.

2. Whenever there is more than one person signing the application, the WFNJ worker shall discuss with the applicants who the designated payee should be. The assistance unit shall be encouraged to continue their normal pattern for management of income.

(c) A temporary payee is a person designated temporarily by the county or municipal agency to receive the assistance payment, usually in an emergency situation.

1. A permanent arrangement must be established within two calendar months following the month in which the emergency occurs.

(d) A protective payee is: a person authorized by the county or municipal agency to receive and administer assistance payments on behalf of an eligible individual or family due to mismanagement of funds by the eligible individual or family; or a person authorized to receive benefits in accordance with the minor parent provisions at N.J.A.C. 10:90-2.17.

1. A protective payee is not authorized to receive, hold or administer any other property, real or personal, of the recipient nor to act as the representative of the recipient in any other manner whatsoever, unless authorized by a court of law or has power of attorney.

2. The case record shall be fully documented and shall contain a statement of the specific reasons that demonstrate the need for a protective payee.

3. The county or municipal agency shall be responsible for assuring referral to social services for appropriate action to protect the recipient(s) where problems and needs for services are manifestly beyond the ability of the protective payee to handle.

4. The county or municipal agency shall undertake and continue special efforts to assist the recipient in developing the ability to manage funds in such a manner as to protect the welfare of the assistance unit.

5. The county or municipal agency shall review the case as frequently as indicated by the individual's circumstances, but at least every six months, relevant to the need for protective payments and the way in which the protective payee's responsibilities are carried out.

6. Provisions shall be made for termination of protective payments, as follows:

i. When recipients are considered able to manage funds in their best interest, the protective payee arrangement shall be terminated and the case shall be returned to unrestrictive payment status.

ii. When it appears that the need for protective payments will continue or is likely to continue beyond a two year period because all efforts have not resulted in a sufficiently improved use of assistance, then the judicial appointment of a guardian or other legal representative shall be sought and such payments will terminate when the appointment has been made.

7. A protective payee shall be selected, so far as possible, with the participation and consent of the recipient or of someone responsible for acting on his or her behalf.

8. If it is in the best interest of the recipient for a staff member of a private agency, of the county or municipal agency, or of any other appropriate organization to serve as a protective payee, such selection shall not include the following persons:

i. The director of the county or municipal agency;

ii. The WFNJ worker who determines eligibility for the particular recipient;

iii. Staff handling fiscal procedures related to the recipient;

iv. Vendors of goods, services or items dealing directly with the recipient; and

v. Any person who has him or herself been determined by professional diagnostic procedures to be incompetent or "marginally incompetent".

9. A recipient who has been determined to require protective payments shall be given written notice, and an oral explanation, of his or her right to a fair hearing, if he or she is dissatisfied with the decision to appoint a protective payee, the choice of a protective payee, the continuation of protective payments or the manner in which the payee is functioning. If the fair hearing issue is the decision to appoint a protective payee, a temporary payee will be designated by the county or municipal agency pending the fair hearing decision.

(e) A representative payee is a person appointed by the court to receive and administer assistance payments on behalf of an eligible individual or family. A representative payee is not authorized to receive, hold or administer any other property, real or personal, of the recipient, nor to act as representative of the recipient in any other manner whatsoever, unless authorized by a court of law or has a power of attorney.

1. When a representative payee wishes to be released from his or her responsibilities, there must be an application to the court for such release.

2. Upon such notice from a representative payee, the county or municipal agency shall take prompt action to locate another person willing to be appointed. If the present representative payee is unable to continue in that capacity until released by the court, the county or municipal agency shall appoint a protective payee to receive assistance for the client until a new representative payee is appointed by the court.

3. The major personal criterion for selection of a representative payee is an interest in being of service to the recipient. Appropriate sources of recruitment include: the immediate family and other relatives and friends; a person previously appointed to act on behalf of the client by another state or Federal benefit paying agency; and staff members of voluntary agencies.

4. The following persons are precluded from being appointed as a representative payee due to possible conflict of interest questions:

i. The director of the county or municipal agency;

ii. The WFNJ worker who determines eligibility for the particular recipient;

iii. WFNJ staff handling fiscal procedures related to the recipient;

iv. Banks, trust companies and similar corporate bodies functioning in a ministerial rather than a decision making role; and

v. Vendors of goods, services, or items dealing with the recipient.

5. No person shall be proposed for appointment, nor accept appointment, as a representative payee who is in the employ of the county or municipal agency except in situations where such person has a close personal relationship with the client which makes him or her the most suitable person to serve as the client's representative. If an employee with such a relationship is so appointed, he or she shall not thereafter be involved in any agency decision relating to the client's payment or other official actions regarding the client.

(f) A WFNJ recipient may request that, or a county or municipal agency may determine at its discretion that, payments be made to a person or facility as compensation for providing goods and services to or for the WFNJ recipient. Such restricted payments may be in addition to the regular monthly benefit in emergency assistance situations or may be a designated portion of the regular monthly benefit.

1. Restricted payments shall be made in the form of vendor payments or two-party payments, that is, checks which are drawn jointly to the order of the recipient and the provider of the services in situations such as, but not limited to: emergency assistance; rent, mortgage or utility payments; transportation expense; and child care.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (d), added a reference to certain persons authorized under N.J.A.C. 10:90-2.17.

Amended by R.2011 d.078, effective March 7, 2011.

See: 42 N.J.R. 2561(b), 43 N.J.R. 630(a).

In the introductory paragraph of (b), substituted "benefit" for "check"; and in the introductory paragraph of (d), substituted "minor parent" for "parent-minor".

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N.J.A.C. 10:90-4.1

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§ 10:90-4.1 General work requirement provisions

(a) Each WFNJ adult recipient, teen parent, and 16 through 18 year old individual not attending school on a full time basis, unless specifically deferred or unless otherwise specified in this subchapter, shall cooperate with and participate in the WFNJ work requirements in accordance with Federal regulations, the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the New Jersey State Plan for Temporary Assistance for Needy Families, the Work First New Jersey Act, and the New Jersey SNAP Employment and Training State Plan, for up to 40 hours per week as a condition of eligibility for receipt of cash assistance benefits. WFNJ/GA recipients are required to participate in a work activity for up to 30 hours per week.

1. Each WFNJ TANF/GA adult recipient, unless deferred from the work requirement, shall continuously and actively seek employment in an effort to gain self-sufficiency. Unless otherwise specifically deferred pursuant to this section, each WFNJ recipient shall cooperate with, and participate in, the WFNJ work requirements as a condition of eligibility for receipt of cash assistance benefits.

2. Adult WFNJ recipients, teen parents, and 16 through 18 year old individuals that are not attending school on a full time basis, unless deferred, shall be required to comply with all aspects of the cooperation and participation provisions of the WFNJ work requirement as stipulated in this section, unless good cause exists, which shall include, but not be limited to: keeping all scheduled appointments timely; giving reasonable notice and explanation of inability to keep an appointment; cooperating in the development and completion of an individual responsibility plan (IRP); complying with the terms and conditions of the IRP; contacting the child care entity to arrange appropriate child care for WFNJ activity participation, as appropriate; and participating in a WFNJ work activity(ies) as assigned.

i. A WFNJ case comprised of refugees shall be subject to WFNJ work requirements. Appropriate work activities are provided through refugee resettlement agencies (see N.J.A.C. 10:90-10).

3. WFNJ agencies and other agencies contracted to provide services shall be required to meet the needs of WFNJ participants with disabilities.

i. Reasonable accommodations to allow participation by recipients with disabilities may include specialized transportation and tailored, appropriate work activities that meet the physical constraints and social and employability needs of such individuals.

(b) WFNJ/GA single adults or couples without dependent children, who are receiving NJ SNAP benefits, not deferred, and are registered for work and complying with the NJ SNAP Employment and Training Program (NJ SNAP ETP), shall be required to participate in an NJ SNAP ETP work activity and shall meet their WFNJ work requirements through the NJ SNAP ETP. Single adults and couples without dependent children who are not receiving NJ SNAP benefits and are not registered for work and not participating in the NJ SNAP ETP shall register for work with the New Jersey One-Stop Career Center (NJOSCC) and shall participate in a NJOSCC work activity, unless deferred.

(c) Upon application, determination or redetermination of eligibility for WFNJ benefits, all adult WFNJ recipients, unless deferred, shall be required to register for work with the NJOSCC.

1. For WFNJ/GA recipients in nonconsolidated municipalities, NJOSCC shall place WFNJ/GA single adults and couples without dependent children in an approved activity, monitor compliance, and notify the municipal agency when the recipient fails to comply with the activity.

2. For WFNJ/GA recipients in consolidated municipalities, the WFNJ agency shall place WFNJ/GA single adults and couples without dependent children in an approved activity and monitor compliance.

(d) Failure to actively cooperate with or participate in the WFNJ work activity requirements, without good cause, shall be considered noncompliance and shall result in loss of cash assistance benefits in accordance with N.J.A.C. 10:90-4.13.

1. For WFNJ/GA recipients in consolidated municipalities, when the NJOSCC reports to the county agency noncompliance by a WFNJ/GA participant, the county agency shall act on the report of noncompliance in accordance with N.J.A.C. 10:90-4.13.

2. For WFNJ/GA recipients in nonconsolidated municipalities, the NJOSCC will report the noncompliance by the WFNJ/GA recipient to the municipal agency which will begin the sanction process (see N.J.A.C. 10:90-4.13).

(e) A recipient who is not engaged in full time unsubsidized employment shall be required to commence participation in a work activity, self-directed job search, job search or other designated work/educational activity as follows (whichever occurs first):

1. As soon as it is determined that the individual is ready to engage in work or in a work activity; or

2. At some time prior to the individual having received 24 months of cash assistance benefits (whether or not the receipt of such cash assistance is consecutive) unless deferred.

i. Receipt of 24 cumulative months of WFNJ cash assistance benefits does not in and of itself render an individual ineligible for cash assistance.

(f) All adult WFNJ recipients, teen parents, and 16 through 18 year old individuals that are not attending school on a full time basis, including those individuals determined deferred from the WFNJ work requirement, shall be required to sign an initial individual responsibility plan (IRP) which shall indicate the terms of the work activity requirements and/or the plan of action based on the findings and conclusions from the initial assessment that the recipient must fulfill in order to continue to receive benefits as well as identify work related supportive services (such as child care, transportation, and other work-related expenses necessary to engage in work activities) that are to be provided. For all recipients not deferred from the WFNJ work requirements, the individual responsibility plan shall be updated annually or as necessary in accordance with individual progress and/or change in circumstances (see N.J.A.C. 10:90-4.8).

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Added (a)2.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote the section.

Administrative correction.

See: 35 N.J.R. 4894(a).

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

Inserted "teen parents, and 16 through 18 year old individuals that are not attending school on a full time basis" in the first sentence of (a), introductory paragraph, 2, and (f).

Special amendment, R.2008 d.182, effective June 3, 2008.

See: 40 N.J.R. 4232(a).

In the in the introductory paragraph of (d); substituted "in accordance with" for "on a per capita basis (see" and deleted ", Sanctions)" from the end; in (d)1, substituted "in accordance with N.J.A.C. 10:90-4.13" for "within 10 days and begin the WFNJ conciliation process (see N.J.A.C. 10:90-4.12, Sanction notification process)"; and rewrote (d)2.

Amended by R.2012 d.188, effective November 19, 2012.

See: 44 N.J.R. 544(a), 44 N.J.R. 2947(b).

In the introductory paragraph of (a), inserted a comma following "Work First New Jersey Act" and substituted "SNAP" for "Food Stamp"; in (a)1, inserted a comma preceding and following "and participate in" and inserted the last sentence; and rewrote (b).

Amended by R.2024 d.080, effective September 3, 2024.

See: 56 N.J.R. 403(a), 56 N.J.R. 1801(a).

In (a)1, substituted "pursuant to" for "under", and deleted the last sentence.

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N.J.A.C. 10:90-4.2

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§ 10:90-4.2 Work activity participation

(a) All recipients, unless otherwise deferred, shall continuously and actively seek work and engage in job search. Recipients who are assessed to be job ready shall be placed in job search immediately. If no employment is found, they shall be reassessed, if appropriate and placed in a work activity as indicated by their individual assessments. Other recipients shall be placed in an appropriate work activity as indicated by the assessment results; however, they shall be encouraged to continuously seek employment.

1. Participation in job search may be counted for up to six weeks, of which no more than four weeks may be consecutive.

2. When an adult WFNJ/TANF recipient is placed in a CWEP or AWEP activity, the number of hours of participation per week, based on the receipt of TANF and NJ SNAP benefits, shall be determined by calculating the total of the recipient's monthly cash assistance grant, plus any Temporary Rental Assistance (TRA), Emergency Assistance (EA), and the NJ SNAP allotment less child support collections for the month, divided by the higher of the current Federal or State minimum hourly wage and further divided by 4.333. Any resulting partial hour shall be rounded down to the next lower whole hour.

i. If the calculated number of hours does not equal the mandated number of hours of participation for that recipient, the recipient shall continue to participate in the activity in accordance with the prescribed hours of participation for compliance under the WFNJ program. The participant shall be compensated for the total excess hours of participation required through the issuance of a supplemental participant allowance payment that shall be calculated as follows:

(1) Excess hours of participation shall be determined by subtracting the calculated hours of participation (determined using the grant, TRA, EA, and NJ SNAP allotment less child support collections for the month as described above) from the mandated hours of participation for compliance under WFNJ program and multiplying the excess participation hours by the higher of the current Federal or State minimum hourly wage rate.

(b) An WFNJ/TANF adult recipient in a single parent family, unless temporarily deferred, shall be required to participate in one or more work activities for up to 40 hours per week.

1. WFNJ/GA single adults or couples without dependent children, unless temporarily deferred, shall be required to participate in one or more work activities for up to 30 hours per week.

i. When a WFNJ/GA individual(s) is participating in a CWEP activity, the maximum number of hours per week shall be determined by calculating the total of the recipient's monthly cash assistance grant, plus any Temporary Rental Assistance (TRA), Emergency Assistance (EA), and the NJ SNAP allotment divided by the higher of the Federal or state minimum hourly wage and further divided by 4.333. Any resulting partial hour shall be rounded down to the next whole hour. The WFNJ/GA individual(s) may be required to participate in another activity such as job search or remediation.

ii. In nonconsolidated municipalities, the NJOSCC shall be responsible for calculating the number of hours a WFNJ/GA recipient is to participate in CWEP based on the information reported by the municipal agency at the initial eligibility determination or when the municipal agency reports a change to NJOSCC. If available, NJOSCC may access this information through the State's automated information system.

iii. In consolidated municipalities, the county agency shall be responsible for calculating the number of hours a WFNJ/GA recipient is to participate in CWEP.

(c) A teen parent under the age of 18 shall be required, on a full time basis, to attend high school or an equivalent course of study unless:

1. It is determined that the teen parent is exempt from regularly attending high school or its equivalent, based upon an assessment which indicates the person's inability and lack of aptitude to successfully complete such academic requirements; then the teen parent shall be required to participate full time in an approved alternative educational or training program, including special educational programs for the learning and developmentally challenged (the hours of participation shall be in accordance with the scheduled program); or

2. The teen parent has completed secondary education; then he or she shall be required to participate in a work activity for a minimum of 35 hours per week.

(d) A recipient who has not completed high school and has not attained 20 years of age and is a single head of household, a single adult or either of the adults of a couple without dependent children shall be required to maintain satisfactory school attendance at secondary school or the equivalent during the month or participate in education directly related to employment for at least 20 hours per week. If it is determined that, due to the person's inability or lack of aptitude to successfully complete academic requirements, he or she shall be required to participate in another appropriate work activity.

(e) Each parent in a two-parent WFNJ/TANF family shall be required to participate in one or more activities for a minimum of 35 hours per week up to a maximum hourly total of 40 hours per week, unless otherwise deferred in accordance with N.J.A.C. 10:90-4.9.

1. For one parent, 30 hours of the required 35 hours of participation shall include participation in one or more of the following federally recognized activities: unsubsidized employment; work experience (including work associated with the refurbishing of publicly assisted housing); on-the-job training; job-search and job readiness assistance; community service programs; vocational educational training (not to exceed 12 months per individual) which may be combined with work experience; or the provision of child care services to an individual who is participating in a community service program.

2. The second parent shall be required to satisfactorily participate in work activities for 35 hours a week of which a minimum of 20 hours shall be in the following Federally recognized activities: unsubsidized employment; work experience (including work associated with the refurbishing of publicly assisted housing); on-the-job-training; or community service programs.

(f) Individuals 16 through 18 years of age who are attending school on a full-time basis and are expected to complete the program of the school before reaching the age of 19 are required to satisfactorily attend the scheduled classes at a secondary school or a course of study leading to a certificate of general equivalence.

1. Individuals, age 16 through 18, who are students and who drop out of school will be required to enroll and participate in another appropriate work activity for a minimum of 35 hours per week. Failure to comply with the work activity will result in the sanctions for such persons as stipulated at N.J.A.C. 10:90-4.11.

(g) A recipient who is a full-time post-secondary student in a course of study related to employment, as defined at N.J.A.C. 10:90-4.3(j)1, shall be required to engage in another work activity for 15 hours a week subject to the recipient making satisfactory progress toward the completion of the post-secondary course of study.

History

HISTORY:

Administrative correction.

See: 29 N.J.R. 3729(a).

In (b), deleted "a minimum of 35 hours per week to a maximum aggregate hourly total of" preceding "up to 40 hours per week"; in (b)1, deleted "for an average total of 30 hours per week" following "or more work activities"; in (e)1 and 2, under Federally recognized activities deleted subsidized private sector employment and subsidized public sector employment.

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Rewrote (a); added (a)2, (a)2i and 2i(1); and in (d) inserted "dependent" before "children".

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), substituted "assessment" for "employment profile (assessment)"; rewrote (b).

Administrative change.

See: 44 N.J.R. 1529(a).

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N.J.A.C. 10:90-4.3

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-4.3 Description of work activities

(a) Unsubsidized employment means employment in the private or public sector which is not subsidized in any way.

(b) Supported employment is an employment activity tailored to meet the needs of those recipients who demonstrate serious barriers to employment (such as learning disability or illiteracy, drug and alcohol problems, and/or physical/mental disabilities). Supported on-the-job employment opportunities and sheltered workshop approaches (modeled after successful programs in the mental health and developmental disabilities field) will serve persons with such barriers. When the participant is experiencing difficulties on the job, a job coach will interact with the participant and the employer to resolve problems that may affect their continued employment.

(c) Community Work Experience Program (CWEP) is to be utilized to provide work and training to enable the recipient to adjust to, and learn how to function in, an employment setting. Placements shall only be with a public, private nonprofit or private charitable employer. CWEP placements are directed towards organizations and agencies directly involved in useful public service areas such as health, recreation, child and adult care, education, environmental protection, social services, etc. A CWEP participant shall not be placed with a private for profit employer.

(d) Alternative work experience programs (AWEP) consists of work and training for WFNJ recipients on a temporary basis with a public, private nonprofit or private charitable employer that provides a recipient with the experience necessary to adjust to, and learn how to function in, an employment setting and the opportunity to combine the 20 hours per week work experience with 15 hours per week of education (which may include English as a Second Language), substance abuse treatment, vocational exploration and/or job training. An AWEP participant's work experience placement shall not be with a private for profit employer.

(e) On-the-job training (OJT) is an employment opportunity which includes training. The participant is hired by a private or public employer and receives training that provides knowledge or skills essential to the full and adequate performance of the job. At the end of the OJT, the participant shall be retained by the employer as a regular employee if the individual has made satisfactory progress during the OJT contract period.

(f) Job search and job readiness assistance are employment- directed activities in which participants engage in activities with the immediate goal of obtaining full-time employment. Job search is directed to the individual participant's needs and local job market conditions and may serve participants in either group, individual, or self-directed job-seeking activities, or a combination thereof. Job search is an appropriate up front activity for applicants as well as job ready recipients who have basic workplace skills and experience applicable to the labor market. Job readiness activities will also be combined with job search to enhance the effectiveness of job search activities for those in need of additional skills development.

1. Job search and job readiness activities shall be counted for a maximum of six weeks (four of which may be consecutive) unless New Jersey's unemployment rate is 50 percent greater than the unemployment rate of the United States, in which case this activity may be extended to 12 weeks.

(g) Community service programs are self-directed or scheduled preparatory work activities in which participants may provide an array of vital services designed to increase the common good and/or improve the condition of the community in which he or she resides. Examples include, but are not limited to, the provision of child care as a community service project; mentoring or tutoring activities conducted under the auspices of organizations such as Big Brothers/Big Sisters, Americorps, Habitat for Humanity; physical or administrative labor performed on behalf of a community organization/group; and volunteer work in hospitals, battered women's shelters, libraries, schools or other such public institutions.

1. Community service programs shall be offered as a "bridge" activity to participants who are awaiting the start-up of a new or subsequent activity.

2. Community service programs may be offered to individuals who are employed part-time so that participants can meet the WFNJ and Federal work participation requirement.

3. Community service programs may be offered as an activity in other circumstances with DFD review and approval.

4. Community service programs/sites shall be approved by the county or municipal agency.

(h) Vocational educational training is an activity involving institutional or other classroom training conducted by an instructor in either a worksite or non-worksite setting. Participants receive instruction in specific occupational areas which reflect the current local labor market demand. Providers of this type of activity include, but are not limited to, community based organizations; private for profits; community/county colleges; Voc-Tech school; JTPA's; and adult high schools.

1. This activity shall not be utilized for more than 12 months for any individual.

i. When a WFNJ/GA individual is placed in this activity in compliance with the NJ SNAP ETP, the 12 month limitation shall not apply.

(i) Job skills training directly related to employment is an activity tailored for those recipients who demonstrate serious barriers to employment (such as learning disability or

illiteracy, drug and alcohol problems, mental health barriers, and/or physical/mental disabilities) and may include such activity components as pre-employment job coaching and mentoring (modeled after successful programs in the mental health and developmental disabilities field).

1. The Division of Family Development's Welfare to Work Disability Case Management Initiative provides rehabilitation services to WFNJ recipients identified as having barriers to employment related to a disability. This initiative provides a range of services to eligible participants which include vocational counseling, career guidance and specialized skills training.

(j) Education directly related to employment is an activity involving a participant without a high school diploma or a general equivalence diploma (GED) in a course of study leading to a high school diploma or GED when combined with community work experience participation or other approved work activities, including employment.

(k) Post-secondary educational opportunities directly related to employment shall be offered to recipients with a high school diploma or GED, when combined with community work experience participation or other approved work activities, including employment.

1. Post-secondary education are those professional and educational programs offered at colleges, mostly community colleges, and other post-high school institutions that lead to recognized careers for which there is or will be a demand in the New Jersey job market as published by the New Jersey Department of Labor.

i. Post-secondary programs that may be of longer duration than two years in certain circumstances, shall lead to a recognized college credential such as a certificate, license, associate degree or other recognized college credential.

(l) Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence is an activity that shall be utilized in the case of a recipient who is a teenage parent or a recipient under the age of 19 who is expected to graduate or complete their course of study by their 19th birthday.

(m) Provision of child care services is an activity that involves the WFNJ recipient in the direct provision of child care services to another WFNJ individual who is participating in a community service program or other State approved employment-directed program.

(n) The TANF Initiative for Parents (TIP) Program is an activity that offers comprehensive in-home visitation and/or in-community parenting, nutritional and support services including, but not limited to, parent education programs, interactive parent-child sessions, fatherhood services, and nutritional education, in accordance with N.J.A.C. 10:90-5.16.

(o) Other work activities may be added to those set forth above in this section in order to comply with Federal or State laws and/or to maximize Federal funds.

History

HISTORY:

Administrative correction.

See: 29 N.J.R. 3729(a).

In (c) and (d), deleted "unpaid" preceding "work and training"; and in (j)1, deleted "significant" preceding "demand".

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (g), added 1 through 3; added (i)1; deleted (j)1; added a new (k) and recodified former (k) through (m) as (*l*) through (n).

Amended by R.2007 d.15, effective January 16, 2007.

See: 38 N.J.R. 1156(a), 39 N.J.R. 207(a).

In (i), inserted "mental health barriers,"; added new (n); and recodified former (n) as (*o*).

Amended by R.2009 d.202, effective June 15, 2009.

See: 41 N.J.R. 364(a), 41 N.J.R. 2483(a).

In (*l*), deleted "(See N.J.A.C. 10:90-4.4 for what constitutes satisfactory attendance.)" from the end.

Administrative change.

See: 44 N.J.R. 1529(a).

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N.J.A.C. 10:90-4.4

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-4.4 (Reserved)

History

HISTORY:

Repealed by R.2009 d.202, effective June 15, 2009.

See: 41 N.J.R. 364(a), 41 N.J.R. 2483(a).

Section was "Satisfactory attendance".

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N.J.A.C. 10:90-4.5

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§ 10:90-4.5 Conditions under which CWEP and AWEP shall be regarded as employment

(a) Participation by a recipient in CWEP or AWEP activity provided by a sponsor, pursuant to the Federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," P.L. 104-193, shall not be considered employment for any purpose, except that such participation shall be regarded as employment as follows:

1. The "Law Against Discrimination," P.L. 1945, c.169 (N.J.S.A. 10:5-1 et seq.), and the sponsor, not the program, shall be deemed the employer for purposes of any action brought under this act;.

2. The "New Jersey Public Employees' Occupational Safety and Health Act," P.L. 1983, c.516 (N.J.S.A. 34:6A-25 et seq.) when the sponsor is a public employer subject to this Act;

3. The "Conscientious Employee Protection Act," P.L. 1986, c.105 (N.J.S.A. 34:19-1 et seq.) and the "Worker and Community Right to Know Act," P.L. 1983, c.315 (N.J.S.A. 34:5A-1 et seq.);

4. The purposes of Chapter 15 of Title 34 of the Revised Statutes (Worker's Compensation), and the participant shall be regarded an employee of the State and the sponsor, subject to the provisions set forth below at N.J.A.C. 10:90-4.6; and

5. The "Family Leave Act," P.L. 1989, c.261 (N.J.S.A. 34:11B-1 et seq.) and the recipient shall be entitled to family leave, to the same degree as any similarly situated employee of the sponsor, as well as family and medical leave pursuant to Federal law.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Added N.J.S.A. references throughout.

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N.J.A.C. 10:90-4.6

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§ 10:90-4.6 Work activity placement parameters

(a) A recipient shall not be placed or utilized in a position at a particular workplace (including CWEP placements):

1. That was previously filled by a regular employee if that position, or a substantially similar position at that workplace, has been made vacant through a demotion, substantial reduction of hours or a layoff of a regular employee in the previous 12 months, or has been eliminated by the employer at any time during the previous 12 months;

2. In a manner that infringes upon a wage rate or an employment benefit, or violates the contractual overtime provisions of a regular employee at that workplace;

3. In a manner that violates an existing collective bargaining agreement or a statutory provision that applies to that workplace;

4. In a manner that supplants or duplicates a position in an existing, approved apprenticeship program;

5. By or through an employment agency or temporary help service firm as a community work experience or alternative work experience worker;

6. If there is a contractual or statutory recall right to that position at that workplace; or

7. If there is an ongoing strike or lockout at that workplace.

(b) A person who believes that he or she has been adversely affected by a violation of this section, or the organization that is duly authorized to represent the collective bargaining unit to which that person belongs, shall be afforded an opportunity to resolve the complaint through a meeting with the designee of the Commissioner of the State Department of Labor.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-4.7

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§ 10:90-4.7 The "Individual Responsibility Plan (IRP) Development Tool and Employability Profile" (IDT) (assessment)

(a) An IRP Development Tool (IDT), which provides a participant screening and employability profile, shall be completed for each adult WFNJ/TANF recipient, teen parent and 16 through 18 year old individual not attending school on a full-time basis. The individual's relative employability shall be assessed from the responses to questions in the introductory, educational, employment, personal screening and screening outcomes sections of the IDT.

1. The introductory screening section reviews the individual's current employment and duration on public assistance.

2. The educational screening section reviews such areas as the individual's educational level, relevant training or skills, and possible comprehension barriers, including language difficulties.

3. The employment screening section reviews such areas as the individual's work history and possible employment preferences, employment barriers or needs.

4. The personal screening section reviews such areas as the individual's personal or family/household related barriers or special needs, including housing issues and substance abuse.

5. The screening outcomes section identifies such areas as possible WFNJ activities, suggested barrier resolution activities, necessary supports or deferrals.

(b) The recipient shall be informed prior to beginning the IDT that disclosure of disability related information is voluntary. An individual shall not be sanctioned or otherwise penalized for failing to disclose information or declining to answer specific questions relating to a disability.

(c) The findings and conclusions of the family's circumstances from the IDT assessment shall be used to determine the activities identified in the individual responsibility plan described in N.J.A.C. 10:90-4.8.

(d) The IDT shall be reviewed and, if necessary, updated at the time of redetermination and whenever interim changes/updates are made to the IRP.

History

HISTORY:

Administrative correction.

See: 29 New Jersey Register 3729(a).

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Added (a)5, (b) and (c).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Rewrote the section.

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N.J.A.C. 10:90-4.8

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§ 10:90-4.8 Individual responsibility plan (IRP)

(a) An individual responsibility plan (IRP) shall be developed jointly by the county or municipal agency representative, as appropriate, and the WFNJ recipient, that is, all adult recipients, teen parents and 16 through 18 year old individuals not attending school on a full-time basis, at time of eligibility determination, and shall be jointly reviewed and/or revised at time of subsequent activity assignments and case redeterminations. The requirements set forth in the IRP must be coordinated with requirements set forth in an emergency service plan, if the participant is also in receipt of EA. Interim changes/updates to the IRP shall be made more frequently as appropriate and necessary in accordance with individual progress and/or change in circumstances. The IRP shall be signed and dated by the recipient and the respective agency representative. The original IRP shall be maintained electronically or in the case record and a copy shall be provided to the recipient. The IRP shall contain:

1. General case information concerning the individual;

2. A specific work activity or plan of action based on the findings and conclusions from the assessment, in accordance with N.J.A.C. 10:90-4.1(f);

i. Work activity information to be entered on the IRP shall include the work-site location, the work-site's contact person and telephone number as well as the times and days of the participant's scheduled attendance;

ii. Non-work activity information to be entered on the IRP shall include the name of the activity or referral, its location, a contact person, and telephone number (if known), as well as, any scheduled time frames.

3. Supportive services to be provided to enable participation in the activity, such as child care, transportation allowances and other available supportive services; and

4. A record that the family violence option and deferral requirements were discussed with the recipient as well as the importance of cooperating with child support.

5. The IRP may also include specific goals concerning a dependent child member of the assistance unit such as, but not limited to:

i. Requirements for parental participation in a dependent child's pre-school, elementary and secondary school program activities;

ii. Immunizations for a dependent child; or

iii. Regular school attendance by a dependent child.

(b) The IRP for teen parents shall include all of the requirements listed in (a) above, if appropriate, as well as, but not limited to, the following:

1. Regular attendance in high school or an equivalent program of study; or

2. Participation in an approved work activity for those teen parents who have completed secondary education; and

3. Identification of necessary supportive services which are not available free through another source, including child care and transportation, as needed; and

4. A plan of action to be taken, which may include further screening and assessment for substance abuse and mental health barriers, as appropriate, to address identified barriers to employment.

(c) The IRP for victims of family violence shall include the following, as appropriate:

1. For an individual who identified as a victim of family violence or is at risk of family violence who requests a WFNJ Family Violence Option (FVO) Waiver of one or more WFNJ TANF/GA program requirements, an entry shall be made in the appropriate designated FVO check-off box on the IRP. A WFNJ FVO Risk Assessment including safety and service planning shall be completed and kept confidential at a designated victims services provider agency in accordance with N.J.A.C. 10:90-20.

i. The IRP shall be considered completed with no further entries required at this point.

2. An individual who self-identifies as a victim of family violence but does not request a FVO waiver shall develop an IRP with the agency worker, setting goals toward self-sufficiency (see N.J.A.C. 10:90-20).

(d) When the IRP requires the recipient to participate in a substance abuse treatment program, the substance abuse treatment program shall be considered a WFNJ work activity (see N.J.A.C. 10:90-18). Refusal or failure to cooperate and participate as required by the treatment program shall result in WFNJ sanctions in accordance with the sanction provisions at N.J.A.C. 10:90-4.13.

1. A participant may be required to participate in a substance abuse treatment and/or another work activity or substance abuse treatment only, as determined by the case manager in conjunction with the care coordinator. Compliance requires full cooperation and participation with substance abuse treatment as well as any other required work activity.

History

HISTORY:

Administrative correction.

See: 29 N.J.R. 3729(a).

Inserted new (c)4 and recodified former (c)4 and 5 as (c)5 and 6.

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (a), added second sentence, added (a)2, recodified former 2 through 4 as 3 through 5, added a new 6, and recodified former 5 as 7.

Amended by R.1999 d.66, effective March 1, 1999.

See: 30 N.J.R. 3629(a), 31 N.J.R. 685(a).

In (a)6, added a second sentence; and added (d).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote the section.

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

Added (a)2ii.

Amended by R.2007 d.15, effective January 16, 2007.

See: 38 N.J.R. 1156(a), 39 N.J.R. 207(a).

Rewrote (b)4.

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N.J.A.C. 10:90-4.9

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§ 10:90-4.9 WFNJ comprehensive social assessment (CSA)

(a) A WFNJ recipient who has received cash assistance for 12 or more cumulative months shall be required to complete a detailed social assessment and an employability assessment. The 12-month requirement is a minimum requirement. The Comprehensive Social Assessment (CSA) may be administered at any time prior to 12 months if the circumstances of the case indicate a need for an in-depth assessment.

1. The three-part CSA provides for a social evaluation and the identification of employment barriers.

i. The client self-assessment section, completed by the client, explores the client's strengths and weaknesses and shall assist in determining appropriate interventions.

ii. The comprehensive social assessment tool, completed by both the client and worker, assists in identifying barriers that hinder the recipient's success in reaching self-sufficiency. Identified issues shall trigger subsequent referrals/actions to address such concerns.

iii. The assessment summary sheet shall indicate and record the initial actions taken by the agency as a result of the assessments.

2. The employability assessment, completed by the Department of Labor, provides testing to determine reading and math levels and testing to establish employment competence.

(b) Required attendance at a scheduled comprehensive assessment appointment shall be entered on the IRP so that failure to attend or refusal to be assessed, without good cause, shall be considered sanctionable.

(c) The WFNJ recipient shall be informed, verbally and in writing, prior to beginning the CSA that disclosure of disability information is voluntary. An individual shall not be sanctioned or otherwise penalized for failing to disclose information or for declining to answer specific questions.

(d) A CSA or other DFD-approved assessment shall be administered to a recipient who failed to actively participate in work activities without acknowledged good cause prior to the agency initiating the sanction process found at N.J.A.C. 10:90-4.13.

1. If barriers are identified during the assessment, those issues shall be addressed and the sanction shall not be imposed. If the barriers relate to family violence, the FVO Initiative procedures are to be followed (see N.J.A.C. 10:90-20).

(e) Disclosure of family violence shall require referral of the individual to the agency's Family Violence Option (FVO) representative (see N.J.A.C. 10:90-20).

(f) Based on the information obtained from the comprehensive assessment, the agency shall address all barriers that are identified and schedule the client for an appropriate employment-related activity at the earliest possible opportunity.

(g) Actions taken as a result of the comprehensive assessment must be included in the IRP. Some of the assigned actions set forth in the IRP may not be work related depending on the issues and barriers identified on the CSA. Sanctions will apply in those situations of non-compliance with assigned work or work related activities only. Participation in the Substance Abuse Initiative (SAI) and/or the Mental Health Initiative (MHI) may be considered a work activity (see N.J.A.C. 10:90-5.15 and 18).

History

HISTORY:

New Rule, R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Former N.J.A.C. 10:90-4.9, Deferrals from the work requirement, recodified to N.J.A.C. 10:90-4.10.

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (a), deleted "is comprised of 12 sections that" after "client and worker," in the first sentence of 1ii.

Amended by R.2007 d.15, effective January 16, 2007.

See: 38 N.J.R. 1156(a), 39 N.J.R. 207(a).

In (g), inserted "and/or the Mental Health Initiative (MHI)" and updated the N.J.A.C. reference.

Special amendment, R.2008 d.182, effective June 3, 2008.

See: 40 N.J.R. 4232(a).

Rewrote the introductory paragraph of (d); and in (d)1, substituted "shall not be imposed" for "notification process and imposition rescinded".

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N.J.A.C. 10:90-4.10

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§ 10:90-4.10 Deferrals from the work requirement

(a) Deferrals from WFNJ work requirements shall be limited to:

1. Individuals age 62 or older;

2. Individuals who are unable to engage in regular work activities because they are chronically ill, infirm, or have a physical and/or mental disability or impairment which is expected to last for more than 12 months and such conditions are certified by an attending physician (including a licensed or certified psychologist, as appropriate) or advanced practice nurse to constitute a permanent disability. Such certification shall be documented through use of Form WFNJ/MED-1, Examination Report, and shall, upon completion by the certifying physician (including a licensed or certified psychologist, as appropriate) or advanced practice nurse, be reviewed by the county or municipal agency which shall have the responsibility to approve or deny the deferral request;

i. Individuals receiving a work deferral due to a certified permanent disability shall be required to make application for SSI benefits;

ii. A recertification to determine permanent disability using Form WFNJ/MED-1 shall not be required for those individuals who provide documentation that they have been determined permanently disabled and are receiving disability insurance benefits under Title II or Title XVI of the Federal Social Security Act. At the time of case redetermination, the permanent disability condition of the individual shall be reviewed. If the permanent disability remains unchanged as verified through social security documentation, it shall be duly noted on the IRP that the permanent disability remains unchanged, the source of the documentation and the date of the review. If a change in the permanent disability occurs which indicates that the individual may be able to participate in a WFNJ activity, for example, the client is no longer eligible for permanent disability considerations under Title II or Title XVI and the client is still requesting a WFNJ deferral based on the disability, the county or municipal agency shall require the completion of Form WFNJ/MED-1 by the client's attending physician (including a licensed or certified psychologist, as appropriate) or advanced practice nurse in order to evaluate the client's ability to participate;

3. A person certified by an attending physician (including a licensed or certified psychologist, as appropriate) or advanced practice nurse to be unable, by reason of a physical or mental defect, disease or impairment, to engage in any gainful occupation for any period of less than 12 months. Such certification shall be documented through use of Form WFNJ/MED-1, Examination Report, which, upon completion by the certifying physician (including a licensed or certified psychologist, as appropriate) or advanced practice nurse, shall be returned to the county or municipal agency worker, as appropriate for review and final determination of deferral from participation from work requirement activities within the WFNJ program;

4. WFNJ/GA single adults or couples without dependent children who are determined unemployable in accordance with provisions set forth at N.J.A.C. 10:90-2.9(a)2. The form WFNJ/MED-1 will be required, if appropriate;

5. A woman in the second trimester, or earlier, of a pregnancy, when it is certified by an attending physician that a medical reason exists;

6. A woman in the third trimester of pregnancy;

7. The parent or relative of a child under the age of 12 weeks who is the individual providing care for that child;

i. This deferral may be extended for an appropriate period of time, when it is certified by the attending physician to be medically necessary for the parent or child;

8. A person who has been determined to be temporarily disabled resulting from his or her participation in a CWEP or AWEP activity;

9. An individual who is participating in a CWEP or AWEP activity and is eligible for leave under the State Family Leave Act and the family and medical leave provisions allowed under Federal law;

10. The sole caretaker (parent/relative) of a severely disabled or seriously ill dependent child or the sole caretaker (parent/relative) of a severely disabled or seriously ill family member;

i. Such certification shall be completed through use of Form WFNJ-5S(DEP), Confidential Medical Examining Physician's Report for Dependent Child or Dependent Adult, which shall provide documentation for the severity of the disability or illness of the dependent child or adult.

ii. During the time a severely disabled or ill dependent child or family member regularly attends a residential special school or other specialized care environment, the sole caretaker shall not be deferred.

(1) If there is an interruption of 30 consecutive days or longer in this regular schedule of care at the residential special school or other specialized care environment which necessitates the recipient to care for that individual due to the unavailability of other care arrangements, the caretaker shall be deferred from the work requirement.

(2) Periods of less than 30 days of care shall allow the caretaker an excused absence from participation; and

11. Individuals determined to be victims of family violence who have requested temporary deferral from work via affidavit due to circumstances/trauma related to the family violence incident in accordance with requirements set forth at N.J.A.C. 10:90-20.

(b) All instances when medical documentation is required, Form WFNJ/MED-1, Examination Report or Form WFNJ-5S (DEP), Confidential Medical Examining Physician's Report for Dependent Child or Dependent Adult, as appropriate, shall serve as a physician's, licensed or certified psychologist, or advanced practice nurse certification and the following procedures concerning receipt of the completed form shall be adhered to:

1. If the WFNJ/MED-1 or WFNJ-5S (DEP) states that the incapacity will be for less than 30 days, the agency will approve the deferral and retain the documentation at the agency. At the end of the 30 days, the agency worker will review the circumstances of the incapacity with the client and determine if the client is still claiming the same deferral circumstance; if so, another WFNJ/MED-1 or WFNJ-5S (DEP) is to be completed by the attending physician (including a licensed or certified psychologist, as appropriate) or advanced practice nurse.

2. If the WFNJ/MED-1 or WFNJ-5S (DEP) states that the incapacity is expected to last more than 30 days the county or municipal agency, as appropriate, shall have the responsibility to approve or deny the deferral request.

i. The acceptable timeframe for a physician (licensed or certified psychologist, as appropriate) or advanced practice nurse to complete and a client to return medical documentation shall not exceed 30 days unless extenuating circumstances occur which cause a delay in the completion/return of such documentation. Extenuating circumstances shall include, but not be limited to, the inability of the recipient to see a treating physician (licensed or certified psychologist, as appropriate) or advance practice nurse within the 30 days or when the physician (licensed or certified psychologist, as appropriate) or advanced practice nurse fails to return the form within the specified timeframe.

ii. A sanction shall not be imposed for failing to return medical documentation timely. The individual and case manager shall have previously decided on an acceptable employment-directed activity in the event that the medical deferral is not forthcoming.

(c) A recipient shall not be required to engage in a work activity if appropriate child care is necessary but unavailable. Child care services shall be provided in accordance with child care services regulations at N.J.A.C. 10:15. WFNJ supportive services provisions concerning child care are found at N.J.A.C. 10:90-5.2 and 5.3. Child care is unavailable if:

1. Appropriate child care is not available within a reasonable distance from the individual's home or worksite;

2. Appropriate informal child care from a relative or otherwise, if available, is unsuitable; or

3. Appropriate formal child care arrangements are unaffordable.

History

HISTORY:

Administrative correction.

See: 29 N.J.R. 3729(a).

In (a)11, corrected N.J.A.C. reference; and in (d), deleted "from any other source, and the recipients child(ren) is under 13 years of age or up to 18 years of age if a special needs child" following "Child care is unavailable if:".

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Added (a)2ii; and in (d), added N.J.A.C. references.

Amended by R.1999 d.66, effective March 1, 1999.

See: 30 N.J.R. 3629(a), 31 N.J.R. 685(a).

Deleted a former (c); and recodified former (d) as (c).

Recodified from N.J.A.C. 10:90-4.9 and amended by R.2003 d. 226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote the section. Former N.J.A.C. 10:90-4.10, Good cause, recodified to N.J.A.C. 10:90-4.11.

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

Rewrote the section.

Amended by R.2011 d.068, effective February 22, 2011 (operative April 25, 2011).

See: 42 N.J.R. 1466(a), 43 N.J.R. 424(a).

In (a)1, substituted "62" for "60".

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N.J.A.C. 10:90-4.11

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-4.11 Good cause

(a) Good cause for failure to participate in WFNJ or refusal to accept or maintain employment shall be found if:

1. The mandatory WFNJ participant is certified by DFD to be physically or mentally unable to engage in an assigned WFNJ work requirement or to cooperate with a WFNJ program requirement;

2. The conditions of employment are a risk to the WFNJ individual's health and safety (subject to review and determination by the Division of Family Development);

3. Child care is needed and not available. (See N.J.A.C. 10:90-5.2, Supportive services, child care); or

4. The mandatory WFNJ participant is unable to engage in an assigned WFNJ work requirement or to cooperate with a WFNJ program requirement due to family violence. If noncompliance relates to family violence, the FVO Initiative procedures are to be followed (see N.J.A.C. 10:90-20).

(b) Good cause for temporary excused participation from the WFNJ assigned work requirement or program requirement shall be limited to the following:

1. WFNJ participants shall be temporarily excused from participation if the WFNJ activity for which they are scheduled, as set forth in the IRP, is not available. Excused participation is to be reviewed once every week up to once every month, depending on the circumstances surrounding the reason for the excused participation.

i. During the excused period, the WFNJ participant and the county or municipal agency worker shall be expected to continue to comply with the other terms of the IRP.

ii. Another WFNJ activity, which is suitable for the participant and for which necessary supportive services are available, may be substituted as an alternative form of participation for that individual.

2. Absence from a particular day of employment or a WFNJ activity scheduled session shall be considered temporarily excused participation under the following circumstances (when the participant has notified his or her employer or an appropriate

person at the work activity of the need for an absence from a particular day or appropriate documentation is provided):

i. Illness of the participant, child of the participant, or any other member of the participant's household or immediate family who is or becomes dependent upon the participant because of such illness;

ii. Death of a spouse, parent, child, sibling, or grandparent has occurred within the preceding 10 working days; or

iii. Other circumstances requiring the participant's immediate and personal attention, including but not limited to: jury duty, a court appearance, school conferences concerning a child of the participant, medical diagnosis or testing, and other similarly important matters.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

In (a)3, added N.J.A.C. reference; and in (b)2, added language describing excused participation.

Recodified from N.J.A.C. 10:90-4.10 and amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Rewrote the section. Former N.J.A.C. 10:90-4.11, Sanctions, recodified to N.J.A.C. 10:90-4.13.

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N.J.A.C. 10:90-4.12

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-4.12 (Reserved)

History

HISTORY:

New Rule, R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Former N.J.A.C. 10:90-4.12, Effective date of sanctions, recodified to N.J.A.C. 10:90-4.17.

Special Adopted Repeal by R.2008 d.182, effective June 3, 2008.

See: 40 N.J.R. 4232(a).

Section was "Sanction notification process (conciliation)".

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N.J.A.C. 10:90-4.13

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-4.13 Sanctions

(a) The failure of a recipient to cooperate with the Work First New Jersey program or participate in work activities under the program without good cause shall result in a loss of cash assistance benefits in accordance with the provisions of this section. See N.J.A.C. 10:90-4.11 regarding good cause provisions.

(b) In an assistance unit with one adult, if the adult fails to cooperate with the program or participate in work activities without good cause, the cash assistance benefit provided to the assistance unit shall be reduced by the pro-rata share of the noncompliant adult for one month.

1. If the adult fails to cooperate with the program or participate in work activities by the end of the one-month pro-rata sanction, without good cause, the assistance unit's cash assistance case shall be suspended for one month. If the participant complies by the end of the suspension month, assistance will be granted for the following month.

2. If the adult fails to cooperate with the program or participate in work activities by the end of the suspension month, without good cause, the assistance unit's cash assistance case shall be closed for a minimum one-month period, and the assistance unit shall be required to reapply in order to receive further cash assistance benefits.

(c) In an assistance unit with two adults, if one adult fails to cooperate with the program or participate in work activities without good cause, the cash assistance benefit provided to the assistance unit shall be reduced by the pro-rata share of the noncompliant adult for one month. If the adult fails to comply by the end of the one month pro-rata sanction, the pro-rata reduction shall continue until the recipient demonstrates an intent to comply. If both adults fail to cooperate with the program or participate in work activities without good cause, the cash assistance benefit provided to the assistance unit shall be reduced by the pro-rata share of both noncompliant adults for one month.

1. If one adult cooperates and one adult fails to comply without good cause by the end of the one-month pro-rata sanction, assistance shall be granted for the following month, however, the cash assistance benefit provided to the assistance unit shall remain reduced by the pro-rata share of the noncompliant adult until the recipient demonstrates an intent to comply.

2. If both adults fail to cooperate with the program or participate in work activities by the end of the one-month pro-rata sanction, without good cause, the assistance unit's cash assistance case shall be suspended for one month. If one adult cooperates and one adult fails to comply without good cause by the end of the one-month suspension sanction, assistance shall be granted for the following month, however, the cash assistance benefit provided to the assistance unit shall remain reduced by the pro-rata share of the noncompliant adult until the recipient demonstrates an intent to comply.

3. If both adults fail to cooperate with the program or participate in work activities by the end of the suspension month, without good cause, the assistance unit's cash assistance case shall be closed for a minimum one-month period, and the assistance unit shall be required to reapply in order to receive further cash assistance benefits.

(d) If a dependent child 16 years of age or older fails to comply with the requirement for school attendance or other work activity participation, without good cause, the assistance unit shall be subject to a pro-rata reduction of cash assistance benefits for one month. If the dependent child fails to comply by the end of the sanction month; the pro-rata reduction shall continue until the dependent child demonstrates an intent to comply.

(e) If a cash assistance case is closed due to a sanction, and the recipient is receiving emergency assistance benefits, then the emergency assistance will continue through the one-month closure sanction, if eligible. In order to receive emergency assistance during any sanction penalty period, the recipient must continue to be eligible for emergency assistance benefits. If the individual reapplies for cash assistance benefits, demonstrates compliance, and remains eligible for emergency assistance, the emergency assistance benefits shall be reinstated if the emergency still exists.

(f) If a recipient who is less than 18 years of age is living in a Work First New Jersey-funded appropriate living arrangement because the recipient is unable to live with a parent, guardian, or other adult relative, funding for the living arrangement shall continue for one month immediately following the case closure.

(g) An adult recipient who voluntarily quits a job without good cause, shall render the entire assistance unit ineligible for cash assistance benefits for a period of two months from the date the county or municipal social service agency, as appropriate, makes the determination that the recipient quit the job.

(h) The county or municipal social service agency shall determine whether good cause for noncompliance exists prior to the imposition of a sanction. Good cause is defined at N.J.A.C. 10:90-4.11.

1. Prior to the imposition of a sanction, the county or municipal social service agency shall ensure that an assessment has been completed in consultation with the recipient, and a determination has been made that barriers do not exist, which are likely to prevent the recipient from complying with the work requirements or other activities specified in the Individual Responsibility Plan. This shall not apply if the recipient has refused to cooperate with the assessment without good cause.

2. The county or municipal social service agency shall determine if a sanctionable offense has occurred and whether good cause exists by:

i. Reviewing the case record to determine whether an assessment or other information in the file indicates that good cause for noncompliance exists; and

ii. Outreaching to the recipient, to attempt to determine the reason for noncompliance and whether it constitutes good cause, in consultation with the recipient.

3. If good cause requires that services be provided in order for the recipient to comply, then services shall be provided, as appropriate, prior to any reassignment of work activities.

4. The recipient shall be provided with reasonable accommodations in work activities and, when necessary given the condition, deferred from participation for identified disabilities or if the agency reasonably believes that a disability exists after consultation with the individual.

5. The sanctioned recipient shall be advised of the right to contest the sanction if he or she disagrees with the agency determination to impose the sanction. A sanctioned recipient may request a fair hearing and continued benefits.

(i) The pre-sanction and outreach process shall be implemented in the following manner:

1. At the time that the activity is scheduled, the recipient and case worker shall identify and record the best method for contacting the recipient in the event that the recipient fails to attend an activity. Methods of contact shall include written notice and at least one of the following:

i. More than one attempt by telephone at different times of the day;

ii. In person outreach at a time identified by the recipient; or

iii. Other methods, such as an authorized third-party contact, when necessary to accommodate a disability or for other good cause.

2. Methods of outreach must accommodate a person with a disability when necessary. Outreach must be conducted in a way that is meaningful for an individual with limited English proficiency.

3. If a recipient contacts the vendor because he or she cannot attend a scheduled activity, the vendor shall determine if the absence is excused.

4. If a recipient does not show up at a scheduled activity, or if the vendor determines that the absence is not excused, the referring case manager shall be notified and an attempt to contact the individual shall be made to determine the reason for the absence and to determine if good cause exists.

5. The case manager shall check the case record for a current assessment or other indicator of a barrier.

6. If a recipient does not show up at a scheduled activity for two days, the case manager shall be notified. If the case manager has either determined that good cause does not exist or has been unable to determine good cause because outreach efforts (defined at (i)1 above) were unsuccessful, an adverse action notice shall be mailed to the recipient at least 10 calendar days before the effective date of the action.

i. If the recipient contacts the case manager before the 10-day adverse action period is over and the case manager determines that there is good cause for not participating, the per capita sanction shall not be imposed.

ii. If the recipient contacts the case manager before the 10-day adverse action period is over and the case manager determines that there is no good cause for the noncompliance but the recipient demonstrates an intent to comply, no per capita sanction shall be imposed.

iii. If the recipient does not contact the case manager before the 10-day adverse action period is over, the sanction shall be imposed. Unless the recipient contacts the agency and good cause exists for the noncompliance, or the recipient demonstrates an intent to comply, the assistance unit's grant will receive a one-month pro-rata reduction, followed by a one-month suspension, followed by the case closure.

iv. Prior to the case closure, another notice shall be mailed to advise the recipient of the date the case shall be closed if the recipient does not contact the agency and have a good cause for the noncompliance or demonstrate an intent to comply.

History

HISTORY:

Administrative correction.

See: 29 N.J.R. 3729(a).

In (a)3i, deleted "person's" preceding "assistance unit"; in (a)3i(1), deleted "who was" preceding "sanctioned"; in (c)8, deleted "reliable" preceding "verified information"; in (c)9, deleted "required" following "does not exist and is"; and in (c)10, deleted "may" following "the employer shall".

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Added language regarding full month increments of the cash assistance benefit throughout; and in (c)2, added reference to N.J.A.C. 10:90-5.2.

Recodified from N.J.A.C. 10:90-4.11 and amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote the section. Former N.J.A.C. 10:90-4.13, Intent to comply, recodified to N.J.A.C. 10:90-4.18.

Special Repeal and New Rule, R.2008 d.182, effective June 3, 2008.

See: 40 N.J.R. 4232(a).

Section was "Sanctions".

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N.J.A.C. 10:90-4.14

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-4.14 Voluntary quit (recipients)

(a) An adult recipient who voluntarily quits a job, without good cause, shall render the entire assistance unit ineligible for WFNJ cash assistance benefits for a period of two months from the date the county agency or municipal agency, as appropriate, makes the determination that the recipient quit the job.

1. When a WFNJ recipient reports the loss of earned income, the county or municipal agency, as appropriate, shall determine if any adult household member has quit or terminated his or her most recent job, without good cause (see (c) below for good cause).

2. Changes in employment status that result from a permanent reduction in hours of employment while working for the same employer; terminating a failing self-employment enterprise; or resigning from a job at the demand of the employer shall not be considered a voluntary quit.

(b) Such voluntary cessation of employment by recipients, without good cause, may include, but are not limited to, situations where individuals were discharged from employment due to an action or inaction on his or her part in violation of the employer's written rules or policies, or lawful job related instructions.

(c) The individual who voluntarily ceased employment shall be responsible for providing the necessary information so that a good cause determination can be made. Good cause as it relates to voluntary cessation of work shall exist when:

1. Transportation of any means or mode, if required for the job, is unavailable.

2. Child care is necessary for a child under 13 years of age or for a special needs child up to the age of 18 and appropriate child care, as defined in N.J.A.C. 10:90-5.2 and 5.3, is not available.

3. The individual has been discriminated against by the employer when a formal complaint, appeal or lawsuit is pending and this has been verified by the State Department of Labor or other appropriate source.

4. Work demands render continued employment unreasonable, such as working without being paid on schedule.

5. Work conditions are in violation of Occupational Safety and Health Act (OSHA) and potentially pose a risk to an individual's health or safety.

6. A resignation is recognized by the employer as retirement when the person is 60 years of age or older.

7. An individual is prevented from working as a result of lawful strike by other employees or lockout by the employer.

8. The individual is physically or mentally unable (unfit) to perform the employment, as established by documentary medical evidence or verified information obtained from other sources.

9. Circumstances beyond the individual's control prevent continued employment such as loss of driver's license or insurance or a change in shift or hours of employment causing loss of the individual's regular means of transportation (when transportation does not exist and is necessary), break down of transportation or child care arrangements and client has demonstrated attempts to alleviate problems and temporary illness or disability as determined on a case-by-case basis.

10. Problems caused by an inability to speak or write English as determined by the employer shall constitute good cause.

11. The individual is a victim of family violence and must leave the job because of harassment or threats by the batterer.

History

HISTORY:

Recodified in part from 10:90-4.11 and amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote the section. Former N.J.A.C. 10:90-4.14, Appeals, recodified to N.J.A.C. 10:90-4.19.

Special amendment, R.2008 d.182, effective June 3, 2008.

See: 40 N.J.R. 4232(a).

Deleted (d).

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N.J.A.C. 10:90-4.15

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§ 10:90-4.15 Removal/lifting and rescission of sanctions

(a) A sanction shall be removed or lifted when a sanctioned individual completes an assigned intent to comply period of attendance at an activity and the minimum time period for the sanction has expired.

1. The agency shall remove/lift a sanction penalty temporarily when a deferral is received during the three-month sanction period.

i. The remaining minimum penalty period shall be reinstated at the time of deferral expiration.

2. Following the minimum sanction period, once an intent to comply period has been met, benefits are restored effective the first day of the next month.

(b) A sanction is rescinded when a decision has been made that through no fault on the individual's part, the sanction was imposed in error.

1. The sanction shall be rescinded immediately and cash assistance benefits restored back to the date of sanction imposition.

2. Any record of a rescinded sanction shall be expunged.

History

HISTORY:

New Rule, R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Former N.J.A.C. 10:90-4.15, Injury compensation for CWEP and AWEP participants, recodified to N.J.A.C. 10:90-4.20.

Special amendment, R.2008 d.182, effective June 3, 2008.

See: 40 N.J.R. 4232(a).

In the introductory paragraph of (a), substituted "sanction" for "offense level of the sanctions imposed"; in the introductory paragraph of (a)1, substituted "the three-month" for "a minimum"

and deleted "penalty" preceding "period"; and in (a)2, substituted "Following the minimum sanction period, once an intent to comply period" for "Once compliance".

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N.J.A.C. 10:90-4.16

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§ 10:90-4.16 Sanction accruals

(a) The county agency or municipal agency, as appropriate, shall maintain a record of the number of sanctions which have accrued to an assistance unit.

1. When no member of the assistance unit has incurred a sanction of any kind for a continuous 12-month period, the county agency or municipal agency, as appropriate, shall reduce the accrued sanctions by one for that assistance unit. This sanction reduction provision shall be applicable for each continuous 12-month period the members of an assistance unit remain sanction-free.

i. Periods in closed status, in non-receipt of WFNJ cash assistance benefits, shall not be counted as sanction free periods.

ii. Periods in closed status shall not be considered when determining a continuous 12-month sanction-free period.

(b) The sanction penalty and/or record shall follow the sanctioned individual if he or she leaves the assistance unit. If no other members of the remaining assistance unit have been sanctioned, the case shall be considered sanction-free.

(c) Sanction accruals are determined based on an individual's WFNJ non-participation without good cause regardless of the program segment (WFNJ/TANF or WFNJ/GA) in which the individual receives assistance.

(d) Out-of-State sanctions shall not accrue to WFNJ cases since the prior sanctions are specific to individual states and differ in regard to length and amount of penalty.

History

HISTORY:

New Rule, R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

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N.J.A.C. 10:90-4.17

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§ 10:90-4.17 Effective date of sanctions

The sanction periods at N.J.A.C. 10:90-4.13 shall become effective on the first day of the first month after the decision is made to impose the sanction, subject to timely and adequate notice, as appropriate (see N.J.A.C. 10:90-9, Notices and Hearings in WFNJ). If the agency is not able to impose the sanction for the first month following the decision, then the sanction shall be imposed for the first of the next following month.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Recodified from N.J.A.C. 10:90-4.12 and amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote the section.

Special amendment, R.2008 d.182, effective June 3, 2008.

See: 40 N.J.R. 4232(a).

Rewrote the section.

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N.J.A.C. 10:90-4.18

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-4.18 Intent to comply

(a) Anytime prior to the end of the sanction period, the individual(s) in noncompliance may indicate his or her intent to comply by notifying the county or municipal agency, as appropriate, accordingly. The reduction in cash assistance, however, shall remain in effect for the minimum time period of the sanction. Although a sanctioned individual is required to demonstrate an intent to comply for up to two weeks to reinstate cash assistance benefits and stop the progression of the sanction penalty, any recurrence of non-compliance during the sanction period shall result in the sanction proceeding as scheduled. The sanction period is defined as the three-month timeframe that begins the first day of the month the pro-rata sanction is scheduled, and ends the last day of the scheduled closure month. The individual in noncompliance shall be required to demonstrate willingness to cooperate with and/or participate in the WFNJ work requirements as follows:

1. The WFNJ individual shall agree to comply with either the activity in which he or she was previously engaged or another activity, which is determined appropriate for that individual. In order to demonstrate willingness to comply, the individual shall participate for a period of up to two weeks as determined by the county or municipal agency or the One-Stop Career Center, as appropriate, based on the particular requirement to be satisfied and individual case circumstances. Any recurrence of non-compliance during the three-month sanction period shall result in the sanction proceeding as scheduled.

i. In no event shall an intent to comply period be waived due to the unavailability of appropriate activities. In such instances, individuals may be assigned to an individual job search or community work experience activity to demonstrate an intent to comply.

ii. An intent to comply period of up to two weeks shall not be required when compliance by the individual only requires the completion or signing of the IRP or any other specified document. If the specified activity can be completed in less time than the two week intent to comply period, such as the completion of a CSA, then the period shall be no longer than the period required to complete such activity.

iii. An intent to comply period of up to two weeks shall not be required of an individual currently serving a minimum penalty period who secures employment for a minimum of 25 hours per week. That individual shall be required to secure increased hours of work or attend an additional activity(ies) to meet hourly participation requirements or the sanction shall proceed as scheduled.

2. If the individual fails to participate, as designated, during the intent to comply period, the sanction shall proceed as scheduled.

3. When the county or municipal agency or the One-Stop Career Center, as appropriate, determines that the intent to comply has been satisfied, the county or municipal agency shall take action to lift the sanction and to calculate the cash assistance payment for the assistance unit from the date the minimum sanction penalty ended.

4. During the intent to comply period, the WFNJ individual shall be eligible for supportive services including child care, if appropriate, which the agency determines are necessary for participation.

(b) When there is evidence that substance abuse directly contributed to an individual's noncompliance with an assigned WFNJ work activity and that individual indicates an intent to comply, a referral to the Substance Abuse Initiative (SAI) Clinical Care Coordinator (CCC) for assessment shall be offered (see N.J.A.C. 10:90-18).

1. If the SAI CCC determines that treatment is needed, the individual shall comply with an assigned treatment program for a period of two weeks to show an intent to comply.

2. If the SAI CCC determines that the individual does not need treatment, the intent to comply period shall have been met.

(c) A case that closed due to a sanction for non-cooperation that is now employed may be eligible for post-TANF benefits (see N.J.A.C. 10:90-4.5).

(d) The intent to comply process shall be implemented in the following manner for open cash assistance cases.

1. If the recipient contacts the case manager after the 10-day adverse action period is over but before a sanction is imposed and good cause exists for not participating, the per-capita sanction shall not be imposed.

2. If the recipient contacts the case manager after the 10-day adverse action period is over but before a sanction is imposed and good cause does not exist for the noncompliance but the recipient demonstrates an intent to comply, assistance shall be granted for the month following the one-month pro-rata sanction.

3. If the recipient contacts the case manager after the pro-rata sanction is imposed and good cause exists for not participating, the pro-rata reduction shall be restored.

4. If the recipient contacts the case manager after the pro-rata sanction is imposed and good cause does not exist for the noncompliance but the recipient demonstrates an intent to comply, assistance shall be granted for the month following the pro-rata sanction.

5. If the recipient contacts the case manager after the suspension sanction is imposed and good cause exists for not participating, assistance shall be restored.

6. If the recipient contacts the case manager after the suspension sanction is imposed and good cause does not exist for the noncompliance but the recipient demonstrates an intent to comply, assistance shall be granted for the month following the suspension sanction.

(e) The intent to comply process shall be implemented in the following manner for closed cash assistance cases.

1. If an individual reapplies after being closed due to sanction status the agency shall determine if good cause for the nonparticipation exists, and if not, the individual shall be required to demonstrate an intent to comply prior to the issuance of cash assistance.

i. If good cause does not exist or an intent to comply is not demonstrated within the assigned time period, the WFNJ application for cash assistance shall be denied.

ii. If good cause is found to exist for the period of nonparticipation, assistance shall be restored for the sanction period.

2. An individual that reapplies after being closed for reasons other than sanction, following the issuance of an adverse action notice but prior to an imposition of a sanction, shall not be sanctioned but shall be required to show an intent to comply or have good cause for not participating in the activity.

i. If good cause is not found to exist or an intent to comply is not demonstrated within the assigned time period, the WFNJ application for cash assistance shall be denied.

3. An individual that reapplies after being closed for reasons other than sanction during an imposed minimum sanction penalty period shall satisfy the previous sanction obligation and show an intent to comply or have good cause for not participating in the activity in order to be determined eligible for WFNJ cash benefits.

i. If good cause is not found to exist or an intent to comply is not demonstrated within the assigned time period, the WFNJ application for cash assistance shall be denied.

ii. If good cause is found to exist for the nonparticipation, assistance shall be restored for the sanction period.

4. If an individual reapplies for WFNJ assistance who requests or who otherwise may be eligible for a deferral, no determination of good cause or demonstration of an intent to comply shall be required during the time necessary to determine if the individual is eligible for a deferral and cash assistance shall be provided regardless of the sanction. Within 30 days, the applicant must provide a completed Med-1 form certifying that he or she is unable to participate in a WFNJ work activity. If the completed Med-1 form is not returned within 30 days and good cause does not exist,

the WFNJ application for cash assistance shall be denied. Once the deferral is lifted, the individual must be assigned to an appropriate work activity.

5. If an individual who is in immediate need reapplies for cash assistance benefits, the immediate need shall be met prior to a determination of good cause or a demonstrated intent to comply. If an individual who is in need of emergency assistance reapplies for cash assistance benefits, and the emergency assistance case manager has deferred the individual's initial work activity participation requirement, the individual shall not be required to demonstrate an intent to comply until the emergency assistance work activity deferral is lifted. Once the emergency assistance work activity deferral is lifted, if an intent to comply is not demonstrated within the assigned time period, the WFNJ cash assistance case shall be terminated.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Recodified from N.J.A.C. 10:90-4.13 and amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote the section.

Special amendment, R.2008 d.182, effective June 3, 2008.

See: 40 N.J.R. 4232(a).

In the introductory paragraph of (a), deleted "applicable" preceding "sanction period"; deleted "for that level" following "time period", inserted "the" following "of" in the second sentence, and inserted the third and fourth sentences; in the introductory paragraph of (a)1, inserted a comma following the second occurrence of "activity", substituted "or the One-Stop Career Center" for "worker" and inserted the last sentence; in (a)1i, substituted "an intent to comply" for "compliance"; in (a)1iii, inserted "or the sanction shall proceed as scheduled"; rewrote (a)2; in (a)3, inserted "or the One-Stop Career Center" and "county or municipal" and substituted "minimum" for "applicable" and "penalty" for "period"; in (a)4, deleted "trial period of the" preceding "intent" and inserted "period"; deleted former (c) through (e); recodified former (f) as (c); and added new (d) and (e).

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N.J.A.C. 10:90-4.19

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§ 10:90-4.19 Appeals

Any appeals resulting from action taken by the county or municipal agency, as appropriate, to impose sanctions for noncompliance with the WFNJ work requirements shall be handled in accordance with established procedures for fair hearings including eligibility for continued WFNJ benefits at an unreduced level during the appeal process (see N.J.A.C. 10:90-9, Notices and Hearings in WFNJ). Agency records of action taken by the county or municipal agency designee, as appropriate, on the indicated noncompliance shall be made available to the Administrative Law Judge should a fair hearing be requested by the participant.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Substituted "Notices and Hearings in WFNJ" for "Fair hearing provisions".

Recodified from N.J.A.C. 10:90-4.14 by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

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N.J.A.C. 10:90-4.20

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§ 10:90-4.20 Injury compensation for CWEP and AWEP participants

(a) A recipient who participates in a community work experience or alternative work experience shall be regarded as an employee of the State and the sponsor and shall be provided, by the State, with all compensation required and defenses and remedies available pursuant to chapter 15 of Title 34 of the Revised Statutes (Workmen's Compensation) except that:

1. The State shall not provide compensation for temporary disability pursuant to subsection a of N.J.S.A. 34:15-12 (see (e) below for temporary disability compensation provisions); and

2. Medical and hospital services shall not be provided pursuant to N.J.S.A. 34:15-15 unless the recipient becomes ineligible for medical assistance under the "New Jersey Medical Assistance and Health Services Act," P.L. 1968, c.413 (N.J.S.A. 30:4D-1 et seq.).

(b) When determining the amount of any compensation provided pursuant to chapter 15 of Title 34 of the Revised Statutes, other than compensation for temporary disability, the amount of compensation shall be calculated as if the recipient's weekly wage was 60 percent of the statewide average weekly wages earned by all employees covered by the Unemployment Compensation Law (N.J.S.A. 43:21-1 et seq.).

(c) Compensation received for an injury or illness which arises out of and in the course of the CWEP or AWEP and which is permanent in quality and partial or total in character shall not be regarded as earned income and a disregard shall not be applied for that amount in computing the cash assistance benefit provided to the recipient.

(d) Compensation received by a dependent of a recipient for the death of the recipient which is caused by any injury or illness which arises out of and in the course of the CWEP or AWEP shall not be regarded as earned income and a disregard shall not be applied for that amount in computing the cash assistance benefit provided to the dependent.

(e) When it is determined that the recipient has been subject to an injury or illness producing only in a temporary disability, the recipient shall:

1. Receive cash assistance benefits from the WFNJ program;

2. Be deferred from WFNJ activity requirements for the temporary period of the disability; and

3. Notwithstanding any other provision of law, shall be exempted from the 60-month time limit as stipulated at N.J.A.C. 10:90-2.4, during the first 90 days of each period of temporary disability subject to the provisions of this section.

(f) Any recipient participating in a community work experience or alternative work experience, or a dependent of that recipient, who is provided compensation benefits, by the State, for an injury, illness or death arising out of and in the course of the CWEP or AWEP shall be required to surrender any other method, form or amount of compensation or benefits from the sponsor or the State for that injury, illness or death.

(g) The sponsor of the recipient, the State and the employees of the sponsor shall not be liable for the injury, illness or death for which the recipient or dependent of the recipient is provided the compensation, benefits or both, except if it is determined that an intentional wrong has occurred.

(h) A person, other than a recipient or a sponsor, who is injured as a result of an act or omission of a recipient in connection with the recipient's CWEP or AWEP participation shall have the recourse to file an action against the program in a court of competent jurisdiction.

1. The WFNJ program shall have available all of the notice requirements and the defenses available to the State under the "New Jersey Tort Claims Act," N.J.S.A. 59:1-1 et seq. with the exception of the defense that the recipient is not a public employee.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Added N.J.S.A. references throughout; and recodified (a)i and ii as (a)1 and 2.

Recodified from N.J.A.C. 10:90-4.15 by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

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N.J.A.C. 10:90-4.21

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§ 10:90-4.21 Failure to comply with work requirements for individuals in post 60-month extension or exemption status

An individual whose case is in post 60-month extension or exemption status who continues to have a work requirement and fails to be in compliance with that requirement, without good cause, shall be subject to the WFNJ sanction process in accordance with provisions at N.J.A.C. 10:90-4.13.

History

HISTORY:

New Rule, R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

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N.J.A.C. 10:90-5.1

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-5.1 Introduction

Certain temporary services shall be available to a WFNJ TANF/GA recipient, as appropriate, in support of the recipient's efforts to work. The rules in this subchapter shall not be interpreted as conferring an entitlement to supportive services; likewise, these services shall be provided only as a last resort when no other source of support is available. As it is used in this subchapter, supportive services include, but are not limited to, child care payments, transportation services, a limited allowance to cover necessary work-related expenses and extended medical coverage.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-5.2

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§ 10:90-5.2 Child care services

(a) Payment of child care services, including after-school child care in the case of a child over six years of age and care for children with special needs, shall be available for WFNJ/TANF eligible dependent children during the recipient's period of eligibility and for the 24 consecutive months following ineligibility for cash benefits as a result of earned income or other circumstances as described in this subchapter. Depending upon the type of child care program, payment for child care services will be provided in accordance with N.J.A.C. 10:15 and appropriate child care co-payment procedures at N.J.A.C. 10:15-9.

1. The child care services provided, both during the period of eligibility and during any post-eligibility period, shall be considered appropriate and available when the child care:

i. Is in the best interests of the child and shall consider the individual needs of the child, including the reasonable accessibility of the care to the child's home and school, or the parent's place of employment or work activity, and the appropriateness of the care to the age and special needs of the child;

ii. Is located within reasonable commuting distance from the participant's home, place of employment or work activity. The hours of child care provided are reasonably related to the hours of participant's work activity participation or employment and shall be sufficient to accommodate the hours required by the employer or work activity. Parental preference shall be accommodated within the child care options available;

iii. Allows parental access; and

iv. Meets applicable standards of State and local law.

2. Payment for child care following loss of eligibility for WFNJ cash assistance due to increased earnings or hours of employment shall be available only if WFNJ benefits were received in the month preceding the first month of ineligibility; and

i. There are no other appropriate child care arrangements available (as defined in (a)1 above); and

ii. The recipient agrees to accept the available and appropriate child care (as defined in (a)1 above) offered through the program. If the child care offered is

refused, then the recipient must demonstrate that other appropriate child care is available and that, by exercising this option, participation in employment shall not be jeopardized. The recipient remains obligated to make the appropriate copayment for child care throughout receipt of post-eligibility child care in accordance with N.J.A.C. 10:15-4.

3. Disputes arising from an actual or inferred refusal of available appropriate child care shall be governed by procedures found at N.J.A.C. 10:15-4.3 and 10:90-9.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Rewrote (a) adding N.J.A.C. references, added new (a)1, (a)1i, ii, iii, and iv; recodified former (a)1 as (a)2 and former 2 and 3 as 2i and ii; added N.J.A.C. reference to 2ii; and added new 3.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

In (a), inserted "or other circumstances as described in this subchapter" at the end of the first sentence in the introductory paragraph, and amended N.J.A.C. references throughout.

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N.J.A.C. 10:90-5.3

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§ 10:90-5.3 Child care for special circumstances

(a) The county agency shall provide payment under WFNJ for child care in special circumstances when such care cannot be provided by another family member or responsible adult and payment for such care is not available through other sources and the agency determines that such care is essential because of any one or more of the following:

1. Serious physical, emotional, mental or cognitive conditions requiring child care as part of the treatment plan; or

2. When illness, death and/or other disruption in family living has created problems and, on the basis of social and/or medical diagnosis, child care is necessary.

(b) Payment for child care provided in special circumstances shall not exceed the maximum rates established by the Commissioner and promulgated by the DFD at N.J.A.C. 10:15-10.1, and shall be limited to 60 calendar days unless extended upon request and with the approval of DFD. Criteria for an extension of child care in these circumstances shall include, but not be limited to, a continuation of the serious conditions which precipitated the original request for the child care (see (a)1 and 2 above) but there is an indication that the conditions will improve imminently in order to permit the parent or caregiver to resume full-time care of the child(ren).

(c) Authorizations for payment of special circumstance child care costs are limited to providers of child care who meet criteria for providers as established by the DHS Commissioner and provided by the DFD at N.J.A.C. 10:15-10.2.

(d) Authorizations for payment of special circumstance child care costs are provided to recipients for purposes of the FVO Risk Assessment appointment (see N.J.A.C. 10:15-10.20).

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

In (b), added last sentence and N.J.A.C. reference; and in (c), added N.J.A.C. reference.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Amended N.J.A.C. references in (b) and (c); added (d).

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N.J.A.C. 10:90-5.4

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§ 10:90-5.4 Transportation services

(a) The county or municipal agency, as appropriate, shall make all reasonable efforts to secure transportation services for WFNJ recipients who are working, looking for work, engaged in a work activity or taking WFNJ/TANF children to child care in conjunction with work or a work activity, only when all other avenues of assistance with this expense have been explored and it has been established that there are no other available sources of support.

1. Employed WFNJ recipients shall receive transportation services, as appropriate, until receipt of the first full paycheck. The county or municipal agency shall, upon request and with the approval of the DFD, continue the provision of transportation services beyond this point if, in the agency's estimation, based on factors such as, but not limited to, mode of transportation and frequency of travel, the income received from employment is insufficient to permit the recipient to fully pay his or her own reasonable costs of transportation.

2. The county or municipal agency, as appropriate, shall make transportation services available in one or more of the following ways:

i. Provision of public transit fare via tickets or passes for available public transit bus, light rail, or rail services to recipients in work or work activities. Fare shall be provided prospectively or retrospectively, at the discretion of the county/municipal agency, to best facilitate the recipient's use of public transportation.

(1) Where available, the WorkPass Program, enables the CSSA to purchase and issue monthly bus, light rail, and rail passes/one-way tickets, as well as, provide transit information to WFNJ/TANF participants.

ii. An allowance of up to $ 6.00 per day shall be offered to recipients in work or a work activity as a way of subsidizing a recipient's transportation expenses. An amount in excess of $ 6.00 per day may be provided, subject to the approval of the DFD which shall consider, in addition to those factors referenced in N.J.A.C. 10:90-5.4(a)1, unforeseen expenses and multiple work activities, when arriving at its decision.

iii. Subject to written authorization from the DFD, county or municipal agencies shall partner with community transportation agencies to make all reasonable

efforts to secure available transportation services through means other than those listed above, such as, but not limited to, transportation brokers, third party contracts to provide van pool service, feeder service or livery service, and so forth.

(b) Through the Extended WorkPass Program (EWP), the appropriate CSSA shall make available post WFNJ/TANF transportation services to those eligible individuals whose cases have been terminated due to earned income or other circumstances within the last 24 months.

1. The individual must be employed at least 20 hours per week, at or above the minimum wage.

2. The individual must be deemed appropriate for transportation services, that is, be in need of a bus, light rail, or rail pass in order to continue employment.

3. The bus, light rail, or rail pass is provided to the client at no cost for up to six months subject to the availability of funds.

4. Cases that have closed within 24 months, if now employed, may apply for the EWP and, if eligible, receive up to six months of public transportation through the EWP during the remaining months of the 24-month post TANF benefit period.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (a)1, added language regarding the continuance of transportation services; and in (a)2ii, added N.J.A.C. reference and language regarding unforeseen expenses.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote the section.

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N.J.A.C. 10:90-5.5

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§ 10:90-5.5 Work expense allowance

(a) The county or municipal agency shall make available, as appropriate, an allowance for each assistance unit in order to cover work-related expenses necessary to engage in work or a work activity.

1. This allowance shall be limited to a lifetime maximum of $ 500.00 and shall be paid for work-related expenses, such as, but not limited to, clothing (uniforms), car maintenance, tools, supplies, licenses and testing fees. Subject to the approval of the DFD, an additional amount, not to exceed $ 300.00 over the lifetime of the case, may be provided, based on the agency's assessment of individual needs and circumstances which shall include, but not be limited to, the demonstrated need to purchase special tools, or maintain the care which provides transportation to employment. The agency may provide an amount in excess of the maximum stated herein, based on the agency's assessment of individual needs and circumstances. Under no circumstances shall an additional allowance exceed $ 300.00 over the lifetime of the case.

2. Subject to the approval of the Division and in the absence of any other means, a one-time moving expense allowance, not to exceed $ 500.00, may be provided over the lifetime of the case when a recipient has a firm offer of employment in a location outside of the county or municipality in excess of 30 miles of the recipient's current residence and additional assistance would ensure that employment. This allowance is in addition to the $ 500.00 authorized in (a)1 above.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

In (a)1, added language regarding an additional work expense allowance.

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N.J.A.C. 10:90-5.6

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§ 10:90-5.6 Medical support services

(a) Medical support services are available through Medicaid for children and their parents or needy parent persons if, using the income and resource methodologies and standards found in N.J.A.C. 10:69.

1. Application for Medicaid benefits shall be accomplished with the same application that is used to apply for WFNJ. An application for WFNJ shall be deemed to be an application for Medicaid.

2. With the exception of sanctions related to child support and paternity requirements, any sanction imposed on WFNJ recipients shall not apply to Medicaid eligibility. If a parent has refused to cooperate with child support and paternity requirements, he or she will be deemed to have failed to cooperate with Medicaid requirements relating to medical support rights and shall be ineligible for the same period that the individual is ineligible for WFNJ. In no event shall a pregnant woman be subjected to a sanction of ineligibility for Medicaid. No child shall be subjected to a penalty of ineligibility for Medicaid because of a child support and paternity sanction imposed under WFNJ.

3. Medicaid imposes no requirement that a parent-minor must live in the home of his or her own parent. Therefore, any parent-minor determined ineligible for WFNJ benefits as a result of the WFNJ cash assistance requirement shall not be determined ineligible for Medicaid solely for that reason.

4. Any family member losing eligibility for Medicaid shall be evaluated for potential Medicaid eligibility under other Medicaid components prior to termination from Medicaid.

(b) The provisions of N.J.A.C. 10:69-10 relating to sibling, stepparent, and adolescent parent deeming apply in the determination of Medicaid eligibility.

(c) Families that would have been eligible for the AFDC program as it existed on July 16, 1996 but who would not have received a payment because the amount payable would be less than $ 10.00 are eligible for Medicaid.

(d) Eligibility for Medicaid is limited to citizens of the United States and eligible aliens as specified in N.J.A.C. 10:69-3.9.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Amended N.J.A.C. references throughout.

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N.J.A.C. 10:90-5.7

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§ 10:90-5.7 Retroactive Medicaid

Retroactive eligibility for Medicaid shall be determined in accordance with N.J.A.C. 10:69. Eligibility for retroactive Medicaid for any of the three months prior to the month of application shall exist (assuming all other factors of eligibility are met) if the family's income, using the income methodologies and standards in effect as of July 16, 1996 for the AFDC program, would have qualified them for AFDC. In the determination of eligibility for retroactive Medicaid coverage, the resource methodologies and standards of WFNJ apply.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Amended N.J.A.C. reference.

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N.J.A.C. 10:90-5.8

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§ 10:90-5.8 Medicaid Special

(a) An individual under the age of 21, whether or not he or she would qualify as a dependent child and whether or not he or she lives with his or her parents, may be eligible for Medicaid Special coverage. Income eligibility is established in accordance with N.J.A.C. 10:69-4.2.

(b) For college students, eligibility is established in accordance with N.J.A.C. 10:69-4.3.

History

HISTORY:

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Amended N.J.A.C. references throughout.

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N.J.A.C. 10:90-5.9

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-5.9 Medicaid extension (employment-related)

(a) Extended Medicaid benefits are available to families who lose eligibility for Medicaid due to employment-related criteria based on the income standards and methodologies in effect for the Aid to Families with Dependent Children (AFDC) program as of July 16, 1996. Thus, extended Medicaid benefits will begin with the loss of WFNJ cash assistance only when that loss was coincident with the loss of Medicaid eligibility under the July 16, 1996 AFDC income standards and methodologies in accordance with N.J.A.C. 10:69.

(b) When a family with dependent children loses eligibility for Medicaid based on the income standards and methodologies in effect for the AFDC program as of July 16, 1996, for the reasons given below, Medicaid eligibility continues for a period of 24 months beginning with the month in which the family was no longer eligible under those standards and methodologies. The 24-month extension period shall begin, even though the family may continue to receive WFNJ cash assistance.

1. Earnings or increased earnings from employment, including earnings from new employment;

2. Earnings or income from employment combined with child support collections, when earnings are a significant contributing factor to case closing;

3. Loss of the $ 30.00 and one-third income disregards because of the time-limited application of those disregards;

4. Increased hours of employment; and

5. Receipt of New Jersey State unemployment or temporary disability insurance benefits.

(c) A family with dependent children, whose case closes for reasons other than employment, that gains employment within the 24 months after case closing, may be eligible to receive extended Medicaid benefits for the balance of the 24 month Medicaid extension period which would have begun at case closing.

(d) Persons who secure employment through the Early Employment Initiative (EEI) program (see N.J.A.C. 10:90-17) may be eligible for 24 months of extended Medicaid benefits.

(e) New members added to a family in receipt of extended Medicaid are not included in the extended coverage, with the exception of a child born to or legally adopted by the family during the extension period.

(f) The following individuals shall not be included, or continue to be included, in the eligible WFNJ/TANF assistance unit for Medicaid extension:

1. Any child who reaches the age of 18, or if a full-time student in secondary or vocational school, until the month of graduation or attainment of the age of 19, whichever is first. Any child who is about to become ineligible due to age shall be evaluated for eligibility under other components of the Medicaid program; and

2. All other family members who are receiving Medicaid extension solely based on the presence in the home of a child who has attained the age maximums stated in (d)1 above.

(g) When the last remaining child eligible for Medicaid extension is no longer eligible for an extension, eligibility for the other members ceases.

(h) Medicaid shall be the payer of last resort in those instances in which a recipient or his or her dependent child(ren) have third party (employer-provided or from a noncustodial parent) health care coverage.

History

HISTORY:

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

In (a), added N.J.A.C. reference; added a new (c) and (d); and recodified former (c) through (f) as (e) through (h).

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N.J.A.C. 10:90-5.10

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§ 10:90-5.10 Medicaid extension (child support-related)

(a) When a family receiving Medicaid based on the July 16, 1996 AFDC income standards and methodologies loses Medicaid eligibility primarily as a result of the collection of child or spousal support through the Child Support and Paternity process, Medicaid eligibility shall be extended for a period of four calendar months beginning with the month in which such ineligibility commences. Children may remain eligible for extended Medicaid until the attainment of age 18, or if a full-time student in secondary or vocational school, until the month of graduation or the attainment of age 19, whichever is first. Any child who is about to become ineligible due to age shall be evaluated for potential eligibility under other components of the Medicaid program.

1. In order to qualify for this extension of Medicaid benefits, the family must have received, and been eligible to receive, Medicaid (based on the July 16, 1996 AFDC income standards and methodologies) in at least three of the six months immediately preceding the month in which ineligibility for Medicaid began;

2. When the last remaining child eligible for Medicaid extension is no longer eligible for an extension, eligibility for the other family members ceases.

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N.J.A.C. 10:90-5.11

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§ 10:90-5.11 Supplemental Work Support Program

(a) The Supplemental Work Support Program (SWS) is intended to provide a monthly work support to former clients who continue to maintain employment. An amount of $ 200.00 per month for up to 24 months shall be issued to eligible WFNJ/TANF participants who meet eligibility criteria in (c) below and agree to voluntarily close their WFNJ/TANF case.

(b) Participants of SWS may also be eligible to receive other post-TANF benefits, such as:

1. Child care benefits (up to 24 months of Transitional Child Care (TCC));

2. The Extended WorkPass Program (if public transportation is available and necessary);

3. The Career Advancement Voucher Program;

4. Receipt of full child support payments; and

5. If the Medicaid case closes due to earnings, clients may be eligible for up to 24 months of extended Medicaid benefits.

(c) In order for a client to participate, the following four criteria shall be met:

1. The client must currently be an active WFNJ/TANF case and has been in receipt of WFNJ/TANF benefits for a minimum of the preceding six months;

2. The client must have continuous employment for a minimum of four months prior to receiving SWS and shall agree to continue working;

3. The client must be employed a minimum of 20 hours per week; and

4. The client must have an eligible child as defined at N.J.A.C. 10:90-2.7(a) for the entire 24-month period.

i. If it is determined that the client would not meet this requirement for the full 24-month period, the SWS benefit period shall be limited to the number of months eligibility would exist.

(d) A SWS case shall be reviewed on an annual basis to verify a recipient's continued eligibility. In order to remain eligible a recipient shall meet (c)3 and 4 above, and the

recipient's household earned income shall not exceed 250 percent of the Federal Poverty Level (FPL).

1. If a SWS participant becomes unemployed, he or she may re-apply for WFNJ/TANF.

2. If the re-applicant returns to the WFNJ/TANF rolls, the client will be eligible to participate in SWS when he or she again meets the eligibility criteria noted in (c) above.

History

HISTORY:

New Rule, R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

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N.J.A.C. 10:90-5.12

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§ 10:90-5.12 Career Advancement Voucher Program

(a) The purpose of the Career Advancement Voucher (CAV) Program is to offer eligible post-TANF recipients, who are employed, an educational or training opportunity by providing opportunities for upward career mobility. This program is intended to foster career advancement to those post-TANF individuals who demonstrate that participation in such an activity will result in the potential for growth at their current job or increased potential for growth in a new job.

1. Post WFNJ/TANF recipients who meet CAV Program eligibility requirements may enroll in a course of study or occupational training by providing vouchers to approved vendors.

2. The CAV Program voucher amount maximum is $ 4,000, dependent upon available funds.

3. Payments to approved vendors are made in two parts, 50 percent at time of enrollment and 50 percent upon completion of the program. An exception to this is a community college. The CSSAs are authorized to pay a community college the full tuition amount prior to or at the beginning of the course.

4. Vendors providing education and/or training to WFNJ recipients must be listed on the Eligible Training Provider List (ETPL). If a vendor is not currently listed as an eligible training provider, the vendor must demonstrate proof of registration to become an Eligible Training Provider.

5. The CAV Program shall not be construed as an entitlement program. If the fiscal or other resources necessary to carry out the CAV Program are unavailable, that individual shall not be deemed to have a right to such program.

(b) In order to be eligible for this program, the applicant's WFNJ/TANF case must have closed within the previous 24 months and the applicant shall:

1. Be currently employed, for at least 20 hours a week, and have been employed for at least the previous four months;

2. Have expressed an interest in, and have an opportunity for, career advancement;

3. Agree to remain employed and not reduce work hours in order to participate in the program; and

4. Have not already received a CAV within the previous 18 months or if a CAV was received, the program funded by the CAV was successfully completed. Successful completion means the client has participated through the closing date of the class or training program. It is not a requirement that the client pass the course or receive a graduation certificate or license. (Exceptions may be made on a case by case basis as some institutions require payment for an approved subsequent class prior to the completion date of the first class or training program.)

(c) Child care support services may be available to eligible CAV participants as a part of the TCC and Post TCC Programs.

(d) A post WFNJ/TANF participant that received a CAV and successfully completed the CAV funded program may apply for a second voucher up to a maximum of $ 4,000, if requested within the 24 month post-TANF benefit period.

(e) CAV participants who lose their job through no fault of their own and need to re-apply for WFNJ/TANF cash assistance, shall be allowed to complete their CAV funded activity and receive the needed supportive services for such attendance.

(f) CAV participants that voluntarily quit a job without good cause and re-apply for WFNJ/TANF cash assistance shall be determined ineligible for WFNJ benefits for a 90-day period beginning with the day of quit. They may still continue to attend their CAV funded activity.

1. During the 90-day period, these clients will be ineligible to continue receiving supportive services for the CAV funded activity.

(g) CAV participants that relocate to another county, if able, may complete the current program with needed supports and the final CAV payment issued by the receiving county.

1. Employed post WFNJ/TANF clients that move to another county are eligible to apply for the CAV program in the receiving county as long as eligibility requirements are met and the request is made within 24 months of case closure.

2. Employed post WFNJ/TANF clients that move to another state are not eligible to apply for a CAV.

3. CAV participants that move to another state during the time of attendance in a CAV funded program, if able, may complete that portion of the program funded through the initial payment. Final payments and supportive services shall not be issued.

History

HISTORY:

New Rule, R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (a), rewrote 4; in (b), substituted "24" for "12" before "months" in the introductory paragraph; in (c), substituted "and Post TCC Programs" for "Program" after "TCC".

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End of Document

N.J.A.C. 10:90-5.13

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§ 10:90-5.13 (Reserved)

History

HISTORY:

New Rule, R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Repealed by R.2012 d.188, effective November 19, 2012.

See: 44 N.J.R. 544(a), 44 N.J.R. 2947(b).

Section was "Housing Subsidy Program".

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N.J.A.C. 10:90-5.14

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§ 10:90-5.14 (Reserved)

History

HISTORY:

New Rule, R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (f), added 1.

Amended by R.2011 d.068, effective February 22, 2011 (operative April 25, 2011).

See: 42 N.J.R. 1466(a), 43 N.J.R. 424(a).

In (b), substituted "TANF or unemployable GA" for "active" and "benefits" for "Benefits", and inserted "both" and "and the WFNJ work requirement".

Repealed by R.2012 d.188, effective November 19, 2012.

See: 44 N.J.R. 544(a), 44 N.J.R. 2947(b).

Section was "Supplemental Living Support (SLS) Program".

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N.J.A.C. 10:90-5.15

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§ 10:90-5.15 Mental Health Initiative

(a) Mental health and employment readiness services are available through the Work First New Jersey Mental Health Initiative (MHI). The MHI provides services to WFNJ recipients who are experiencing mental health barriers to self-sufficiency.

1. WFNJ recipients enrolled in the MHI are eligible to receive mental health services provided and/or arranged by a Mental Health Case Manager who is a trained mental health clinician from a contracted agency, and employment readiness services provided by an employment specialist from an agency associated with the Division of Mental Health Services' Supported Employment Program and/or coordinated with the One-Stop Career Centers (OSCC).

i. Mental health services arranged for may include, but are not limited to, psychiatric evaluation and medication, out-patient counseling, or partial care/psychosocial rehabilitation.

ii. Employment services may include, but are not limited to, vocational readiness determination, career profiling, community-based occupational exploration, job-seeking skills, alternative work experience with support, support plan development, and individualized job placement.

(b) A participant's hours spent in treatment provided by and/or arranged through the MHI may count towards the required hours of a work activity.

1. For WFNJ recipients required to participate in a work activity, mental health treatment counts as a participant's work activity only if the mental health case manager assesses the recipient and monitors the participant's treatment.

(c) A WFNJ recipient who appears to have a mental health barrier and appears to meet the eligibility criteria for the program shall be asked to complete the form MHI-1, WFNJ Mental Health Initiative Questionnaire. Completion of this form is voluntary. If the results of the MHI-1 indicate a mental heath barrier, the recipient shall be referred to the MHI for an assessment by a Mental Health Case Manager.

1. A mental health assessment shall be administered to each WFNJ recipient referred to the program by a trained mental health clinician using recognized DMHS Intensive Case Management Services assessment protocols.

(d) Participants may be enrolled in the MHI if they meet either of the following criteria below:

1. They are mandatory TANF recipients required to participate in a work activity or employable GA recipients, and have a mental health problem that prevents them from achieving self-sufficiency, as determined by the Mental Health Case Manager, based on the results of the mental health assessment, pursuant to (c)1 above; or

2. They have an open CP&P case, and have a mental health problem, as determined by the Mental Health Case Manager, based on the results of the mental health assessment, pursuant to (c)1 above. These cases may include deferred TANF and unemployable GA cases.

(e) Referral to and participation in the MHI shall be either voluntary or mandatory based on the following criteria:

1. Non-sanctioned WFNJ recipients who are required to participate in a work activity shall be offered a referral based on the results of the MHI-1. Acceptance of such referral is voluntary. Individuals that choose not to accept the referral are to be assigned an appropriate work-related activity.

i. For those individuals that accept the referral and agree to attend a meeting with a Mental Health Case Manager, the referral is to be noted on the IRP. If the meeting with the recipient and the Mental Health Case Manager is held and it is determined that a mental health problem exists and an appropriate mental health activity is assigned, then the recipient has the option of attending that activity or participating in another WFNJ work-related activity. Refusal to attend the mental health activity is not sanctionable in this situation.

ii. If the recipient agrees to attend this activity, it becomes his or her WFNJ work-related activity, with non-compliance triggering the start of the sanction process.

(1) Before starting the sanction process for a recipient enrolled in MHI, the WFNJ worker shall contact that recipient's Mental Health Case Manager for a determination of whether the client's non-compliance was due to his or her mental health problems. If the Mental Health Case Manager concludes that the recipient's non-cooperation may have been a result of his or her mental health barriers, that recipient shall not be sanctioned and shall be offered the opportunity either to continue participating in the MHI or to be assigned an alternate activity.

2. WFNJ recipients who are required to participate in a work activity, and who have been sanctioned for non-compliance with a work activity in accordance with N.J.A.C. 10:90-4.13, may be advised that they shall be required to complete the MHI-1 and, if applicable, participate in the MHI in order to remove the sanction, unless the agency worker determines that the reason for the non-compliance is other than a mental health problem. A referral to meet with a Mental Health Case Manager for a mental health assessment shall be provided to the sanctioned individual. Acceptance of such referral is mandatory. The MHI referral is to be noted on the recipient's IRP.

i. If treatment is indicated, the recipient shall be required to actively attend that program during the two-week intent to comply period in order for the sanction to be removed. Continuation of the mental health activity will become the recipient's mandatory work activity. Failure to participate as designated shall cause the individual's sanction to proceed as scheduled.

(1) Before the individual's sanction is reinstated to proceed as scheduled, the WFNJ worker shall contact the recipient's Mental Health Case Manager for a determination of whether the recipient's noncompliance was due to his or her mental health problems. If the Mental Health Case Manager concludes that the recipient's non-cooperation was a result of his or her mental health barriers, then the recipient shall not be sanctioned and shall be offered the opportunity either to continue participating in MHI or be assigned an alternate activity.

History

HISTORY:

New Rule, R.2007 d.15, effective January 16, 2007.

See: 38 N.J.R. 1156(a), 39 N.J.R. 207(a).

Special amendment, R.2008 d.182, effective June 3, 2008.

See: 40 N.J.R. 4232(a).

In (e)2i, substituted "cause the individual's sanction to proceed as scheduled" for "advance the penalty to the next sanction offense level"; and in (e)2i(1), substituted "the individual's sanction is reinstated to proceed as scheduled" for "advancing a MHI recipient to the next sanction level".

Administrative change.

See: 46 N.J.R. 855(b).

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N.J.A.C. 10:90-5.16

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§ 10:90-5.16 TANF Initiative for Parents (TIP) Program

(a) The TIP Program is a performance-based child abuse and neglect prevention initiative that offers comprehensive parenting, nutritional and support services utilizing in-home visitation parenting models of service delivery, one of which includes the Healthy Families America (HFA) model, for families at risk of abuse or neglect. TIP Program services are made available initially based on the in-home visitation service provider's assessed needs of the family. TIP Program participants shall be re-evaluated for continued program services, by the service provider, at three-month intervals.

(b) The purposes of the TIP Program are to:

1. Promote the safety, permanency and well-being of infants and their siblings while:

i. Encouraging healthy parent-child interactions; and

ii. Reducing the number of referrals to the Division of Child Protection and Permanency (CP&P);

2. Increase healthy child development, rates of immunizations, early identification of development delays, and good nutrition;

3. Link families to community based medical, social, nutritional and employment services; and

4. Provide TANF parents an opportunity to acquire parenting skills that will assist the recipient in the pursuit or maintenance of employment while balancing a healthy family environment.

(c) Participation in TIP Program services, including the in-home visitation, is not mandatory. The TIP program preferred approach is in-home visitation. However, participants are given a choice of participating in the program services voluntarily, as follows:

1. In their own home;

2. Outside of their own home; or

3. In their own home and outside of their own home.

(d) The TIP Program services are available to certain individuals in their last trimester of pregnancy and new parents with infants from birth through 12 months of age, even if the individual has older children in the family in addition to the new infant, as follows:

1. Individuals in their third trimester of pregnancy:

i. WFNJ TANF/GA individuals; and

ii. Non-Public Assistance (NPA) New Jersey Supplemental Nutrition Assistance Program (NJ SNAP) individuals; and

2. Individuals who are new parents:

i. WFNJ TANF recipients, including new TANF parents, needy parent persons, parents in child-only cases, sanctioned recipients and recipients with a capped child;

ii. SSI recipients in child-only cases; and

iii. NPA NJ SNAP recipients.

(e) TIP Program participants who are deferred from the WFNJ work requirements in accordance with N.J.A.C. 10:90-4.10 may voluntarily take part in parenting skills services.

1. WFNJ recipients who are deferred may want to consider participating in the TIP Program as a transitional activity that will help prepare them for employment readiness and assist the recipient with balancing work activity and raising a family.

(f) For TIP Program participants who are required to participate in a work activity in accordance with N.J.A.C. 10:90-4, hours spent participating in the TIP Program shall count towards the required hours of a work activity. A TIP participant may need to participate in another work activity in addition to TIP in order to fulfill his or her required number of hours. No adverse action or sanction shall be imposed on a TIP participant for non-compliance with the TIP Program. If the participant does not comply with the TIP program requirements, that individual shall be removed from TIP and placed in a different work activity. However, a sanction may result from the recipient's failure to comply with a non-TIP work activity in accordance with N.J.A.C. 10:90-4.13.

1. Participation in TIP Program services shall count towards a WFNJ recipients work activity only through the child's 12th month of age.

i. TIP services provided to the participant shall not extend beyond the child's 12th month of age, except in certain situations when the in-home service provider determines, on a case-by-case basis, that continued periodic in-home or in-community visitation is necessary.

2. In order for TIP Program participation to count towards the required hours of a work activity, the participant must attend the identified parenting skills program(s) that is determined to be necessary, based on the assessed needs of the family.

(g) The in-home visitation service provider shall administer a comprehensive assessment to each individual referred to the TIP Program to determine eligibility for participation.

1. The parenting skills assessment shall evaluate the individual's abilities, skills, and knowledge about healthy parenting. The assessment includes, but is not limited to, the following:

i. A universal health screening;

ii. A family stress checklist; and

iii. A child welfare checklist.

2. Upon completion of the assessment, the individual and the in-home visitation service provider shall identify the services appropriate for that family. A menu of parenting services and other services that promote transition into the workplace shall be offered. For WFNJ recipients, such services shall be recorded on the IRP and may include, but are not limited to, the following:

i. Assessment, nutrition and parent education programs;

ii. Fatherhood services/workshops;

iii. Interactive parent-child sessions;

iv. Counseling and employment coaching sessions;

v. Links to social, medical and employment services; and

vi. Coordinated case planning among the CSSA, OSCC, CP&P (when appropriate) and the in-home visitation service provider.

History

HISTORY:

New Rule, R.2007 d.15, effective January 16, 2007.

See: 38 N.J.R. 1156(a), 39 N.J.R. 207(a).

Amended by R.2009 d.202, effective June 15, 2009.

See: 41 N.J.R. 364(a), 41 N.J.R. 2483(a).

In (f)2, deleted ", and attain satisfactory attendance in accordance with the provisions at N.J.A.C. 10:90-4.4" from the end.

Administrative change.

See: 44 N.J.R. 1529(a).

Administrative change.

See: 46 N.J.R. 855(b).

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N.J.A.C. 10:90-6.1

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§ 10:90-6.1 Availability of emergency assistance

(a) Emergency assistance shall be made available through the WFNJ program as a supportive service to meet the emergent needs of WFNJ recipients, so that recipients shall not be prevented from complying with the work requirement due to disruptions caused by homelessness and related emergencies. Emergency assistance is also available to Supplemental Security Income (SSI) recipients. In an effort to minimize the incidence of homelessness among the WFNJ and SSI recipient population, the county/municipal agency shall be alert to the following circumstances, which may reasonably be assumed to, if not addressed by the recipient and the agency, result in imminent or actual homelessness of the individual or family. Upon identification of any of the indicators listed below, the county/municipal agency shall review the case record to determine if the individual or family shall be referred to sources of help, either within or outside the agency, to plan to ensure the availability of uninterrupted housing.

1. When shelter costs equal or exceed total recorded income to the WFNJ or SSI assistance unit and the recipient is unable to document other sources of income, for example, loans from relatives, which enable the individual or family to meet monthly housing/living expenses;

2. When the county/municipal agency receives information to the effect that the individual or family's utility bills are in arrearages or utilities have been shut off;

3. When the individual's or family's income is reduced as a result of the reduction in WFNJ benefits or other available income, through no fault of the individual or family;

4. When the individual's or family's rent which had previously been affordable is increased to an amount which makes the current housing costs appear to exceed available income; or

5. When the county/municipal agency receives information that the individual or family is involved in a tenant/landlord dispute or threatened foreclosure.

i. When a tenant/landlord dispute or threatened foreclosure exists, the agency shall assist the family in an attempt to prevent the loss of existing permanent housing, including referral to appropriate legal/service agencies.

(b) The EA as listed in (a) above can also be an appropriate form of assistance for WFNJ recipients who are unable to work.

(c) The county or municipal agency shall provide emergency assistance when there has been substantial loss of housing, food, clothing or household furnishings or utilities by fire, flood or other similar disaster, or an actual or imminent eviction from prior housing, and the assistance unit is in a state of homelessness or imminent homelessness due to circumstances beyond their control or the absence of a realistic capacity to plan in advance for substitute housing (see (c)1 below); and the county or municipal agency determines that the provision of shelter/housing and/or food and/or emergency clothing, and/or minimum essential house furnishings or utilities is necessary for health and safety.

1. A lack of realistic capacity to engage in advance planning shall be said to exist in the following circumstances:

i. When the assistance unit can demonstrate that there was insufficient time to secure housing between receipt of notice of imminent loss of housing and actual eviction, foreclosure or loss of prior permanent housing; or

ii. When the assistance unit can demonstrate or signs a document, prepared by the county/municipal agency, certifying that available funds, including liquid resources at N.J.A.C. 10:90-3.20, were exhausted on items deemed appropriate, necessary or reasonable for decent living and such expenditures were made as the result of a significant occurrence or situation, or from meeting the expenses of daily living. The specific event(s) or circumstance(s) upon which the granting of EA is based must be documented in the case record. In addition to expenditures for food, clothing and housing, other appropriate items include, but are not limited to, expenditures for a family emergency, such as attending the funeral of a family member, excessive unreimbursed medical expenses or car payment or repairs; or

iii. When the assistance unit demonstrates functional incapacity, for example, evidence of alcohol or drug abuse, or a mental or cognitive impairment that would prevent them from planning for or securing substitute housing. When additional barriers are identified, the recipient shall be referred to appropriate services. Individuals granted EA on this basis must agree as part of their service plan (see N.J.A.C. 10:90-6.6 concerning the development of a service plan) to engage in appropriate treatment for their addiction or other impairments that may limit their ability to function. Such treatment for addiction or incapacitating condition shall also be included in the IRP in order to coordinate the requirements contained in the IRP.

(1) Adult applicants or recipients who have been evicted, are facing an eviction or have been terminated from a shelter program, for reasons related to substance abuse, shall be referred to the SAI for a substance abuse assessment by a qualified professional. If the qualified professional determines that treatment is necessary and that the recipient is able to follow through with the recommended treatment plan, then participation in a substance abuse treatment program is considered mandatory for continued EA. If the qualified professional determines that the recipient is unable to comply with service plan

requirements, then the recipient shall be found to have good cause and will therefore, not be subject to a penalty. The agency and the qualified professional shall review the case at a minimum of every three months to determine the recipient's ability to comply with the EA service plan requirements.

(A) Adult applicants or recipients with two or more episodes of unexplained homelessness shall be assessed for substance abuse, if the agency suspects that substance abuse is a contributing factor. If treatment is deemed appropriate by a qualified professional who shall also determine whether the recipient is able to participate in a program, then treatment shall become a mandatory part of the EA service plan for continued EA eligibility unless the recipient has good cause. If treatment is unavailable, or a waiting list exists, the recipient shall not be penalized; he or she shall be considered to have good cause.

(2) Adult applicants or recipients who have been evicted, are facing an eviction or have been terminated from a shelter program shall be assessed by a mental health professional if the underlying reason is the result of suspected mental illness. If the qualified professional determines that treatment is necessary, participation in a mental health program then becomes a mandatory part of the EA service plan and cooperation is required for continued EA eligibility unless the recipient has good cause.

(A) If treatment is unavailable, or a waiting list exists, for entry into a mental health program or in cases where the qualified professional determines that the recipient is unable to follow through with an assessment or treatment plan due to acute mental incapacitation, or other cognitive impairments, then he or she shall be deemed to have good cause. The agency and the qualified professional shall review the case at a minimum of every three months to determine the recipient's ability to comply with the EA service plan requirements.

2. As part of the determination of eligibility for emergency assistance, the agency shall evaluate all potential contributions of support to the household, including income received by ineligible household members, particularly when determining the amount of temporary rental assistance (see N.J.A.C. 10:90-6.3(a)5) to be provided, and the specific kinds of preventive services which may be required by the individual, couple without dependent children or family with dependent children.

3. Emergency assistance shall not be provided to a WFNJ applicant when an actual or imminent state of homelessness exists as a direct result of the voluntary cessation of employment by the adult household member without good cause (as provided at N.J.A.C. 10:90-4.11). EA shall not be provided for a period of six months to the entire household in which the recipient adult member voluntarily quits employment without good cause while receiving emergency assistance (see N.J.A.C. 10:90-4.11(b) concerning a voluntary quit). Nor shall EA be provided for a period of six months when an adult EA applicant or recipient has caused his or her own homelessness, without good cause, for reasons that may include, but are not limited to, (c)3i through ix

below. The EA penalty shall not be imposed when it has been determined by a qualified professional that due to mental, cognitive or substance abuse impairments, the recipient lacked the functional capacity to avoid behaviors that contributed to his or her becoming homeless. Such recipients shall be required to follow through with the recommendations of the qualified professional to maintain EA eligibility.

i. For the purpose of making himself or herself eligible for EA, for example, refusing to accept subsidized housing;

ii. Eviction from public and/or subsidized housing for nonpayment of rent;

iii. Eviction from private, public and/or subsidized housing because of criminal activity, except when the criminal activity was committed by an adult who is no longer part of the assistance unit;

iv. Eviction from private, public and/or subsidized housing for destruction of the property, provided that the destruction of property was caused by the adult applicant;

v. The adult applicant or recipient had the available funds and the capacity to prevent homelessness;

vi. The adult applicant's or recipient's behavior directly caused the eviction;

vii. The adult applicant or recipient abandoned permanent affordable housing;

viii. Refusal to accept Section 8 housing, if offered; or

ix. Failure to comply with the mandatory activities identified in the EA service plan.

4. An adult household member who incurs a sanction as a result of his or her failure to comply with the WFNJ program work requirements may apply for and receive emergency assistance for himself or herself and the eligible unit while in sanction status.

5. An adult household member who incurs a sanction due to failure to comply with the WFNJ work requirements (not a voluntary quit) while receiving emergency assistance shall continue to receive such assistance (see N.J.A.C. 10:90-6.4 concerning time limits on receipt of emergency assistance), as may be required, for himself or herself and the eligible unit, for up to one month after all WFNJ cash assistance to the eligible unit has been terminated and the case closed as a result of failure to correct a sanction.

6. In consultation with CP&P, EA shall be provided to a CP&P family, even if the family caused its own homelessness, provided that the family meets all other EA eligibility requirements.

i. When EA is granted to a CP&P family that caused its own homelessness, the CSSA and CP&P shall establish communication to ensure coordination of the CP&P plan, the EA service plan and the IRP.

(1) Every effort shall be made to avoid situations in which the development and execution of one plan infringes upon the development and execution of

another, thereby placing the recipient in danger of being either sanctioned due to noncooperation or terminated from receipt of EA.

(2) Failure to comply with the CP&P service plan or the EA service plan may, in consultation with CP&P, result in the termination of EA.

7. Emergency assistance is likewise available in situations where there is an indication that an individual, or a parent and his or her children, have left their customary residence and the unit is in a state of homelessness due to imminent or demonstrated domestic violence which imperils the health and safety of the eligible unit.

i. Temporary living arrangements during the period between the occurrence of the incidence of domestic violence and the application for EA do not negate the existence of a state of homelessness.

8. In instances where the Division of Child Protection and Permanency, in consultation with the county agency, certifies that placement of the children is imminent due only to the fact that the family is being subjected to a serious health or life threatening situation because of the lack of adequate housing, EA shall be provided in accordance with the applicable provisions of this subchapter.

(d) The county agency may authorize EA to a family on behalf of a child in order to facilitate the return of a child from resource family care when the appropriate Local Officer Manager (LOM) of the Division of Child Protection and Permanency (CP&P) has approved a specific plan for the return of a child from resource family care and all of the following conditions exist:

1. The county agency is in receipt of detailed written verification from CP&P that the return is barred solely by insufficient or inadequate shelter, food, clothing or house furnishings and there is no other way by which a deficiency can be remedied;

2. The appropriate LOM of CP&P has certified that the return of the child will be effected on a specific date subject to remedy of the deficiency;

3. The return from placement will be to any parent or relative specified in N.J.A.C. 10:90-2.7(a)3; and

4. Upon return of the child, WFNJ eligibility will exist.

(e) EA is also available in cases where only the child is eligible to receive WFNJ cash assistance (that is, the parent-person is non-needy).

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (b), added "or utilities", "prior", "or imminent homelessness", and "or the absence of a realistic capacity to plan in advance for substitute housing"; added new (b)1, 1i through iii;

recodified former (b)1 and 2 as 2 and 3, added second sentence in 3; added 3i and 3ii; and recodified former 3 and 4 as 4 and 5.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Added a new (b) and recodified former (b) as (c); added (d) and (e).

Amended by R.2004 d.436, effective December 6, 2004.

See: 36 N.J.R. 3339(a), 36 N.J.R. 5354(a).

In (c), substituted "see (c)1 below" for "see 1 below" following "advance for substitute housing" in the introductory paragraph, added iii in 3; in (d), recodified 2 to 5 as 1 to 4.

Amended by R.2010 d.239, effective November 1, 2010.

See: 41 N.J.R. 3887(a), 42 N.J.R. 2621(a).

In the introductory paragraph of (a), inserted a comma following the first occurrence of "recipients" and following "circumstances"; in (a)3, substituted "through no fault of the individual or family" for "as long as such reduction is not due to any of the situations listed in (b)2 below"; in (c)1ii, substituted "or from" for "not due to the", deleted "of" following "meeting", a comma following "such as", and "or" preceding "excessive", and inserted "or car payment or repairs"; in (c)1iii, inserted "or a mental or cognitive impairment", inserted the second sentence, and substituted "impairments that may limit their ability to function" for "incapacitating condition"; added (c)1iii(1) and (c)1iii(2); in the introductory paragraph of (c)3, updated the N.J.A.C. reference, substituted "six" for "two", rewrote the next to last sentence and inserted the last sentence; added new (c)3i through (c)3ix; recodified former (c)3i through (c)3iii as new (c)4 through (c)6; recodified former (c)4 and (c)5 as (c)7 and (c)8; rewrote (c)4; and in (c)5, substituted "for up to one month after" for "unless".

Amended by R.2012 d.188, effective November 19, 2012.

See: 44 N.J.R. 544(a), 44 N.J.R. 2947(b).

In the introductory paragraph of (a), inserted the second sentence, substituted "In" for "Consequently, in" and inserted "and SSI"; and in (a)1, inserted "or SSI".

Administrative change.

See: 46 N.J.R. 855(b).

Amended by R.2019 d.097, effective September 16, 2019.

See: 50 N.J.R. 2194(a), 51 N.J.R. 1461(c).

In the introductory paragraph of (d), substituted "resource family care" for "foster care placement" twice.

Modified by Executive Order No. 103(2020), effective April 2, 2020.

See: 52 N.J.R. 979(a).

Modified by Executive Order No. 103(2020), effective June 30, 2020.

See: 52 N.J.R. 979(a). Revoked effective June 30, 2022. See 55 N.J.R. 1247(a).

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End of Document

N.J.A.C. 10:90-6.2

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-6.2 Persons eligible for emergency assistance

(a) Only WFNJ (WFNJ/TANF and WFNJ/GA) recipients, including those determined eligible for WFNJ benefits based on immediate need, and Supplemental Security Income (SSI) recipients, are eligible for emergency assistance.

1. When an applicant or recipient requests EA, the Application for Emergency Assistance (WFNJ/EA-1) and the attachments, as appropriate, shall be completed. After considering all factors leading up to the individual's circumstances, and determining whether or not the individual had the functional capacity to avert the situation, based on the initial WFNJ screening, the agency shall make an EA eligibility determination. The determination shall be made timely to avoid eviction and prevent homelessness.

History

HISTORY:

Amended by R.2010 d.239, effective November 1, 2010.

See: 41 N.J.R. 3887(a), 42 N.J.R. 2621(a).

Inserted designation (a); and added (a)1.

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N.J.A.C. 10:90-6.3

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-6.3 Kinds of emergency assistance authorized

(a) The county or municipal agency is authorized to provide the following kinds of assistance to meet emergency situations when there is no other source of support available: payment for emergency shelter and emergency temporary housing and allowances for permanent living arrangements including, but not limited to, allowances for retroactive rental, mortgage or utility payments, security deposits for rent and utilities and advance rent, eviction related costs that are authorized by DFD, reasonable costs of transportation required to search for housing, reasonable costs of temporary storage of personal possessions (see (a)4iv below), moving expenses, food, clothing, essential house furnishings including a one-time purchase of an air conditioning unit when medically necessary and, when applicable, the one-time payment of a Citizenship Application Fee and associated fingerprinting fee.

1. The county/municipal agency shall determine the most appropriate form of emergency housing which is required to address the need and authorize payment of the costs of adequate emergency shelter/housing, taking into consideration individual/family circumstances and services provided. Such emergency housing shall include placement in shelters; hotel/motel placement; transitional housing; or shelters for victims of domestic violence.

i. Adult EA recipients transitioning from GA to TANF, who are residing in transitional housing, shelter or hotel/motel placement, and who appear to meet the TANF Initiative for Parents (TIP) eligibility requirements, shall receive a mandatory TIP assessment by the TIP Vendor for continued EA eligibility. The outreach and assessment results shall be documented on the EA service plan.

ii. A pending eviction or foreclosure must be documented, either through a tenancy complaint filed by the landlord or an order from a court for eviction or foreclosure. Where such documentation does not exist, a letter from a landlord or other person serving in such capacity (relative/friend with whom the individual/family is residing), subject to agency verification, stating that eviction is imminent or has occurred shall be accepted by the agency.

2. When food is not available from any other source, an amount of $ 4.50 per day per person shall be authorized and allowed until such time as other funds become

available (for example, the next regular assistance payment, support payment, receipt of earnings or receipt of NJ SNAP benefits).

i. When it is necessary to provide temporary living arrangements for a recipient by utilizing emergency shelter/housing in a hotel, motel, or other facility in which cooking facilities are not available or are determined by the county or municipal agency to be inadequate, payments for restaurant meals, not to exceed $ 7.50 per person per day, shall be authorized and allowed until such time as other funds become available.

3. When the agency determines that they are necessary, payments to enable a recipient to purchase minimum essential clothing for physical health and safety shall be granted, not to exceed the amounts stated below, unless authorized by DFD on a case-by-case basis.

i. Adult--$ 86.00;

ii. Child, age 13 and over--$ 86.00;

iii. Child, age five through 12--$ 48.00;

iv. Child, birth through four--$ 29.00.

4. Allowances for those items deemed urgent and essential to the physical health and safety of the recipient shall not exceed those amounts stated at (a)4i below. The recipient is obligated to use any other reasonable source for provision of these items, including, but not limited to, relatives and charitable organizations.

i. Items deemed urgent and essential to the physical health and well being of the individual or family, as appropriate, include, but are not limited to, the following: a refrigerator, a dinette set, kitchen equipment, lamps, beds, cribs, chests of drawers and bed and bath linens. A maximum allowance is provided for the purchase of such items. Payment for these items shall not be made on more than three occasions during the 60 cumulative month lifetime limit under WFNJ assistance.

No. of eligible persons:	1	2	3	4	5	6
Maximum allowance:	$ 585	$ 745	$ 895	$ 1,045	$ 1,195	$ 1,365

Add $ 150 for each additional person

ii. Replacement of house furnishings is not solely limited to replacement of items lost or destroyed in the incident that gave rise to the emergency. For example, a recipient may be moving from a hotel/motel shelter or furnished apartment into an unfurnished living arrangement where there is no essential furniture. Likewise, when an item which is essential for the recipient's health and well-being, such as a refrigerator, wears out, EA funds may appropriately be used to replace it.

iii. Itemized invoices and vouchers shall be provided to the county or municipal agency for all purchases.

iv. Payment of storage costs shall be made at the most reasonable rates available and shall not exceed six months. If additional time is required due to individual circumstances, the agency shall request approval from DFD.

5. Payment shall be authorized for up to any three calendar months of retroactive rental or mortgage payments if it will prevent actual eviction or foreclosure, and/or six calendar months of retroactive utility payments if it will prevent the loss of utilities or make utilities operable.

i. Payment for more than three calendar months of retroactive rental or mortgage payments and/or six months of retroactive utility payments shall be made only under extraordinary circumstances (as found at N.J.A.C. 10:90-6.4(b)1) subject to authorization by DFD.

ii. Basic utilities are those that are necessary to make a dwelling habitable. At a minimum, basic utilities shall include electric, water, a fuel source for heating and cooking and, where applicable, sewerage and garbage disposal. In those instances where it is necessary to pay a utility deposit in order to reinstate utilities, such payment may be made under EA.

6. If appropriate for the individual/family situation, WFNJ recipients shall be notified that temporary rental assistance (TRA) may be provided, when the recipient is facing eviction, in order to maintain current permanent housing which had previously been affordable but which is no longer affordable for reasons such as, but not limited to, loss of employment, temporary unemployment or underemployment and it is anticipated that such housing will again become affordable; or when it is determined that maintaining the unit in the current housing arrangement is both the least costly alternative and serves to preserve the family structure while the search for affordable housing continues. TRA is the preferred form of emergency housing assistance in all situations, as appropriate.

7. If appropriate for the individual/family situation, WFNJ recipients shall be notified that TRA may also be provided to recipients who have experienced an actual state of homelessness and are able to locate a housing arrangement or can be accommodated in a housing arrangement in lieu of temporary shelter when the county/municipal agency has determined that a TRA is the appropriate remedy to address the emergency. The agency may authorize TRA when the total cost of housing inclusive of basic utilities is equal to or below the current Fair Market Rent (FMR), as established by the United States Department of Housing and Urban Development for the county of residence. The agency shall also consider the recipient's eligibility for the Universal Service Fund or other utility assistance programs in the FMR calculation.

i. TRA shall be provided when:

(1) The total cost of housing does not exceed the current FMR for the county in which the recipient resides. Amounts in excess of the current FMR will require prior approval and authorization of subsidy level by DFD; and

(2) The recipient's service plan and individual responsibility plan states the conditions under which a TRA has been granted and reflect the recipient's understanding of such.

ii. TRA shall not be discontinued when an adult recipient of WFNJ benefits has been sanctioned for noncompliance with the work requirement until one month after all WFNJ cash assistance to the eligible unit has been terminated and the case closed as a result of a failure to correct a sanction, provided this period of time in sanctions is prior to the 12-month lifetime limit placed on EA.

iii. In a household with two adult recipients, where one adult is noncompliant, and the cash assistance is reduced by the pro rata share, the agency portion of the EA/TRA shall be adjusted to offset the decrease in the cash assistance.

(b) The county or municipal agency may authorize payment for security deposits when a TRA is being provided. Issuance of a new security deposit shall not be contingent upon return of the previous deposit.

(c) EA shall not be provided to adult recipients who are terminated without good cause from an EA placement, such as a hotel/motel shelter or transitional housing for a period of six months when the termination is the result of the adult recipient's actions, which may include, but are not limited to, the actions identified in (c)1 through 6 below. Such a determination cannot be made unless the county and municipal agencies have thoroughly reviewed with the recipient, prior to placement, the hotel, motel, shelter, or transitional housing violations that could result in EA termination and a six-month period of ineligibility.

1. Possession of a weapon or an instrument used as a weapon after entry into the shelter;

2. Destruction of shelter property or the property of others;

3. Threatening and/or disruptive behavior that affects the operations of the shelter or the safety of the other residents;

4. Possession or use of drugs or alcohol on the premises. If the recipient is terminated from the shelter for this reason, EA cannot be terminated unless the recipient is already participating in the SAI and with the consultation of the SAI coordinator. Otherwise, the recipient shall be referred to the SAI;

5. Violation of health and safety policies, including, but not limited to, smoking in undesignated areas, burning of candles or incense in the room, and the use of hotplates or other cooking devices in the room; or

6. More than one violation of the same rule of the hotel/motel or shelter, other than those enumerated in (c)1 through 5 above, which has a substantial effect on the health and safety of the residents, staff or facility.

(d) The CSSA/MWA shall request, prior to EA termination, that the facility provide written documentation to support the termination, if possible.

(e) The recipient shall be eligible for continued EA for other violations, including, but not limited to, those identified in (e)1 below, that may result in a termination from a facility. The caseworker shall evaluate the recipient's circumstances and make an appropriate placement. A hotel/motel placement shall be considered as a last resort when there are no supervised placements available.

1. An adult EA recipient who incurs two or more terminations, for reasons that may include, but are not limited to the following will result in a loss of EA for a period of six months.

i. Failure to observe the curfew policy of the facility, without good cause;

ii. An absence from the facility without good cause, for 24 hours or more, without prior notification or approval; or

iii. Violation of the facility's policies concerning visitation, for example, visits to other floors, rooms or outside guests.

(f) For other minor violations that may result in an eviction from the hotel/motel or transitional housing placement, the adult recipient will be eligible for continued EA in a supervised placement only. However, hotel/motel placements may be utilized when there are no supervised placements available. A second eviction will result in a loss of EA for a period of six months, unless good cause has been determined.

(g) Prior to EA termination, the agencies shall review, with the recipient, the reason(s) for the termination. If additional barriers are identified that may have prevented EA compliance, then the recipient is considered to have good cause and shall not be terminated and a penalty shall not be imposed. The recipient shall be required to follow through with services to address those barriers for continued EA eligibility. Such services shall be identified as mandatory activities in the EA service plan.

(h) For any subsequent placement, the CSSA/MWA shall revise the EA service plan and ensure that the recipient is made aware that failure to comply with the rules of the placement will render him or her ineligible for EA for six months.

(i) The EA penalty shall be lifted when the applicant or recipient experiences a new emergency, which may include, but is not limited to, a fire, natural disaster or a new eviction, through no fault of the applicant or recipient; or if the family has a Division of Child Protection and Permanency case opened for abuse and neglect pursuant to N.J.A.C. 10:90-6.1(c)3xii.

1. On a case-by-case basis and in consultation with DFD, the penalty may also be lifted when deemed appropriate by the county or municipal agency.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (a), added language regarding a Citizenship Application fee; in (a)1, added language regarding emergency housing; rewrote (a)5; in (a)5i, added N.J.A.C. reference; in (a)7, added last half of first sentence and second sentence; rewrote (a)7i and added new 7i1, 2, and 3; rewrote 7ii; and deleted 7iii.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), rewrote the introductory paragraph, inserted ", unless authorized by DFD on a case-by-case basis" in 3, rewrote 6 and the introductory paragraph of 7.

Amended by R.2010 d.239, effective November 1, 2010.

See: 41 N.J.R. 3887(a), 42 N.J.R. 2621(a).

In the introductory paragraph of (a), deleted a semicolon following "housing"; added new (a)1i; recodified former (a)1i as (a)1ii; rewrote the introductory paragraph of (a)7 and (a)7i(1); deleted former (a)7i(2); recodified former (a)7i(3) as (a)7i(2); in (a)ii, substituted "until one month after" for "unless"; added (a)7iii; and added (b) through (i).

Administrative change.

See: 44 N.J.R. 1529(a).

Administrative change.

See: 46 N.J.R. 855(b).

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§ 10:90-6.4 Time limitations

(a) Any emergency assistance granted shall be limited to 12 cumulative months during the lifetime of the case, irrespective of the county or municipality of residence. A month of emergency assistance shall be any month for which a payment of emergency assistance of any kind is issued on behalf of a WFNJ TANF/GA, or SSI recipient, unless otherwise excluded.

1. Payment of security deposits shall not count towards the recipient's 12-month lifetime limit on receipt of EA benefits.

2. Payment of retroactive rent or mortgage shall be counted month for month toward the lifetime limit. Payment of retroactive utilities shall be counted as one month for each two full months paid, or parts thereof.

3. The provision of allowances for food, clothing or single replacement items of furniture and the one-time payment of a Citizenship Application Fee are specifically excluded from the calculation of the maximum lifetime EA limit.

(b) Additional emergency assistance shall be granted beyond the 12-month maximum when, in the judgment of the county or municipal agency, the WFNJ or SSI recipient has taken all reasonable steps to resolve the emergent situation, but the emergency nonetheless continues, or a new emergency occurs, which causes extreme hardship to the family.

1. The following listing is not intended to be exhaustive, nor should it be interpreted as preventing county or municipal agencies from considering other situations not specifically mentioned in the list. Nevertheless, the agency shall confer with DFD if individual and/or family circumstances that are offered as a reason for extending EA represent a departure from the categories provided herein. An extension of emergency assistance based on extreme hardship shall be provided when:

i. There is the danger of a loss of employment or a bona fide offer of employment by a recipient adult;

ii. There is imminent danger of the immediate breakup of the family unit, with children needing to be placed in resource family care;

iii. The recipient adult or child is in imminent physical danger or at risk of abuse and neglect;

iv. There is danger of serious harm to persons who are clinically/medically diagnosed as mentally and/or physically incapable of caring for themselves, thereby possibly leading to inpatient hospital care or institutionalization; or

v. The request for additional EA arises directly out of a substantial loss of shelter, food, clothing, household furnishings and/or essential utilities incurred as a result of a natural disaster.

2. Recipients who are in applicant status for Supplemental Security Income (SSI), or who have been denied but have appealed the denial, shall receive a six-month extension of emergency assistance. This status needs to be supported by medical documentation.

(c) No more than 10 percent of single adults and couples without dependent children (WFNJ/GA) who are receiving temporary rental assistance may receive one six-month extension of emergency assistance if the agency determines that a case of extreme hardship exists, pursuant to (b)1 above.

1. The county or municipal agency shall review each such case monthly to determine if the extreme hardship continues to exist.

(d) The county agency shall extend emergency assistance beyond the 12-month limit, for up to six additional months, to an assistance unit with dependent children (WFNJ/TANF) when the agency determines that a case of extreme hardship exists, pursuant to (b)1 above. Agencies are to make a decision on extension applications within 15 days after all extension applications are received for that month and inform the recipient of the agency's decision.

1. Each such case shall be reviewed monthly by the county agency to determine if the extreme hardship continues to exist.

2. If, at the end of the first six-month period, extreme hardship continues to exist in an assistance unit with dependent children, the county agency shall provide an additional six months of emergency assistance to no more than 10 percent of those assistance units with dependent children who are currently in receipt of temporary rental assistance.

(e) County or municipal agencies shall extend emergency assistance beyond the 12-month limit to recipients who are diagnosed as HIV positive with symptoms or who have active AIDS, or are terminally ill and are unable to perform activities of daily living, up to a maximum of 12 additional months.

(f) Agencies are to carefully assess the impact of the termination of EA on victims of family violence, rape or incest. If termination would make it more difficult for a recipient to escape family violence or would unfairly penalize the recipient who is or has been victimized by any such violence, or who is at risk of further family violence, then the 12-month limit shall be deferred for up to six months. Authorization for continuing or granting EA because of family violence beyond this limit may be authorized by DFD on a case-by-case basis.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Added new (a)1; recodified former (a)1 as (a)2; in (b), substituted "Additional emergency assistance" for "Emergency housing" and added language regarding new emergencies; in (b)1, added last sentence; in (b)1i through iv, added language detailing when an extension of emergency assistance will be given; added new v; and recodified former (d)3 as (e).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (b), substituted "shall" for "may" preceding "be granted" in the introductory paragraph and added 2; in (d), added the second sentence in the introductory paragraph; added (f) and (g).

Amended by R.2008 d.313, effective October 20, 2008.

See: 40 N.J.R. 2191(a), 40 N.J.R. 6205(a).

Deleted (g).

Amended by R.2010 d.239, effective November 1, 2010.

See: 41 N.J.R. 3887(a), 42 N.J.R. 2621(a).

Added new (a)1; and recodified former (a)1 and (a)2 as (a)2 and (a)3.

Amended by R.2019 d.097, effective September 16, 2019.

See: 50 N.J.R. 2194(a), 51 N.J.R. 1461(c).

In the introductory paragraph of (b), inserted a comma following "situation" and "continues"; in the introductory paragraph of (b)1, substituted "that" for "which"; and in (b)1ii, substituted "resource family" for "foster".

Modified by Executive Order No. 103(2020), effective April 2, 2020.

See: 52 N.J.R. 979(a).

Modified by Executive Order No. 103(2020), effective June 30, 2020.

See: 52 N.J.R. 979(a). Revoked effective June 30, 2022. See 55 N.J.R. 1247(a).

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N.J.A.C. 10:90-6.5

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§ 10:90-6.5 Recipient contribution

(a) Recipients of emergency assistance, including those receiving SSI, shall contribute 30 percent of their total household income towards payment of all emergency shelter arrangements, including utilities and all other forms of alternative housing arrangements, such as transitional housing programs, domestic violence shelters, emergency shelters, placement in hotels or motels and temporary rental assistance.

1. The EA recipient contribution shall be assessed by the county/municipal agency on the basis of all income available to the EA household. Once the county/municipal agency has deducted the recipient contribution from the cash assistance payment, the county/municipal agency shall be responsible for forwarding the full shelter payment to the vendor.

i. SSI recipients with documented out-of-pocket medical expenses or other disability related expenses, which cannot be met through another source, are eligible for a reduction in their contribution amount.

2. The county or municipal agency shall begin deducting the monthly contribution for recipients temporarily housed in hotels/motels, emergency shelters or transitional housing after the second full month following the month in which the family was initially placed in the temporary housing. TRA contributions shall begin no later than the second month of placement.

3. When a WFNJ recipient is housed in a shelter arrangement that requires an out-of-pocket payment, then the recipient's EA contribution shall be adjusted to take into consideration the out-of-pocket payment. If the required out-of-pocket contribution is 30 percent or more, then the recipient shall not be required to contribute an additional 30 percent of his or her income toward the required EA contribution.

(b) When replacement housing is required to resolve the emergency in a child only case, the agency shall determine the amount of its participation in the payment of the costs of such housing based on the need to house the child(ren) adequately. Therefore, EA shall be provided in an amount sufficient to adequately house the assistance unit and the non-needy parent-person(s). When the eligible child and the non-needy parent-person reside with or plan to reside with other individuals who are not WFNJ recipients, the agency shall not include anyone other than the assistance unit and the non-needy parent-

person(s) when determining the amount of the EA payment for housing arrangements. All other individuals who benefit from the living arrangement must contribute toward defraying the costs of the emergency housing.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Rewrote (a); in (a)1 and 2, added language regarding meals and housing; inserted new 3; rewrote 4; and added 5.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), inserted ", except those individuals with households whose sole source of income is SSI," preceding "shall contribute" in the introductory paragraph, and rewrote 5; added (b).

Amended by R.2010 d.239, effective November 1, 2010.

See: 41 N.J.R. 3887(a), 42 N.J.R. 2621(a).

Rewrote (a).

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§ 10:90-6.6 Recipient/agency responsibilities

(a) The county/municipal agency shares responsibility with the individual/family in receipt of emergency assistance to resolve the emergency situation and to assist the individual/family to secure a suitable permanent housing arrangement. Receipt of emergency assistance is contingent upon the recipient's taking reasonable steps toward resolving the emergent situation. Reasonable steps shall include the recipient's signature on a written notice of recipient responsibilities while receiving temporary housing/shelter; participation in formulating, complying with and carrying out a plan for service; fulfilling the number of housing searches mutually agreed upon; and following agency recommendations related to resolving the emergent situation. The service plan shall consist of mandatory and non-mandatory activities as determined by the agency. The agency shall review each activity listed on the service plan with the recipient. Failure to comply with the mandatory activities of the service plan without good cause shall result in termination of EA benefits for a period of six months. In no case shall the EA granted exceed the limits set forth in N.J.A.C. 10:90-6.4 concerning time limits and extensions in situations of extreme hardship.

1. The service plan shall be developed between the county or municipal agency and the recipient of emergency assistance within 10 days of the EA authorization date in order to provide a plan of action aimed at working toward securing permanent shelter and also, where directly related to securing such shelter, at resolving the circumstances that contributed to the emergency situation. When appropriate, development of the service plan shall be coordinated with the development of the individual responsibility plan (IRP) discussed in N.J.A.C. 10:90-4.8. For individuals requesting EA for reason of family violence or the risk of family violence, the EA service plan must be coordinated with any services offered through the designated victim service provider agency and included in the family violence safety and service plan in accordance with N.J.A.C. 10:90-20.1(b)1ii. Every effort shall be made to avoid situations in which the development and execution of one plan infringes upon the development and execution of the other, thereby placing the recipient in danger of being either sanctioned due to non-cooperation or terminated from receipt of EA. The service plan shall include, as appropriate, but is not limited to:

i. Selection of a housing arrangement which takes into consideration the recipient's circumstances, such as mental or physical problems.

(1) Every effort will be made to locate suitable housing in the community of prior permanent residence. If, however, shelter/housing is not available at the most reasonable rate, taking into consideration individual circumstances and services provided, within the municipality of customary residence, the recipient, as a condition of eligibility, shall be obliged to accept shelter/housing outside the municipality of customary residence;

ii. Provision of the following specified services:

(1) Information;

(2) Referral;

(3) Assistance in securing shelter, including transportation;

(4) Assistance in arranging for child care; and

(5) Referral for legal services; and

iii. Other service plan activities may include the following:

(1) Actively looking for safe and affordable permanent housing and providing documentation of such efforts;

(2) Seeking and maintaining employment or following through with other programs that may lead to self-sufficiency;

(3) Attending all scheduled meetings with the agency worker;

(4) With agency assistance, planning the short-term or long-term goals associated with maintaining permanent housing;

(5) Providing proof of applications for public and subsidized housing;

(6) Cooperating in providing needed documentation for public or subsidized housing;

(7) Participating in programs designed to address barriers that may prohibit the assistance unit from maintaining permanent housing, which includes, but may not be limited to, the Substance Abuse Initiative, the Behavioral Health Initiative and TIP; or

(8) Following through with other agency referrals for services, including the Social Security Administration, Legal Services, child care services, and housing assistance.

2. The EA service plan shall be monitored monthly, at a minimum, for recipients residing in a shelter, motel or hotel. For recipients in receipt of a TRA, the EA service plan shall be monitored, as appropriate by the agency, but not less than every six months.

3. The county or municipal agency shall reevaluate and/or revise the service plan as warranted by changes in the recipient's shelter needs and/or other pertinent circumstances.

i. When emergency assistance has been extended beyond the 12-month maximum found at N.J.A.C. 10:90-6.4(a) above for either an initial period of six months or a second period of six months (applicable to WFNJ/TANF recipients only), the service plan must be revised in order to address the special circumstances which have contributed to the hardship which caused the extension.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Deleted (a)1iv.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a)1, added the third sentence in the introductory paragraph.

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (a)1, inserted ", as appropriate" before ", but is not limited to:" in the fifth sentence.

Amended by R.2010 d.239, effective November 1, 2010.

See: 41 N.J.R. 3887(a), 42 N.J.R. 2621(a).

In the introductory paragraph of (a), rewrote the fourth sentence and added the fifth sentence; in the introductory paragraph of (a)1, substituted "non-cooperation" for "noncooperation"; in (a)1i(1), substituted a semicolon for a colon at the end; in (a)1ii(5), inserted "and" at the end; and rewrote (a)1iii and (a)2.

Modified by Executive Order No. 103(2020), effective April 2, 2020.

See: 52 N.J.R. 979(a).

Modified by Executive Order No. 103(2020), effective June 30, 2020.

See: 52 N.J.R. 979(a). Revoked effective June 30, 2022. See 55 N.J.R. 1247(a).

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N.J.A.C. 10:90-6.7

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-6.7 Payment for hotel or motel placements

The county or municipal agency shall issue payment for emergency housing provided in hotels and motels in accordance with the schedule of per diem rates as follows:

Emergency Assistance amounts per day	
1 Person/1 room	$ 72.00
2 Persons/1 room	$ 82.00
3 Persons/1 room	$ 97.00
4 Persons/1 room	$ 97.00
4 Persons/2 rooms	$ 127.00
5 Persons/1 room	$ 107.00
5 Persons/2 rooms	$ 127.00

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (a), substituted "housing provided in hotels and motels" for "shelter"; inserted per diem rates; and deleted (b).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In the schedule of per diem rates, increased payments for emergency housing.

Amended by R.2010 d.239, effective November 1, 2010.

See: 41 N.J.R. 3887(a), 42 N.J.R. 2621(a).

Section was "Payment for emergency shelter". Deleted designation (a).

Administrative change, effective July 10, 2023.

See: 55 N.J.R. 1738(a).

Administrative change, effective August 14, 2024.

See: 56 N.J.R. 1852(b).

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N.J.A.C. 10:90-6.8

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-6.8 Intercounty/municipality transfer of EA cases

(a) Whenever a single adult, a couple without dependent children or a family with dependent children requiring the provision of EA benefits moves from one county or municipality (WFNJ/GA only) to another, the following provisions shall apply:

1. When the county or municipality of origin (that is, the county or municipality that granted the emergency assistance benefit) places the individual or family in out-of-county/municipality temporary emergency housing, the county/municipality of origin shall retain financial responsibility for the shelter payments, regular assistance payments and issuance of NJ SNAP benefits, if applicable, as well as other monitoring functions until the homelessness is resolved or permanent housing is obtained. If mutually agreed upon by the two counties or municipalities, the new county or municipality of residence may assume full responsibility for administration of the case, provided transfer requirements promulgated by DFD have been fulfilled. For transitional housing placements, the county or municipality where the transitional housing facility is located shall assume responsibility for the case regardless of whether or not EA was issued in the previous county or municipality.

2. When an EA recipient determined appropriate to receive TRA benefits moves to permanent housing in another county/municipality, with or without county or municipal agency intercession, the new county or municipality of residence shall assume responsibility for the TRA benefits, EA case management, WFNJ case management and cash assistance benefits provided the client remains eligible for EA payments after the recipient makes application for services in the new county/municipality, and pursuant to transfer requirements at N.J.A.C. 10:90-7.

3. When an EA recipient residing in one county or municipality voluntarily takes up residence in another county or municipality, without county or municipal agency intercession, the new county or municipality of residence shall assume responsibility provided the client remains eligible for EA payments, as well as all other monitoring requirements, including any cash assistance benefits, pursuant to transfer requirements promulgated by DFD. The recipient must apply for cash assistance in the new county or municipality and for NJ SNAP benefits in the new county. The time requirements for such transfers as found at N.J.A.C. 10:90-7 shall apply.

4. When a WFNJ recipient voluntarily moves from one county or municipality to another, with or without county or municipal agency intercession, and a subsequent change in circumstances results in the need for EA, the new county or municipality of residence shall immediately assume responsibility to determine eligibility for EA payments, as well as all other monitoring functions, pursuant to case transfer provisions at N.J.A.C. 10:90-7.

5. Any case transfer management disputes which cannot be resolved locally shall be referred to DFD to determine which county or municipal agency has responsibility for administration of the case. The decision of DFD shall be considered final and binding upon all parties involved.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (a), inserted "temporary" before "emergency housing" in the first sentence of 1, added 2, recodified existing 2 through 4 as 3 through 5.

Amended by R.2010 d.239, effective November 1, 2010.

See: 41 N.J.R. 3887(a), 42 N.J.R. 2621(a).

In (a)1, inserted "the" following "When" and inserted the last sentence.

Administrative change.

See: 44 N.J.R. 1529(a).

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N.J.A.C. 10:90-6.9

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-6.9 Provisional Housing -- Awaiting Supplemental Security Income/Social Security/Disability Insurance (SSI/SSDI) Eligibility (PHASE) Pilot Program

(a) The PHASE pilot is established pursuant to N.J.S.A. 44:10-53, wherein the Commissioner of the Department of Human Services is authorized to waive, for a period not to exceed three years, compliance with the requirements of the Work First New Jersey (WFNJ) program to the extent that the Commissioner deems it necessary to conduct an experimental pilot that is likely to help promote the objectives of the WFNJ program, which are client empowerment and self-sufficiency.

1. Eligibility for PHASE shall be no more than 36 months and is limited to WFNJ General Assistance (GA) or Temporary Assistance for Needy Families (TANF) assistance units that are otherwise eligible for emergency assistance (EA) pursuant to this subchapter. To be eligible, the assistance unit shall:

i. Contain an adult member who is permanently disabled, as evidenced by presenting and maintaining a current WFNJ Med 1, indicating a medical condition expected to last 12 months, or contain adult or child members who are disabled and are being cared for by another member of the assistance unit full time, such that the caregiver is unable to work as evidenced by a WFNJ 5S-DEP, indicating a condition expected to last 12 months. The physician's signature on the WFNJ 5S-DEP shall constitute proof of the disability; however, the caregiver's status as the only person who can provide the care shall require additional corroboration, if deemed necessary by the agency or DFD;

ii. Have exhausted its applicable EA benefits pursuant to the time limits provided in N.J.S.A. 44:10-51 and N.J.A.C. 10:90-6.4;

iii. Remain in imminent danger of homelessness; and

iv. Have applications or appeals pending for SSI or SSDI for all disabled members of the assistance unit.

2. A client must exhaust the traditional EA time limit and hardship extensions prior to being enrolled in PHASE. If it is later discovered that an assistance unit was somehow determined eligible for PHASE prior to exhausting the traditional EA time and

extensions, the unit's remaining EA time will be reduced immediately to reflect each month that the recipient received assistance through PHASE. When the traditional EA time is fully exhausted, then all subsequent months of EA shall count against the PHASE clock.

3. PHASE recipients who remain otherwise eligible for EA, may continue to receive PHASE assistance for a period of up to three full months from the date of the SSI or SSDI awards. The three-month transition period shall start in the month after the date on the Notice of Award. WFNJ cash assistance eligibility is not a factor that will prevent the assistance unit from receiving the three months of transitional assistance, unless WFNJ eligibility was terminated for a reason other than the increased income from the SSI or SSDI award.

4. Temporary housing assistance benefit payments made under this section may include security deposits, rent, mortgage, moving expenses, and utilities for living arrangements. Additional payments may be authorized for emergency food and clothing as provided for under the traditional EA program rules.

5. Payment of retroactive rent, mortgage, and utilities is permitted as guided by N.J.A.C. 10:90-6.3(a)5. Payment of retroactive rent, mortgage, or utilities is limited to a maximum of three months, unless additional time is approved by the DFD after a written request by the county social service agency (CSSA) or municipal welfare agency (MWA).

6. Rental units must be at or below the fair market rent for the area in which the housing is situated.

7. Payments authorized for recipients to stay in a hotel, motel, or shelter living arrangements are limited to 60 cumulative days during a recipient's lifetime on PHASE.

(b) Continued eligibility for the PHASE program shall be contingent upon the following:

1. Recipients are required to retain and keep legal representation for the duration of his or her SSI or SSDI application or the appeal process. If not already represented by counsel, recipients will be referred to a pre-paid legal services agency contracted by the Department that will assess the merits of the application or appeal and, if appropriate, will represent the recipient throughout the process. In the alternative, the recipient can retain a private attorney, as selected by and paid for by the recipient.

2. Recipients shall execute any releases necessary to allow the CSSA/MWA to obtain information confirming the status of the attorney-client relationship, the reason(s) for the dissolution of the relationship, or the reason(s) they were unable to utilize the contracted legal services agency. DFD retains the discretion to continue eligibility despite the lack of legal representation.

3. Recipients shall contribute 30 percent of the total household income towards their housing costs throughout their time on PHASE. While receiving WFNJ cash assistance, the recipients shall agree to a mandatory vendor-restricted payment, directly from the CSSA/MWA to the landlord, from the WFNJ grant.

4. PHASE recipients shall comply with an EA service plan, which includes, among other things, the requirement that the recipient search for, apply for, and agree to accept permanent housing arrangements that will be accessible and affordable with the anticipated SSI/SSDI benefit amount and other available resources, including shared living arrangements and/or housing arrangements outside of the recipients' current county of residence. The EA service plan shall be reviewed and updated by the CSSA/MWA, as appropriate, but at least every three months.

5. When recipients' current monthly housing costs exceed the anticipated SSI or SSDI benefit amount, PHASE recipients shall continue to explore more affordable housing arrangements that they discover or that are suggested by the CSSA/MWA. The recipient shall accept such an affordable housing arrangement, unless there is good cause to reject. Among other things, a desire to remain in one's present community, aversion to living with a roommate, or aversion to living in another type of shared living arrangement shall not alone form the basis of good cause to reject an affordable housing arrangement.

(c) In concurrence with, or in addition to, the factors set forth in N.J.A.C. 10:90-6.1, the following recipients, when otherwise eligible for EA, shall not be eligible for the PHASE program or will lose eligibility, unless they can demonstrate good cause for their actions or inactions, as appropriate:

1. Credible documentary evidence suggests that the unit failed to abide by SSI/SSDI application or appeals deadlines and other basic steps that the recipient was required to meet in the application or appeals process. Among other things, evidence that a case was closed due to missed appointments or evidence that a case is stagnant due to a failure by the recipient to provide documents, could be examples of the failures under this subsection. Upon request, a recipient shall obtain from the Social Security Administration (SSA) documents that confirm the nature of any delays in the application or the appeals process and provide those documents to the CSSA/MWA or DFD or sign a consent allowing the CSSA/MWA or DFD to obtain such documents from the SSA;

2. The Appeals Council of the SSA has refused to review the recipient's SSI/SSDI decision or has affirmed the denial of the application. The CSSA/MWA or DFD retains the discretion, where good cause exists, to terminate eligibility to the PHASE program when a recipient is making a subsequent application for SSI/SSDI, after an earlier application was withdrawn or denied, or terminate eligibility to the PHASE program, when a recipient is making a subsequent appeal at the same level, after the initial appeal was withdrawn or the initial decision was affirmed. Factors that the CSSA/MWA should consider prior to rendering a recipient ineligible under this subsection include, but are not limited to, the reasons for the denials or withdrawals, the number of denials or withdrawals, and the circumstances presented as the basis for a new application to the SSA. At no time shall a recipient be allowed to apply more than two times or appeal at the same level more than two times and remain eligible for PHASE;

3. The recipient lost Section 8 or other subsidized housing due to non-compliance with Section 8 or other subsidized housing rules and regulations;

4. The household contains an employable adult;

5. The recipient previously incurred a six-month EA penalty due to non-compliance, including non-compliance with the EA service plan, within the 12-month period prior to applying for PHASE; and/or

6. An adult in the assistance unit has caused his or her own homelessness.

(d) A circumstance not addressed by this section shall continue to be governed by existing EA rules when those rules are relevant and not in conflict with this section.

(e) The PHASE program will expire on December 18, 2020. Applications will be accepted up to November 18, 2020. Applications that are submitted through November 18, 2020 shall be considered for the program and if determined eligible shall receive assistance. Assistance units deemed eligible for the PHASE pilot prior to December 18, 2020, will continue to receive assistance through the month the program expires, as long as they remain otherwise eligible for EA and continue to comply with the additional PHASE program criteria.

History

HISTORY:

New Rule, R.2008 d.313, effective October 20, 2008.

See: 40 N.J.R. 2191(a), 40 N.J.R. 6205(a).

Section was "Reserved".

Administrative correction.

See: 40 N.J.R. 6970(a).

Amended by R.2011 d.068, effective February 22, 2011 (operative April 25, 2011).

See: 42 N.J.R. 1466(a), 43 N.J.R. 424(a).

In the introductory paragraph of (b), deleted a comma following "motel"; and in (b)2vi, substituted "62" for "60".

Repeal and New Rule, R.2012 d.125, effective July 2, 2012.

See: 43 N.J.R. 2715(a), 44 N.J.R. 1897(a).

Section was "Supportive Housing Assistance Program (SHAP) pilot project".

Repeal and New Rule, R.2017 d.242, effective December 18, 2017.

See: 49 N.J.R. 399(a), 49 N.J.R. 3990(a).

Section was "Housing Hardship Extension Pilot".

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N.J.A.C. 10:90-6.10

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-6.10 (Reserved)

History

HISTORY:

New Rule, R.2000 d.369, effective September 18, 2000 (operative October 1, 2000).

See: 32 N.J.R. 1695(a), 32 N.J.R. 3433(a).

Recodified from N.J.A.C. 10:90-6.11 and amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (c), deleted "; or who are otherwise eligible for EA, but will lose eligibility for the EA under the LTCI pilot project after September 30, 2000 due to the LTCI time limits." in the introductory paragraph; substituted "2002" for "2000" and "2005" for "2003" throughout. Former N.J.A.C. 10:90-6.10, Commissioner's pilot project for emergency assistance extensions for long term chronically impaired (LTCI) individuals, repealed.

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3435(a).

In (d), substituted "WFNJ-MED-1, Examination Report" for "WFNJ-5 (DRS1), Examining Physician's Report, or WFNJ-5S, Confidential Medical-Psychiatric Examining Physician's Report" in 1, and substituted "WFNJ-MED-1" for "WFNJ-5 (DRS1) or WFNJ-5S" in 2 and 8.

Repealed by R.2010 d.239, effective November 1, 2010.

See: 41 N.J.R. 3887(a), 42 N.J.R. 2621(a).

Section was "Commissioner's Long Term Support Program (LTSP) pilot project for emergency assistance extensions".

New Rule, R.2012 d.125, effective July 2, 2012.

See: 43 N.J.R. 2715(a), 44 N.J.R. 1897(a).

Section was "Reserved".

Repealed by R.2017 d.242, effective December 18, 2017.

§ 10:90-6.10 (Reserved)

See: 49 N.J.R. 399(a), 49 N.J.R. 3990(a).

Section was "24-Month Housing Assistance Program Pilot".

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N.J.A.C. 10:90-7.1

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-7.1 Establishment and maintenance of case records

(a) The case record is the official file, whether computerized or hard copy, of forms, chronological narrative, correspondence and other documents pertinent to the application and determination of eligibility for WFNJ benefits. It constitutes a complete record of the county/municipal agency's decisions and actions concerning eligibility for assistance in each case. Since it is the record on which decisions to grant, deny or continue assistance in accordance with law and regulations are made, it is mandatory that a case record be established and maintained for every individual who applies for and/or receives WFNJ benefits.

1. Records shall also be established and kept when emergency assistance or service payments are made to or on behalf of SSI recipients. Records shall likewise be established when burial expense payments are made on behalf of non-WFNJ recipients pursuant to the listing of persons who may be eligible for such payments as found in N.J.A.C. 10:90-8.2.

(b) The case record shall be kept confidential as described in N.J.A.C. 10:90-7.7.

(c) It is the right of every applicant for or recipient of WFNJ or his or her authorized representative to review the contents of his or her case file. Applicants or recipients or their authorized representatives shall make an appointment with appropriate agency staff when review of the case file is desired so that the review may take place at the convenience of all the parties. Requests for review shall be responded to in a reasonable amount of time. Applicants shall be given the opportunity to review their case file and to obtain copies of materials contained in their file(s). See N.J.A.C. 10:90-9.11 concerning access to the case file and related documents prior to a fair hearing.

History

HISTORY:

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

In (c), added the fourth sentence.

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N.J.A.C. 10:90-7.2

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§ 10:90-7.2 Contents of the case record

(a) The validity of all case action rests primarily on the corroborating data in the case record, whether computerized or hard copy. The following items shall be part of the case record:

1. All completed forms necessary for the appropriate assistance programs;

2. A record of any contact with the WFNJ client and a summary of the information obtained;

3. All related referrals, correspondence, memoranda and documents, except those which are required by law or regulation to be maintained in some other files; and

4. A record of all pertinent verifications, such as, but not limited to, birth certificates, Social Security numbers, driver's licenses, and so forth.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-7.3

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-7.3 Maintenance, custody, movement and transfer of case records

(a) The county/municipal agency shall maintain an up-to-date record of all cases of recipients approved to receive assistance while out of the State.

(b) There shall be a supervisory review of the status of these cases to assure that no payments are issued beyond the period for which approval has been given, unless and until an extension of continued assistance is approved by the DFD, and that payments are terminated when and if eligibility ceases.

(c) Recipients who are receiving assistance out-of-State shall be afforded the same full advance notice, including information about their hearing rights, in accordance with present policy. A copy of any such notice shall be sent to any out-of-State agency with which there has been communication regarding the case.

(d) Responsibility for WFNJ benefits shall move from one county/municipality to another when a recipient/family moves to another county/municipality.

1. WFNJ/GA cases shall be closed in the county/municipality of origin, and a new case will open in the receiving county/municipality provided application has been made and the recipient remains eligible. The case records do not transfer from the agency of origin to the receiving agency.

2. WFNJ/TANF case records shall be transferred to the receiving county provided application has been made and the recipient remains eligible. The case records are transferred from the county of origin to the receiving county as outlined in (g) below.

(e) A temporary visit by the assistance unit shall not be considered to be a change of county/municipal residence until that visit has continued for more than a one-month period.

(f) Post TANF support recipients and those WFNJ/TANF cases which receive only Medicaid or a Medicaid extension shall also be transferred to the new county of residence in the same manner as active WFNJ/TANF cases when the family moves from the county of origin.

(g) The well-being of recipients shall not be adversely affected by a move from one county/municipality to another and their right to uninterrupted assistance shall not be prejudiced by any disagreement that arises between the county/municipality of origin and

the receiving county/municipality. In no event shall assistance be delayed or suspended when a recipient moves from one jurisdiction to another. Assistance, including emergency assistance when appropriate, shall be provided by the county/municipality where the applicant/recipient resides. When the county/municipality of origin places the individual or family in out-of-county/municipality temporary emergency housing, the county/municipality of origin shall retain full responsibility for all assistance until the homelessness is resolved or permanent housing is obtained (see N.J.A.C. 10:90-6.8(a)1). For a WFNJ/GA case, the receiving agency shall grant assistance, provided application has been made and the recipient remains eligible, for the next month. For a WFNJ/TANF transfer case, if the required documentation is not within the original transfer package, the receiving agency shall contact the county of origin to obtain the needed information. The sending county agency shall act promptly on all requests for information.

1. The county of origin shall have the responsibility to:

i. Transfer, within seven working days from the date it is notified of the actual move, a copy of all pertinent case material to the receiving county;

ii. Instruct the client to contact the receiving county immediately in order to arrange for a transfer of assistance; and

iii. Grant assistance for the next month, if the transferred case material was not received by the new county of residence before the 10th day of the month unless the sending and receiving counties have mutually agreed on an alternate date for the transfer to take effect and there is no interruption in benefits.

2. The receiving county shall have the responsibility to:

i. Communicate with the client if case material is received prior to client contact and the client's new address is known;

ii. Grant assistance, provided application has been made and the recipient remains eligible, for the next month if initial case material has been received before the 10th day of the month; and

iii. Immediately notify the county of origin of the date case records were received and the date assistance will be granted.

(h) Any case transfer management disputes which cannot be resolved locally shall be referred to the DFD to determine which county/municipal agency has responsibility for the case. In such instances, the decision of the DFD shall be considered final and binding on all parties involved.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Rewrote (g).

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 New Jersey Register 1695(a), 36 New Jersey Register 3435(a).

Rewrote (d); in (f), substituted "Post TANF support recipients and those" for "Those" at the beginning of the first sentence; rewrote (g).

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N.J.A.C. 10:90-7.4

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§ 10:90-7.4 Issuance of photo identification cards

(a) Each WFNJ/TANF adult recipient shall be required, as a condition of eligibility, either to participate in personal identification requirements, which may employ the use of high technology processes, or to accept a photo identification (ID) card, as appropriate, and agree to be photographed for the purpose of placing a photo on an ID card unless refusal to do so is based on the reasons found in (d)3 and 4 below. Agencies administering the WFNJ TANF/GA program shall have the option of issuing a photo ID card to recipients.

(b) The county agency shall establish a procedure for completion of the ID card that shall ensure that the WFNJ recipient need make only one visit to the agency for that purpose.

(c) Each photo ID card shall, at a minimum, include the name, case number, color photograph and signature of the recipient. The county seal or other type of logo produced via a validation plate shall overlap upon the ID card and the photo to preclude substitution of the photo.

(d) If the payee in the assistance unit refuses to accept the ID card or refuses other than for reasons of religious belief or disfigurement (see (e)3 and 4 below) to be photographed for the purpose of placing a photo on an ID card, the following shall apply to families with children:

1. If there is only one adult in an assistance unit with dependent children, that individual shall be considered ineligible for assistance and any WFNJ benefits to which the children in the assistance unit are entitled shall be issued in the form of protective payments (see N.J.A.C. 10:90-3). The ineligible adult may not be named as payee.

2. If there are two adults in the assistance unit with dependent children, the other adult shall be given the opportunity to become the payee, be photographed and accept the ID card. If the other adult also refuses to be photographed and/or accept the ID card, both adults shall be considered ineligible for WFNJ benefits and any benefits to which the remaining members of the assistance unit are entitled shall be issued in the form of protective payments. Neither ineligible adult may be named as protective payee.

3. In instances where a recipient payee's religious beliefs do not allow the taking of his or her photograph, the payee may accept an ID without a photograph.

4. In instances where a recipient payee does not wish to be photographed because of disfigurement, the payee may accept the ID card without a photograph.

5. Where a protective payee has been appointed, such payee may elect to either accept or refuse an ID card, with or without a photograph. This equally applies to non-needy parent persons and SSI recipients.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Rewrote (a); deleted former (b) and recodified former (c) through (e) as (b) through (d).

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N.J.A.C. 10:90-7.5

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§ 10:90-7.5 Lost or stolen benefits

(a) Upon notification from a recipient that his or her WFNJ benefits have been lost or stolen, the county/municipal agency shall immediately secure the recipient's affidavit of the facts and circumstances. In a situation in which the benefits were issued by check, the county/ municipal agency shall file a stop payment order with the bank. Within 10 working days, the county/municipal agency shall either issue a duplicate check or provide written notice that the check shall not be replaced. The notice will be provided in accordance with N.J.A.C. 10:90-9 concerning notices and fair hearings.

(b) The county/municipal agency shall decline to issue a replacement check when any of the following exists:

1. The payee of the check fails or refuses to make a report to the local police about a stolen check or fails or refuses to cooperate in a police investigation;

2. The payee of the check fails or refuses to provide an affidavit of the facts and circumstances of the loss or theft;

3. The endorsement on the original check is certified to be that of the payee by a person qualified to present expert testimony in handwriting analysis before the New Jersey courts. Such expertise may be available through or from the New Jersey State Police, the Office of the Attorney General, a county prosecutor, a member of the American Society of Questioned Document Examiners or a member of the National Association of Document Examiners; or

4. The identification of the person cashing the original check as the payee or representative of the payee is convincingly established by one or more mechanical or procedural methods such as a photograph, a videotape, or the recording at the time of the transaction of the number of an ID card which has not been reported lost or stolen.

(c) In any situation in which an original check is later returned bearing the true endorsement of the intended payee, the agency will shall honor the check, even though a stop payment order may have interfered with its negotiation, provided 10 calendar days prior to honoring the check the intended payee is afforded advance written notice and an opportunity to contest the intended action. The county/municipal agency shall refuse to honor an original check which is returned without the true endorsement of the intended payee, the effectiveness of a stop payment order notwithstanding.

(d) In any situation in which the issuance of a duplicate check in accordance with (a) above produces a payment in excess of authorized amounts, the agency shall observe N.J.A.C. 10:90-3 and 11, as appropriate.

(e) In a situation in which benefits are issued by way of the EBT system the county/municipal agency shall follow the policies and procedures governing the replacement of benefits and EBT cards as found in N.J.A.C. 10:88-6.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

In (a), rewrote the second sentence; rewrote (e).

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N.J.A.C. 10:90-7.6

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-7.6 Reporting of child abuse and neglect

County and municipal agencies are required by State law to report known or suspected instances of or risk of child abuse and neglect of a child to the Division of Child Protection and Permanency. Instances of abuse or neglect involve situations where a child experiences physical or mental injury, sexual abuse or exploitation or negligent treatment or maltreatment under circumstances which indicate that the child's health or welfare is threatened.

History

HISTORY:

Administrative change.

See: 46 N.J.R. 855(b).

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N.J.A.C. 10:90-7.7

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-7.7 Confidential nature of information

(a) Information about applicants for or recipients of WFNJ benefits shall be used or disclosed only for purposes directly related to the administration of public assistance and related services, including Title IV-E (foster care and adoption assistance programs), HUD Section 8 housing, school lunch programs, which cannot be offered without such information. County/municipal officials and appointees, members of the governing body and county/municipal employees not under the jurisdiction of the county/municipal agency director are not permitted access to public assistance records.

1. Any person or entity under contract to provide services to the program shall comply with this section.

2. The provisions of this section shall not be construed as prohibiting the exchange of information among agencies, organizations or other entities as prescribed by the Commissioner or pursuant to Federal requirements.

(b) Pursuant to the New Jersey Address Confidentiality Program Act, P.L. 1997, c.369, eligible WFNJ participants, who are victims of family violence, may apply to participate in the New Jersey Address Confidentiality Program (ACP) to protect confidentiality of personal information for victims of family violence. The WFNJ agency shall advise individuals of the ACP in conjunction with the FVO notification process at the time of initial application. Participants that make use of this service may utilize a substitute address service and will receive security records handling from State and local government agencies.

1. An individual interested in making application for the ACP must be a victim of domestic violence who has relocated to an address unknown to the batterer. Applicants must be at least 18 years old, an emancipated minor, a parent or guardian acting on behalf of a minor or guardian acting on behalf of an incapacitated person.

2. Local victim assistance programs such as the Department of Human Services' (DHS) Designated Domestic Violence Programs and/or Rape Crisis Programs and Victim Witness Advocacy Programs (within each county prosecutor's office) will work with victims of domestic violence to complete applications and forward them to the ACP's office. An ACP staff person will review the application and certify an individual

as a program participant and issue an ACP authorization card designated by the Division on Women.

3. Once accepted into the ACP, participants may use their substitute address when creating records with State and local government agencies. The ACP authorization card must be presented to an agency when requesting the use of a substitute address.

(c) Information considered confidential includes, but is not limited to, the following:

1. Names and addresses, including lists; and

2. Information contained in applications, reports of investigations, reports of medical examinations, correspondence, evaluations (whether written or verbal), and other records concerning the condition or circumstances of any person from whom or about whom information is obtained.

(d) The county/municipal agency director is authorized to release, subject to the consent of the client or as required pursuant to Federal rules, relevant and necessary information under the following circumstances:

1. For clearances on applications and cases with social service agencies, banks, Bureau of Vital Statistics, insurance companies, and so forth;

2. To procure a service or benefit for the client; or

3. To provide necessary information to agencies subcontracted to provide services and/or benefits to clients.

(e) Recipient address information shall be furnished to State and local law enforcement officials attempting to locate a fugitive felon (see N.J.A.C. 10:90-2.8 concerning fugitive felons). Likewise, pursuant to P.L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the safeguards listed in this section shall not prevent a county/municipal agency from furnishing a Federal, State, or local law enforcement agency with the current address of any recipient, if the agency provides the county/municipal agency with the name of the recipient and notifies the county/municipal agency that the information is necessary for the law enforcement agency to conduct official duties and the location and apprehension of the recipient is within such official duties.

(f) Information concerning applicants or recipients shall also be released to the Division of Child Protection and Permanency in instances involving child abuse and neglect as described in N.J.A.C. 10:90-7.6.

(g) Any member of the county/municipal agency staff called to testify and/or produce agency records in conjunction with a judicial or quasi-judicial proceeding shall confer with county/municipal agency legal counsel concerning the nature of testimony and the provision of records to the court.

(h) Information necessary to the performance of quality assurance reviews, regular or special audits by State staff or a municipality's registered municipal accountant (RMA) shall be released.

1. County and municipal agencies shall cooperate in any quality assurance reviews conducted by staff of the DFD. Failure to do so shall result in the imposition of penalties as prescribed by the DHS Commissioner pursuant to authority granted in N.J.S.A. 30:1-12 concerning the imposition of sanctions where agencies have failed to comply with rules promulgated by DHS.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Added a new (b) and recodified former (b) through (g) as (c) through (h).

Administrative change.

See: 46 N.J.R. 855(b).

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N.J.A.C. 10:90-7.8

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-7.8 Settlement of suits and claims

(a) Pursuant to P.L. 1997, c.38, (N.J.S.A. 44:10-64), upon liquidation of a claim or interest (other than liquidation of nonexempt real property) for which a written promise to repay (Form WFNJ-10D, Agreement to Repay) has been executed, regardless of whether or not the person(s) involved are receiving assistance at the time, the county or municipal agency shall notify the person(s) of its claim and pursue repayment of the assistance granted from the date of eligibility for that payment, with the exception of any portion of a personal injury award which a court specifically awards to a child to make the child whole as a result of an injury, or any other benefits specifically protected by law.

1. RSDI, SSI (unless subject to interim assistance agreements), Railroad Retirement, Worker's Compensation, Veteran's Administration benefits, temporary disability benefits, and term life insurance are exempted by law from the repayment process. However, lump sum payments from these sources are subject to the lump sum regulations at N.J.A.C. 10:90-3.18.

2. Nothing in these rules shall be held as preventing the county/municipal agency from moving to recover assistance granted from other sources, such as, but not limited to, payments in the nature of a windfall, such as inheritances, lottery, casino and racetrack winnings. Such funds shall be subject to the rules of this section, less any portion which has been disregarded in order to purchase items which are integral to promoting self-sufficiency. Any remaining funds shall then be subject to the lump sum income provisions at N.J.A.C. 10:90-3.

(b) Whenever the county/municipal agency ascertains that a recipient or former recipient, living or dead, of WFNJ/TANF or WFNJ/GA, or any of its predecessors, including a child who dies prior to his or her 21st birthday and leaves an estate, has real or personal property above what is necessary for his or her maintenance and the maintenance of a spouse or minor children, the agency shall move, in reliance upon established legal procedures, to recover all assistance paid. The county/municipal agency's claim shall take priority over all other unsecured claims, except for reasonable funeral expenses and terminal medical and hospital expenses.

(c) If a person refuses to repay assistance granted pending liquidation of a claim or interest, including refusal by any party acting for or on behalf of either or both parents or

relative, the county/municipal agency shall take all necessary and proper action under State law to enforce the promise to repay, including the withholding of benefits from the uncooperative individual(s) for as long as the refusal to repay persists.

(d) Any partial or initial payments made to the county/municipal agency from the settlement of a claim or interest made by or on behalf of a single adult, couple without dependent children, either or both parents or caretaker relative, subsequent to notice of claim and prior to express written approval by the county/municipal agency, shall obligate that person to the county/municipal agency in the amount of the payment.

(e) The county/municipal agency may, with the consent and approval of the DFD, compromise and settle any claim for repayment of WFNJ benefits or its predecessors. At the discretion of the agency, up to $ 500.00 may be deducted from the proceeds of a claim or interest, without the consent and approval of the DFD. Primary consideration shall be given to whether or not release of additional funds will promote the goal of self-sufficiency, if this consideration is appropriate under the circumstances.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

In (e), added language permitting agency to deduct funds from the proceeds of a claim for repayment of benefits.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

In (a), inserted the N.J.S.A. reference in the introductory paragraph, added a new 1, recodified former 1 as 2 and rewrote the paragraph; in (b), deleted the last sentence.

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N.J.A.C. 10:90-8.1

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-8.1 Payment of funeral and burial expenses

(a) Payment of funeral and burial expenses may be provided for recipients of WFNJ and certain others as identified in this subchapter. Payments for such expenses are not a benefit automatically payable at death, but are a means of supplementing the resources, when available, of the deceased recipient, of his or her family, including voluntary contributions.

(b) Payment, if issued, shall be made by the chargeable county or municipal agency which occurs first in the following order: the agency which granted assistance for the month in which the person died; the agency which would, but for the death, have made the next grant of assistance; the agency which made the most recent grant of assistance; or the agency which took an application for assistance and had determined the person eligible but had issued no benefits prior to death. With respect to SSI recipients, the chargeable county agency for any burial and/or funeral claim is the county agency of the county in which the decedent was last a resident. Residence is not changed by entering a hospital but is changed by entering a residential health care facility or long-term care facility.

(c) It is recognized that county agencies may encounter situations where burials must be provided at public expense for persons who do not come within the classifications specified in N.J.A.C. 10:90-8.2. Such burials are governed by statutes unrelated to the WFNJ program. State aid cannot be used to pay for these burials. The statutes applicable to this situation include N.J.S.A. 40A:9-49.1.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

In (b), added the second and third sentences; in (c), substituted "county agencies may" for "municipal agency directors, who are also exercising the functions previously charged to the overseer of the poor," preceding "encounter situations", substituted "WFNJ" for "WFNJ/GA" preceding "program" and deleted "44:1-157 and" preceding "40A:9-49.1".

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N.J.A.C. 10:90-8.2

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-8.2 Persons who may be eligible

(a) Claims for funeral and burial expenses may be received and considered with respect to:

1. A person who was in active receipt of assistance at the time of death, including WFNJ/TANF, WFNJ/GA, Supplemental Security Income (SSI) benefits, and Medicaid Only;

2. A person for whom eligibility for WFNJ/TANF, WFNJ/GA, SSI, or Medicaid Only can be otherwise determined provided that an application for assistance was made prior to death. This includes stillborn infants and deceased newborns who would have been included in a previously existing WFNJ case. Stillborn infants and deceased newborns delivered to SSI and WFNJ/GA recipients shall be considered for funeral and burial expenses regardless of whether or not there is a pending WFNJ application for the child;

3. A person whose eligibility had been established within 15 calendar days prior to death, but for whom no payment of WFNJ/GA had been issued;

4. A former recipient of WFNJ or its predecessors whose admission to any public institution within this State, other than a penal or correctional institution, was the only reason for the suspension or termination of the assistance payment, and whose death occurred within six months of confinement to such institution;

5. A person who died while a patient in a general hospital and who had been receiving WFNJ/GA at the time of admission to the hospital;

6. Recipients of Medicaid Only residing in the community and in Title XIX (Medicaid approved) facilities;

7. Recipients of Medically Needy benefits in nursing homes;

8. Recipients of SSI who were in hospice care programs;

9. Individuals in Adult Foster Care;

10. Recipients of the Community Care Program for the Elderly and Disabled (CCPED);

11. Individuals who died while satisfying a WFNJ sanction;

12. Recipients of the AIDS Community Care Alternative Program (AACAP);

13. An individual who had received WFNJ/GA at any time within six months prior to his or her death;

14. Individuals determined eligible for Assisted Living services on the basis of the receipt of SSI payments or eligibility for Medicaid Only;

15. Residents of long term care facilities, who entered the facility as Medicaid patients but elected to receive the services of a hospice agency while in the facility as long as the individual remains financially eligible for Medicaid while receiving hospice care. This does not apply to individuals receiving hospice care in the community;

16. Recipients of the New Jersey Care-Special Medicaid Program for Aged, Blind and Disabled;

17. Recipients of SSI (or its predecessor programs) or Medicaid Only who were admitted or committed to any tax supported institution within this State, other than a penal or correctional institution, with such admission or commitment being the only reason for suspension or termination of public assistance, and whose death occurs while confined to such institution; or

18. Participants in the New Jersey Workability Program with incomes up to 100 percent of the Federal Poverty Level.

(b) Claims for the funeral or burial expenses incurred by a family in receipt of extended Medicaid (see N.J.A.C. 10:90-5.9(c)) for any child who is born or legally adopted by the family during the extension period shall be considered for payment.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Added (a)14.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), inserted "for WFNJ/TANF, WFNJ/GA, SSI, or Medicaid Only" preceding "can be otherwise determined" in 2, substituted "Adult Foster Care" for "Alternative Family Care (ACF)" in 10, and added 15 through 18; added (b).

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (a), deleted "and" following "WFNA/GA, ", inserted ", and Medicaid Only" after "(SSI) benefits" in 1, rewrote 2, and added 19; in (b), substituted "shall be considered" for "are not authorized" after "extension period".

Amended by R.2024 d.026, effective April 1, 2024.

See: 55 N.J.R. 2311(a), 56 N.J.R. 486(a).

Deleted former (a)12 and recodified (a)13 through (a)19 as (a)12 through (a)18.

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N.J.A.C. 10:90-8.3

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-8.3 Funeral and burial contracts

(a) The right and responsibility to arrange and contract for funeral and burial services rests with the next of kin of the decedent. In the absence of any next of kin, arrangements may be made by any interested party such as a friend, member of the clergy, or nursing home or hospital administrator. This subchapter shall not control or impair a contract between a funeral director or next of kin or other party except to the extent that the contract shall not result in a claim against the county or municipal agency or against any assets legally owed to the agency.

1. In the complete absence and only in the complete absence of any next of kin and when no other person is available to make the arrangements, the county or municipal agency may do so. The availability of funds is not to be a factor in determining whether or not the agency will make the arrangements. The county or municipal agency will select funeral directors for such contracting in consultation with the county association of funeral directors.

i. A contract negotiated by a county or municipal agency shall be in accord with all provisions of this subchapter, including the cost, even though the cost may not be met from public funds.

ii. A contract negotiated by a county or municipal agency may be concluded orally but shall be confirmed by letter from the county or municipal agency to the funeral director.

(b) Regardless of whether or not it is one of the contracting parties, the county or municipal agency shall not authorize any cremation. Nor shall it authorize any postmortem examination or any other procedure which is not a part of regular funeral and burial services.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-8.4

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-8.4 Definitions and conditions

(a) When either of the contracting parties contemplates that a county or municipal agency will be asked to pay any part of the cost of a funeral and burial or cremation, either or both parties shall notify and consult with the county or municipal agency before the services take place. The probable allowance or disallowance of the claim shall be discussed at that time, but the agency is under no obligation to make a commitment of payment. The requirement of prior notice may be waived by the county or municipal agency upon a showing of good cause (as determined by the agency) which is not prejudicial to the validity of the claim.

1. If, however, the religious traditions of the decedent mandate that burial must occur within a timeframe which will not permit prior notice due to closure of the county or municipal agency on weekends or holidays, either or both of the contracting parties shall be permitted to notify the appropriate agency of the anticipated petition for payment on the first business day following the day of burial.

(b) Rules concerning the submission of petition for payment are the following:

1. The funeral director or other claimant shall, within 30 calendar days following burial or cremation, submit to the county or municipal agency a petition on Form WFNJ-11, or a substantially similar document acceptable to the agency, which certifies to services rendered, to payments contracted, received and expected; and to compliance with all applicable rules and regulations. Petitions submitted beyond the 30 calendar day period may be considered upon a showing of good cause (as determined by the agency) which is not prejudicial to the validity of the claim.

2. A claim filed with a county or municipal agency for funeral, burial or cremation is not a demand for payment owing under a contract but is merely a petition for an allowance to be granted or denied consistent with these regulations. It has the effect of a demand, however, when the agency was the contracting party.

(c) The combined resources of a decedent means the aggregate net total of all of the following:

1. Cash on hand or in the hands of others as property of the decedent including personal needs accounts in long term care facilities (but excluding cash in the custody, possession or control of the county or municipal agency);

2. Other resources, such as securities, real estate, antique furniture and automobiles;

3. Life insurance or death or funeral benefits from public or private sources which have been received, or which are receivable by the estate of the decedent, by the decedent's spouse, children, father, mother, or any other beneficiary because of the death of the decedent;

4. Payments of the same nature as in (c)3 above which have been received by or which are receivable by any other person excepting such amounts as are lawfully claimed and proven by such person as a claimant for equitable refund of premiums paid;

5. Sums which have been paid or are promised to be paid on account of the death of the decedent by any other person or organization excepting such sums as have been paid or will be paid to the agency; and

6. Funds owed the decedent at the time of death.

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N.J.A.C. 10:90-8.5

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-8.5 Authorization of payment

(a) Funeral services and cemetery costs shall be separated and paid separately. Funeral directors shall complete and submit Form WFNJ-11M, Affidavit and Petition for Payment Mortuary, to the county or municipal agency to receive payment. Cemetery representatives shall complete and submit Form WFNJ-11C, Affidavit and Petition for Payment Cemetery, to the county or municipal agency to receive payment. The total maximum allowances for a decedent is the sum of the applicable funeral allowance and cemetery allowance pursuant to (a)1, 2, 3, and 4 below.

1. The allowance for funeral services, exclusive of cemetery costs are, as follows:

i. The funeral allowance for an adult, which shall apply to decedents two years of age and older, is the total amount charged or $ 3,056, whichever is less;

ii. The funeral allowance for a stillborn birth up to six days old is the total amount charged or $ 1,933, whichever is less; and

iii. The funeral allowance for a one-week through 23-month-old child is the total amount charged or $ 2,494, whichever is less.

2. The allowance for cemetery costs, exclusive of funeral services are, as follows:

i. The cemetery allowance for an adult, which shall apply to decedents two years of age and older, is the sum of all cemetery charges or $ 714.00, whichever is less;

ii. The cemetery allowance for a stillborn birth up to six days old is the sum of all cemetery charges or $ 452.00, whichever is less; and

iii. The cemetery allowance for a one-week through 23-month-old child is the sum of all cemetery charges or $ 583.00, whichever is less.

3. If the decedent is cremated, then purchase of an urn is a permissible expense and charged to the funeral allowance. When a ground burial is made of the decedent's remains, the cemetery allowance also applies. Crematory charges and burial of the urn are permissible expenses and charged to the cemetery allowance.

4. If the eligible decedent has chosen to donate their body for medical education and research, then payments may be authorized for transportation costs which shall not exceed the total maximum allowances, as listed at (a)1 and 2 above.

(b) The payment to be made shall not exceed the maximum allowable rate for funerals and cemetery costs, as delineated at (a) above. The value of any prepaid funeral contract on record shall reduce, dollar for dollar, the funeral and burial allowance. Contributions from next of kin and interested parties up to $ 785.00 for a stillborn to six days old, $ 1,178 for one week through 23 months old, and $ 1,570 for two years old to adult shall be excluded. Amounts exceeding those listed shall be counted in determining the amount to be paid by the agency. The contributor shall designate the contribution, up to the maximum allowed, as the contributor allocates, either to defray the funeral expenses or cemetery costs.

1. After a funeral and cemetery claim is determined eligible for payment based on N.J.A.C. 10:90-8.2(a), the county and municipal agency shall forward a list of the decedent's assets, and resources as identified in N.J.A.C. 10:90-8.4(c), to DFD who will be responsible for pursuing reimbursement from those assets and resources.

(c) Payment for funeral and cemetery claims shall be made first from any funds received by or designated for the county or municipal agency pursuant to these regulations from or on behalf of the decedent and secondly, if necessary, from assistance funds.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), rewrote the introductory paragraph; in (b), added the last sentence in the introductory paragraph and added 1; added (d).

Administrative correction.

See: 35 N.J.R. 5420(a).

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (a), added the first sentence, substituted "Crematory charges" for "Cremation" at the beginning of the sixth sentence and "cemetery" for "burial" before "allowance" in the sixth sentence.

Amended by R.2007 d.302, effective October 1, 2007.

See: 39 N.J.R. 2183(a), 39 N.J.R. 4126(a).

In the introductory paragraph of (a), inserted the second sentence; deleted (a)1; in (b), substituted "allowance of $ 1,970 for funerals and $ 460.00 for cemetery costs. The value of any prepaid funeral contract on record shall reduce, dollar for dollar, the funeral and burial allowance" for "of allowances as reduced by the combined resources of the decedent"; added (b)1; in (c), substituted "Payment for funeral and cemetery claims" for "Payments"; and deleted (d).

Amended by R.2008 d.297, effective October 6, 2008.

See: 40 N.J.R. 1735(a), 40 N.J.R. 5808(a).

Rewrote (a) and the introductory paragraph of (b).

Amended by R.2024 d.026, effective April 1, 2024.

See: 55 N.J.R. 2311(a), 56 N.J.R. 486(a).

Rewrote (a) and (b).

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N.J.A.C. 10:90-8.6

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-8.6 Time of payment

(a) The amount to be allowed on any claim shall, in the absence of known irregularity, be paid as promptly as possible after such amount is determined and, in any event, within 30 calendar days thereafter. The county or municipal agency shall provide notice of its determination to all parties to the funeral contract and to any others who have both a need for the information and the right to receive it. When the county agency is contacted for payment of funeral or burial services before payment is authorized, the agency shall review the case in order to determine if any adjustments need to be made to the decedent's case. Only after appropriate case action has been taken shall payment for the burial/funeral be made.

1. In the event that a determination cannot be made within 10 calendar days after receipt of a petition for payment solely because information about a determination of eligibility for payment of death benefits by one or more other agencies is not available, the county or municipal agency shall make a tentative determination based on the assumption of favorable action by the other agencies. The county or municipal agency will remit the difference within 30 calendar days following the tentative determination. Upon receipt of information about the determination(s) of the other agencies, the county or municipal agency shall make a final determination and remit any balance due to the petitioner within 30 calendar days of the final determination.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), added the third and fourth sentences in the introductory paragraph.

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N.J.A.C. 10:90-8.7

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-8.7 Irregularities

(a) In the event of a dispute or disagreement about a claim which cannot be readily resolved between the agency and the claimant, the county or municipal agency shall submit the matter to the DFD for review and advice.

(b) In the event that the county or municipal agency becomes aware of the filing of any claim for payment with another person or agency which is in duplication of or is inconsistent with any claim received by the county or municipal agency, the agency shall:

1. Advise the other person or agency of the circumstances and take all appropriate steps to assert and secure the county or municipality's rights;

2. In the absence of a prompt local resolution of the matter, report it to the DFD for review and advice; and

3. Determine whether any violation of a criminal nature may have occurred and, if so, report the matter in writing to the County Prosecutor.

(c) In the event that the county or municipal agency later learns of the existence of resources, the agency shall immediately forward the information concerning the resources to DFD for recovery.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Amended by R.2007 d.302, effective October 1, 2007.

See: 39 N.J.R. 2183(a), 39 N.J.R. 4126(a).

Rewrote (c).

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N.J.A.C. 10:90-8.8

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-8.8 Requirements pertaining to SSI or Medicaid Only recipients

(a) In any instance in which the agency has either a lien or claim on the assets of a decedent by reason of previous assistance granted or payment of burial, the agency shall notify all known holders of the decedent's assets or funds of its interest. It shall request that such funds be remitted to the agency (up to the amount of the agency's interest), taking such steps as may be necessary to acquire the funds. If, after reimbursement to the agency in full, a surplus remains or will remain, either in agency accounts or the accounts of others, the agency shall determine whether any or all of the surplus funds are the proceeds of assigned life insurance for which there had been a named beneficiary. If so, the agency shall remit to the beneficiary any such funds in its possession. The agency shall notify the Chief, Bureau of Medical Care Surveillance in the Division of Medical Assistance and Health Services, as above, of any other surpluses including those arising from assigned life insurance for which the beneficiary was the estate of the decedent. Benefits from term life insurance are exempt from re-payment of prior assistance.

1. When more than one agency is involved either by reason of a claim or by liquidation of resources, the agencies shall distribute the available funds by mutual consent of the directors, in each instance applying resource funds to burial costs before taking reimbursement of assistance costs.

History

HISTORY:

New Rule, R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

In (a), added the last sentence in the introductory paragraph.

§ 10:90-8.8 Requirements pertaining to SSI or Medicaid Only recipients

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N.J.A.C. 10:90-9.1

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-9.1 Notice to applicant/recipient

(a) The county or municipal agency shall provide adequate notice to an applicant for or recipient of WFNJ benefits of any action to be taken that affects the applicant's or recipient's benefits.

1. An adequate notice is a written or computer generated notice that includes the following:

i. The action the county or municipal agency intends to take;

ii. The reasons for the intended action;

iii. The specific regulations supporting the intended action;

iv. An explanation of the individual's right to request a fair hearing;

v. An explanation of the circumstances under which assistance is continued if a hearing is requested;

vi. An explanation of the requirement to repay assistance received during the period pending the hearing, if the action is upheld;

vii. If the English version of the notice is not available in Spanish, the notice shall contain a sentence in Spanish cautioning the individual that the notice relates to a change in his or her grant and if he or she does not understand the notice, he or she should contact the county or municipal agency; and

viii. The name, address and phone number of the legal services office, where available.

(b) An adverse action is an action to deny an application for assistance, or to terminate, suspend or reduce assistance (including service payments or Medicaid entitlement) or to change the manner or form of payment to a protective, vendor or two-party payment. When the county or municipal agency intends to take an adverse action, it shall give both timely and adequate notice to the recipient.

1. A timely notice is a notice that is mailed to the recipient at least 10 calendar days before the effective date of the action.

(c) When a county or municipal agency decision results in an adverse action to a recipient, there will be no change in the amount of benefits until 10 calendar days after the mailing date of the notice, unless assistance had been granted based on immediate need.

(d) Timely notice may be dispensed with, but adequate notice shall be sent not later than the effective date of the action when:

1. The county or municipal agency has information confirming the death of a recipient or of the payee when there is no relative to serve as the new payee;

2. The county or municipal agency receives a clear written statement signed by a recipient that he or she no longer wishes to receive assistance, or that provides information which requires termination or reduction of assistance. In such instances, the recipient must indicate, in writing, that he or she understands that supplying such information will result in a reduction or loss of assistance;

3. The payee has been admitted or committed to an institution, and payments to that individual are no longer permitted under State law;

4. The recipient has been placed in a long term care or intermediate care facility, or is hospitalized;

5. The recipient's whereabouts are unknown and the county or municipal agency mail directed to him or her has been returned by the postal service indicating no known forwarding address. The recipient's benefit must, however, be made available to him or her if his or her whereabouts become known during the payment period of issuance covered by the returned check, unless (d)5i below applies.

i. The recipient moves out-of-State, with apparent intent to remain permanently absent from New Jersey;

6. A recipient has been accepted for assistance in another state and that fact has been established by the county or municipal agency previously providing assistance;

7. An eligible child is removed from the home as a result of a judicial determination, an intervention by the Division of Child Protection and Permanency, or is voluntarily placed outside of the home by his or her legal guardian;

8. An additional payment or special allowance granted for a specific period is terminated and the recipient has been informed in writing at the time of initiation that the allowance shall automatically terminate at the end of the specified period, including such payments as directed by a final hearing decision;

9. A recipient has incurred a WFNJ sanction and the sanction is progressing to the next month within the three-month sanction period (whether pro-rata to suspension, or suspension to case closure) based on continued refusal to comply;

10. Assistance is reinstated in the corrected amount following suspension;

11. An application for assistance is being denied and no assistance payment has been issued, or assistance had been granted based on immediate need;

12. Assistance is terminated due to an individual's receipt of SSI, RSDI or unemployment benefits; or

13. The WFNJ/GA recipient is confined to jail for a period in excess of seven calendar days.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Special amendment, R.2008 d.182, effective June 3, 2008.

See: 40 N.J.R. 4232(a).

Rewrote (d)9.

Administrative change.

See: 46 N.J.R. 855(b)

Amended by R.2019 d.097, effective September 16, 2019.

See: 50 N.J.R. 2194(a), 51 N.J.R. 1461(c).

In the introductory paragraph of (d), inserted a comma following "with"; and in (d)7, inserted a comma following "Permanency" and substituted "outside of the home" for "in foster care".

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N.J.A.C. 10:90-9.2

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§ 10:90-9.2 Definitions related to hearings

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

"Administrative hearings" are hearings concerning either contested cases or non-contested cases, which have been determined by the Director of the Division of Family Development (DFD) in accordance with N.J.A.C. 1:1, to be appropriately heard in the Office of Administrative Law (see N.J.A.C. 10:6).

"Administrative Law Judge" (ALJ) means the person from the Office of Administrative Law (OAL) who conducts the hearing and who writes an initial decision which may be reviewed by the Director of the DFD.

"Administrative review" means a review of a disputed matter which has been determined by the Director of the DFD not to constitute a contested case and therefore remains in the DFD for review. At the discretion of the Director, an administrative review may be conducted as a procedure at which parties appear and are heard or it may be a paper review only (see N.J.A.C. 10:6-2).

"Administrative review official" is a representative of the State, Department of Human Services, assigned to conduct an administrative review.

"Contested case" means a dispute that is heard by an Administrative Law Judge. (For statutory definition see N.J.S.A. 52:14B-2(b); see also N.J.A.C. 1:1-1.5 and 1.6.).

"Fair hearing" means a formal or informal procedure through which a WFNJ recipient may protest an adverse action or decision of the county/ municipal agency regarding eligibility, amount or manner of granting assistance. Fair hearing is a general term which includes administrative hearing and administrative review at the State level, as well as a local hearing proceeding convened by a municipal agency at the request of a WFNJ/GA recipient.

"Initial decision" means the decision of an ALJ that is sent to the Director of the DFD, who may accept, reject or modify it within 45 days.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-9.3

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§ 10:90-9.3 Right to a fair hearing

(a) It is the right of every applicant for or recipient of WFNJ adversely affected by an action of a county or municipal agency to be afforded a fair hearing in a manner established by the rules in this subchapter, by the Uniform Administrative Procedure Rules (N.J.A.C. 1:1) and N.J.A.C. 1:10, Family Development Hearings. These rules have been established pursuant to Federal regulations, and the New Jersey Administrative Procedure Act (N.J.S.A. 52:14B-1 et seq.).

(b) County or municipal agency actions which adversely affect an applicant or recipient include any action, inaction, refusal of action, or unduly delayed action with respect to program eligibility, including denial, termination or suspension of benefits, adjustment in the level of benefits or work requirements, or designation of a protective payee.

(c) No fair hearing will be granted when either State or Federal legislative action which affects all or part of a recipient population results in the reduction or termination of assistance, unless the reason for an individual appeal is incorrect grant computation.

(d) The notification of the right to a fair hearing shall be incorporated in or attached to each adverse action notice (denial, termination, reduction, suspension). The notice shall include an explanation of how to request a fair hearing, time limits on requesting a hearing, the right to examine evidence and the circumstances under which benefits are continued unreduced.

(e) When a request for a fair hearing is made within 15 calendar days from the date of mailing of a notice of termination, suspension or reduction, benefits shall be continued at an unreduced level until the scheduled date of the administrative hearing or the date of the administrative review, unless the recipient waives such entitlement or requests postponement of the scheduled hearing or review date. When a fair hearing is requested because of a notice regarding a three-month progressive sanction and such request is made before the date of the case closure, benefits shall continue unaltered. In the event the recipient elects to receive continued benefits, they shall be continued unreduced pending a final decision.

(f) An adjournment of a hearing at the request of a recipient shall not prolong continuation of benefits at an unreduced level, unless the adjournment is due to: delay caused by the DFD, OAL or the county/municipal agency; unavoidable causes, such as

an illness on the part of the recipient or the failure of the agency to provide transportation when such assistance is required by regulations. Adjournment at the request of the county/municipal agency or by the ALJ shall not affect continued benefits.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

(b)1 was merged with existing (b).

Special amendment, R.2008 d.182, effective June 3, 2008.

See: 40 N.J.R. 4232(a).

In (e), inserted the second sentence.

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N.J.A.C. 10:90-9.4

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§ 10:90-9.4 Rules applicable to WFNJ/GA applicants/recipients

(a) With the exception of hearing requests related to a denial, reduction or termination of emergency assistance granted under N.J.A.C. 10:90-6 (refer to N.J.A.C. 10:90-9.17(a)1 for additional exceptional circumstances), applicants for or recipients of WFNJ/GA shall receive a local hearing regarding any action or inaction of the county/municipal agency as specified in N.J.A.C. 10:90-9.3(b)1. See N.J.A.C. 10:90-9.10 concerning time limitations on entitlement to fair hearings.

(b) The hearing officer at the local hearing shall be the municipal agency director, or, as appropriate, a person designated by the county agency director to conduct such a hearing, unless he or she has participated in the action or inaction which gave rise to the hearing request.

1. If the director has been thus involved, the director will select a hearing officer who has not been involved. The selection will be made from among the following in order of priority:

i. A professional staff member of the agency;

ii. A member of the Local Assistance Board (LAB) other than an elected official as designated by the LAB; or

iii. With the advice and consent of the LAB of the municipality of the hearing, a director of another municipality, or a professional staff member of supervisory rank of the municipal agency of another municipality.

2. The local hearing shall be conducted and a decision rendered in accordance with the following procedures:

i. Participants in the local hearing shall include, at a minimum, the appellant and his or her representative, the agency staff member who made the decision, and the hearing officer who shall hear both sides of the issue and decide whether or not the action was correct.

(1) Generally, only those persons shall be admitted to the hearing whose testimony and presence are necessary to a full and fair determination. The appellant may exercise a right to be assisted in his or her presentative by a relative, friend or other spokesperson, or to be legally represented by a lawyer

of his or her own choosing. Observers may attend at the discretion of the hearing officer and with the appellant's consent.

ii. Hearings shall in all respects be informal and conducted in an atmosphere conducive to the full development of facts. An effort shall be made to conduct the hearing in such manner that all parties shall feel free to present all relevant aspects of the situation. All parties shall be given opportunity to offer evidence and to question witnesses.

iii. At the beginning of the hearing, the appellant shall be given the opportunity to make a statement of the situation as he or she sees it. The hearing officer shall state the points at issue, subject to amendment or correction by the appellant or any of the other parties concerned. At the end of the hearing, the hearing officer shall summarize the issue(s).

iv. Within 10 business days following the hearing, the hearing officer shall prepare a brief written report. This report shall include a summary of the facts presented at the hearing and the findings (decision) of the hearing officer; it shall also state the regulation(s) upon which the decision is based. The final sentence on the report shall advise the appellant of the availability of a State fair hearing.

(1) This report and decision shall be filed with the Local Assistance Board, a copy mailed to the appellant, and a copy forwarded to the State Division of Family Appeals (BARA).

3. When a decision has been rendered by the hearing officer, it shall be implemented immediately by the agency.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Added (b)2i, i(1), ii, iii, iv, iv(1), and (b)3.

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N.J.A.C. 10:90-9.5

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§ 10:90-9.5 Responsibilities of the county/municipal agency in processing hearing requests

(a) To assure orderly and expeditious processing of complaints and hearing requests, each county agency will designate a liaison between the agency and the DFD whose duties shall include, but not be limited to, the following. These duties shall likewise apply to the municipal agency director when a WFNJ/GA recipient has requested a State fair hearing under the circumstances listed in N.J.A.C. 10:90-9.10.

1. Informing the Bureau of Administrative Review and Appeals (BARA) by telephone or FAX on the same day in which an oral or written request for a hearing is received, providing BARA with the following information:

i. The case number and the applicant/recipient's name and address;

ii. The date the request was received;

iii. The nature of the contested action;

iv. The date of the action; and

v. The reason for the action;

2. Establishing a system to assure that every written request for a hearing received in the county or municipal agency is stamped with the date of receipt and forwarded to BARA within one business day of the date;

3. Reviewing incoming requests for possible corrective action prior to hearing;

4. Identifying and arranging for participation of individuals or staff who are essential to a hearing, and assembling all records relevant to a hearing and arranging for an interpreter when the client is non-English speaking, or informing the DFD that services for the visually or hearing impaired will be required at the hearing;

5. Contacting the applicant/recipient or his or her legal or authorized representative not less than two days prior to a hearing to confirm attendance and arranging for transportation by agency staff and vehicles or otherwise at agency expense, when no other reasonable means of transportation is available;

6. Submitting special reports on hearing requests prior to the hearing date, when requested by BARA;

7. Submitting reports on implementation of fair hearing decisions as soon as such action is taken;

8. Serving as the single individual in the county or municipal agency to be contacted regarding matters relating to hearings and the monitoring system; and

9. Informing the individual who is requesting a hearing that, if the hearing decision is favorable to him or her, assistance will be reinstated retroactive to when it was suspended, reduced or terminated; or, in the case of a denial of assistance, paid retroactively to the date of application or the date on which eligibility was established, as appropriate.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Recodified (b) to (a)9.

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N.J.A.C. 10:90-9.6

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§ 10:90-9.6 Responsibilities of the Division of Family Development

(a) Each request for a fair hearing shall be registered by BARA on the date the request is received.

(b) Requests initially received in BARA will be transmitted by telephone or FAX to the appropriate county or municipal agency (in the event that a WFNJ/GA recipient requests a hearing directly from the State office) on the date received.

(c) BARA will transmit each contested case to OAL within five business days of the receipt of the request.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-9.7

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§ 10:90-9.7 Responsibilities of the Office of Administrative Law upon transmittal of a contested case from DFD

(a) The Office of Administrative Law shall schedule the hearing and shall send any necessary notices to the parties.

(b) The hearing shall be conducted by an ALJ who shall issue an initial decision.

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N.J.A.C. 10:90-9.8

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§ 10:90-9.8 Administrative hearings and administrative reviews

(a) Requests on matters which constitute a contested case (as defined by N.J.A.C. 1:1-1 and consistent with case law) shall be handled in accordance with the Department of Human Services (DHS) rules on hearings at N.J.A.C. 10:6-1.3(a).

(b) Requests on matters which do not constitute a contested case (as defined by N.J.A.C. 1:1-1 and consistent with case law) shall be handled in accord with the DHS rule on hearings at N.J.A.C. 10:6-1.3(b).

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

In (a) and (b), changed N.J.A.C. reference.

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N.J.A.C. 10:90-9.9

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§ 10:90-9.9 Complaints and adjustment procedures

(a) Prompt and courteous attention shall be given to all complaints, whether or not such complaints constitute requests for fair hearings and whether or not they are directed to the county or municipal agency or the DFD. All complaints received shall be acknowledged promptly and, if it is not apparent from the complaint that a fair hearing request has been made, the acknowledgment shall inform the recipient of his or her right to a fair hearing.

(b) Informal efforts to effect an adjustment may be made through field contacts, office interviews with supervisory personnel, consultation with the DFD Field Representative, and so forth. In no event, however, are such informal efforts to be considered as prerequisite to a fair hearing, and in no event do they delay, interfere with or otherwise impede the processing of a fair hearing whenever a request for such is made. Agency emphasis must be on helping the client to prepare and submit his or her request for a fair hearing.

(c) Any clear expression (oral or written) by an applicant or recipient (or person acting for him or her, such as his or her legal representative or relative) to the effect that the individual wants the opportunity to present his or her case to a higher authority constitutes a request for a fair hearing.

(d) A request for a fair hearing may be either oral or in writing and addressed to the county or municipal agency or to the DFD. Oral requests for fair hearings shall be immediately reduced to a written record by the staff person to whom the request is made. No special form of statement or manner of expression is required so long as the request identifies the nature of the complaint and the relief sought. Requests made to the county agency, or to the municipal agency for a State fair hearing, shall be immediately transmitted to the BARA, and in no event later than one business day after receipt of the request.

(e) Upon receipt of any request for a fair hearing, a determination shall be made by BARA on the appropriateness of conducting either an administrative hearing or administrative review (N.J.A.C. 10:6-1.3(b)). If the matter is deemed contested, BARA will send an acknowledgment of the request to the recipient, along with a copy of the statement entitled "How a Fair Hearing is Conducted," together with a Notice of Status of

Continuing Benefits Following Request for a Fair Hearing (Form WFNJ-850). All contested cases will be promptly forwarded to the OAL for a hearing before an ALJ.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

In (e), added language regarding conducting either an administrative hearing or administrative review; and changed N.J.A.C. reference.

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N.J.A.C. 10:90-9.10

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§ 10:90-9.10 Time limitations on entitlement to fair hearings (county and municipal)

(a) In WFNJ/TANF, an applicant or recipient has a right to request a fair hearing which relates to a county agency action or lack of action within 90 calendar days of such action or lack of action.

(b) In WFNJ/TANF, if the request for a fair hearing relates to a county agency action or lack of action that occurred more than three months (90 calendar days) prior to the date of the request, there shall be no entitlement to a hearing on such action or lack of action, unless extraordinary and extenuating circumstances, such as, but not limited to, serious illness or injury, exist as determined by the DFD.

(c) In WFNJ/GA, a local hearing shall be held when the request for such hearing is made within 90 calendar days of the mailing date of the notice of adverse action. Requests based on denial of the right to apply are timely if made within 90 calendar days of the contact with the municipal agency. Requests based on lack of a formal response to an application are timely if made within 90 calendar days subsequent to the end of the 30 calendar day processing period.

1. A local hearing shall be convened within 15 calendar days of the date of request. When a local hearing has not been convened within 15 days, the applicant may request and be granted a State fair hearing. In such event, the request for a local hearing is considered canceled but local efforts at reconciliation may and should continue to the maximum extent possible.

2. Any client who wishes to appeal the decision resulting from a local hearing is entitled to request a State fair hearing within 90 calendar days of the mailing date of the local hearing decision. Such request shall be written and may be made to the municipal agency or directly to the DFD. State fair hearing requests pertaining to inaction or delay by the municipal agency shall be processed as emergency fair hearings (see N.J.A.C. 10:90-9.17) as long as the request is made within 15 calendar days of the date of inaction by the municipal agency.

i. When the municipal agency receives a request for a State fair hearing from a client who is dissatisfied with the decision of a local hearing, the municipal agency

shall inform the BARA by telephone or Fax on the same day the request is received.

(d) In situations involving the receipt of a notice of denial or termination of emergency assistance, the WFNJ/GA recipient has a right to request a fair hearing provided that such request is made on or before the effective date of the EA termination or within 90 calendar days of the personal delivery receipt date of a denial notice. Such appeals shall be resolved through the State level fair hearing procedure.

1. When a fair hearing is requested because of receipt of an EA termination notice and such request is made on or before the effective date of the EA termination, EA shall continue unaltered until the fair hearing is held and a final decision is rendered by the Director of DFD.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Substituted "90" for "10" preceding "calendar days" throughout.

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N.J.A.C. 10:90-9.11

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§ 10:90-9.11 Access to case file and documents prior to hearing

Subsequent to receipt of a hearing request, the county or municipal agency shall provide the applicant/recipient and/or his or her authorized representative with an opportunity to review the entire case file and documents and records to be used by the agency at the administrative hearing. Such materials shall be made available at a reasonable time before the scheduled hearing date, as well as during the hearing. See N.J.A.C. 10:90-7.1(c) for a statement of the right to review the case file.

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N.J.A.C. 10:90-9.12

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§ 10:90-9.12 Representation at hearings

(a) An applicant or recipient may appear at a proceeding without legal representation, be represented by an attorney or be assisted in presentation by a relative, friend, or other spokesperson pursuant to N.J.A.C. 1:10-5.1 or 1:1-5.4. County or municipal agency staff shall help individuals make use of any legal services available in the community that can provide legal representation at the fair hearing, and shall arrange for an interpreter when an applicant/recipient is non-English speaking.

(b) The county or municipal agency representative must have knowledge of the matter at issue and must be able to present the agency case, supplying the ALJ with that information needed to substantiate the agency action. If the agency representative feels that he or she must be an advocate of the client and is unable to represent the agency, then another agency staff person must appear at the hearing to fulfill the above identified role.

(c) In hearings involving a determination made by any component of the DFD, the matter at issue shall be presented by the appropriate staff representative(s) of the DFD.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-9.13

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§ 10:90-9.13 Disposition of hearing request through withdrawal, abandonment or settlement

(a) Prior to transmittal to the OAL, if an applicant/recipient desires that a hearing request be withdrawn, that individual shall notify the county or municipal agency or the DFD of the withdrawal request. The DFD shall request, but not require, that a decision to withdraw be confirmed in writing. The DFD shall in turn acknowledge, in writing, receipt of the withdrawal request.

(b) No county or municipal agency shall deny or dismiss a request for a State fair hearing. The determination on the validity of each hearing request shall be made by the DFD, including any determination on the appropriateness of processing hearing requests pursuant to N.J.A.C. 10:6-1.3.

(c) The filing of a request for a fair hearing shall not of itself preclude continued efforts to accomplish corrective action, settlement, adjustment or any other agreement through informal procedures. Any withdrawal or abandonment or any settlement or agreement reached, subsequent to the transmittal of the case to the OAL, shall be processed according to N.J.A.C. 1:1-1 including any Rules of Special Applicability which may apply to disposition by settlement or withdrawal.

(d) In instances of local agency hearings pursuant to N.J.A.C. 10:90-9.4, if an applicant/recipient of WFNJ/GA or his or her representative fails to appear for a scheduled hearing without giving proper notice, a notice of abandonment shall be sent by the county or municipal agency confirming the applicant/recipient's failure to appear on the date scheduled and inviting him or her to submit an excuse, in writing or by telephone, for nonappearance within three business days if another scheduling is desired. If no reply is received after three business days, no further hearing date shall be established.

1. Proper notice, in both WFNJ/TANF and GA, shall mean that notice is received by the county or municipal agency, the DFD, or OAL, as appropriate, not later than the scheduled date of the hearing, that the applicant/recipient will be unable to attend for unavoidable cause. If a WFNJ/GA client fails to appear for a local hearing and so advises the county or municipal agency, the hearing shall be adjourned and rescheduled.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

In (d), added "In instances of local agency hearings pursuant to N.J.A.C. 10:90-9.4, if" to beginning of paragraph.

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N.J.A.C. 10:90-9.14

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§ 10:90-9.14 Adjournments

Any adjournment requested by a county or municipal agency or the DFD and granted by the OAL may not operate to extend the deadlines for a final decision and agency implementation of the final decision.

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N.J.A.C. 10:90-9.15

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-9.15 Hearings involving medical issues

(a) If the hearing involves medical issues, requiring a diagnosis or a report from an examining physician, or concerning a determination by the State Disability Review Unit (within the Division of Medical Assistance and Health Services), the ALJ may issue an order requiring a medical assessment by someone other than the person who made the original medical determination.

(b) The county or municipal agency shall pay for this medical assessment which shall be obtained at reasonable expense.

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N.J.A.C. 10:90-9.16

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§ 10:90-9.16 Decision by Director, Division of Family Development

(a) Following issuance of an Initial Decision by the ALJ, a final administrative hearing decision will be rendered by the Director of the DFD. The applicant/recipient, his or her representative and, as appropriate, the county or municipal agency shall be notified by mail of any decision or order.

1. Unless otherwise indicated, the decision shall be effective on the date of issuance.

(b) An official and complete record of each administrative hearing will be maintained in the files of the DFD for at least one year after the date the final decision is rendered. During this one year period, the applicant/recipient or his or her legal representative may review, upon appointment, all or any part of the official and complete record of his or her administrative hearing.

(c) A decision requiring action by the county or municipal agency may apply either prospectively with regard to future action by the agency or retroactively to the date an incorrect action was taken. If the decision results from mutual agreement of the parties at the hearing and disposition by settlement and withdrawal, the terms of settlement will be binding upon the parties.

(d) Administrative hearing decisions shall be retained by the DFD for a period of three years.

(e) The DFD will take such steps as may be necessary to assure that the decision has been carried out. Corrective or remedial measures ordered by the hearing decision, unless otherwise directed in the decision, will be implemented by the county or municipal agency immediately upon receipt of the decision.

(f) Final administrative action on administrative hearing decisions, including any corrective action required by the decision, shall be implemented by the county or municipal agency within 90 calendar days of the date of the request for a fair hearing.

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N.J.A.C. 10:90-9.17

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§ 10:90-9.17 Emergency fair hearings

(a) An emergency fair hearing for purposes of expediting the fair hearing procedure will be scheduled when:

1. The fair hearing request results from denial by the county or municipal agency of a request for emergency assistance made in accordance with the provisions of N.J.A.C. 10:90-6.1, or replacement of a lost or stolen check has been declined by the county or municipal agency in accordance with N.J.A.C. 10:90-7.5, and the applicant/recipient contends that he or she is without funds or resources; and

2. The DFD determines that there exists a threat to the health and physical safety of the applicant/recipient sufficiently compelling and imminent to require acceleration of the fair hearing procedure.

(b) When it is determined that a request for hearing should be scheduled as an emergency fair hearing:

1. BARA shall notify the OAL by telephone of the hearing request on the same business day as the request is received. The Clerk of the OAL shall prepare the OAL transmittal form based upon the telephone call.

2. The case shall be scheduled by the OAL for a hearing within three business days after the phone call is received.

3. Notice of the time, date and place of the hearing shall be transmitted by telephone or FAX in an expedited manner after the OAL is notified of the hearing request. BARA shall notify the county or municipal agency, the petitioning applicant/recipient or representative, of the scheduled hearing by telephone or FAX.

4. The ALJ shall file an Initial Decision by the most expeditious means available with the Director of the DFD and the parties no later than the first business day following the date of the hearing.

5. Only in emergency fair hearings may the applicant/recipient, his or her representative or the county or municipal agency take exception or object to the Initial Decision by a telephone call to the DFD no later than the first business day following the issuance of the Initial Decision.

6. The Director of the DFD shall issue a final decision no later than three business days following the date the Initial Decision is received, which shall accept, reject or modify the Initial Decision. On the day the final decision is issued, the DFD shall notify the county or municipal agency, and the petitioner or the petitioner's representative by telephone of the final decision, and any relief ordered shall be provided by the county or municipal agency on the day notice of the final decision is received.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-10.1

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§ 10:90-10.1 Purpose and funding

(a) The Refugee Resettlement Program (RRP) is a Federally funded program designed to help meet the needs of refugees.

(b) Federal financial participation for refugees who are single adults or couples without dependent children under RRP is 100 percent.

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N.J.A.C. 10:90-10.2

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 10. REFUGEE RESETTLEMENT PROGRAM

§ 10:90-10.2 Identifying refugees

An individual is considered a refugee for purposes of RRP if he or she fled from and cannot return to his or her place of national origin because of fear of persecution on account of race, religion or political opinion. Such an individual may be eligible under RRP if he or she is included in one of the statuses granted by the Immigration and Naturalization Service (INS) as delineated at N.J.A.C. 10:90-10.3.

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N.J.A.C. 10:90-10.3

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§ 10:90-10.3 INS statuses for RRP

(a) Applicants may be eligible for assistance under the RRP if they have been classified in one of the following INS statuses:

1. A person from any country who has been granted parole status as a refugee or asylee under Section 212(d)(5) of the Immigration and Nationality Act (INA) (8 U.S.C. §§ 1101 et seq.) and so indicated by INS Form I-94. An "applicant for asylum" is not eligible for RRP.

2. A person admitted from any country as a conditional entrant under Section 203(a)(7) of the INA and so indicated on Form I-94;

3. A person from any country admitted as a refugee under Section 207 of the INA and so indicated on Form I-94;

4. A person from any country who has been granted asylum under Section 208 of the INA and so indicated on Form I-94;

5. A person from any country who previously held one of the statuses identified in (a)1 through 4 above whose status has subsequently been changed to that of permanent resident alien. In addition to the required Form I-151 or I-551 (resident alien forms) showing the status of resident alien, the individual must also provide sufficient documentation to substantiate that one of the eligible statuses indicated in (a)1 through 4 above was held prior to that of resident alien;

6. A person identified as an Amerasian from Vietnam with his or her close family members admitted in immigrant status under Section 584 of the Foreign Operations Appropriations Act, usually with an AM-1, AM-2 or AM-3 annotated on Form I-94. The Amerasians will subsequently receive an I-551. The codes used on that form will be AM-6, AM-7 or AM-8;

7. A Cuban or Haitian national granted parole for humanitarian reasons or in the public interest; or a Cuban or Haitian national who applies for asylum; or a Cuban or Haitian national who is subject to exclusion or deportation proceedings and a final order of deportation or exclusion has not been issued; or

8. An alien who is a national of Cuba or Haiti and, regardless of the status of the alien at the time the alien is an applicant for benefits and services and:

i. Has been granted status as a Cuban/Haitian Entrant (Status Pending) on or after April 21, 1980; or

ii. Has been paroled into the United States on or after October 10, 1980, unless the alien has been paroled into the United States in the custody of a Federal, State or local law enforcement or prosecutorial authority, for purposes of criminal prosecution in the United States, or solely to testify as a witness in proceedings before a judicial, administrative, or legislative body in the United States.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a)

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

In (a), added 8.

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N.J.A.C. 10:90-10.4

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§ 10:90-10.4 Resettlement

(a) Most refugees are resettled by a voluntary agency and will have a sponsor. This sponsor, which may be an individual, church or organization, shares certain responsibilities as a moral commitment with the resettling agency. Such responsibilities include: receiving the refugee, helping him or her find food, shelter, clothing, furniture, and employment; and assisting the refugee to adjust to a new environment.

(b) When a sponsor no longer provides adequate financial aid for the refugee, the refugee may turn to the county agency for assistance. As part of its regular verification process, the county agency shall contact the sponsor and inquire as to what, if any, assistance the sponsor may still be providing to the refugee and whether the refugee has refused an offer of employment or has voluntarily quit a job without good cause. The county agency shall also request that such sponsor notify the resettlement agency of these changes in circumstances. The county agency shall also promptly notify the resettlement agency that the refugee has applied for assistance. In addition, the refugee's sponsor or resettlement agency shall be contacted to verify the possible existence of any matching grant assistance being provided to the refugee. Meanwhile, the county agency shall grant assistance to eligible refugees. Any cash assistance to the client from the sponsor or resettlement agency shall be treated as unearned income (see N.J.A.C. 10:90-3.9(e)). All contacts with the sponsor and/or resettlement agency shall be recorded in the case record (see N.J.A.C. 10:90-10.10).

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a)

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N.J.A.C. 10:90-10.5

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§ 10:90-10.5 Termination of RRP: continued eligibility for assistance

For refugee cases no longer eligible for RRP benefits, the suffix "R" is to be deleted from the case numbers.

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N.J.A.C. 10:90-10.6

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§ 10:90-10.6 Eligibility

(a) No United States citizen is eligible for RRP and a refugee may be eligible only if he or she meets the appropriate definition and INS status in N.J.A.C. 10:90-10.2 and 10.3. In addition, all refugees whose time limitations have expired will cease to be eligible for cash and medical assistance under RRP (see (b) below). Such ineligible refugees who are still in need shall, as appropriate, be assisted under WFNJ/GA, either at the county agency or referred to the municipal agency via Form WFNJ-14, "Referral for Services," giving the reason for referral.

1. For a large extended family group, the county agency shall establish a separate assistance unit for each non-WFNJ/GA eligible individual or couple in the household.

(b) Eligibility for assistance under RRP is limited to a total of eight months for WFNJ/GA type cases. Pursuant to Sections 207 and 101(a)(42) and 1522(a)(1)(A) of the Immigration and Nationality Act (8 U.S.C. §§ 1101 et seq.) and 45 C.F.R. 400.42, refugee cash assistance/refugee medical assistance (RCA/RMA) are limited by the extent of available Federal appropriations in any Federal fiscal year (FFY), and on data concerning refugee arrivals, eligibility and participation in RCA/RMA. Therefore, the State RCA/RMA program period of eligibility is dependent on the fixed Federal appropriation made available to the states for any given FFY, based on the aforementioned criteria. Eligibility periods for RCA and RMA are published periodically in the Federal Register. Subsequent updates to these eligibility periods in the Federal Register will be published as a public notice by the Department of Human Services in the New Jersey Register, and this subsection revised accordingly as an administrative change.

1. Rules concerning WFNJ/GA type cases are as follows:

i. For all WFNJ/GA type applicants/recipients residing in the U.S. for eight months or less from their initial entry date or when parole status was first granted as identified on INS Form I-94, income and resources shall be treated in accordance with the standards and criteria applicable to WFNJ cases, except that county agencies shall not apply the earned income disregard. The assistance standard for applicants/recipients shall be the appropriate amount for the eligible unit size.

ii. During the eight month period, all eligible WFNJ/GA type cases will retain Medicaid eligibility.

(c) The county agency shall consult with sponsors and/or the resettling agency about the possibility of contributions. Cash assistance to the client shall be considered as unearned income (see N.J.A.C. 10:90-10.4(b)); however, the income and resources of the sponsors themselves shall not be considered. No resources which are in fact not available to the refugee shall be considered in determining eligibility. This includes resources in the refugee's native land owned by the refugee or a responsible relative.

(d) Refugee cases that are considered WFNJ/GA type cases are subject to the work and training requirements detailed in (d)1 through 3 below:

1. All refugees who are not exempt from the work requirements (see (i)l below) shall be referred to the initial resettlement agency for employment services via the WFNJ-54, Refugee Program Interagency Referral. The resettlement agency should be identified on the I-94 card that also identifies the applicant as a refugee. If the agency is not identified on the card, the CSSA' shall ask the refugee who resettled them. Referral shall be made to that agency. When the CSSA is unable to determine who resettled the client or if there is no refugee-specific employment provider in the county, then the CSSA shall select an agency that they feel will best meet the client's needs.

2. All employable refugees shall accept appropriate work or training opportunities. The job or training assignment shall be related to the physical and mental capability of the individual to perform the task on a regular basis. Any claim of adverse affect to physical or mental health shall be based on an adequate medical testimony from a physician or licensed or certified psychologist indicating that participation would impair the individual's physical or mental health. Cost of obtaining such medical evidence is an allowable 100 percent reimbursable cost to the county agency.

i. The total daily commuting time to and from home shall not exceed two hours. If a greater distance or time is generally accepted in the community, then the round trip commuting time shall not exceed community standards. Round trip time shall not include the time needed to transport a child to and from a child care facility.

3. In the instance of a refugee who is employed and receiving public assistance, the county agency shall require part-time training, such as English language instruction or skill training, if available, and determined appropriate, if the refugee is employed part-time (less than 100 hours per month), as a condition for continued receipt of assistance. Additionally, the county agency shall encourage, but not require, part-time English language instruction or skill training if the refugee is employed full-time (100 or more hours per month).

(e) Provisions relating to refugees attending school are as follows:

1. A full-time student age 18 shall be eligible for assistance if the student is reasonably expected to complete a program of secondary school (or the equivalent level of vocational or technical training) before attaining age 19.

2. A refugee of any age who is otherwise eligible shall not be denied cash assistance while enrolled and participating in a full-time training program which is approved by

the county agency and intended to have a definite short-term (less than one year) employment objective.

(f) Provisions concerning voluntary termination of employment are as follows:

1. For a new applicant, for the 30 consecutive calendar days immediately prior to receiving aid, an employable refugee shall not have voluntarily terminated employment in order to receive assistance, nor have refused to apply for or accept an appropriate job offer.

2. Employable refugees currently receiving assistance shall not have voluntarily terminated employment in order to continue to receive assistance nor refuse to apply for or accept offers of appropriate work or training.

(g) Refusal of an employable adult refugee recipient to accept or continue an employment or training opportunity without good cause will result in the following actions:

1. A mediation period prior to the imposition of sanctions shall be provided for in accordance with the following time limitations:

i. The mediation effort shall begin as soon as possible, but not later than 10 days following the date of failure or refusal to participate, and may continue for a period not to exceed 30 days.

2. If the employable refugee recipient continues to refuse an offer of employment or training, assistance shall be terminated 30 days after the date of his or her original refusal. Either the county agency or the recipient may terminate this period sooner when either believes that the dispute cannot be resolved by mediation. The refugee shall be given at least 10 days written notice of the termination of assistance and the reason therefore. This sanction shall be applied in the following manner:

i. If the assistance unit includes other individuals, then the assistance payment shall be reduced by the per capita share of the refugee in noncompliance. If the employable refugee is a caretaker relative, assistance in the form of protective or vendor payment shall be provided to the remaining members of the assistance unit.

ii. If such individual is the only individual in the assistance unit, assistance shall be terminated.

(1) The refugee's sponsor, or the voluntary resettlement agency where there is not a sponsor, shall be notified of the action taken in (g)2i or ii above.

iii. A decision by the refugee to accept employment or training, made at any time within the 30-day period after the date of the original refusal, shall result in the continuation of assistance without interruption if the refugee continues to meet the income eligibility requirements for continued assistance.

iv. Refugees who refuse, without good cause, to accept or continue in an employment or training opportunity shall be subject to the following penalties of ineligibility:

(1) Three payment-months for the first such refusal; and

(2) Six payment-months for the second and each subsequent occurrence.

(h) The inability to communicate in English does not exempt a refugee from registration for employment services, participation in employability service programs, and acceptance of appropriate offers of employment.

(i) The following refugees are exempt from the employment or training requirements given in (d) above:

1. An individual who is between age 16 and 18, enrolled or accepted for enrollment as a full-time student for the next school term in a secondary, or vocational or technical school; or under age 19 and attending full-time, a secondary school or the equivalent level of a vocational or technical school, and expected to complete the program of the school before reaching age 19;

2. A person who is ill, incapacitated or age 65 or over;

3. A person whose presence in the home is required because of illness or incapacity of another member of the household;

4. An individual working at least 30 hours a week in unsubsidized employment expected to last a minimum of 30 days. This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than 10 days;

5. An individual who is pregnant if it has been medically verified that the child is expected to be born in the month in which such registration would otherwise be required or within the next six months; and

6. The person is enrolled full-time in training approved by the county agency as part of an approved employability plan.

(j) When there is an urgent need for assistance, the initial assistance payment shall be based on immediate need.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Recodified (h)1i through (h)1iv as (i)1 through (i)6 and recodified (i) as (j).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (d), rewrote 1.

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (a), substituted "WFNJ-14" for "PA-14" after "Form" in the third sentence of the introductory paragraph.

Special amendment, R.2008 d.182, effective June 3, 2008.

See: 40 N.J.R. 4232(a).

In the introductory paragraph of (g), inserted "refugee"; and in the introductory paragraph of (g)1 and in (g)1i and (g)2, substituted "mediation" for "conciliation".

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N.J.A.C. 10:90-10.7

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§ 10:90-10.7 Medical assistance and medical expense spend-down

(a) Regarding Medical assistance, State eligibility standards for Title XIX shall apply to a refugee's eligibility for medical assistance except:

1. Requirements for categorical relatedness for medical assistance shall not be imposed. Actual receipt of financial assistance for living expenses shall not be required as a condition of eligibility for medical assistance;

2. The WFNJ allowance standard for the appropriate unit size shall constitute the medical assistance financial standard. However, the Medicaid "Cap" shall apply to eligible refugees in Title XIX-approved facilities;

3. No financial resources which are in fact not available to the refugee, including resources remaining in the place of national origin owned by a refugee or a responsible relative, shall be considered in determining eligibility for medical assistance;

4. The income and resources of sponsors, and in-kind services and shelter provided to refugees by their sponsors, shall not be considered in determining eligibility for medical assistance;

5. All refugees who have been in the U.S. for eight months shall no longer be eligible for medical or cash assistance under RRP. Any subsequent update to this eligibility period for medical or cash assistance under RRP will be published as public notice by the Department of Human Services in the New Jersey Register (see N.J.A.C. 10:90-10.6(b));

6. WFNJ/GA type refugees who lose eligibility for financial assistance due to increased earnings are eligible for Medicaid extension for up to eight months. This eight month extension is only allowable during the refugee's first eight months in the country. In cases where a refugee obtains private medical coverage, any payment of refugee medical assistance for that individual must be reduced by the amount of the third party payment;

7. A refugee is not required to actually receive or apply for refugee cash assistance as a condition of eligibility for refugee medical assistance;

8. Determination of eligibility for refugee medical assistance (RMA), shall be based on the applicant's income and resources on the date of application, rather than on a refugee's income averaged prospectively over the RMA application processing period. A newly arrived refugee, who applies for RMA soon after arrival and becomes employed within the first 30 days in the U.S. subsequent to filing the RMA application, shall not lose RMA eligibility; and

9. Cash assistance payments made under the publicly administrative Refugee Cash Assistance (RCA) program, the Department of State's Reception and Placement program, the Matching Grant program, a Wilson/Fish Alternative project, and the public/private RCA program shall not be considered in determining eligibility for refugee medical assistance.

(b) Those refugees who may be eligible for New Jersey's Medically Needy Program shall be referred to that Program.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

In (a), added 8.

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 New Jersey Register 1695(a), 36 New Jersey Register 3545(a).

In (a), added 9.

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N.J.A.C. 10:90-10.8

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 10. REFUGEE RESETTLEMENT PROGRAM

§ 10:90-10.8 Social services

Referral and information about other services available in the community should be offered to refugees regardless of their eligibility for financial assistance.

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N.J.A.C. 10:90-10.9

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§ 10:90-10.9 Fair hearings

The procedures and provisions for fair hearings in N.J.A.C. 10:90-9 shall apply in RRP.

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N.J.A.C. 10:90-10.10

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§ 10:90-10.10 Case records

(a) A separate record shall be established for each individual or family receiving assistance. For continuing cases, all changes in the status of each case and the dates on which changes occurred shall be recorded. For inactive cases, since RRP is Federally financed, the case records are considered Federal records. Therefore, they cannot be disposed of in the same manner that the county agency disposes of case records for other inactive public assistance cases. Accordingly, the records for closed refugee cases shall be retained until a Federal audit is completed.

(b) Each case record shall contain:

1. The alien registration number as it appears on Form I-94 issued by INS;
2. The name and address of the refugee's sponsor (if known);
3. Documentation of contacts with the sponsor and/or resettlement agency; and
4. The date of entry into the U.S.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-11.1

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§ 10:90-11.1 Definition of intentional program violation (IPV)

(a) Intentional program violation (IPV) is any statement or act by an individual for the purpose of establishing or maintaining the assistance unit's eligibility for WFNJ assistance, for increasing or preventing a reduction in the WFNJ assistance, or to prevent denial or termination of WFNJ assistance, which is intentionally: a false or misleading statement or misrepresentation, concealment, or withholding of facts; or an act intended to mislead, misrepresent, conceal, withhold facts, or to propound a falsity.

1. "WFNJ assistance" is defined, for this purpose, as WFNJ/TANF or WFNJ/GA cash assistance, WFNJ emergency assistance, WFNJ child care benefits, WFNJ special payments, WFNJ temporary rental assistance, or WFNJ transportation or work-related allowances or reimbursements.

(b) When evaluating alleged IPV by an individual, there are three basic elements which must be established through investigation:

1. The misrepresentation or concealment must have been deliberate and done knowingly. IPV does not exist if the misrepresentation or concealment is the result of an unintentional act, a misunderstanding or mental incompetence. Distinction must also be made between an intent to defraud on the part of an individual, and omission, neglect or error by the county or municipal agency's representatives in securing and recording information;

2. The misrepresentation or concealment must have been undertaken for the express purpose of receiving or obtaining benefit from, or attempting to receive or obtain benefit from, a payment of assistance to which the individual was not entitled; and

3. If the misrepresentation or concealment, or the attempt to misrepresent or conceal a relevant fact, had been known to the county or municipal agency, assistance would not have been granted or would have been granted in a lesser amount.

(c) The evidence to establish the three points delineated in (b) above must be factual and capable of being demonstrated in an administrative disqualification hearing or in a court of law through the testimony of witnesses, or by documentary evidence.

(d) At the time of application for WFNJ, individuals shall be provided with written notice informing them of the WFNJ disqualification penalties that will be imposed for committing

IPV. Current WFNJ recipients shall also be provided with the written notice at the time of case redetermination.

(e) A person is presumed innocent until proven guilty. Except as provided in N.J.A.C. 10:90-11.6(b), assistance shall be continued to an eligible person, even though there is reason to suspect that IPV has been committed, while the facts are under review by the county or municipal agency, or the law enforcement authority.

(f) The county or municipal agency shall ensure that an individual under investigation shall have the following rights:

1. The county or municipal agency shall ensure that information obtained from or concerning a person under investigation shall be restricted in accordance with N.J.A.C. 10:90-7.7. The county or municipal agency shall take special precautions in obtaining information from a third party so that no accusations relevant to the alleged IPV are disclosed, including the reason for the investigation or the nature of the allegation, without the written consent of the individual under investigation.

2. The county or municipal agency shall ensure that investigative methods do not infringe on the civil liberties of the individual or interfere with due process of law. The county or municipal agency shall be prohibited from obtaining forced entry, conducting residence searches without consent of the client, making home visits during normal sleeping hours (generally 10:00 P.M. to 7:00 A.M.), or requiring that an individual be subjected to a lie detector test.

3. Rules on warning and waiver of rights are as follows:

i. When the questioning of an individual regarding a possible charge of IPV becomes accusatory in nature, no individual may be asked or permitted to sign any waiver of rights before he or she has had an opportunity to read, or if necessary have read to him or her, the individual's right to refrain from answering any questions and to terminate the interview at will at any time. The individual shall also be given a copy of the statement explaining the individual's rights. The individual shall also be advised at that time of the opportunity, where available, to obtain legal counsel through Legal Services, the Legal Aid Society, or the lawyer referral service of the Office of the Public Defender. The individual shall be advised at that time that if he or she requests the presence of an attorney, the county or municipal agency shall postpone the interview for a reasonable period of time so that the individual may arrange for legal representation.

ii. The county or municipal agency representative shall ask if the individual wishes to sign the waiver of rights statement, indicating that he or she acknowledges his or her rights and agrees to discuss the matter without the presence of an attorney. The county or municipal agency representative shall witness the waiver by signing and dating the document. A copy of the signed document shall be given to the individual.

iii. If the individual refuses to sign the waiver, no further questioning shall occur at this time. If the individual requests the presence of an attorney, the county or municipal agency shall postpone the interview for a reasonable period of time so

that the accused individual may arrange for legal representation. However, the investigation shall not be delayed pending the interview.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-11.2

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-11.2 Methods of determining IPV

(a) The county or municipal agency shall proceed against any individual member of an WFNJ assistance unit, regardless of WFNJ payment status, who it believes has committed IPV. The county or municipal agency may secure a finding of IPV either through an administrative disqualification hearing conducted by the Office of Administrative Law (OAL), or a court of appropriate jurisdiction. In proceeding against any such individual, the county or municipal agency shall coordinate the IPV investigation and any resultant hearing with any action being taken under the NJ SNAP program, when the factual issue(s) arises from the same or related circumstances. A finding of IPV may also be made if the accused signs either the waiver of right to an administrative disqualification hearing (N.J.A.C. 10:90-11.4), or a disqualification consent agreement (N.J.A.C. 10:90-11.9).

(b) A referral for an administrative disqualification hearing or referral to a court of appropriate jurisdiction shall be initiated by the county or municipal agency whenever the county or municipal agency has sufficient documentary evidence to substantiate that an individual has intentionally committed one or more acts of IPV, as defined at N.J.A.C. 10:90-11.1, regardless of the current eligibility of the individual.

History

HISTORY:

Administrative change.

See: 44 N.J.R. 1529(a).

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N.J.A.C. 10:90-11.3

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§ 10:90-11.3 Referral for administrative disqualification hearing

(a) Referral for an administrative disqualification hearing shall be made:

1. When the facts of the case do not warrant prosecution through the court system;

2. When a case previously referred for prosecution is declined by the appropriate legal authority; or

3. When no action has been taken on a case which has been referred for prosecution and the county or municipal agency has decided to formally withdraw the referral.

(b) A referral for an administrative disqualification hearing shall not be made against an individual whose case is currently being referred for prosecution, or subsequent to any action taken against the accused individual by a court of appropriate jurisdiction.

(c) IPV cases which are referred to the prosecutor and/or a court of appropriate jurisdiction and are handled through prosecution, pre-trial intervention, or are plea-bargained shall not be subsequently referred for an administrative disqualification hearing.

(d) The county or municipal agency shall consolidate an individual's fair hearing with an administrative disqualification hearing based on the same or related circumstances, provided that the individual receives prior notice of the consolidation.

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N.J.A.C. 10:90-11.4

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§ 10:90-11.4 Waiver of right to administrative disqualification hearing

(a) The accused individual shall have the option of waiving his or her right to an administrative disqualification hearing. The county or municipal agency shall provide written notification of this option to the client only after ensuring that the evidence against the client has been reviewed by someone other than the eligibility worker assigned to that case and that such evidence warrants the scheduling of a disqualification hearing. A mandatory written notification, which informs the individual of the option of waiving his or her right to a disqualification hearing, shall include:

1. The date that the signed waiver must be received by the county or municipal agency to avoid the holding of a hearing and a signature block for the accused individual;

2. A statement explaining that the caretaker relative must likewise sign the waiver if the accused individual is not the caretaker relative;

3. An appropriately designated signature block for the caretaker relative;

4. A statement explaining the accused individual's right to remain silent concerning the charge(s), and that anything said or signed by the individual concerning the charge(s) can be used against him or her in a court of law;

5. A statement explaining that waiver of the individual's right to appear at a disqualification hearing may result in a disqualification penalty and a reduction in the assistance payment for the appropriate period, even if the accused individual does not admit to the facts as presented by the county or municipal agency;

6. A statement indicating that the accused individual shall be provided the opportunity to specify whether or not he or she admits to the facts as presented by the county or municipal agency; and

7. The telephone number and, if possible, the name of the person at the county or municipal agency to contact for additional information.

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N.J.A.C. 10:90-11.5

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§ 10:90-11.5 Administrative disqualification hearing procedures

(a) Administrative disqualification hearings will be conducted in accordance with the requirements of this section, and with those stipulated under N.J.A.C. 1:1 and 1:10. OAL will assign an administrative law judge (ALJ) to preside over the hearing.

(b) Administrative disqualification matters shall be transmitted by DFD to the OAL for the purpose of conducting a hearing pursuant to N.J.A.C. 1:1 and 1:10.

(c) The final decision shall be made by the Director of DFD based on the hearing record, and shall comply with Federal and State law and regulations.

(d) The hearing record shall be retained for a period of three years. This record shall be available to the WFNJ assistance unit, or its representative, at any reasonable time for copying and/or inspection.

(e) Within 90 calendar days of the date the individual is notified in writing that an administrative disqualification hearing has been scheduled, the hearing shall be conducted and a decision shall be rendered.

(f) The county or municipal agency shall provide advance written notice of the hearing to the individual suspected of IPV at least 30 calendar days in advance of the date an administrative disqualification hearing has been scheduled. The notice shall be mailed by certified mail-return receipt requested or served in person by a WFNJ representative. In the event that the individual refuses to accept delivery of the advance notice and the mail receipt notes that fact, the receipt will be accepted as proof of notice served. The certified letter shall be clearly marked "deliver to addressee only" in order to ensure that notice is served to the correct individual. A return receipt for certified mail which contains the signature of an individual other than the person addressed is insufficient evidence that proper advance notice was given. Letters sent by certified mail which are returned to the county or municipal agency with notations such as "unclaimed" or "undeliverable" offer no proof that advance requirements have been met. The advance notice shall contain at a minimum:

1. The date, time, and location of the hearing;
2. The charge(s) against the individual;
3. A summary of the evidence, and how and where the evidence can be examined;

4. A warning that the decision will be based solely on information provided by the county or municipal agency if the individual fails to appear at the hearing without good cause;

5. A statement that the individual, or his or her representative, will have 10 calendar days from the date of the scheduled hearing to present good cause to DFD or the county or municipal agency for failure to appear, in order to receive a new hearing;

6. A warning that a determination of IPV will result in a six-month disqualification for the first violation, 12-month disqualification for the second violation, and permanent disqualification for the third violation, and a statement of which penalty the county or municipal agency believes is applicable to the case at the time of scheduling of the hearing;

7. A listing of the individual's rights as provided under N.J.A.C. 1:10;

8. If there is an individual or organization available that provides free legal representation, the notice shall advise the assistance unit member of the availability of that service;

9. A statement that the individual may request a postponement of the hearing provided that such request is made to the OAL at least 10 calendar days in advance of the scheduled hearing;

10. An explanation that the individual may waive his or her right to appear at the administrative disqualification hearing as provided in N.J.A.C. 10:90-11.4;

11. A statement of the accused individual's right to remain silent concerning the charge(s) and that anything said or signed by the individual concerning the charge(s) may be used against him or her in a court of law; and

12. A statement which informs the assistance unit of its right to obtain, upon request, a copy of the State agency's published hearing procedures.

(g) The time and place of the hearing shall be arranged so that the hearing is accessible to the individual suspected of IPV (see N.J.A.C. 10:90-9.5(a)5).

(h) If the individual is found to have committed IPV but a determination is subsequently made that the individual or his or her representative had good cause for not appearing, the previous decision shall no longer remain valid. The individual has 10 calendar days from the date of the scheduled hearing to present reasons indicating a good cause for failure to appear. If good cause for failure to appear is established, a new hearing shall be conducted. The ALJ who originally ruled on the case may conduct a new hearing. The ALJ shall enter the good cause decision into the hearing record.

(i) Medical assessments, which may either corroborate or disprove an accused individual's statements, shall be obtained at county or municipal agency expense and made part of the record if the ALJ considers it necessary.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

In (g), added the N.J.A.C. reference.

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 New Jersey Register 1695(a), 36 New Jersey Register 3545(a).

In (f), inserted "or served in person by a WFNJ representative" after "requested" in the second sentence of the introductory paragraph.

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N.J.A.C. 10:90-11.6

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§ 10:90-11.6 Participation while awaiting a hearing

(a) A pending administrative disqualification or court hearing shall not affect the individual's right to participate in the program. Since the county or municipal agency cannot disqualify an individual for IPV until the hearing or court decision establishes that the individual has committed IPV, the county or municipal agency shall determine the eligibility of the individual based on the individual's current circumstances.

(b) The county or municipal agency shall reduce or terminate the individual's assistance if the county or municipal agency has documentation which substantiates that the individual is either ineligible or eligible for a lesser amount of assistance benefits. This provision applies even if the same evidence leads to the suspicion of IPV and the scheduling of a disqualification hearing. For example, the county or municipal agency may have facts which substantiate that the individual failed to report a change in his or her circumstances even though the county or municipal agency has not yet demonstrated that the failure to report involved an act of IPV. If the county or municipal agency reduces or terminates the individual's assistance before or after the scheduling of an IPV hearing, the individual has the right to request a fair hearing and to continue participation in the program pending the outcome of that fair hearing, in accordance with N.J.A.C. 10:90-9.3(e), notwithstanding a pending hearing to determine whether the individual committed IPV.

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N.J.A.C. 10:90-11.7

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§ 10:90-11.7 No further administrative appeal

No further administrative appeal procedure exists beyond the signing of a waiver of the right to a disqualification hearing by the accused individual, or an adverse decision following a disqualification hearing. The disqualification penalty cannot be reversed by a subsequent fair hearing decision. The individual, however, is entitled to seek relief in a court having appropriate jurisdiction. The period of disqualification may be subject to a stay by a court of appropriate jurisdiction or other injunctive remedy.

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N.J.A.C. 10:90-11.8

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§ 10:90-11.8 Referral of IPV cases for prosecution

(a) County or municipal agencies are encouraged to refer for prosecution those individuals suspected of intentionally making false or misleading statements or concealing or withholding facts for the purpose of receiving WFNJ assistance.

(b) The county or municipal agency shall confer with its legal representative to determine the types of cases which will be accepted for possible prosecution.

(c) The county or municipal agency shall also encourage prosecutors to recommend to the courts that a disqualification penalty be imposed in addition to any other civil or criminal penalties for such violations.

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N.J.A.C. 10:90-11.9

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§ 10:90-11.9 Disqualification consent agreement

(a) An individual accused of IPV who is referred to a court of appropriate jurisdiction but for whom no determination of guilt is obtained due to the accused individual having met the terms of a court order, or who is not prosecuted due to the fact that the accused individual has met the terms of an agreement with the prosecutor, shall be allowed to sign a disqualification consent agreement. The county or municipal agency shall make arrangements with the county prosecutor to provide advance written notification to the individual of the consequences of consenting to disqualification as a result of deferred adjudication and to include the disqualification consent agreement in agreements between the prosecutor and the accused individual or in the court order.

(b) The advance notice and agreement shall include, at a minimum:

1. A statement of understanding for the accused to sign which states that the accused understands the consequences of consenting to IPV, along with a statement explaining that the caretaker relative must likewise sign the consent agreement if the accused individual is not the caretaker relative, with an appropriately designated signature block for that relative and/or the accused individual;

2. A statement indicating that signing the agreement will result in disqualification and a reduction in payment to the assistance unit during the period of disqualification, even though the accused individual was not found guilty of civil or criminal misrepresentation or fraud; and

3. A warning statement indicating the disqualification penalties imposed for IPV under the WFNJ Program. Those penalties include a six-month disqualification for the first violation, a 12-month disqualification for the second violation and permanent disqualification for the third violation. An additional statement must further explain the specific penalty imposed as a result of the accused individual having consented to disqualification.

(c) If the individual signs the disqualification consent agreement, he or she shall be disqualified in accordance with N.J.A.C. 10:90-11.11. If the court specifies a disqualification period or specifies a date for initiating disqualification, the county or municipal agency shall adhere to the court order. If an individual whose case has been

terminated signs a consent agreement, the disqualification period shall be postponed until after a reapplication for WFNJ assistance is approved.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-11.10

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 11. INTENTIONAL PROGRAM VIOLATION

§ 10:90-11.10 Reversed IPV disqualifications

(a) In cases where the determination of guilty of IPV is reversed by a court of appropriate jurisdiction, the county or municipal agency shall reinstate the individual in the program if the assistance unit is otherwise eligible for WFNJ benefits.

(b) The county or municipal agency shall restore any benefits to the eligible WFNJ assistance unit that were lost as a result of the disqualification of the individual, in accordance with the procedures specified in N.J.A.C. 10:90-2.

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N.J.A.C. 10:90-11.11

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-11.11 IPV disqualification penalties

(a) IPV disqualification penalties affect only the individual found to have committed IPV; those penalties are not applied against the entire assistance unit. Individuals found to have committed IPV either through an administrative disqualification hearing or by a court of appropriate jurisdiction (not including pre-trial intervention), or who have signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in cases referred for prosecution, shall be ineligible to participate in the program as follows:

1. For a period of six months for the first violation;
2. For a period of 12 months for the second violation; and
3. Permanent disqualification for the third violation.

(b) During the disqualification period, the county or municipal agency shall not take the individual's needs into account when determining the WFNJ assistance unit's need and amount of assistance. Any resources and income of the disqualified individual will be considered in its entirety, available to the assistance unit.

(c) If an individual had previously been found guilty of committing welfare fraud before the implementation of the WFNJ IPV disqualification penalties, that finding shall not be considered as a previous IPV in determining the appropriate disqualification period to be applied in accordance with (a) above. The WFNJ IPV disqualification penalties shall be applicable to any act of IPV based upon information which was provided by the assistance unit in an WFNJ application for assistance, and that application informed the assistance unit of the WFNJ IPV disqualification penalties.

(d) If the court does not specify a disqualification period for a finding of IPV, the county or municipal agency shall impose the appropriate disqualification period unless contrary to the court order.

(e) If the court directs the county or municipal agency to either impose a specific disqualification period, or not to impose a disqualification period, the county or municipal agency shall comply with the directive of the court.

(f) Any period for which a disqualification penalty is imposed shall remain in effect, without the possibility of an administrative stay, unless and until the finding upon which the penalty was based is subsequently reversed by a court of appropriate jurisdiction.

(g) In cases where a disqualification penalty and other sanctions or penalties imposed by the court apply, the IPV disqualification penalties shall be in addition to, and cannot be substituted for, any other sanctions or penalties which may be imposed by law for the same offenses.

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N.J.A.C. 10:90-11.12

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§ 10:90-11.12 Imposing disqualification periods

(a) If the individual is not eligible at the time the disqualification period is to begin, the period shall be postponed and becomes applicable upon reapplication by the individual for WFNJ benefits if the individual is determined eligible for such benefits, or becomes applicable upon the expiration of a previously imposed program sanction at such time that the individual would normally resume receipt of benefits. However, once a disqualification period is imposed, the period of disqualification shall continue uninterrupted regardless of the eligibility of the individual.

(b) For an individual who signs a waiver of the right to an administrative disqualification hearing, the disqualification period shall begin no later than the first day of the second month which follows the date the individual received written notification of the disqualification.

(c) For an individual who signs a disqualification consent agreement, the disqualification period shall begin no later than the first day of the second month which follows the date of the notice, unless otherwise directed by the court.

(d) For an individual found guilty of IPV by an administrative disqualification hearing, the disqualification period shall begin with the first day of the second month which follows the date the individual received written notification of the hearing decision.

(e) For an individual found guilty of IPV by a court of appropriate jurisdiction, the disqualification period shall begin within 45 calendar days of the date the disqualification was ordered or, if no disqualification period is specified by the court, within 45 calendar days of the date the court found the individual guilty of civil or criminal misrepresentation or fraud.

(f) Whenever an individual is disqualified for IPV, the county or municipal agency shall provide written notice to the individual prior to the disqualification. The notice shall inform the individual of the decision and the reason for the decision. In addition, the notice shall inform the individual of the period of disqualification and of the amount of assistance the remaining eligible assistance unit members will receive during the period of disqualification. In the event that the individual's disqualification resulted from a prior receipt of assistance, the notice shall advise that the disqualification will be postponed until after a reapplication for WFNJ assistance is approved.

(g) When an individual with a previous IPV disqualification moves from one county, municipality or state to another, the receiving county or municipal agency shall take the previous disqualification into consideration when determining the appropriate penalty to be applied against that individual, if such action is required.

(h) When an individual currently serving an IPV disqualification moves from one county, municipality or state to another, the disqualification shall continue regardless of the individual's WFNJ eligibility status in the receiving county or state.

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N.J.A.C. 10:90-11.13

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§ 10:90-11.13 County or municipal agency IPV administrative procedures

(a) The county or municipal agency must conduct an investigation of an allegation that an individual has committed IPV. The county or municipal agency is responsible for determining whether there is a basis in fact for believing that IPV may have been committed so that referral to the county prosecutor or other proper law enforcement official for legal action is justified. The action taken by the law enforcement official following referral determines what further legal action shall be pursued. Whether IPV has actually occurred is a question for the court. The county or municipal agency director may utilize the power of subpoena given him or her by N.J.S.A. 44:7-20 to secure testimony and records pertinent to the investigation and needed to determine true facts.

(b) Each county or municipal agency shall develop an operational method to carry out its responsibility which is best suited to its administrative structure and to local conditions and resources. There must be a clear allocation of duties and functions in the total process of investigation, reporting, evaluation, in making the decision to refer, and so forth. With respect to the function of investigation, the county or municipal agency may select one or a combination of the following plans:

1. The county or municipal agency may arrange for special investigation of cases of suspected fraud by another appropriate agency or official such as office of the county adjustor, the probation department, or the office of the county prosecutor, without cost to the county or municipal agency.

2. The county or municipal agency may elect to have staff carry the responsibility for the necessary special investigation in instances of suspected IPV, relying upon consultation with county or municipal agency counsel for the technical aspects of establishing adequate evidence on which to base a decision.

3. Whatever administrative plan is adopted, there will be instances where discussion should be arranged with county or municipal agency counsel and/or the county or municipal prosecutor's office as to the nature and conduct of the investigation.

4. Each county or municipal agency shall file a detailed description of the administrative plan with DFD and shall advise DFD of any subsequent proposed change in the plan before it becomes effective.

(c) When the investigation of any case of suspected IPV is completed, the county or municipal agency director, in consultation with counsel, shall be responsible for determining whether the matter should be referred to the county prosecutor or other proper law enforcement official.

(d) In cases where the county or municipal agency has completed an investigation based upon a belief that IPV has been committed, an Investigation Initiation Sheet shall be routed through the county or municipal agency director to DFD. The form shall be completed when the county or municipal agency determines that no fraud exists, when the case is disposed of through administrative action, or when the case is forwarded to the county prosecutor.

(e) Upon disposition of the case by law enforcement officials (county prosecutor or municipal court), an Investigation Disposition Sheet shall be completed and routed through the county or municipal agency director to DFD.

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N.J.A.C. 10:90-12.1

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§ 10:90-12.1 Statutory authority

Rules set forth in this subchapter are promulgated under P.L. 1990, c.66 and P.L. 1997, c.37.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-12.2

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§ 10:90-12.2 Authority of the Commissioner

(a) The Commissioner of the Department of Human Services is obligated to ensure that the benefits provided under the WFNJ program, administered by county or municipal agencies throughout the State, are issued to eligible persons in an accessible, efficient and equitable manner.

(b) The Commissioner has the authority to establish and enforce rules, regulations, and directives, including incentives and sanctions, to ensure that public assistance agencies provide WFNJ/GA benefits to eligible recipients in a manner consistent with State law.

(c) The Commissioner has the authority to require the municipality to transfer its administration of WFNJ/GA to the county. (See N.J.A.C. 10:90-12.5(c).)

(d) The Commissioner has the authority to assume direct administration of and operation of any county (see N.J.A.C. 10:84-1.1) or municipal agency operation when it is determined that the county or municipality substantially failed to administer the WFNJ program in accordance with State law.

(e) The Commissioner has the authority to review and approve county and municipal social service agency budgets.

(f) The Commissioner has the authority to recoup any overpayments or payments issued to ineligible individuals identified through an audit or during a routine or special performance evaluation.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

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N.J.A.C. 10:90-12.3

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§ 10:90-12.3 Transfer of administration of the WFNJ/GA program

(a) The administration of the WFNJ/GA program shall be transferred from each municipality in a county to the county for administration on or after January 1, 1998 unless the governing body of a municipality declines the transfer via passage of a resolution. Passage of the resolution must occur no later than January 1, 1998.

1. The resolution shall include a clear and concise explanation of the reasons why the governing body elects to retain the program.

2. A copy of the resolution adopted by the local municipal governing body shall be filed with the Division of Local Government Services (DLGS) in the Department of Community Affairs (DCA) within three days after its passage and a copy shall be concurrently sent to the Division of Family Development (DFD).

3. An implementation plan shall be submitted to DFD regarding the operation of the WFNJ/GA program and the plan shall include the following details:

i. A detailed explanation fully elaborating upon exactly how the municipality shall comply, within the timeframes specified by the Commissioner, with all the automated systems' requirements as defined by the DFD, including, but not limited to, Electronic Benefit Transfer (EBT), and an automated client data base;

ii. An assurance that the WFNJ/GA municipal program shall operate and that staff coverage shall be provided at all times as specified at N.J.A.C. 10:90-12.4(a)1; and

iii. A binding acknowledgment that arrangements to handle after-hours emergencies shall be in place as specified by the Commissioner.

4. Once the administration of the WFNJ/GA program is transferred from a municipality to the county, the county shall have complete and exclusive control over the operation of the program subject to the rules established by and the oversight of DFD.

(b) A municipality may choose to transfer administration of its WFNJ/GA program to the county at any time subsequent to the passage of its Resolution. In such instances, the municipality and county shall develop a mutual agreement governing transfer of the

program, subject to the approval of the Commissioner, which shall include, but not be limited to, the following:

1. The effective date by which the county agrees to assume full operation of the WFNJ/GA program with no loss of service to clients; and

2. The plan for the transfer of case data, including when it will be transferred and the method of transferral to ensure the full integrity of the transferred data.

(c) Effective January 1, 1998, each county or municipality shall provide to the State information deemed necessary for the proper administration of the WFNJ/GA program through electronic means.

1. To submit information to DFD through electronic means, each county or municipality, as appropriate, shall have the systems capability to comply with the WFNJ technological requirements as defined by DFD.

2. The municipal agency shall utilize DFD's Universal Application Process software, supplied by the DFD.

3. The municipal agency shall update and/or enhance equipment needs, as appropriate, and determined by the DFD.

(d) In the transition of the administration of WFNJ/GA, the municipality shall assure that the county is provided with all information and materials, formerly in the possession of the municipality, necessary to administer the WFNJ/GA program, including transfer of records, and information regarding existing worksites for clients to engage in work activities. The materials and information shall be transferred timely and orderly within a timeframe specified by the Commissioner.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

In (a), deleted "fingerimaging" following "(EBT)," in 3i.

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N.J.A.C. 10:90-12.4

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-12.4 Municipalities that continue to administer WFNJ/GA

(a) Municipalities that continue to administer the WFNJ/GA program shall:

1. Provide for the municipal office administering the WFNJ/GA program to be open a minimum of three hours a day, Monday through Friday, and to be accessible to the public seven hours a day, Monday through Friday, to take applications for assistance and to provide emergency assistance, and maintain a system approved by DFD to cover emergencies 24 hours a day;

2. Provide for the issuance of cash assistance benefits, in accordance with these regulations, by paper check, electronic benefit distribution, or other appropriate means approved by the Commissioner;

3. Report all required case data and financial information regarding the WFNJ/GA program to the Commissioner through the electronic means specified by the Commissioner and in accordance with the timeframes/timelines established by the Commissioner;

4. Issue photo identification cards for each client at the municipality's option in order to facilitate benefit transactions; and

5. Establish and maintain a sufficient number of affiliation agreements with local human services agencies for shelter and other services to timely meet clients' needs.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

In (a), rewrote 4 and 5.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

In (a), deleted former 5 and recodified former 6 as 5.

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N.J.A.C. 10:90-12.5

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-12.5. Evaluating county/municipal agency performance

(a) To ensure that WFNJ/GA program benefits are being provided to eligible individuals in an accessible and efficient manner, the performance of the county and municipal agency shall be assessed by the DFD through prescribed routine performance evaluation activities or, as warranted, through special performance evaluation activities. Assessable areas to be used by DFD for routine performance evaluation purposes shall correspond to the requirements set forth throughout this chapter in the following areas:

1. Procedures on the administration of the WFNJ/GA program are as follow:

i. Evaluation as to whether WFNJ/GA applications and interviews have been completed;

ii. Evaluation as to whether all necessary case file data has been maintained;

iii. Evaluation as to whether required verifications of eligibility factors have been completed as prescribed;

iv. Evaluation as to whether the case processing and redeterminations of eligibility and ongoing verifications have been completed as prescribed, including, but not limited to:

(1) Monthly reviews, where applicable; and

(2) Redeterminations of eligibility;

v. Evaluation as to whether individual responsibility plans are completed;

vi. Evaluation of the timeliness and adequacy of adverse action notifications;

vii. Evaluation of the timeliness and accuracy of the submittal of county or municipal budget for approval;

viii. Evaluation of the adequacy and correctness of the tracking mechanisms utilized to monitor compliance with the 60 month cumulative lifetime limit of receipt of cash assistance;

ix. Evaluation of the adequacy and correctness of the tracking systems in place to monitor and record required work activity and work requirements history and information;

x. Evaluation of the adequacy of the automated system; and

xi. Evaluation of the accuracy and timeliness of the transmittal of information to the automated client data base;

2. Rules on the administration of the Emergency Assistance component of the WFNJ/GA program are as follows:

i. Accuracy and detail of documentation of the client's emergency;

ii. Establishment and compliance with mutually developed Service Plans which includes:

(1) Provision of transportation;

(2) Assistance with recipient's search for permanent or alternative shelter; and

(3) Referrals to other appropriate services; and

iii. Securing authorization for granting of temporary rental assistance (TRA);

3. Fiscal procedures are as follows:

i. Timely and accurate transmittal of the following WFNJ/GA program documents:

(1) Report of Assistance Expenditures and Case Activity (WFNJ/GA-6), and Statistical Summary (WFNJ/GA-6A), shall be transmitted to DFD;

(2) Quarterly Financial Report (WFNJ/GA-535-Q) and the Annual Financial Report (WFNJ/GA-535-A); and

(3) Repayment of Interim Assistance Authorization Payment Verification (WFNJ/GA-31), shall be transmitted to DFD;

ii. Submittal of Social Security Administration Supplemental Social Security Income Notice of Interim Assistance Reimbursement (SSA-(L) 8125) to the New York Social Security Administration office;

iii. Reimbursement of assistance as follows:

(1) Completion and submittal of Authorization for Reimbursement of Initial Supplemental Security Income (SSI) Payment or Initial SSI Posteligibility Payment (WFNJ/GA-30); and, completion of Agreement to Repay Assistance from Initial SSI Payment (WFNJ/GA-30A);

iv. Accuracy of benefit payments verified through audits and Quality Assurance Reviews;

4. Fraud procedures are as follows:

i. Matched reports shall be completed and transmitted to DFD (see N.J.A.C. 10:90-14.7);

ii. WFNJ/GA cases identified as having sufficient evidence to support fraudulent activity shall be investigated for fraud, including referral for findings of intentional program violations (see N.J.A.C. 10:90-11); and

iii. Appropriate activity shall be initiated, as a result of local fraud investigative findings; and

5. Other evaluations, such as:

i. Status of county or municipal agency performance as determined by DFD from results of other evaluation findings; and

ii. A special performance evaluation shall constitute the undertaking of a statistically valid eligibility review in a specific county or municipal agency, when the DFD determines that a county or municipality cannot reasonably provide a legitimate reason for the following occurrences:

(1) At the end of each calendar quarter (March 31, June 30, September 30 and December 31), a county's or municipality's expenditures exceed its estimate to an extent proportionally in excess of other counties or municipalities of equal size; or

(2) A pattern of non-payment of WFNJ/GA exists in a specific county or municipality.

(b) County or municipal agency performance, as appropriate, shall be evaluated as follows:

1. When a routine performance evaluation is conducted, overall county or municipal performance shall be measured using no less than an 85 percent tolerance level for each of the evaluation categories identified at (a)1 through 5 above (that is, administration of WFNJ/GA program, emergency assistance, fiscal, fraud, and other evaluations).

i. Satisfactory performance shall mean that a county or municipality has achieved a rating of at least 85 percent in all of the evaluation categories.

(1) A satisfactory performance rating shall not be subject to county or municipal appeal.

ii. Below satisfactory performance shall mean a rating of below 85 percent in one or more of the evaluation categories.

2. When a special performance evaluation is conducted, county or municipal performance shall be measured in accordance with the DFD's established Quality Assurance review procedures. Review results indicating agency error shall be handled as follows:

i. If excessive county or municipal expenditures are identified and the review results in a finding of overpayments or payments made to ineligible individuals, audit exception shall be initiated against the agency based on individual cases found incorrect due to agency error.

ii. If a pattern of non-payment exists and the review results in a finding that a county or municipal agency is not providing eligible clients WFNJ/GA benefits, that county or municipality shall be advised that immediate corrective action measures shall be undertaken as described in (c) below.

(c) Rules governing a below satisfactory performance rating are as follows:

1. When a county/municipality's performance rating is below satisfactory, the Commissioner shall at any time, based on his or her discretion regarding the severity of the below satisfactory rating, exercise the right to assume direct administration of the county administered WFNJ/GA program or transfer the administration of the WFNJ/GA program from the municipality to the county.

i. Since WFNJ/GA shall be administered either by the county or municipal agency, (c)2 below governs "below satisfactory performance" for both county and municipal agencies.

2. Counties or municipalities whose overall performance rating results in a below satisfactory level shall be subject to the following corrective action measures:

i. State and county or municipal staff shall meet to identify possible causes of the deficiencies in operations.

ii. A corrective action plan to improve county or municipal WFNJ/GA operations shall be mutually developed and implemented within a reasonable period of time agreeable to both the DFD and the county or municipality.

iii. Upon implementation of the corrective action plan, county or municipal agency operations shall be monitored by DFD staff to ensure that planned corrective actions are taking place as stipulated in the mutually agreed upon manner.

iv. State staff shall reassess the county or municipality's WFNJ/GA operations at the end of the mutually designated period.

(1) Counties or municipalities whose WFNJ/GA operations have improved to at least a satisfactory level shall be deemed to have satisfied the terms of their corrective action plans.

(2) Counties or municipalities whose WFNJ/GA operations do not improve or which fail to show a good faith effort toward improvement shall be subject to the following:

(A) DFD shall arrange a meeting with the county agency director or the municipal agency director to discuss the unsatisfactory performance.

(B) When it is determined that, after meeting with the agency director, barriers for improvement remain and cannot be resolved, DFD shall advise the county or municipal governing authority, in writing, of its finding concerning the unsatisfactory performance of the county or municipality, as appropriate.

(C) If, after all contact with the county or municipal governing authority, the DFD determines that the situation cannot be resolved internally, DFD shall proceed to advise the county or municipal governing authority, in writing, of the unsatisfactory status of the county or municipal operation, and the necessity for the county or municipal agency to take immediate corrective action measures, subject to the consent and approval of the Commissioner to resolve the unsatisfactory situation.

(D) When it is determined that, in the case of a county administering the WFNJ/GA program, despite DFD's intervention efforts, barriers for improvement remain and cannot be resolved, the State shall notify the county, in writing, of its intent to assume direct administration of the WFNJ/GA program in accordance with provisions at N.J.A.C. 10:84-1.4.

(E) When it is determined that, in the case of a municipality administering the WFNJ/GA program, despite DFD's intervention efforts, barriers for improvement remain and cannot be resolved, the State shall advise, in writing, of its intent to require the municipality to transfer administration of the WFNJ/GA program to the county agency. Final notification from the Commissioner shall be made, in writing, within 30 days of the mailing date of DFD's initial communication to the municipal governing authority. The notice shall include the basis for the State action to transfer the program and the date the State's action to transfer is expected to commence.

History

HISTORY

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), deleted former iii(1) and recodified former iii(2) as iii(1) in 3 and deleted former i and recodified former ii through iv as i through iii in 4.

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 New Jersey Register 1695(a), 36 New Jersey Register 3545(a).

In (a)4i, amended the N.J.A.C. reference.

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N.J.A.C. 10:90-12.6

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§ 10:90-12.6 State fair hearings for action of the State to transfer WFNJ/GA from the municipality to the county

(a) Any municipality that wishes to appeal a decision by the State to transfer municipal WFNJ/GA operations to the county is entitled to request a State fair hearing within 10 days of the mailing date of the notice advising of the impending State action. The request shall be made, in writing, to DFD's Bureau of Administrative Review and Appeals (BARA) by the municipal agency director, or by a representative of the municipal governing authority.

1. When a request is received by BARA, it shall immediately be registered as of that date.

2. All hearing requests shall be transmitted to the Office of Administrative Law (OAL) for a hearing before an Administrative Law Judge (ALJ).

(b) The OAL shall schedule the hearing and send any necessary notices to all appropriate parties concerned. The hearing shall be conducted by an ALJ who shall issue an initial decision.

1. Any adjournment of a scheduled OAL hearing requested by the municipality and granted by the OAL may not operate to extend the deadlines for a final decision and implementation of the final decision.

2. Failure to appear for a scheduled hearing without proper notice, and failure to submit an explanation for the nonappearance within 10 days of the scheduled hearing date, shall result in the issuance of an initial decision without a hearing. The State may amend or reverse its decision to transfer at any time before or during the OAL hearing or the hearing may be withdrawn at any time before or during the hearing upon satisfactory reconciliation of the matter at issue.

(c) The municipality shall be provided the opportunity to review the State documents and/or records to be used in the OAL hearing. Such materials shall be made available by the State, upon request at a reasonable time, before the scheduled hearing date, as well as during the hearing.

(d) The municipal director, or a representative of the municipal governing authority, may appear at a proceeding with or without legal representation.

(e) A final administrative hearing decision shall be rendered by the Commissioner of DHS or designee. The municipal agency shall be notified by mail of any decision or order. The final decision shall be effective on the date of issuance.

1. The municipality may appeal the final decision rendered by the Commissioner of DHS or designee through the Appellate Division of the Superior Court; however, such appeal shall not delay implementation of the final decision.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-12.7

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 12. PROGRAM ADMINISTRATION, CONSOLIDATION AND PERFORMANCE STANDARDS

§ 10:90-12.7 State fair hearings for action of the State to assume administration of WFNJ/GA from the county

Refer to N.J.A.C. 10:84-1.5 for any county that wishes to appeal a decision by the State to assume administration of WFNJ/GA.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-12.8

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 12. PROGRAM ADMINISTRATION, CONSOLIDATION AND PERFORMANCE STANDARDS

§ 10:90-12.8 Obligation to provide assistance

It is the basic obligation of every municipality in the State, which elects to continue to administer the WFNJ/GA program, to provide financial assistance and medical care, to the extent established by State regulations and as State resources permit, for all eligible persons living in that community who are in need.

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N.J.A.C. 10:90-12.9

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§ 10:90-12.9 Organization of local assistance board

(a) Each municipality that chooses to maintain its operation of the WFNJ/GA program through adoption of a resolution shall organize a local assistance board (LAB); specify the composition of the board and the terms of the office; empower the LAB to appoint a director of welfare; and appoint any other necessary employees. These requirements are mandatory upon every municipality. Where the organization of a LAB is not a requirement under a Faulkner Act municipality, the entity or official designated to serve instead of the LAB should be so recognized. Therefore, the designated alternate shall represent in meaning, the LAB as set forth throughout this chapter, except in LAB membership composition, appointment of agency director and/or other duties that are not appropriate under such structure.

1. Municipalities governed under an optional form of government pursuant to the Faulkner Act are referred to in this chapter as Faulkner Act municipalities. During the transition period to such optional form, the municipal governing body will determine whether the LAB is to be continued or abolished and will act accordingly. After the transition period, the governing body may abolish the LAB only by adoption of the appropriate ordinance.

(b) The LAB shall be composed of either three or five members, as determined by the municipal governing body. On both a three-member board and a five-member board, at least one member must be a woman. While it is not mandatory for a member of the municipal governing body to serve on the LAB, the law prohibits the appointment of more than one such member. Members of the LAB shall serve without compensation but will be allowed necessary and actual expenses.

1. In Faulkner Act municipalities, the municipal governing body may, by adoption of an appropriate ordinance, reorganize the LAB and/or adjust the terms of office of the members. In such event, the LAB shall, nonetheless, be composed as described in this section.

2. Terms of office rules are:

i. For municipalities with a board of three members, the term of one member shall be for one year only, and such one-year term must be assigned to the member of

the municipal governing body if there is one. The other two members serve terms of two years each, with expiration dates staggered in order to expire at the end of alternate years.

ii. For municipalities with a board of five members, one member shall serve a term of one year only, and such one-year term must be assigned to the municipality governing body representative if there is one. The other four members serve terms of four years each. Such terms are staggered in order that only one expires at the end of each successive year.

iii. The term of each member of the LAB shall begin on January 1. When a vacancy occurs before the expiration of a term, the new member serves only the unexpired portion of the term of the person he or she is replacing.

iv. When circumstances such as illness or a governmental irregularity preclude timely appointment of a new member, the incumbent shall continue until such new appointee can take office.

v. Annually at the first of each year, each LAB shall organize and select, from among its membership, a chairman and a secretary. The agency director shall be the chief administrative officer of the board.

(c) Each municipality that administers WFNJ/GA shall submit annually a certification form, Status Report for Calendar Year (WFNJ/Form GA-15), to DFD signed by the municipal clerk and attesting to the appointment of the board members, if any, and the agency director. The agency director shall be responsible for informing the municipal clerk and other appropriate local officials regarding the required certification, and arranging for the completion of the Status Report and filing same with DFD on or before March 1 of the year to which the certification applies.

1. Prior to January 1 of the next calendar year, three copies of Form WFNJ/GA-15, with necessary instructions, shall be distributed by DFD to agency directors.

2. Municipalities which fail to submit the required certification in accordance with specified instructions shall not be eligible to receive State financial aid for the ensuing year.

(d) Rules concerning the appointment of the agency director are:

1. Under law, the LAB is solely responsible for the appointment and reappointment of an agency director. Appointment shall be by formal action of the board at a regular or special meeting and such action duly recorded in the minutes. All appointments and reappointments to the position of agency director require the approval of the DFD. The approval process shall include a review by the DFD of the letter of appointment from the LAB, which shall contain the date of the meeting at which the decision was made to appoint or reappoint an agency director; the name of the appointee; the effective date of appointment/ reappointment; and the duration of the term of appointment.

2. In Faulkner Act municipalities where no LAB exists, the authority to appoint the director, with approval of the governing body, is as follows:

i. The manager has the authority to appoint in a council/manager form of government.

ii. The mayor has the authority to appoint, either directly or through his or her appointed department head should the director not be the head of a department, in a mayor/council form of government.

iii. The mayor has the authority to appoint in a small municipality form of government.

3. Qualifications for agency director are as follow:

i. Regardless of the population of a municipality, the duties of an agency director are such that it is essential that the LAB select a person who has the respect of the community, is concerned about needy persons, and has had training and experience in the public or private welfare field.

ii. A candidate for director should have education and experience commensurate with the duties of the office and the administrative responsibilities necessitated by the extent of the WFNJ/GA caseload. Graduation from a college or university and/or courses for credit in public welfare administration or social work are desirable qualifications. However, consideration may be given to a candidate who has at least graduated from high school, and has had two years experience in public or private welfare work or equivalent experience in such related fields as teaching, guidance, nursing, or personnel work.

iii. In situations where the LAB cannot locate a candidate possessing the qualifications enumerated above but nevertheless has a candidate whom it believes capable to function adequately as an agency director, action may be taken as provided in (d)5iii below.

4. The agency director shall be appointed for a full term of five years or a temporary term not to exceed 90 days. Appointment for any other period is prohibited.

i. A full-term appointment shall be for a period of five years, beginning from the date of appointment. When a vacancy occurs and a new director is duly appointed and approved before the expiration of a previous director's term, the new appointee's term of office begins on the date of his or her appointment and continues for five years; it is not limited to the unexpired term of his or her predecessor.

ii. In case of a vacancy in the office of an agency director, one temporary or acting director may be appointed for a term not to exceed 90 days. Such appointment is not subject to extension or renewal.

(1) A protracted illness of whatever duration, so long as it does not exceed the individual's term of office, shall not be construed as a vacancy; however, the LAB may appoint an acting agency director where necessary. The prohibitions of (d)7 below apply to acting directors. Members of the municipal governing body are not eligible for appointment as acting directors.

(2) The temporary appointee may be a member of the LAB, preferably the chairman, a subordinate employee of the agency, or any other person deemed competent to serve as temporary director and so designated by the LAB. The prohibitions of (d)7 below apply to temporary appointees. Members of the municipal governing body are not eligible for temporary appointment.

(3) The appointment of a temporary agency director is an interim measure to ensure the efficient functioning of the municipal agency until a full-term director can be appointed by the LAB and approved by DFD. The LAB is required to notify DFD immediately, in writing, of the name and address of the temporary designee and the date he or she has or will take office. If the temporary director is not to be selected for a full five year term, it is not necessary to submit Form WFNJ/GA-14, Request for State Approval of Municipal Agency Director.

iii. The appointment of a director to a municipal agency, in which the WFNJ/GA program is consolidated into the county agency, shall expire on the effective date of the consolidation, whether the appointment is full-term or temporary.

iv. Reappointment of an incumbent director at the expiration of a current five-year term is solely the responsibility of the LAB. Upon decision of the board to reappoint the incumbent for a full five-year term, the secretary of the LAB will notify the DFD. After receipt of DFD approval, formal action will be taken at a regular or special board meeting and duly recorded in the minutes. In such case, submittal of another Form WFNJ/GA-14 to DFD is not necessary.

(1) Should the LAB decide not to reappoint the incumbent director, or should he or she decline reappointment, it shall be the responsibility of the board to select promptly a new full-term candidate and to secure approval of the DFD (as described in (d)5 below) or to designate a temporary director while a qualified full term candidate is being sought.

(2) Regardless of the type of appointment made, the LAB shall act to assure that the position of director does not remain vacant at any time.

v. Removal of the director from office must be by official action of the LAB and based upon appropriately documented evidence of mismanagement or wrongdoing.

5. Formal appointment to the position of director for a full term is valid only after the candidate's qualifications have been submitted to and approved by DFD.

i. For purposes of securing State approval of a full-term candidate designated by the LAB, the individual shall prepare, in triplicate, Form WFNJ/GA-14, Request for State Approval of Municipal Agency Director, which is certified by the secretary of the LAB. The original shall be submitted to DFD for approval. Copies will be retained in the board's personnel file and by the candidate. (Form WFNJ/GA-14 is available upon request from DFD.)

ii. After receipt of Form WFNJ/GA-14 by DFD, the candidate will be interviewed by a representative of DFD. Questions relevant to the candidate's qualifications will be reviewed with the chairperson of the LAB. A written decision regarding the

candidate's qualifications and DFD approval or disapproval will be sent to the secretary of the LAB.

iii. While it is preferable that a candidate for the position of full-term director possess all of the requisite education and experience, the LAB, after failure to find a properly qualified person (see (d)3 above), may recommend an otherwise qualified individual. In such instance, the secretary of the LAB shall submit the Request for State Approval of Municipal Agency Director, accompanied by a letter which includes an account of the efforts made to locate a qualified candidate, the reasons for which the candidate merits consideration, and indication of his or her intention to take advantage of available opportunities for additional training or study.

iv. If the qualifications of a new candidate for the full term position of director have been duly approved by DFD prior to the expiration date of the term of the incumbent director, the LAB may formally appoint the candidate for the full term of office without making an initial "temporary appointment."

6. The municipal agency director is responsible for ensuring equitable and efficient administration of WFNJ/GA within the community, in accordance with standards and policies set forth in this chapter. The agency director is accountable to the LAB. His or her duties and responsibilities include the following:

i. Determinations and redeterminations of eligibility of applicants for and recipients of WFNJ/GA, and determination of the nature and amount of the benefit issued;

ii. Initiation of action to help clients obtain an adequate standard of living, receive essential aid through other agencies or individuals and become self-supporting;

iii. Arrangements for the custodial care by the State, county or competent persons of clients when it is in the best interest of such individuals and the community;

iv. Direction of daily and overall operations of the local agency, including maintenance of records for accounting and statistical purposes relevant to the public assistance program;

v. Supervision of other personnel employed by the local agency;

vi. Functioning as liaison officer between the LAB and DFD; and

vii. Maintenance and protection of all records and appropriate documents required by DFD.

7. The director or any employee of the municipal agency shall not:

i. Seek or hold any elective governmental office, be a member of a county committee of any political party, serve on a local election board, or hold office in a political club. (These limitations are not relevant to elections or positions which are clearly outside of the political process, such as local school board elections.);

ii. Divulge, or make available for political purposes, the names of persons receiving WFNJ/GA; or

iii. Engage in any political activity for the purpose of influencing the political action of or in any way exploiting applicants for or recipients of WFNJ/GA;

(e) The salary of the agency director shall be set by the LAB, subject to approval of the municipal governing body. The setting of salaries of other employees shall be the responsibility of the governing body.

(f) The LAB is responsible for establishment of the official municipal agency office and designation of hours of operation.

1. The office of the municipal agency shall be in a location accessible to the general public and adequate for efficient operation.

2. The office of the municipal agency shall be open to the public a minimum of three hours a day during the five-day work week to take applications for assistance and to provide emergency assistance. Additional arrangements shall be instituted by the LAB to ensure that someone is accessible to the public seven hours a day during the five-day work week to take applications for assistance and provide emergency assistance, and that persons in need of assistance are served without delay at times other than normal office hours.

i. Each municipal agency office shall be required to post a sign(s), in a conspicuous place(s), which lists the telephone number(s) and the person or agency available to handle emergencies beyond normal office hours.

(g) The LAB shall act as a body in discharging its duties. A board member shall not individually take upon himself or herself the responsibility for creation of policy, investigation of a client or disclosure of data contained in a case record. Actions taken by the LAB on all matters pertaining to the administration of WFNJ/GA shall be discharged by the board at regular or special meetings and recorded in the secretary's minutes. Functions and activities of the LAB include the study of employment possibilities in local industry, health, housing, and social conditions of the community. Analysis of municipal financial needs, insofar as they are related to WFNJ/GA, shall also be a matter of concern to the LAB.

1. The LAB shall undertake the following additional activities:

i. Seek and utilize opportunities to interpret to the community the purposes of the WFNJ/GA program as provided by law, and the needs of the community as revealed through the LAB's experience with the administration of the program;

ii. Confer with the director on concerns, criticisms or recommendations coming to it from citizens in the community;

iii. Meet with individuals and organizations interested in the administration of the assistance program;

iv. Accept and act upon complaints relating to the administration of the WFNJ/GA program when submitted to the board, in writing, prior to its meeting;

v. Review problem cases presented by the director for discussion; and

vi. Make recommendations as to the adequacy in number and qualifications of personnel for the administration of the program.

2. Specific duties of the local assistance board include, but are not limited to, the following:

i. The LAB shall provide space within the municipal office for the proper protection and maintenance of all reports, case records and any other materials essential to the administration of WFNJ/GA.

(1) Access to case records shall be granted by the LAB, through the agency director, only to the following persons: employees of the municipal agency acting in an official capacity; representatives of another recognized public or private health or welfare agency, organization or institution for the purpose of obtaining information relevant to providing service to a current or former recipient of WFNJ/GA or to a member of his or her family; the client or his or her representative, in accordance with N.J.A.C. 10:90-9.11 and authorized representatives of the DFD relevant to State audits and quality control reviews.

(2) As a matter of policy, only the agency director or the LAB, by formal action and for a just cause, shall authorize the removal of a case record from the office.

(3) Information may be released to authorized persons for statistical purposes but shall not bear the name of the public assistance recipient or any other indication of his or her identity; and

ii. Responsibility is vested in the LAB to safeguard the applicants for and/or recipients of public assistance from discrimination by municipal agency employees and vendors who provide services to clients. Any discrimination based upon race, color, sex, religious creed, national origin, marital or birth status, political beliefs or disability is unlawful and subject to appropriate action (see N.J.A.C. 10:90-1.7).

(h) Nothing in this section shall be construed so as to allow access to confidential information beyond that authorized in N.J.A.C. 10:90-1.11.

(i) In Faulkner Act municipalities where no LAB exists, the authority, duties and responsibilities of the LAB resides with the mayor or manager as applicable to the form of government. Functions of the secretary of the LAB are assumed by the municipal clerk.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

In (d)1, added a fourth sentence.

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N.J.A.C. 10:90-12.10

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-12.10 Appointment of employees

Employees for the municipal agency shall be appointed by the governing body in accordance with municipal ordinances and in numbers adequate for the proper administration of the WFNJ/GA program. While the LAB shall appoint the agency director, the municipal governing body is responsible for the appointing of department staff.

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N.J.A.C. 10:90-12.11

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§ 10:90-12.11 Establishment of Public Assistance Trust Fund Account

(a) The governing body of the municipality shall establish a bank account titled "Public Assistance Trust Fund Account," with the municipal treasurer or other designated official as custodian (see N.J.A.C. 10:90-14.3).

(b) The governing body of the municipality may, at the request of the LAB, establish a Public Assistance Petty Cash Fund Account. Such fund shall be established and operated in accordance with N.J.A.C. 10:90-14.3.

History

HISTORY:

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (b), amended the N.J.A.C. reference.

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N.J.A.C. 10:90-13.1

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 13. MEDICAL SERVICES FOR WFNJ SINGLE ADULTS AND COUPLES WITHOUT DEPENDENT CHILDREN

§ 10:90-13.1 Medical services for WFNJ/GA recipients

Medical services for WFNJ/GA recipients (excluding those residing in a nursing facility) shall be provided by NJ FamilyCare (see N.J.A.C. 10:49). For travel costs for medical care for WFNJ/GA recipients see N.J.A.C. 10:90-13.4.

History

HISTORY:

Special New Rule R.2000 d.392, effective September 1, 2000 (to expire March 1, 2001).

See: 32 New Jersey Register 3615(a).

Former N.J.A.C. 10:90-13.1, Payment of medical service claims, specially recodified to N.J.A.C. 10:90-13.2.

New Rule, R.2001 d.42, effective December 27, 2000.

See: 32 New Jersey Register 3651(a), 33 New Jersey Register 564(a).

Former N.J.A.C. 10:90-13.1, Payment of medical service claims, specially recodified to N.J.A.C. 10:90-13.2.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Amended the N.J.A.C. reference.

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N.J.A.C. 10:90-13.2

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§ 10:90-13.2 Payment of medical service claims for WFNJ/GA recipients residing in a nursing facility

(a) Claims resulting from medical services provided to WFNJ/GA recipients residing in a nursing facility, on or after February 1, 1997, shall be processed and paid by the New Jersey Division of Medical Assistance and Health Services (DMAHS) through its fiscal agent, in accordance with the rules appropriate for the services rendered (see N.J.A.C. 10:49). Payment of claims submitted to the fiscal agent for medical services covered under the WFNJ/GA program shall be based upon the Medicaid reimbursement methodology for the respective services. Those medical services identified at (a)2 below shall not be considered eligible for payment by the fiscal agent for WFNJ/GA program purposes.

1. Medical service claims with service dates on or after February 1, 1997 shall be submitted directly to the fiscal agent by the medical provider/vendor for payment processing. The original claim must be received by the fiscal agent within the time frame of one year from the date the service was rendered or the product was provided. If the original claim is not received by the fiscal agent within the one year time frame the claim shall not be processed for payment.

i. The provider/vendor shall direct all concerns relating to the payment or processing of WFNJ/GA medical service claims to the fiscal agent.

(1) A provider/vendor may, however, contact the agency in which the WFNJ/GA recipient is receiving assistance to ascertain information concerning WFNJ/GA policies, coverage of services and/or eligibility.

ii. Medical service claims, except for prescription claims, with service dates prior to February 1, 1997 shall be processed by the county/municipality. Such claims, however, must be received by the county/municipality within a time frame of six months from the date the service was rendered in order for that claim to be considered eligible for payment processing.

2. The following services are not considered eligible medical services for WFNJ/GA program purposes and shall not be processed for payment by the fiscal agent:

i. Inpatient or outpatient hospital services/care provided in a hospital either in-State or out-of-State, including, but not limited to, psychiatric hospitals, acute care hospitals, special hospitals, rehabilitation hospitals, Christian Science sanatoria and county or State hospitals;

(1) Exception: Inpatient hospitalization at Mt. Carmel Guild in Newark is an eligible medical service for the WFNJ/GA program.

ii. Professional services rendered to residents in public/private medical institutions;

iii. Professional services to WFNJ/GA clients residing in residential treatment centers for drug or alcohol abuse;

iv. Nursing facility per diem payments for individuals residing in Medicaid approved nursing facilities;

(1) See N.J.A.C. 10:90-13.5 concerning per diem payments for WFNJ/GA clients residing in non-Medicaid nursing facilities on or prior to June 30, 1995;

v. Early and periodic screening, diagnosis and treatment (EPSDT) services;

vi. Services provided under a home and community based services waiver, in accordance with Section 1915(c) of the Social Security Act, 42 U.S.C. § 1396n;

vii. Managed care services;

viii. Transportation for medical services provided under contract with a vendor or through a contract with the county agency;

ix. Medical services payable through other health insurance coverage, no-fault insurance benefits, or any other type of insurance/benefit coverage;

(1) Medical service bills shall be submitted to the appropriate primary carrier prior to being submitted for payment consideration through the fiscal agent;

x. HealthStart maternity and pediatric care services including comprehensive medical and health support service packages;

xi. Hospice services provided in a nursing facility;

xii. Maternity services provided by any type of provider including, but not limited to physicians, certified nurse specialists/clinical nurse practitioners, certified nurse-midwives and clinics;

xiii. Medical day care services;

xiv. Medical bills, which have been paid by the client or on his or her behalf; and

xv. Antiretroviral prescription medications (except for a one time emergency supply pending application processing and acceptance into the AIDS Drug Distribution Program).

3. The director of the county/municipal agency may authorize payment of other medical insurance premiums.

4. Prior authorizations required under the Medicaid program shall also be applicable for WFNJ/GA program purposes.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

In (a)2, deleted former iii and recodified former iv through xvi as iii through xv.

Amended by R.1998 d.517, effective November 2, 1998.

See: 30 New Jersey Register 2417(a), 30 New Jersey Register 3962(a).

In (a)2, added a new xvi.

Amended by R.1999 d.182, effective June 7, 1999.

See: 31 New Jersey Register 20(a), 31 New Jersey Register 1508(a).

In (a)5, changed N.J.A.C. reference.

Amended by R.2000 d.267, effective July 3, 2000.

See: 32 New Jersey Register 1142(a), 32 New Jersey Register 2502(a).

In (a)2, added xvii.

Specially recodified from N.J.A.C. 10:90-13.1 and specially amended by R.2000 d.392, effective September 1, 2000 (to expire March 1, 2001).

See: 32 New Jersey Register 3615(a).

In (a), inserted "residing in a nursing facility" in the first sentence of the introductory paragraph and changed N.J.A.C. reference in 2iv(1). Former N.J.A.C. 10:90-13.2, Obtaining medical services, specially recodified to N.J.A.C. 10:90-13.3.

Recodified from N.J.A.C. 10:90-13.1 and amended by R.2001 d.42, effective December 27, 2000.

See: 32 New Jersey Register 3615(a), 33 New Jersey Register 564(a).

Former N.J.A.C. 10:90-13.2, Obtaining medical services, specially recodified to N.J.A.C. 10:90-13.3.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

In (a), rewrote 2 and deleted 5.

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N.J.A.C. 10:90-13.3

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§ 10:90-13.3 Obtaining medical services for WFNJ/GA recipients residing in a nursing facility.

(a) The county/municipality shall provide the WFNJ/GA recipient residing in a nursing facility with a current validation card or letter which will be utilized to obtain treatment by a Medicaid participating provider/vendor. The agency shall supply a validation card or letter to each WFNJ/GA recipient at time of opening or reopening of the case and monthly thereafter to ensure validity through all periods of assistance eligibility. The size and layout of the validation card or letter are optional. Each card or letter must contain, at a minimum:

1. The name, address, phone number and four-digit municipality code of the agency;

2. The first and last name(s) of the client(s) for whom the card or letter applies;

3. The required six-digit case number and two-digit person number. If the case number does not contain six digits, zeros are to be placed in the front of the case number to accommodate the entry. A two-digit person number (that is, 01, 02, and so forth) must be used to identify the person in the eligible unit for whom the services are to be provided. The person number 01 should be used to reflect the person whose name appears on the case name and person number 02 reflects the person who resides with the case name person in a marital relationship or who represents themselves as a couple to the community;

4. The expiration date;

5. A notice to client as follows: This validation form indicates eligibility for WFNJ/GA benefits and is to be presented to the Medicaid participating provider when you require medical services; and

6. A notice to Medicaid participating provider/vendor as follows: Please complete the appropriate claim form according to Medicaid policies and procedures and forward the claim directly to the Medicaid fiscal agent for claim processing and payment.

(b) Claims for medical services eligible under the WFNJ/GA program shall be processed and paid by the fiscal agent when such services are provided by Medicaid approved providers.

1. When a WFNJ/GA recipient residing in a nursing home requires medical services from a provider and an appropriate clinic is not available to provide such services without charge, the client shall have the opportunity to select a Medicaid participating provider of his or her own choice. A representative of the agency may assist the client in obtaining an appropriate Medicaid participating provider.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Specially recodified from N.J.A.C. 10:90-13.2 and specially amended by R.2000 d.392, effective September 1, 2000 (to expire March 1, 2001).

See: 32 New Jersey Register 3615(a).

In (a), inserted "residing in a nursing facility" in the first sentence of the introductory paragraph; and in (b)1, inserted "residing in a nursing home" in the first sentence. Former N.J.A.C. 10:90-13.3, Travel costs for medical care, specially recodified to N.J.A.C. 10:90-13.4.

Recodified from N.J.A.C. 10:90-13.2 and amended by R.2001 d.42, effective December 27, 2000.

See: 32 New Jersey Register 3615(a), 33 New Jersey Register 564(a).

Former N.J.A.C. 10:90-13.3, Travel costs for medical care, specially recodified to N.J.A.C. 10:90-13.4.

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N.J.A.C. 10:90-13.4

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§ 10:90-13.4 Travel costs for medical care

(a) The county/municipal agency shall authorize payment for travel costs necessary for the receipt of health services, provided that such transportation is not otherwise available without cost.

1. To the extent possible, such services shall be purchased directly from the vendor.

i. Payment may be made directly to the recipient when prior authorization for the expenditure has been obtained from the agency.

2. Payment shall not exceed the Medicaid rate, when appropriate, or the most reasonable rate for which service may be obtained.

History

HISTORY:

New Rule, R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Specially recodified from N.J.A.C. 10:90-13.3 by R.2000 d.392, effective September 1, 2000 (to expire March 1, 2001).

See: 32 New Jersey Register 3615.

Former N.J.A.C. 10:90-13.4, Nursing facility payments, specially recodified to N.J.A.C. 10:90-13.5.

Recodified from N.J.A.C. 10:90-13.3 by R.2001 d.42, effective December 27, 2000.

See: 32 New Jersey Register 3615, 33 New Jersey Register 564(a).

Former N.J.A.C. 10:90-13.4, Nursing facility payments, specially recodified to N.J.A.C. 10:90-13.5.

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N.J.A.C. 10:90-13.5

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§ 10:90-13.5 Nursing facility payments

(a) The agency director shall authorize payments for patient care and allow for a personal needs allowance (PNA) for those clients who were residing in a non-Medicaid nursing facility on or prior to June 30, 1995 when a physician certifies that the client has a defect, disease, or impairment (other than psychosis) which necessitates such care, the client is not eligible for Medicaid, or for nursing facility services under the Medically Needy Program, and there is no person available who will provide such care without cost to the client. Those WFNJ/GA recipients shall continue to receive WFNJ/GA nursing facility benefits until such time as the WFNJ/GA nursing facility benefits are no longer required, or when the client is no longer eligible to receive such WFNJ/GA benefits as long as the client remains in the same non-Medicaid nursing facility.

1. Physician certification shall be accomplished by means of Form GA-18, Certification of Need for Patient Care in Facility Other than Public or Private General Hospital. This form shall be completed in duplicate, by the attending or staff physician and the operator or superintendent of the appropriate facility. One copy shall be submitted to DFD for determination of nursing facility care and subsequently, filed in the case record and the other copy shall be retained by the nursing facility or institution.

2. Payment to the non-Medicaid facility shall not exceed the rates established by DFD for that facility. The county/municipality shall contact DFD to obtain the per diem rate for room, board and nursing care. A PNA of $ 35.00 per month shall be allowed to the resident.

i. To determine the all inclusive rate the agency shall be authorized to pay the non-Medicaid nursing facility, the agency shall calculate the non-Medicaid facility rate established by the DFD, times the number of days of care for the month, less the payment by or on behalf of the client. Each month the agency will obtain a current bill for all services rendered during the previous month.

(1) The agency shall authorize per diem payments for periods of up to 10 days during which the client is temporarily absent from the facility for hospitalization, or for periods of up to 25 days in a calendar year for therapeutic visits.

ii. Prescription drugs, laboratory, x-ray, physician, dental, podiatry services and supplies are not included in the nursing facility per diem rate. Payment for such services rendered shall be paid directly to the provider by the fiscal agent in accordance with the rules and regulations appropriate for the services rendered (see N.J.A.C. 10:49).

History

HISTORY:

Recodified from N.J.A.C. 10:90-13.3 by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Specially recodified from N.J.A.C. 10:90-13.4 by R.2000 d.392, effective September 1, 2000 (to expire March 1, 2001).

See: 32 New Jersey Register 3615(a).

Former N.J.A.C. 10:90-13.5, Medically needy, specially recodified to N.J.A.C. 10:90-13.6.

Recodified from N.J.A.C. 10:90-13.4 by R.2001 d.42, effective December 27, 2000.

See: 32 New Jersey Register 3615(a), 33 New Jersey Register 564(a).

Former N.J.A.C. 10:90-13.5, Medically needy, specially recodified to N.J.A.C. 10:90-13.6.

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N.J.A.C. 10:90-13.6

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§ 10:90-13.6 Medically needy

(a) Individuals and families who are ineligible for WFNJ/GA, WFNJ/TANF, the Refugee Resettlement Program or SSI, because their income exceeds the standards established for the applicable program may apply to the county/municipal agency on a monthly basis for assistance in paying excessive medical costs. The provisions of this subsection are not applicable to the payment of bills for inpatient or outpatient hospitalization or for medical services rendered to an inpatient or outpatient by a hospital or hospital clinic. Those individuals who appear to be potentially eligible for the Medically Needy Program shall be referred to that program. Except as stated in (b) below, any person found eligible under the provisions of that program is not eligible for benefits under this subsection.

(b) Elderly, blind or disabled individuals who are ineligible for the SSI Program, because their income exceeds the SSI standard, shall be referred to the Medically Needy Program. That program, however, does not provide payment for prescribed drugs. Therefore, individuals not entitled to receive assistance in meeting the cost of drugs from any other source may apply to the county/municipal agency on a monthly basis for assistance in meeting excessive medical costs.

(c) When an individual's or family's income over and above the appropriate income level as explained in (d) below has been used to pay medical bills, any additional medical costs are considered excessive.

(d) For the purpose of determining excessive medical costs, the total available monthly income (see (e) below) of individuals, couples, or families with children is measured against the appropriate allowance standard. For elderly, blind, or disabled persons, the Medically Needy Program standard applies. For families with children, Schedule II applies (see N.J.A.C. 10:90-3.3(b)). For all others, Schedule IV (see N.J.A.C. 10:90-3.5(b)) or V (see N.J.A.C. 10:90-3.6(a)), as appropriate, applies. Information about the current standards may be obtained by contacting the Division of Family Development.

(e) Form WFNJ/GA-19 will be used to determine income and the amount of excessive medical costs. Monthly earned income is adjusted by deducting any earned disregard, as appropriate (see N.J.A.C. 10:90-3.8), plus any child care necessary for employment of the parent(s) and/or court ordered support payments; no further disregards are

recognized. This adjusted amount added to any unearned income equals the total monthly income available to the eligible unit.

(f) When the appropriate standard ((d) above) is subtracted from the total available income, the difference or "surplus" is the amount of medical expenses the client is expected to pay him or herself. When the client has proof of paid medical bills in the amount of the "surplus," the agency shall provide payment for any unpaid medical costs in excess of the "surplus," in accordance with the regulations and rates set forth in this subchapter.

(g) N.J.A.C. 10:90-1.2 and 2.11(b) shall constitute the application process relevant to the medically needy. See also N.J.A.C. 10:90-3.22 regarding redeterminations.

History

HISTORY:

New Rule, R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Specially recodified from N.J.A.C. 10:90-3.5 and amended by R.2000 d.392, effective September 1, 2000 (to expire March 1, 2001).

See: 32 New Jersey Register 3615(a).

In (a), inserted a reference to NJ FamilyCare in the first sentence; and in (b), rewrote the first sentence.

Recodified from N.J.A.C. 10:90-3.5 and amended by R.2001 d.42, effective December 27, 2000.

See: 32 New Jersey Register 3615(a), 33 New Jersey Register 564(a).

In (a), inserted a reference to NJ FamilyCare in the first sentence; and in (b), rewrote the first sentence.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

In (a), deleted the reference to NJ FamilyCare; in (b), rewrote the first sentence.

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N.J.A.C. 10:90-14.1

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§ 10:90-14.1 Statutory authority

(a) Under the provisions of N.J.S.A. 44:8-111, the Commissioner is empowered to make and to enforce rules and regulations governing the provision of WFNJ/GA.

(b) Further, N.J.S.A. 44:8-112 provides that the Commissioner may require keeping of records and submission of reports, and investigate the administration of public assistance within each municipality.

1. In accordance with the foregoing authority, this chapter sets forth the fiscal regulations, procedures and policies which must be uniformly observed in the administration of WFNJ/GA by counties/municipalities in order to qualify for State aid.

2. All agencies must comply with current fiscal procedures as established by the Division of Local Government Services in the Department of Community Affairs and other applicable accounting and internal control procedures.

(c) The Commissioner reserves the right to approve county/municipal social service agency budgets.

1. With respect to municipalities, approvals shall be contingent on the municipal agency's submission and the Division of Family Development's (DFD's) approval of the budget and Form GA-15, where required.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

In (c)1, deleted a former second sentence.

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N.J.A.C. 10:90-14.2

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§ 10:90-14.2 State financial participation

(a) In accordance with P.L. 1990, c.66, the amount of State aid for WFNJ/GA which an approved county/municipality may receive shall equal 100 percent of the amount of county/municipal funds approved for public assistance.

(b) The State shall reimburse the county for 100 percent of the administrative costs incurred for providing cash assistance benefits to eligible single adults and couples without dependent children up to the maximum amount allocated for that county by the Commissioner within the limits of available funds.

(c) A municipality which continues to administer WFNJ/GA pursuant to the provisions of P.L. 1997, c.37, shall be responsible for all administrative costs of providing benefits to eligible single persons and couples without dependent children.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

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N.J.A.C. 10:90-14.3

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§ 10:90-14.3 Public Assistance Trust Fund Accounts

(a) The law provides that every payment made to a county/ municipality as State aid for WFNJ/GA, including all moneys received as a refund or in restitution of any year's assistance expenditures, shall be made payable to the chief financial officer (CFO) of the county agency or the treasurer (but not by name) of the municipality and deposited by him or her in the Public Assistance Trust Fund (PATF) Account. Municipalities that administer the WFNJ/GA program shall be required to maintain both a PATF I and a PATF II Account. Counties which administer the WFNJ/GA program will be required to maintain one PATF.

1. A municipality which has received State aid shall not close out its PATF Accounts at the end of that fiscal year. Municipalities shall maintain PATF accounts in order to qualify for State aid.

2. Procedures in non-transferability of funds are the following:

i. Under no circumstances shall payments made to a municipality as State aid for WFNJ/GA in the current or prior years be deposited or transferred to the municipal current account or used for any purpose other than public assistance grants exclusive of administrative costs. Transfers from PATF I to PATF II are not barred by this subsection. Transfer of surpluses arising from municipal appropriations in prior years is not barred by this paragraph.

ii. When the WFNJ/GA program has been transferred to the county, the PATF I balance, with the approval of DFD, may be transferred to the municipal current fund and the account closed, as long as the municipality does not owe any portion of the PATF I balance to the State.

3. State aid advances shall be deposited in the PATF II Account.

4. All payments received by a county/municipality or any other agency from or on behalf of current or former recipients shall be deposited in the "PATF Account," and entered on Statement of Refunds (Form WFNJ/ GA-12) and duly accounted for on a monthly basis.

i. Refunds and other receipts shall be separated and deposited as follow:

(1) Deposits to the PATF I Account shall include any municipal appropriation for non-WFNJ/GA eligible assistance, certain miscellaneous donations, and refunds of non-WFNJ/GA assistance.

(2) Deposits to the PATF II Account shall include State aid advances for expenditures eligible for 100 percent State aid, refunds of all 100 percent reimbursed assistance (to include fraud recoveries, insurance recoveries, vendor repayments, and so forth) and Supplemental Security Income (SSI) Interim Assistance checks.

ii. Each county/municipal agency is required to prepare Form WFNJ/ GA-12. Refunds are separated according to items eligible and ineligible for State participation and completed in accordance with instructions provided on the reverse side of Form WFNJ/GA-12. SSI retroactive grant awards received from SSA and reported on Form WFNJ/GA-31 and State Aid payments do not get reported on Form WFNJ/GA-12. Form WFNJ/ GA-12 shall be distributed as follows:

(1) The originals are to be submitted to the agency's auditor at the time of annual audit.

(2) A copy is to be forwarded to DFD each quarter (even if there are no refunds) by the end of the following month.

(3) A copy is to be retained by the county/municipal agency.

(4) A copy is to be provided to the chief financial officer and/or treasurer of the county/municipality.

iii. State aid shall be adjusted for refunds of assistance eligible for State participation.

(b) Disbursement may be made from the PATF Accounts only for payment of public assistance costs, exclusive of administrative costs. Disbursements will be made on the authority of the county/municipal treasurer or other authorized official.

1. Types of disbursements authorized from PATF I Account are limited to:

i. Payment to indigent clients or to vendors providing authorized services to indigent clients who do not meet the eligibility criteria for WFNJ/GA and for public assistance costs of WFNJ/GA clients not eligible for State aid;

ii. Payments to non-WFNJ/GA needy individuals as designated by the municipality, LAB and/or Director within constraints established by the municipal council and or donor(s) of contributed funds;

iii. Payments for non-WFNJ/GA eligible indigent burials;

iv. Replacement checks; and

v. Payment to replenish the PATF I petty cash account.

2. Disbursements from the PATF II Account are limited to:

i. Payment to WFNJ/GA clients or to vendors providing authorized services to WFNJ/GA clients of public assistance costs eligible for 100 percent State aid; and

ii. Payment of SSI proceeds to SSI recipients, the Social Security Administration, or other county/municipal agencies from which the SSI recipient received Interim Assistance and completed a Form WFNJ/GA-30.

3. Those counties/municipalities which issue checks in direct payment of assistance to eligible persons shall arrange their fiscal procedures so as to result in the delivery of all initial and regular checks on the first day of each period of eligibility and the delivery of replacement checks which are issued within five working days of receipt of notification from the client that the assistance check has been lost or stolen, unless extraordinary circumstances, such as, but not limited to, a history of lost/stolen checks, are present, and a longer period of time is approved by DFD.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

In (a)2ii, added an exception at the end.

Amended by R.1999 d.182, effective June 7, 1999.

See: 31 New Jersey Register 20(a), 31 New Jersey Register 1508(a).

In (b), deleted "only" following "Accounts" in the introductory paragraph, inserted new ii and iii, and recodified former ii and iii as iv and v in 1.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

In (a), deleted "/Bureau of Business Services (BBS)" in 2ii and deleted "/BBS" in 4ii(2); in (b), rewrote 1i, deleted former 2ii and recodified former 2iii as 2ii.

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N.J.A.C. 10:90-14.4

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-14.4 Fiscal and statistical reporting requirements

(a) Forms described in this subsection shall be completed using GAAS or another automated system and either submitted to DFD, as indicated, or retained by each county/municipality approved to receive State aid in the WFNJ/GA program agency. Use of the forms described herein is required.

1. Each application shall be entered on the Application Register (Form WFNJ/GA-7) and shall be maintained by the agency on an updated basis. The Application Register is subject to review by representatives of the DFD.

2. Report WFNJ/GA-6A (Statistical Summary) shall be submitted on a monthly basis to the DFD within 10 days after the end of the assistance month.

3. Procedures for the use of the Statistical Summary (Form WFNJ/GA-6A) are as follows:

i. Form WFNJ/GA-6A is a monthly summary of data contained on Forms WFNJ/GA-6 and WFNJ/GA-7. Form WFNJ/GA-6A must be submitted in order to identify assistance paid that is eligible for 100 percent State aid. Items on WFNJ/GA-6, WFNJ/GA-6A and WFNJ/GA-7 must correspond for use in computing other statistical data. Section VI of Form WFNJ/GA-6A includes information on the monthly total numbers and costs of salaried employees related solely to the administration of the source of funds;

ii. All information supplied refers to the assistance month or, when applicable, to data derived from the month immediately preceding;

iii. The "Certification of Director of Welfare" section of Form WFNJ/GA-6A shall be signed by the agency director before submittal to DFD;

iv. Form WFNJ/GA-6A and supporting Form WFNJ/GA-6 may be amended up to 90 days after the close of the county/municipal fiscal year.

4. All agencies must submit fiscal data through electronic means (see N.J.A.C. 10:90-12.3(c)).

5. Form WFNJ/GA-535Q (WFNJ General Assistance Quarterly Financial Report) is to be prepared and submitted quarterly and Form WFNJ/GA-535A (WFNJ General Assistance Annual Financial Report) is to be prepared and submitted annually. All counties are required to complete and submit these forms. Those municipalities that will not be submitting the required audit and supplemental schedules necessary for DFD to complete an audit closeout for the General Assistance Program are required to complete and submit these forms. The quarterly report is to be submitted to the DFD on April 30, July 31, October 31 and January 31 for the previous quarter. The annual report is due 31 days after the end of the agency's fiscal year (either 6/30 or 12/31). These reports must be signed and dated in the section "Certification of CFO and Director of Welfare" by the county/municipal fiscal officer and the agency director before submitted to DFD. These reports must agree with the respective original or amended WFNJ/GA-6A, WFNJ/GA-12 and WFNJ/GA-31 for the reporting months/quarter.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Rewrote the section.

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N.J.A.C. 10:90-14.5

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§ 10:90-14.5 Reimbursement of assistance for cases pending SSI entitlement

(a) A contractual agreement between the Social Security Administration (SSA) and the State of New Jersey provides for reimbursement to DFD for assistance granted to individuals while awaiting an initial SSI eligibility determination or during the period of time in which a client is awaiting a reinstatement of terminated or suspended SSI benefits. In such instances, the SSA/District Office (DO) may refer such persons to the agency for WFNJ/GA.

(b) When the SSA/DO refers an individual to the county/municipal agency, such referral shall be made on the form entitled Social Security Referral for Services, two copies of which shall be given to the client to take to the agency.

1. If the application for WFNJ/GA results in denial, the county/ municipal agency shall file both copies of the referral form in the case record and take no further action. If the application for WFNJ/GA is approved, one copy of the referral form shall be retained by the agency in the case record, and the other returned to the SSA/DO with a letter stating that the individual concerned is receiving WFNJ/GA.

(c) When an individual is about to apply or has already applied for SSI, or is awaiting a reinstatement of terminated or suspended SSI eligibility, the agency shall require that he or she sign Form WFNJ/GA-30, "Authorization for Reimbursement of Initial Supplemental Security Income (SSI) Payment, or Initial SSI Posteligibility Payment," and Form WFNJ/GA-30A, "Agreement to Repay Assistance from Initial SSI Payment," before granting assistance. These forms pertain to the client's obligation to repay the agency for assistance (including Emergency Assistance/Temporary Rental Assistance) granted during the interim pending the client's SSI initial or posteligibility entitlement. The WFNJ/GA-30 is prepared and forwarded to the SSA as described in (c)l below. This form authorizes the SSA to forward a client's initial or initial posteligibility SSI benefit award payment directly to the treasurer of an agency so that repayment of assistance may be accomplished. A copy of Form WFNJ/GA-30A is prepared at the time of application and is retained in the case record. This form contains a repayment agreement which is to be enforced in cases in which, for whatever reason, the initial, or initial posteligibility SSI payment is sent directly to the client.

1. Completed and signed WFNJ/GA-30 forms shall be submitted by registered mail to SSA/DO within 24 hours of the date the client signs the authorization form and routed in accordance with the following provisions.

i. Three copies of Form WFNJ/GA-30 shall be prepared with the front side of each copy signed by the client and the reverse side signed by the agency director;

ii. The original form shall be submitted to SSA/DO;

iii. The first copy shall be retained in the agency's files; and

iv. The second copy shall be given to the SSI client.

2. When both spouses are applying for SSI, separate sets of the WFNJ/GA-30 and the WFNJ/GA-30A shall be completed for each individual.

3. In any case in which the retroactive SSI check is sent directly to the client, the agency shall compute the reimbursement due in accordance with (d) below and shall seek repayment from the client on the basis of the WFNJ/GA-30A agreement. The WFNJ/GA-30A is to be prepared in duplicate, the client is to receive a copy, and the original is to be retained in the agency's file.

(d) Since the initial check received by the CFO/treasurer will cover the initial retroactive or initial posteligibility SSI award for one eligible person only, deductions when both spouses are involved shall be computed as follows:

1. When both spouses filed and both are found eligible for SSI, the amount of Interim Assistance previously granted to each individual is deducted from his or her separate SSI award;

2. When both spouses filed and only one is determined eligible, the amount of the eligible person's portion of the Interim Assistance payment shall be deducted from the SSI award;

3. When only one spouse is found eligible and the other spouse is designated as an "ineligible spouse," the amount of Interim Assistance received by both persons shall be deducted from the amount of the SSI award.

(e) Rules concerning remittal of balance of SSI award to clients are:

1. Form SSA-(L)8125, Social Security Administration Supplemental Security Income Notice of Interim Assistance Reimbursement, provides the necessary information (SSI eligibility date, payment summary, client's address) to permit distribution of any proceeds due the client from the initial SSI award check, which shall be done as follows:

i. If a month is not listed on the "Payment Summary" segment of the SSA-(L)8125 form, the agency shall not recoup payment of interim assistance provided for that month.

ii. Form SSA-(L)8125 shall be appropriately completed, signed, dated and mailed to the New York SSA office no later than 30 calendar days after the Treasurer's receipt of the SSI award check.

iii. If Form SSA-(L)8125 is not received prior to Treasurer's receipt of the SSI award check, the local SSA/DO shall be contacted by the agency, within a period of not more than three working days, to obtain the necessary information to permit distribution of the proceeds due the client from the SSI award check.

(1) Problems encountered in obtaining the necessary information from SSA/DO shall be referred to the DFD.

(2) Disbursements of SSI funds to which a client is entitled, however, shall not be delayed due to non-receipt of Form SSA-(L)8125.

2. Form WFNJ/GA-31, Repayment of Interim Assistance Authorization, delineates distribution of retroactive and initial SSI or initial SSI posteligibility payments and shall be completed and transmitted in accordance with the following provisions:

i. Within 10 working days of the Treasurer's receipt of the SSI award check from SSA, the agency shall deduct any and all Interim Assistance payments provided, in addition to Interim Assistance granted by any other agency which has remitted to the agency by certified mail, a copy of a signed WFNJ/GA-30 form for that client.

(1) Interim Assistance shall only be deducted in accordance with the calendar date on which the client became eligible for SSI, as indicated on Form SSA-(L)8125.

ii. Form WFNJ/GA-31 delineating the computation of the client's net benefit and a check equal to the net SSI benefit due the client, if any, shall be forwarded to the client pursuant to the time frame in (e)2i above.

iii. The client has a right to appeal the computation results in accordance with the provisions of N.J.A.C. 10:90-9.3.

3. A copy of the completed Form WFNJ/GA-31, together with a copy of the SSA-(L)8125, as received from SSA, shall be forwarded to the DFD immediately following the issuance of Form WFNJ/GA-31 and the net benefit check to the client.

4. In accordance with instructions on Form WFNJ/GA-31 Supplement (Form WFNJ/GA-31 reverse side), a copy of the SSI check shall be attached to Form WFNJ/GA-31 and the WFNJ/GA-31 Supplement completed.

5. The deposit of State share of Interim Assistance recovered shall be deposited into the PATF II Account.

(f) Provisions concerning the installment payments of large retroactive SSI benefits are as follow:

1. Payments will be made directly to the client from SSA in six month intervals, in those instances in which the retroactive SSI benefit exceeds 12 times the monthly SSI entitlement. Any remaining retroactive benefits will be paid in a second installment (not to exceed the first payment amount). All remaining benefits will be paid in a third installment.

i. The county/municipality will be provided with an automated billing form, SSA-L8125-F6 (9/96) "IAR Payment Pending Case-State Due Payment." This billing form will contain a monthly breakdown of the client's payments for the retroactive period and will identify the case as an IAR-Payment Pending Case. The county/municipality shall complete the section entitled, "Amount of reimbursement claimed by the State" using the information provided by SSA in the section entitled, "Retroactive Amount Due Summary." The county/municipality shall be responsible for returning the completed billing form to the SSA field office (FO) servicing the SSI recipient within 10 working days from the date of receipt. The address of the servicing FO will be included on the cover page of the Form SSA-L8125-F6. After the SSA FO receives the completed billing form from the county/municipality, a check shall be issued to the county/municipality in the amount of the reimbursement claimed. The SSA will distribute the remaining SSI installment payments to the recipient.

(g) Rules concerning payment of fees to attorneys or legal entities for successful appeals of claims for SSI benefits are:

1. In order for an attorney or legal entity to be eligible for legal fee payments, the appeal must have been filed on or after September 10, 1996.

2. The funding for the payment of the legal fees will be disbursed from the State's share of the Interim Assistance Reimbursement (IAR) checks. Legal fees shall be paid by DFD and shall be 25 percent of the total retroactive SSI award, provided it does not exceed the amount of the State's share.

3. In order for an attorney/legal entity to receive payment for a successful appeal, the represented individual must have been an active GA recipient sometime during the period covered by the retroactive SSI benefit check.

4. In order for disbursement of fees to be made, legal services providers shall submit the following information to DFD:

i. A petition and copy of the favorable decision within 60 days of the date of receipt of the favorable appeal decision;

ii. An invoice specifying legal services provided;

iii. Proof of the initial and subsequent (if applicable) denial of SSI benefits;

iv. The date of the filing of the appeal;

v. Form WFNJ/GA-31, Repayment of IAR that is provided to the client by the county or municipal agency; and

vi. Form WFNJ/GA-25, Proof of Representation by the Attorney or Legal Entity.

5. If the legal services entity is not an established vendor with the State, then a New Jersey W-9 Form, Request for Taxpayer Identification Number and Certification, should be included with the legal entity's first submittal of an appeal.

6. DFD is required to disburse payment to the legal services provider within 30 days of the date of the submission of the required information.

(h) The Certificate of Authority identifies county/municipal personnel who are authorized to sign documents in conjunction with reporting the receipt and distribution of Interim Assistance Reimbursement received from SSA. The Certificate shall be completed and processed as follows:

1. The names, signatures and titles of the county/municipal agency director and his or her designee(s) (if appropriate) are to be identified on the Certificate;

2. Although the Certificate is to be addressed to the SSA, it is to be mailed to the DFD; and

3. Each new county/municipal director (temporary or full-time) shall complete and submit a Certificate of Authority.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Inserted a new (g); and recodified former (g) as (h).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

In (c), deleted "in triplicate" preceding "and forwarded to the SSA" in the introductory paragraph; in (e), deleted the second sentence in 2i(1) and deleted "/BBS" following "DFD" in 1iii(1) and 3; in (g), deleted "/BBS" following "DFD" in 2.

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N.J.A.C. 10:90-14.6

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§ 10:90-14.6 Retention and destruction of case records

(a)The agency director shall have the responsibility of determining which case records may be destroyed. In selecting these cases, he or she shall follow the procedures set forth in this section and shall not destroy or otherwise dispose of any case record before the expiration of the retention requirement as specified in (c) below.

1. The agency shall institute a system, compatible with its internal administrative procedures, which will assure the identification of closed applications and cases, date of closing and status of reimbursement, if applicable.

2. The file of closed cases shall be reviewed annually until the record retention period has expired.

i. Cases which have been closed for a period exceeding that indicated in (c) below shall be removed and destroyed after authorization has been received from the Division of Archives and Records Management (DARM) (see (b) below).

(b) Rules concerning request and authorization for records disposal are:

1. Requests for destruction of case records shall be submitted on Form CR-AA-0005, Request and Authorization for Records Disposal (formerly Form ED-6) to DARM.

i. Supplies of the Request and Authorization for Records Disposal form may be obtained from DARM. All copies of the completed form shall be forwarded to the DARM for approval;

ii. A follow-up copy will be returned to the county/municipal office by the DARM with recommendation for suitable action.

2. The agency shall not destroy any records until written approval has been received. After records are destroyed, the agency will maintain a listing of names, as well as case numbers destroyed. This list shall be made available for inspection by representatives of DARM upon request.

(c) Cases shall be selected for destruction in accordance with the following schedule:

Click here to view image.

History

HISTORY:

Recodified from N.J.A.C. 10:90-14.7 and amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Deleted Form GA-48 and Form WFNJ/GA-48 from the record retention schedule. Former N.J.A.C. 10:90-14.6, Establishment of Petty Cash Fund Account for municipal agency, repealed.

Amended by R.2006 d.103, effective March 20, 2006.

See: 37 New Jersey Register 4155(a), 38 New Jersey Register 1456(a).

In (c), decreased retention period for inactive case records from 6 years to 3 years and deleted Form GA-6, Form GA-30 and Form GA-31 from schedule.

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N.J.A.C. 10:90-14.7

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§ 10:90-14.7 Computerized match reports

(a) Agencies shall complete an investigation of the following computerized match reports and submit their findings, along with an indication as to the appropriate action undertaken, to DFD within 60 days of receipt:

1. WFNJ/GA-Wage Match Report: A match of the WFNJ/GA files with the Department of Labor's wage files. The WFNJ/GA-Wage Match Reports are sent to all municipalities or counties, as appropriate, on a quarterly basis;

2. WFNJ/GA-SSI Match Report: A match of the WFNJ/GA files with the (SDX) State Data Exchange which lists all SSI recipients.

i. The WFNJ/GA-SSI Match Report is sent to agencies on a monthly basis;

3. WFNJ/GA-WFNJ/GA Match Report: A match of all municipalities matched against each other.

i. The WFNJ/GA-WFNJ/GA Match Report is sent to agencies on a monthly basis;

4. WFNJ/GA-FAMIS Match Report: A match of all WFNJ/GA cases matched against the FAMIS (county agency) files.

i. The WFNJ/GA-FAMIS Match Report is sent to agencies on a monthly basis;

5. WFNJ/GA-UIB Match Report: A match of the WFNJ/GA cases with the Department of Labor's Unemployment Insurance Benefits files. The WFNJ/GA-UIB Match Reports are sent to the agencies on a monthly basis;

6. WFNJ/GA-NY State Wage Files Match Report: A quarterly match of the WFNJ/GA cases with NY State Wage Files; and

7. WFNJ/GA-Veterans Benefits Match Report: An annual match of WFNJ/GA cases with Veterans' benefits.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Recodified from N.J.A.C. 10:90-14.9 and amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

In (a), rewrote 2i, 3i and 4i, and substituted "are sent to the agencies" for "are sent only to the computerized agencies" in 5. Former N.J.A.C. 10:90-14.7, Retention and destruction of case records, recodified to N.J.A.C. 10:90-14.6.

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N.J.A.C. 10:90-14.8

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 14. FISCAL PROCEDURES FOR WFNJ SINGLE ADULTS AND COUPLES WITHOUT DEPENDENT CHILDREN (WFNJ/GA)

§ 10:90-14.8 (Reserved)

History

HISTORY:

Special amendment, R.2000 d.392, effective September 1, 2000 (to expire March 1, 2001).

See: 32 New Jersey Register 3615(a).

In (a), changed N.J.A.C. reference.

Amended by R.2000 d.42, effective December 27, 2000.

See: 32 New Jersey Register 3615(a), 33 New Jersey Register 564(a).

In (a), changed N.J.A.C. reference.

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "Processed medical service claims".

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N.J.A.C. 10:90-15.1

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§ 10:90-15.1 Definitions

The following words and terms, used within this chapter, shall have the following meanings unless the context clearly indicates otherwise:

"Active participation" means participation in a Department of Health and Senior Services' licensed or approved residential or in-patient or out-patient substance abuse treatment program and that the WFNJ applicant/recipient shall cooperate with the program's recommended treatment plan.

"Adjusted allowance" means the balance remaining as a result of subtracting the assistance unit's total income from the appropriate public assistance allowance amount for that assistance unit.

"Adjusted gross income" means, when self-employed, the net income as determined by subtracting the cost of producing the income from total gross earnings.

"Adverse action" means any action by the county or municipal agency resulting in denial of an application for assistance, suspension, reduction or termination of assistance. The term is also applicable to decisions pertaining to protective and restricted payments and denial of request for special payments.

"Allowance" means the amount of money recognized for a specific purpose.

"Alternative Work Experience Program (AWEP)" means work and training only with a public, private nonprofit or private charitable employer that provides a recipient with the experience necessary to adjust to, and learn how to function in, an employment setting and the opportunity to combine that experience with education and job training.

"Appeal" means the process of exercising the right to challenge a decision or action of the administering entity and to have such decision or action reviewed by an impartial agency.

"Applicant" means a person who makes a written request for benefits provided by the WFNJ Program. An applicant can be an individual, couple without dependent children, natural or adoptive parent(s), parent-person(s), parent-minor, or legal guardian acting on behalf of the assistance unit.

"Application" means a written request for public assistance made by an applicant or legal guardian acting on behalf of the assistance unit.

"Application process" means the required actions necessary to make an official determination of the disposition of the application for benefits.

"Approved residential substance abuse treatment program (RSATP)" means a residential substance abuse treatment program; drug treatment facility; alcoholism treatment facility; or halfway house that has made application to the Department of Health and Senior Services' for licensure or licensure renewal and is identified by DHSS as an approved facility.

"Arrears" means the amount of support determined through a court order or administrative order from this State or another state for support and maintenance of a child(ren) or of a child(ren) and the custodial parent, which has not been paid.

"Assistance payment" means the money amount authorized and issued to the assistance unit.

"Assistance unit" means a single adult without dependent children; a couple without dependent children; dependent children only; or a person or couple who are legally or blood related to or the legal guardian of one or more dependent children who live together as a household unit.

"Authorized representative" means an individual (or organization) whom a client designates, orally or in writing, to act on his or her behalf; or in cases of incompetence the person designated by the court to act for the client.

"BARA" means the Bureau of Administrative Review and Appeals in the Division of Family Development.

"Benefits" means any financial or service assistance available to the assistance unit through WFNJ.

"Calculated earned income" means amount of earned income remaining after applicable disregards and deductions have been subtracted from total gross earnings. This is the countable amount to be used in determining the assistance unit's total income.

"Case management" means the provision of certain services to WFNJ recipients.

"Case record" means the official file, including electronically stored data, that constitutes a complete record which supports the decisions and actions of the WFNJ entity on a case and may include, but is not limited to, forms, chronological narrative, correspondence, record of work requirement compliance and other documents pertinent to the application and eligibility of the client.

"Certificate of Parentage (COP)" means the official form for paternity acknowledgment in New Jersey.

"Child care center" means any home or facility licensed by the Office of Licensing, Department of Children and Families, which is maintained for the care, development or supervision of six or more children under 13 years of age who attend for less than 24 hours a day.

"Child only case" means an assistance unit comprising a child(ren) only who is (are) receiving WFNJ/TANF benefits and is(are) residing with a non-needy parent-person who has been designated as the payee for the child(ren)'s cash assistance grant.

"Child support" means the amount required to be paid under a judgment, decree, or order, whether temporary, final or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or child and the parent with whom the child is living, which provides monetary support, health insurance, arrearages or reimbursement, and which may include other related costs and fees, interest and penalties, income withholding, attorney's fees and other relief.

"Client" means an all inclusive term for an applicant or recipient of assistance.

"Collateral investigation" means contact with a source other than members of the applicant's or recipient's immediate household which is made with the knowledge and consent of the applicant(s) for the purpose of obtaining or verifying information.

"Commissioner" means the Commissioner of the New Jersey Department of Human Services.

"Community Work Experience Program (CWEP)" means work and training only with a public, private nonprofit or private charitable employer, provided to a recipient when, and to the extent, that such experience is necessary to enable the recipient to adjust to, and learn how to function in, an employment setting.

"Cooperation with child support" means making a good faith effort to establish parentage and establish, modify and/or enforce a support order(s) and/or health care coverage.

"County agency" means the county agency that was administering the Aid to Families with Dependent Children program at the time the Federal "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," P.L. 104-193, was enacted and which shall also administer the WFNJ Program in that county.

"County residence" means that county where an applicant or recipient is residing.

"Couple" means two individuals who live together, function as one economic unit, and present themselves as a couple to the WFNJ agency.

"CP&P" means the Division of Child Protection and Permanency in the Department of Children and Families.

"CSP" means the Child Support and Paternity Program.

"Custodial parent" means the primary resident parent prior to the establishment of the order determining custody.

"Date of eligibility" means for an eligible applicant, the date of the application or as soon thereafter as there is evidence of financial need; or when verification of eligibility has been satisfactorily completed.

"Denied application" means a determination that, for a specific reason, the applicant is determined ineligible for assistance.

"Department" means the New Jersey Department of Human Services.

"Designated payee" means a person signing the application to whom the assistance benefits will be issued.

"Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual such as hearing, seeing, speaking, walking, breathing, performing manual tasks, caring for oneself, learning or working; a record of such an impairment; or being regarded as having such an impairment (Americans with Disabilities Act of 1990 and Rehabilitation Act of 1973).

"Dismissed application" means recognition that eligibility need not be considered further because the applicant moved to another state during the application process or cannot be located, or the application was registered in error.

"Disregards" means the amount of earned income which is not considered in the WFNJ program when determining the amount of the assistance benefit.

"DDD" means the Division of Developmental Disabilities.

"Division of Employment Services (DES)" means the office within the State Department of Labor and Industry responsible for administration of Unemployment Insurance and Temporary Disability Benefits programs and for operation of the State Employment Service.

"Division of Family Development (DFD)" means the office within the State Department of Human Services responsible for supervision of the administration of county and municipal agencies.

"DVRS" means the Division of Vocational and Rehabilitation Services.

"Electronic Benefit Transfer (EBT)" means the utilization of a Families First debit card by which a recipient may draw benefits through an approved financial institution or vendor.

"Eligible medical institution" means a facility or specified section thereof certified as an approved institution for the purpose of treating acute illness (private or general hospitals) or providing care for the chronically ill (long term care facilities).

"Emergency assistance" means a program of assistance and related services to WFNJ recipients for brief periods of time, necessitated by unusual circumstances which were neither foreseen nor controllable by the recipient.

"Enrollment" means the WFNJ applicant/recipient has been admitted to a Department of Health and Senior Services' licensed or approved residential substance abuse treatment program, is physically residing at the treatment facility, or has been admitted to a DHSS in-patient or out-patient facility.

"Exempt resource" means a resource which is not to be taken into consideration when computing extent of need and is not subject to liquidation requirements.

"Families First" means the program which utilizes Electronic Benefit Transfer as an alternate method of distributing benefits, such as but not limited to cash assistance and NJ SNAP benefits, to eligible individuals and families.

"Family violence" means subjecting an individual(s) to extreme cruelty or physical battering, as defined at 408(a)(7)(C) of the Social Security Act. These behavioral acts of abuse by a perpetrator are those behaviors that result in, or threaten to result in, physical or mental injury/abuse; threatened or attempted sexual assault; sexual assault activity involving a dependent child; the forcing of an individual as the caretaker relative

of a dependent child to take part in non-consensual sexual acts or activities; and neglecting or preventing the individual(s) from getting medical care. Such harmful physical and controlling behavior(s) by the perpetrator, that may have occurred in the past or are presently taking place, can cause, but is not limited to, economic intimidation and isolation of the intimate partner(s) or other family member(s), and may impact that individual's compliance with WFNJ program requirements or in seeking needed services for fear of their own or their child(ren)'s safety.

"Filiation proceedings" means court action to establish paternity and responsibility for support of a child born out-of-wedlock.

"Financial income eligibility" means it is determined that the applicant's total monthly income is less than the applicable maximum income level established for needy individuals and families in the WFNJ program.

"Full-time employment" means employment unsubsidized by any level of government in which a person is engaged for at least 35 hours a week.

"Full-time post-secondary student" means a student enrolled for a minimum of 12 credit hours in a post-secondary school.

"FVO Risk Assessment" means the specific contracted services of the Department of Human Services' (DHS) designated domestic violence agency or the Department of Community Affairs (DCA), Division On Women's (DOW) sexual assault service program to assess WFNJ TANF/GA individuals, who are granted a Family Violence Option (FVO) Waiver, for the purpose of confirming the individual's need for a waiver or continued need for a waiver. The assessment includes a safety and service plan or a strategy consistent with the identified needs and safety concerns of WFNJ TANF/GA individuals; and the identification of intervention services.

"FVO Risk Assessment Process" means the standardized process established within each WFNJ CSSA to refer WFNJ TANF/GA individuals, granted a FVO Waiver to the DHS' designated domestic violence agency or the DCA, DOW's sexual assault service program for a FVO Risk Assessment.

"Good faith effort for WFNJ/GA" means that the GA individual shall provide oral, written or additional information and documentary evidence known to, possessed by or reasonably obtainable by that individual, which leads to the identification of his or her child(ren) and the identification of the custodial parent(s), and is relevant to establishing paternity when applicable, and to obtaining a support order(s) and/or health care coverage.

"Good faith effort for WFNJ/TANF" means that the TANF individual shall provide oral, written or additional information and documentary evidence known to, possessed by or reasonably obtainable by that individual, that may lead to the identification and/or location of the non-custodial parent(s), and is relevant to establishing paternity when applicable, and to obtaining a support order(s) and/or health care coverage.

"Gross earned income" means the total earnings of members of the assistance unit before applicable disregards and deductions are subtracted, or the net profit from self-employment before income tax or personal taxes are deducted.

"Head of household" means the individual who is recognized by other members of the household as having primary responsibility for financial control and direction of the household.

"Homelessness, state of" means when the physical health and safety of an assistance unit, through no fault of its members, is imperiled by substantial loss of shelter.

"IM" means income maintenance.

"Incapacity" means physical or mental defect, illness or impairment, supported by competent medical testimony, of such a debilitating nature as to reduce substantially or eliminate an individual's ability to support or care for himself or herself and/or the otherwise eligible child in his or her care, which is expected to last for at least 30 days.

"Income" means, but is not limited to, commissions, salaries, self-employed earnings, child support and alimony payments, interest and dividend earnings, wages, rent receipts, unemployment compensation, any legal or equitable interest or entitlement owed that was acquired by a cause of action, suit, claim or counterclaim, insurance benefits, temporary disability claims, estate income, trusts, Federal income tax refunds, State income tax refunds, homestead rebates, lottery prizes, casino and racetrack winnings, inheritances, annuities, retirement benefits, veteran's benefits, union benefits, or other source that may be defined as income by the Commissioner.

"Income eligibility standard" means the income eligibility threshold based on assistance unit size for benefits provided within the limit of funds appropriated by the Legislature.

"Income exclusions" means income that is not to be taken into consideration when determining WFNJ financial eligibility.

"Income-in-kind" means income received in the form of goods or services rather than cash.

"Inquiry" means any request for information about assistance programs which is not a request for an application.

"Institution" means a public or private facility providing 24 hour residential placement, care or incarceration.

"Intervention services" means those activities and services offered by the DHS' designated domestic violence agencies, the DOW's sexual assault service programs or through other community providers, such as, but not limited to, counseling.

"Legal custody" means the general right to exercise continuing control over the person of a child derived from court order or otherwise.

"Legal guardian" means a person who exercises continuing control over the person or property, or both, of a child, including any specific right of control over an aspect of the child's upbringing, pursuant to a court order.

"Legally-related" means a relationship created through marriage, adoption or legal guardianship procedures.

"Licensed residential substance abuse treatment program" means a Department of Health and Senior Services' licensed residential substance abuse treatment program; drug treatment facility; alcoholism treatment facility; or halfway house.

"Location" means verified information about the alleged father's and/or non-custodial parent's physical whereabouts, employer(s), and/or other sources of income or assets, as appropriate, which are sufficient and necessary to take the next appropriate action on a case.

"LWD" means the New Jersey Department of Labor and Workforce Development.

"MDO" means Medicaid District Office in the Division of Medical Assistance and Health Services.

"Medicaid" means the New Jersey Medical Assistance and Health Services Program in the Department of Human Services.

"Medicaid Only" means provision of medical assistance only to a family or certain individuals who are eligible for WFNJ benefits and choose to waive the money payment benefit portion.

"Medicaid Special" means Medicaid coverage available to any dependent child under 21 or an independent child under age 21 based on financial eligibility only regardless of other program requirements (for example, WFNJ, employment, training, CSP or school attendance).

"Medical Assistance (MA)" means payments on behalf of recipients to providers for medical care and services.

"Money payment" means an assistance check paid to, or funds deposited through EBT for a recipient or his or her authorized payee.

"Monthly amount" means the amount of money required, provided or received for one month.

"Monthly grant" means the amount of money payment to be made each month to an assistance unit.

"Municipal agency" means an agency within a municipality that has been designated, via municipal resolution, to administer the WFNJ/GA Program.

"Municipality" means any city, borough, township, town, village or municipality governed by a board or commissioners or an improvement commission.

"Needy person" means a person who requires and qualifies for a money payment in the WFNJ program.

"New application" means a signed request for assistance by an individual who has never previously applied under that program in any county or municipality in the State.

"NJSES" means the New Jersey State Employment Service, New Jersey Department of Labor.

"NJ SNAP" means the New Jersey Supplemental Nutrition Assistance Program.

"Non-custodial parent" means the non-primary resident parent prior to the establishment of an order determining custody.

"Noneligible person" means a person who is neither sanctioned nor required by law or regulation to be included in the WFNJ assistance unit.

"Non-needy caretaker" means a relative caring for a dependent child, or a legal guardian of a minor child who, in the absence of a natural or adoptive parent, assumes parental responsibility for such minor child.

"Obligee" means the individual or entity entitled to receive child support and health insurance or provide health insurance under a court order for support and shall include agencies of this and another jurisdiction to which an obligee has assigned the obligee's right to support.

"Obligor" means the individual who according to applicable law(s) has the obligation to pay child support and/or provide health insurance coverage.

"On-the-job-training (OJT)" means an activity in which a participant is hired by a public or private sector employer for which the employer is reimbursed a portion of the individual's wages while he or she is learning on the job.

"Out-of-wedlock child" means a child born to a mother who is not married to the father of such child.

"Ownership of real or personal property" means, for WFNJ program purposes, any and all rights, title or interest, legal or equitable, to such property.

"Parent" means natural and/or adoptive parent(s), parent-person(s), or legal guardian(s).

"Parent-minor" means a parent of a child or children who is himself or herself under the age of 18.

"Parent-person" refers to an adult individual related through blood, marriage or adoption to a child who, in the absence of a natural or adoptive parent, assumes parental responsibility for that child.

"Payee" means the person designated to receive assistance payments on behalf of the eligible members of an assistance unit.

"Pending application" means a general term for application, reapplication, reopened application, or transferred application prior to official disposition.

"Per capita" means an amount equal to one individual's share of the total (allowance, cost, income, and so forth).

"Personal interview" means face-to-face discussion between individuals.

"Potential resource" means a resource which, through liquidation, will provide cash for the use of the assistance unit or for reimbursement to the agency.

"Poverty level" means the official poverty level based on family size, established and adjusted under Section 673(2) of Subtitle B of the "Community Services Block Grant Act," Pub. L. 97-35 (42 U.S.C. § 9902(2)).

"Program" means the Work First New Jersey (WFNJ) program.

"Protective payee" means a person authorized by the WFNJ entity under certain conditions to receive and administer assistance payments on behalf of an eligible family.

"Protective payment" means assistance payment made to an individual other than the parent or parent-person, as designated by the WFNJ entity under certain conditions.

"Provider" means any person, public or private institution, agency or business concern, approved by the Division, who lawfully provides medical care, services, goods and/or supplies, and holding, where applicable, a current valid license to provide such services or to dispense such goods and/or supplies.

"Public assistance" means assistance rendered to needy single adults, couples without dependent children and families with dependent children and includes all benefits provided under the WFNJ program.

"Reapplication" means a signed request for assistance by an individual who has previously applied for, but never received, assistance under that program in any county or municipality in the State.

"Recipient" means a recipient of benefits under the WFNJ program.

"Recovery" means the repayment of assistance improperly obtained.

"Redetermination of eligibility" means a review and investigation of all facts and circumstances relating to the recipient's application to determine continuing eligibility for receipt of WFNJ assistance benefits.

"Referral" means a request for assistance and/or services from a public or private agency or individual on behalf of another individual.

"Refugee Resettlement Program (RRP)" means a Federally funded program designed to help meet the needs of refugees as defined by the Immigration and Naturalization Service.

"Registration" means the action of the WFNJ administrative entity in making an official record of and assigning a control number to an application.

"Reopened application" means a signed request for assistance by an individual who has previously received assistance under that program in any county or municipality in the State.

"Representative payee" means a person appointed by the court under certain conditions to receive and administer payments on behalf of an eligible family or individual.

"Resident of New Jersey" means a person who is living in the State for other than a temporary purpose and who has no intention of moving from the State.

"Resources" means all real and personal property.

"Resource limit" means the maximum amount of resources/assets, that will not be taken into consideration when determining eligibility for the WFNJ program.

"Responsible adult" means a person who agrees to be designated to receive assistance payments on behalf of a parent minor and his or her child(ren) and who is 21 years of age or older, of reputable character who can provide a safe, nurturing home life and/or will advocate on behalf of the parent-minor as well as provide stability, guidance and support to a parent-minor and his or her child(ren).

"Restricted payments" means checks drawn to the order of a specified person and subject to some condition or restriction which prevents immediate and unconditional negotiation and use by the payee upon delivery; checks drawn to the order of a third person or a vendor and intended for use on behalf of the client.

"Retirement, Survivors and Disability Insurance (RSDI)" means the Federal program administered by the Social Security Administration (SSA) which provides protection to workers and their families against loss or stoppage of earnings resulting from retirement at age 62 or older, death or disability.

"Return to state of origin" means that a family, who has resided in New Jersey for a relatively short period desires to return to the state from which it came.

"RSDI" means Retirement, Survivors and Disability Insurance.

"Sanction" means loss of receipt of assistance benefits for a designated period of time because of noncompliance with program requirement(s).

"Services" means any WFNJ benefits that are not provided in the form of cash assistance.

"Social Security payment" means RSDI benefit.

"Spouse" means a husband or wife of a specified individual.

"Spousal-support obligation" means a support obligation for a spouse or former spouse of the obligor.

"SSA" means Social Security Administration.

"SSI" means Federal Supplemental Security Income Program.

"State IV-D Agency" means the Department of Human Services (DHS).

"State institution" means any institutional facility for the mentally ill or developmentally disabled, penal institution or veteran's hospital under the jurisdiction of the State of New Jersey.

"State office" means the Division of Family Development.

"Substance Abuse Initiative" means active participation in substance abuse treatment services that requires a substance abuse assessment administered by a professional clinical care coordinator (CCC) and treatment services as determined clinically appropriate by the CCC, for all WFNJ eligible applicants and recipients who have substance abuse problems.

"Suspended grant" means a payment which is withheld from the recipient pending clarification of continuing eligibility and/or extent of need or because of temporary increase of available resources.

"TANF" means the Federal welfare reform program called Temporary Assistance for Needy Families.

"Temporary payee" means a person designated temporarily by the WFNJ entity to receive assistance payments on behalf of an eligible individual or family, usually in an emergency situation.

"Time-limited assistance" means an aggregate total of 60 cumulative months of receipt of WFNJ benefits whether or not those months are accrued consecutively or intermittently during periods of program participation.

"Timely notice" means a notice that is mailed to a WFNJ applicant/recipient by a county or municipal agency at least 10 calendar days before the effective date of an agency's decision or action concerning WFNJ benefits.

"Title IV-D" means Part D, "Child Support and Establishment of Paternity," of subchapter IV of the Social Security Act (42 U.S.C. § 651 et seq.) under which states receive partial Federal reimbursement of their administrative expenses for establishing paternity and collecting child support.

"Total countable income" means the sum of all recognized income of the assistance unit, including unearned and calculated earned income.

"Transfer application" means a signed request for assistance from a recipient who is presently receiving assistance under the same program in another county or municipality in the State.

"Unrestricted payments" means checks drawn to the order of and delivered to the recipient or authorized payee and received by such person without direction of any kind as a condition of receiving the payment.

"Vendor payment" means a payment drawn to the order of a person or facility for providing goods or services to or for the client, representing payment for such goods or services.

"Vocational training" means providing recipients with classroom training experience and instruction related to specific occupational areas in demand in their labor market area. Training may be combined with CWEP.

"Voluntary acknowledgment of paternity" means consent to the parentage of a child(ren) by signing a Certificate of Parentage. This includes a request by the alleged father and/or the non-custodial parent for genetic testing.

"WFNJ/TANF" means the Work First New Jersey/Tempo-rary Assistance for Needy Families Program.

"WFNJ/GA" means the Work First New Jersey/General Assistance Program.

"Withdrawn application" means an oral or written request by an applicant that the WFNJ entity terminate its activity on his or her application.

"Work activity" means, but is not limited to, the following: employment, on-the-job-training, job search and job readiness assistance; vocational educational training; job skills training related directly to employment; community work experience; alternative work experience; supportive work; community service programs, including the provision of child care as a community service project; in the case of a teenage parent or a recipient under the age of 19 who is expected to graduate or complete their course of study by their 19th birthday, satisfactory attendance at a secondary school or in a course of study leading to a certificate of general equivalence; and education that is necessary for employment in the case of a person who has not received a high school diploma or a certificate of high school equivalency, a course of study leading to a certificate of general equivalency, or post-secondary education, when combined with community work experience participation or other approved work activities, including employment.

"Work First New Jersey participants" means all individuals in the assistance unit.

"Work First New Jersey program" means the single public assistance program established pursuant to P.L. 1997, c.13, c.14, c.37 and c.38, which provides assistance to single adults, couples without dependent children and families with dependent children.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Inserted "Legal custody" and "Legally-related"; and in "Parent", added a reference to legal guardians.

Amended by R.1999 d.66, effective March 1, 1999.

See: 30 N.J.R. 3629(a), 31 N.J.R. 685(a).

Inserted "Substance abuse research demonstration (SARD)".

Amended by R.2000 d.347, effective August 21, 2000.

See: 32 N.J.R. 2031(a), 32 N.J.R. 3070(a).

Inserted "Cooperation with child support", "Good faith effort for WFNJ/GA" and "Good faith effort for WFNJ/TANF".

Amended by R.2000 d.371, effective September 18, 2000.

See: 32 N.J.R. 2203(a), 32 N.J.R. 3435(a).

In "Substance Abuse Research Demonstration (SARD)", deleted a reference to applicants.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote the section.

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

Rewrote "Parent-person".

Administrative change.

See: 44 N.J.R. 1529(a).

Amended by R.2012 d.188, effective November 19, 2012.

See: 44 N.J.R. 544(a), 44 N.J.R. 2947(b).

Added definitions "LWD" and "NJ SNAP".

Administrative change.

See: 46 N.J.R. 855(b).

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N.J.A.C. 10:90-16.1

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-16.1 Introduction

(a) P.L. 93-647 establishes Title IV-D of the Social Security Act, which mandates procedures for locating non-custodial parents, establishing paternity for children born out-of-wedlock and establishing, enforcing and/or modifying support obligations owed by non-custodial parents to their children. Title IV-D services with regard to paternity determinations and support collections shall be available to a WFNJ individual, a Medicaid individual, a Title IV-E individual or any other individual not receiving WFNJ who files an application for child support services.

(b) The WFNJ program is designed to promote self-sufficiency. Support collections are a vital financial resource to all individuals attempting to attain and/or maintain self-sufficiency. Applicant/recipient cooperation with the county social service agency child support unit (CSSA/CSU) is a necessary step in obtaining support collections. Child support cooperation is an interactive ongoing process based on individual case circumstances. The applicant/recipient has a continuing responsibility to provide all necessary and new information available to them. The CSSA/CSU is responsible for assisting the clients in obtaining information in its efforts to make paternity determinations and to obtain support collections from their responsible parent(s).

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Added the second sentence.

Amended by R.2000 d.347, effective August 21, 2000.

See: 32 N.J.R. 2031(a), 32 N.J.R. 3070(a).

Rewrote the section.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (b), substituted "CWA/CSU" for "CWA/CSP".

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N.J.A.C. 10:90-16.2

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§ 10:90-16.2 Cooperation with child support for WFNJ eligibility

(a) The first step in the WFNJ application process is cooperation with child support. In addition to the eligibility requirements contained in N.J.A.C. 10:90-2.2 and 3.2 or 3.4, requirements for WFNJ eligibility shall include the following:

1. The application process for WFNJ benefits for both WFNJ/TANF and WFNJ/GA individuals begins with the agency worker assigned to ascertain cooperation requirements of child support. For TANF purposes, at the time of the IV-D interview with the WFNJ/TANF applicant/recipient, the CSSA/CSU worker shall explain the child support cooperation requirements set out in this section and N.J.A.C. 10:90-16.3, the good faith effort requirement set out in N.J.A.C. 10:90-16.4 and what constitutes a claim for good cause exceptions from the child support requirements, as outlined at N.J.A.C. 10:90-16.5 and the related procedures for those individuals affected by family violence at N.J.A.C. 10:90-20. The CSSA/CSU worker, as an agency program contact person, shall notify all WFNJ/TANF individuals having contact with the CSSA/CSU of the WFNJ Family Violence Option (FVO) in accordance with N.J.A.C. 10:90-20.2, and explain the purpose of the WFNJ FVO and of the availability and opportunity for referral to the CSSA FVO representative. Except in extraordinary circumstances, the IV-D interview shall be conducted at the time of application.

i. For TANF purposes, the IV-D interview to establish cooperation shall begin with the applicant/recipient signing the affidavit of cooperation and completing the child support questionnaire which includes providing information related to the non-custodial parent in accordance with N.J.A.C. 10:90-16.4(b) and (c), unless the WFNJ/TANF individual requests a WFNJ FVO Waiver in accordance with N.J.A.C. 10:90-16.5 and 20.6 for reason of family violence as a good cause exception from child support requirements, or any of the other reasons for good cause exemption from child support requirements in accordance with N.J.A.C. 10:90-16.5. The WFNJ FVO Waiver and WFNJ/TANF Waiver mean the same as a good cause exception from the child support requirements for reason of family violence or the risk of family violence and are used interchangeably throughout this subchapter.

(1) The WFNJ/TANF applicant/recipient is required to provide information related to the non-custodial parent at the time of the IV-D interview but no later

than 30 calendar days from the date of the notice of initial cooperation with child support in accordance with N.J.A.C. 10:90-16.4(d).

(2) During any IV-D contact of a WFNJ/TANF applicant/recipient with the CSSA/CSU as a component of the WFNJ/TANF application processing, WFNJ/TANF redetermination processing, IV-D case processing, or after completion of these processes, the WFNJ/TANF applicant/recipient shall be informed of the right to speak with a CSSA FVO representative and offered the opportunity to do so in accordance with N.J.A.C. 10:90-20.2. During any of the aforementioned types of contact with the CSSA/CSU, should the WFNJ/TANF applicant/recipient request a WFNJ/TANF Waiver, that is, a good cause exception from the child support requirements for reason of family violence, then corroborative evidence concerning the violence and the client's circumstances is not and shall not be required by the CSSA/CSU. The individual's case shall be handled in accordance with the rules for the WFNJ FVO Initiative at N.J.A.C. 10:90-20 and involves completion of the WFNJ FVO Risk Assessment process, as delineated at N.J.A.C. 10:90-20.8 and 20.12, to determine possible risks of harm to the WFNJ/TANF individual and family members.

ii. The CSSA/CSU shall make the determination as to whether or not the WFNJ/TANF applicant/recipient has initially cooperated in good faith in accordance with N.J.A.C. 10:90-16.3.

iii. During the period after initial cooperation has been determined, if the CSSA/CSU finds that the information provided by the WFNJ/TANF applicant/recipient is insufficient and additional information is necessary, the CSSA/CSU shall make a determination as to whether or not the applicant/recipient has continued to cooperate in meeting the good faith effort requirement in accordance with N.J.A.C. 10:90-16.4.

iv. If later CSSA/CSU efforts to verify a WFNJ/TANF applicant's/recipient's information show that inaccurate information related to the non-custodial parent was deliberately provided, the applicant/recipient shall be found to have failed to cooperate.

v. At the point of initial intake, for WFNJ/GA applicants, initial cooperation in good faith with the child support requirements shall be established by the completion and signing of the affidavit of cooperation, which shall include the identification of his or her child(ren) and their respective custodial parent(s). Although completion of the Affidavit of Cooperation satisfies the WFNJ eligibility requirement to cooperate with child support, a WFNJ/GA applicant/recipient may have continuing child support requirements, which do not impact the individual's eligibility for WFNJ benefits.

vi. At the time of any adverse action, the applicant/recipient shall be advised of his or her rights to a fair hearing and to appeal any adverse action in accordance with N.J.A.C. 10:90-9.3.

2. If at the time of application, it is not possible to complete the IV-D interview due to extraordinary circumstances, the following procedures shall apply:

i. When the WFNJ/TANF applicant is applying for multiple benefits, for example, WFNJ, Medicaid and NJ SNAP, the CSSA shall determine if the IV-D interview and work registration requirement can be completed on the day of initial contact with the agency. Where the IV-D interview and/or work requirement cannot be completed on the day of application, the applicant shall be afforded the opportunity to file the application for NJ SNAP and Medicaid if appropriate, that day. At a minimum, the applicant shall provide his or her name and signature, as well as the date of filing, on the application. The applicant shall also complete the questions on the application which are relevant in determining whether the household is entitled to NJ SNAP expedited service and all questions relevant to determining Medicaid eligibility. In addition, the applicant shall be provided with an appointment to return to the agency to comply with the IV-D interview and/or the work registration requirement.

ii. When the WFNJ/TANF applicant is applying for multiple benefits, for example WFNJ, Medicaid and NJ SNAP, and fails to cooperate with the CSSA/CSU, the application process shall continue for NJ SNAP and Medicaid for any eligible children and any applicant who meets the Medicaid exception requirement in accordance with N.J.A.C. 10:90-16.3(f)1.

iii. In cases of immediate need, where the IV-D interview and/or work registration requirement cannot be completed on the day of application, the application process is to continue and immediate need determined, with the WFNJ/TANF applicant being provided an appointment to return to the CSSA to comply with the IV-D interview and/or the work registration requirement.

iv. All child support activities shall be coordinated with the WFNJ/TANF applicant's/recipient's work activities as delineated in the individual responsibility plan (IRP) and/or the emergency assistance service plan.

v. A WFNJ/GA applicant's lack of cooperation with the child support requirement shall not delay a referral to the CSSA to apply for the NJ SNAP program or the Medicaid program for those individuals who meet the exception requirement in accordance with N.J.A.C. 10:90-16.3(f)1 or the processing of such application, if applicable.

vi. All child support activities shall be coordinated with the WFNJ/GA applicant's/recipient's work activities as delineated in the IRP and/or the emergency assistance service plan.

vii. In cases of immediate need, where the affidavit of cooperation and/or work registration requirement cannot be completed on the day of application, the application process is to continue and immediate need determined with the WFNJ/GA applicant being provided an appointment to return to the municipal or county agency to complete the affidavit of cooperation and/or the work registration requirement.

(b) WFNJ/TANF applicants, as a condition of eligibility for WFNJ, automatically assign to the CSSA all rights to support from the children's non-custodial parent(s) or any other support to which the eligible children, or the applicant when he or she is included in the eligible unit, may be entitled (see N.J.A.C. 10:110-6.1). An assignment of rights is also required for CP&P cases under Section 471(a)17 of the Social Security Act and as a condition of Medicaid under 42 C.F.R. 433.146.

(c) Title IV-D services with regard to paternity determinations and support collections shall be available to the Division of Child Protection and Permanency (CP&P) upon application and referral on behalf of the child(ren) for whom services are requested.

(d) Child support and paternity regulations contained in this subchapter are not required for the Refugee Resettlement Program (RRP). Although CSSAs will not receive incentive payments for amounts collected for individuals in this program, there is no bar to providing child support services to this population.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Rewrote (a); recodified former (a)2 as (b); added new (c); recodified former (b) as (d); deleted former (c) and (d).

Amended by R.2000 d.347, effective August 21, 2000.

See: 32 N.J.R. 2031(a), 32 N.J.R. 3070(a).

Rewrote the section.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote the section.

Amended by R.2011 d.068, effective February 22, 2011 (operative April 25, 2011).

See: 42 N.J.R. 1466(a), 43 N.J.R. 424(a).

In the introductory paragraph of (a)1, deleted a comma following "10:90-16.4"; and in (a)1v, inserted the last sentence.

Administrative change.

See: 44 N.J.R. 1529(a).

Administrative change.

See: 46 N.J.R. 855(b).

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N.J.A.C. 10:90-16.3

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§ 10:90-16.3 Cooperation in good faith in establishing paternity and support

(a) The cooperation requirement herein is applicable pursuant to the Work First New Jersey Act, P.L. 1997, c.14.

(b) Applicants/recipients of WFNJ/TANF are required to cooperate in good faith as defined at N.J.A.C. 10:90-16.4 with the CSSA/CSU unit to establish parentage and establish, modify and enforce child support orders, subject to good cause exceptions as set forth at N.J.A.C. 10:90-16.5.

(c) Cooperation in good faith for WFNJ/TANF applicants/recipients shall include, but is not limited to, providing the CSSA/CSU with information related to the non-custodial parent as specified at N.J.A.C. 10:90-16.4(b) and (c). The CSSA/CSU shall conduct an investigation based upon the information provided in an effort to identify and locate non-custodial parents, establish parentage and establish, modify and/or enforce child support orders. If an applicant/recipient of WFNJ/TANF fails to cooperate by not providing the necessary information as outlined at N.J.A.C. 10:90-16.4(b) and fails to make a good faith effort as outlined at N.J.A.C. 10:90-16.4(c), or fails to meet the criteria for continuing cooperation as outlined at N.J.A.C. 10:90-16.4(e), and good cause for failure to cooperate is not established, the CSSA/CSU shall notify the WFNJ/TANF applicant/recipient that a determination of non-cooperation shall be made unless he or she takes certain specified actions to cooperate.

(d) A WFNJ/GA applicant/recipient shall be required to cooperate in good faith with the child support requirements by identifying his or her children and their respective custodial parent(s) and by providing the custodial parents address, date of birth and social security number or by providing all of the requested information he or she reasonably can through the completion and the signing of the affidavit of cooperation.

1. If an applicant/recipient refuses to provide information or sign the affidavit of cooperation, a determination of non-cooperation with the WFNJ/GA agency shall be made. See N.J.A.C. 10:90-16.2(a)2v regarding eligibility for other programs.

(e) An applicant/recipient of Medicaid benefits shall be required to cooperate in good faith in obtaining a child support order and medical support to which members of the eligible unit are entitled (see N.J.A.C. 10:90-16.4).

(f) Once a determination of non-cooperation is made, the WFNJ/TANF applicant/recipient and the children in the assistance unit shall be ineligible for cash benefits under WFNJ and the applicant/recipient shall be ineligible for Medicaid. The exception to this Medicaid ineligibility requirement is listed in (f)1 below. The applicant/recipient shall have the opportunity to challenge a determination of non-cooperation by requesting a fair hearing.

1. The exception to this Medicaid ineligibility requirement is that Medicaid does not sanction pregnant women and children. If a client is pregnant at the time a determination of non-cooperation with child support is made, Medicaid eligibility shall continue until pregnancy and the 60 day post-partum eligibility period are concluded.

(g) WFNJ applicants/recipients shall be required to cooperate fully with the CSSA/CSU by:

1. Appearing at the appropriate child support agency, as necessary, to provide oral or written information, additional information or documentary evidence relevant to obtaining support health care coverage, which is known to, possessed by, or reasonably obtainable by the applicant/recipient and to provide information to establish parentage and establish, modify and/or enforce a child support order. A WFNJ/GA individual will have his or her case reviewed for appropriate action;

2. Appearing as a witness at judicial or administrative hearings necessary to obtain a support order(s);

3. Appearing for and submitting appropriate samples for scheduled genetic tests, along with the respective child(ren) of the alleged father, to determine paternity;

4. Providing information, or attesting to the lack of information, under penalty of perjury;

5. Permitting the CSSA/CSU to obtain pertinent information not otherwise obtainable from third parties, as appropriate; and

6. Remitting any child support payments which are received, upon receipt of cash assistance, to the CSSA.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Rewrote the section.

Amended by R.2000 d.347, effective August 21, 2000.

See: 32 N.J.R. 2031(a), 32 N.J.R. 3070(a).

In (b) and (c), substituted references to CWA/CSP units for references to child support agencies throughout; in (b), changed N.J.A.C. reference; in (c), substituted "relating to" for "about the name of" in the first sentence; in (d), rewrote the introductory paragraph, and

changed N.J.A.C. reference in 1; in (e), substituted a reference to health care coverage for a reference to medical insurance; and rewrote (g).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (c), inserted "WFNJ/TANF" preceding "applicant/recipient"; in (e), substituted "a child support order and medical support" for "support and health care coverage" and amended the N.J.A.C. reference; substituted references to CWA/CSU for references to CWA/CSP throughout .

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End of Document

N.J.A.C. 10:90-16.4

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-16.4 Good faith effort requirement

(a) To cooperate, a WFNJ/TANF applicant/recipient shall make a good faith effort to provide information as outlined in (b) and (c) below. The CSSA/CSU worker shall explain the child support cooperation requirements, the good faith standard set out in (b) and (c) below, and what constitutes a good cause claim as outlined at N.J.A.C. 10:90-16.5. An applicant or recipient shall be deemed to be making a good faith effort if he or she has provided all the information he or she has or can reasonably obtain as required by (b) or (c) below. Initial cooperation shall begin with the applicant/recipient signing the affidavit of cooperation.

1. The CSSA/CSU worker shall access both the automated child support system for an existing order and the Paternity Opportunity Program Imaging Data Base to determine if a Certificate of Parentage (COP) was executed on any of the children for which assistance is being sought.

(b) A WFNJ/TANF applicant/recipient shall provide sufficient information related to the non-custodial parent for each child for whom the applicant/recipient seeks assistance.

1. Information is considered sufficient if it meets the requirements of (b)1i or ii below:

i. The non-custodial parent's full name and three of the following:

(1) Date of birth;

(2) Social Security number;

(3) Address (current or last known);

(4) Employer (current or last known) or other sources of income;

(5) Manufacturer, model and license plate number of automobile;

(6) Motor vehicle driver's license number; or

(7) The address of the non-custodial parent's parent(s) or sibling(s); or

ii. The non-custodial parent's full name and additional information that the CSSA/CSU determines to be reasonably equivalent to the information listed in (b)1i above which may lead to the location of the named individual.

2. Information related to the non-custodial parent is sufficient if that information is enough to support the truthfulness of the statements, as presented by the WFNJ/TANF applicant/recipient to be best of his or her ability.

i. The CSSA/CSU worker shall evaluate with the WFNJ/TANF applicant/recipient whether or not the information provided is sufficient enough to support the truthfulness of the statements as well as the circumstances concerning his or her efforts to provide the information.

(c) If it is determined that the information provided to date is insufficient, and the WFNJ/TANF applicant/recipient states that he or she is unable to obtain the information without assistance, the CSSA/CSU worker shall identify the additional information needed and assist the individual in securing that information. A WFNJ/TANF applicant/recipient who has not provided sufficient information as specified in (b)1i above or reasonably equivalent information as specified in (b)1ii above, shall be deemed to be cooperating in good faith if he or she provides all of the following information he or she can reasonably obtain: the non-custodial parent's name and any of the information in (b)1i or (b)1ii above or any of the following information, such as, but not limited to:

1. A statement(s) as to the name or location of the non-custodial parent from individuals other than the WFNJ/TANF applicant/recipient who have personal knowledge of such information;

2. Records, or information as to the whereabouts of records, from law enforcement, social service or other agencies, courts or offices substantiating the name and possible location of the non-custodial parent. The WFNJ/TANF applicant may request the CSSA/CSU's assistance in obtaining the required documentation in accordance with N.J.A.C. 10:90-16.3(g)5;

3. Utility bills, parking tickets, credit card receipts or other personal records or effects that contain information regarding the name or location of the non-custodial parent;

4. Telephone numbers or addresses of individuals who, if contacted, may be able to provide information as to the name or location of the non-custodial parent;

5. Other information which may lead to the name or location of the non-custodial parent;

i. As determined by the CSSA/CSU such information shall include, but is not limited to, a credit card number, or where his or her parents and/or any other relatives live; or

6. After the IV-D interview when the WFNJ/TANF applicant/ recipient has provided all the information in good faith he or she can reasonably obtain and all avenues to obtain information have been exhausted, then the WFNJ/TANF applicant/recipient shall be allowed to complete an affidavit with the CSSA/CSU worker which establishes that the individual provided all the information he or she can reasonably obtain in accordance with (b) and (c) above. The affidavit shall detail the steps taken and any obstacles encountered by the applicant/recipient in trying to provide sufficient information related to the non-custodial parent. The WFNJ/TANF applicant/recipient

shall then have met the cooperation requirement unless additional or contrary information becomes known to the CSSA/CSU.

(d) If the WFNJ/TANF and/or Medicaid applicant/recipient does not have the information outlined in (b) or (c) above at the time of the IV-D interview or the redetermination but claims he or she can provide it, initial cooperation shall be granted and the WFNJ application process continued. The applicant shall receive the notice of initial cooperation with child support advising that he or she has 30 days from the date of the notice to provide the required information. The applicant/recipient who fails to make a good faith effort or who does not provide the requested information within the required 30 days, shall be sent a notice to meet ongoing child support requirements advising him or her that if the requested information is not provided within the next 30 days, the family shall be ineligible for cash benefits under WFNJ and the case shall be terminated or the application denied, as applicable, subject to timely and adequate notice in accordance with N.J.A.C. 10:90-9.1(a) and (b), as appropriate. The applicant/recipient shall also be ineligible for Medicaid, unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:90-16.3(f)1. The applicant/recipient who has been denied or terminated due to non-cooperation with child support has a right to reapply for WFNJ benefits at any time in accordance with the WFNJ application requirements and procedures. When a case is closed for non-cooperation and the applicant/recipient reapplies for cash assistance, the individual shall provide the previously requested information or sufficient new and/or additional information, in good faith, regarding the non-custodial parent.

1. If at the time of the IV-D interview or the redetermination, the WFNJ/TANF and/or Medicaid applicant/recipient claims not to have any of the required information at that time and refuses to provide it within 30 calendar days, the applicant/recipient shall receive a timely and adequate notice of non-cooperation status, initial IV-D interview informing the applicant/recipient that the family is ineligible for cash benefits under WFNJ and that the applicant/recipient shall be ineligible for Medicaid for failure to cooperate with child support, unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:90-16.3(f)1.

2. If at the time of the IV-D interview or the redetermination, the WFNJ/TANF and/or Medicaid applicant/recipient claims not to have any of the required information at that time and states that he or she is unable to provide it within 30 calendar days, the child support worker shall proceed in accordance with (c) above and shall assist the applicant/recipient in obtaining any required information which is not otherwise obtainable by the individual in accordance with N.J.A.C. 10:90-16.3(g)5.

(e) A WFNJ/TANF and/or Medicaid applicant/recipient who has satisfied the requirements of (b) or (c) above is required to continue to make a good faith effort to cooperate (at time of redetermination, subject to the good cause exception as set forth at N.J.A.C. 10:90-16.5) with the CSSA/CSU to:

1. Establish paternity; and

2. Establish, modify and enforce child support orders.

(f) Continuing cooperation may include, but is not limited to, the requirements in N.J.A.C. 10:90-16.3(g)1 through 6.

(g) If at the time of WFNJ/TANF and/or Medicaid application or redetermination, or at the request of the CSSA/ CSU, the applicant/recipient is uncertain as to which of two or more individuals might be the non-custodial parent of a single child, the applicant/recipient shall be asked to provide the information required for all individuals who may be the non-custodial parent. However, information for at least one possible non-custodial parent must be provided in order to be determined cooperating in good faith.

1. If the WFNJ/TANF and/or Medicaid applicant/recipient has more than one child, the applicant/recipient shall provide the information required for at least one possible non-custodial parent for each child at the time of application or redetermination of WFNJ eligibility or upon the request of the CSSA/CSU.

i. If a WFNJ recipient has a child while receiving assistance, the recipient is required to meet the cooperation requirement for the additional child in order for the family/individual to remain eligible for cash benefits under WFNJ and for the recipient to be eligible for Medicaid, unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:90-16.3(f)1.

(1) The CSSA/CSU worker shall access both the automated child support system, and the Paternity Opportunity Program Imaging Data Base to determine if a Certificate of Parentage was executed for the child.

2. If the CSSA/CSU finds that the WFNJ/TANF and/or Medicaid recipient deliberately provided inaccurate information regarding the non-custodial parent of a child, or if the non-custodial parent named is found not to be the father by court order or genetic testing, the applicant/recipient shall be sent a notice of noncompliance advising him or her that if specific information is not provided within the next 30 days, the family shall be ineligible for cash benefits under WFNJ and the case shall be terminated, subject to timely and adequate notice requirements. The recipient shall also be ineligible for Medicaid, unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:90-16.3(f)1.

i. If on two occasions the WFNJ/TANF recipient claimed to have provided all the information he or she could reasonably obtain, and the information provided was found to be deliberately inaccurate, the recipient shall be sent a notice of termination, subject to timely and adequate notice requirements, informing the recipient that cash assistance to the family shall be terminated and the recipient shall be ineligible for Medicaid unless the exception requirement is met for Medicaid eligibility in accordance with N.J.A.C. 10:90-16.3(f)1.

ii. The individual has a right to reapply for WFNJ benefits at any time, and to comply with child support cooperation requirements, in accordance with the WFNJ application requirements and procedures. When a case is closed for non-cooperation and the applicant/recipient reapplies for cash assistance, the individual shall provide information in accordance with (d) above.

3. If a WFNJ/TANF recipient fails to meet the ongoing requirements for continuing cooperation, as outlined in (e) above, the recipient shall receive a notice of failure to comply with continuing cooperation requirements advising him or her that if the requested information is not provided or required action taken within the next 30 days, cash assistance to the family shall be terminated, as well as Medicaid to the recipient unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:90-16.3(f)1, subject to timely and adequate notice requirements.

i. When trying to meet the continued cooperation requirements, if the WFNJ/TANF recipient deliberately provides inaccurate information on two occasions, the recipient shall be sent a notice of termination, subject to timely and adequate notice requirements, informing the recipient that cash assistance to the family shall be terminated and the recipient shall be ineligible for Medicaid unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:90-16.3(f)1.

ii. The individual has the right to reapply for WFNJ benefits at any time, and to comply with the child support cooperation requirements and procedures. When a case is closed for non-cooperation and the applicant/recipient reapplies for cash assistance, the individual shall provide information in accordance with (d) above.

4. If the WFNJ/TANF recipient fails to meet the continuing cooperation requirements for failure to appear for a scheduled appointment or hearing, a notice of failure to appear at appointment or hearing shall be sent to the recipient requiring the individual to contact the CSSA/CSU within 10 days of receipt of the notice. If the recipient fails to respond to the notice the recipient shall be sent a notice of termination, subject to timely and adequate notice requirements, informing the recipient that cash assistance to the family shall be terminated and the recipient shall be ineligible for Medicaid unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:90-16.3(f)1.

i. Upon contacting the CSSA/CSU, the WFNJ/TANF recipient shall be required to reschedule the appointment or hearing and provide documentation of the unavoidable circumstance which prevented him or her from appearing for the appointment or hearing. Unavoidable circumstances shall include, but are not limited to, the following:

(1) Health related issues: Documentation includes medical or hospital records, or an affidavit attesting to the applicant's/ recipient's health problem;

(2) Employment related issues: Documentation includes a letter from the recipient's employer or work activity site supervisor;

(3) Other court related issues: Documentation includes an accident report or verification that the recipient had to appear in court for another matter;

(4) Death of family member or close friend: documentation includes medical or funeral records or an affidavit from the applicant/recipient or a family member; or

(5) Other emergency or unavoidable circumstances proved by relevant documentation or affidavit.

ii. If the recipient misses two consecutive scheduled appointments or hearings without documentation of an unavoidable circumstance, the recipient shall be deemed to be non-cooperative and sent a notice of termination subject to timely and adequate notice requirements. Cash assistance to the family as well as Medicaid to the recipient shall be terminated, unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:90-16.3(f)1.

iii. The individual has the right to reapply for WFNJ benefits at any time, and to comply with the child support cooperation requirements and procedures. When a case is closed for non-cooperation and the applicant/recipient reapplies for cash assistance, the individual shall provide information in accordance with (d) above.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Rewrote the section.

Amended by R.2000 d.347, effective August 21, 2000.

See: 32 N.J.R. 2031(a), 32 N.J.R. 3070(a).

Rewrote the section.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote the section.

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N.J.A.C. 10:90-16.5

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§ 10:90-16.5 Good cause exceptions to cooperation

(a) A WFNJ/TANF or Medicaid applicant/recipient has the right to claim a good cause exception from the child support requirements at any time during the WFNJ/TANF process when compliance with such requirements is not in the best interest of the individual, his or her child(ren), and/or family members. A good cause exception from the child support requirements is limited to:

1. Past or present situations involving family violence or the risk of family violence that affect the individual's ability to cooperate with child support requirements currently, including domestic violence and sexual assault, because the individual has or fears emotional or physical harm will be attempted or inflicted on him or herself and/or his or her child(ren) for pursuing child support activity on that non-custodial/alleged parent;

2. The initiation of adoption proceedings;

3. Parent person situations when the WFNJ applicant/recipient is someone other than the parent of the child(ren);

4. Certain instances involving artificial insemination; and

5. In other unusual circumstances in accordance with these rules.

(b) The individual shall sign a child support affidavit attesting to the good cause claim.

(c) WFNJ/TANF applicants/recipients who are granted good cause exceptions from the child support requirements, due to past or present family violence concerns or the risk of family violence, shall be handled in accordance with the regulations for the FVO Initiative at N.J.A.C. 10:90-20. The name and address of the non-custodial/alleged parent, if known, shall be provided to the CSSA/CSU.

1. Proceedings to establish paternity, collect and/or enforce child support collections and/or obtain health care coverage in a particular case is not in the best interest of a child, due to reason of family violence, when:

i. The WFNJ/TANF applicant/recipient's cooperation, with regard to the non-custodial/alleged parent, is reasonably anticipated to result in physical or emotional harm to the child for whom support is to be sought;

ii. The WFNJ/TANF applicant/recipient's cooperation, with regard to the non-custodial/alleged parent, is reasonably anticipated to result in physical or emotional harm to the parent or parent-person of such nature or degree that it reduces such person's capacity to care adequately for the child; or

iii. The child was conceived as a result of incest or forcible rape.

2. The WFNJ FVO Risk Assessment process, in accordance with N.J.A.C. 10:90-20, shall be conducted only when an individual requests a WFNJ/TANF Waiver, that is, a good cause exception from the child support requirements for reason of family violence or the risk of family violence. The WFNJ FVO Risk Assessment safety and service planning process examines the potential risk of harm or fear of harm and provides for a discussion of service needs of the individual and members of the family in his or her care who are impacted by the violence, as that violence presently affects his or her day-to-day living situation and ability to comply with WFNJ/TANF child support program requirements.

i. The WFNJ/TANF applicant/recipient requesting a good cause exception from the child support requirements for reason of family violence or the risk of family violence is required to participate in the safety and service planning process of WFNJ FVO Risk Assessment with the risk assessor at the designated victim service provider agency.

(1) Participation in the WFNJ FVO Risk Assessment process is required initially when the WFNJ/TANF Waiver or good cause exception is requested, and for periodic updates to the safety and service plan in accordance with N.J.A.C. 10:90-20 for the duration of that waiver period.

ii. The WFNJ FVO Risk Assessment shall be conducted with the individual's cooperation in accordance with the timeframe indicated at N.J.A.C. 10:90-20, in lieu of providing corroborative evidence.

iii. The "WFNJ FVO Risk Assessment Referral/Report," WFNJ FVO-115, when returned to the CSSA from the designated victim service provider agency shall serve as confirmation that the initial WFNJ FVO Risk Assessment or updated risk assessment has or has not been completed in accordance with N.J.A.C. 10:90-20.

iv. Paternity determinations, child support collections and/or enforcement, and medical support shall not be pursued in cases involving family violence when the WFNJ/TANF applicant/recipient is granted a good cause exception (WFNJ/TANF Waiver) from the child support requirements.

3. The WFNJ/TANF applicant/recipient, his or her child(ren), and/or family members shall be afforded a guarantee of confidentiality and a safeguarding of information, by the CSSA/CSU, in cases involving family violence when the CSSA has been made aware, by the individual, that family violence or the risk of family violence is an issue, regardless as to whether or not a good cause exception from the child support requirements has been requested for reason of family violence. The family violence indicator on the automated child support system shall be coded appropriately to the case situation.

i. Any information obtained by the CSSA/CSU pertaining to any applicant or recipient who claims to be a past or present victim of family violence or an individual at risk of family violence, shall remain confidential.

ii. When child support is sought in a case involving family violence or the risk of family violence and is known to the CSSA, the CSSA/CSU shall ensure that the applicant's whereabouts are not disclosed. If the WFNJ/TANF applicant/recipient is placed in a domestic violence (DV) shelter, or is currently residing in a DV shelter, and does not meet the criteria for the ACP, then the CSSA address shall be used for the individual to ensure the safety of the individual and other families placed at the shelter. In cases involving family violence or the risk of family violence, the CSSA shall inform all applicants/ recipients about the NJACP.

iii. There shall be no investigation that includes contact with the alleged perpetrator in cases involving family violence or the risk of family violence.

(d) Paternity determinations, child support collections and/or enforcement, and health care coverage shall be pursued in cases involving family violence or the risk of family violence when the WFNJ/TANF applicant/recipient does not request or wish to request a WFNJ/TANF Waiver as a good cause exception from the child support requirements.

(e) The WFNJ/TANF applicant/recipient who claims a good cause exception from the child support requirements for children for whom adoption proceedings have been initiated shall provide corroboration in accordance with (j)1i, iii and iv below, unless the following apply:

1. The provisions at N.J.A.C. 10:90-16.5(c)1; or

2. The WFNJ/TANF applicant/recipient is currently (for a period of not more than three months) being assisted by a public or licensed private social agency to decide whether to keep the child or relinquish him or her for adoption.

(f) A parent person may claim a good cause exception from the child support requirements in the best interest of the child and/or the parent person in accordance with (k) below, because the provisions at (e)1 or 2 above apply.

(g) The WFNJ/TANF applicant/recipient who claims a good cause exception from the child support requirements due to artificial insemination shall provide proof, from a physician, that the child was conceived through artificial insemination with anonymous donor sperm.

(h) A good cause exception from cooperating with the child support requirements may be granted in other unusual circumstances, as determined by the CSSA/CSU, on a case-by-case basis. The CSSA/CSU shall determine with the individual whether or not the CSSA/CSU can proceed with child support activity, in such circumstances, without the involvement of the individual and without harm to the individual and/or child(ren). This decision and the basis for the determination shall be recorded in the IV-D case record (see 45 C.F.R. 302.31(c)).

(i) A WFNJ/TANF applicant/recipient who claims a good cause exception from the child support requirements for the reasons indicated in (e) through (h) above shall be required to establish the existence of a good cause circumstance.

1. To establish the existence of a good cause claim, the applicant/ recipient shall be required to:

i. Specify the circumstances that he or she believes provide a sufficient good cause exception from the child support requirements;

ii. If appropriate, corroborate the good cause circumstance in accordance with these rules;

iii. At the request of the CSSA/CSU provide sufficient information (such as name and address, if known, of the non-custodial parent to permit an investigation to corroborate the good cause circumstance.

(1) The CSSA/CSU shall conduct the investigation of the WFNJ/TANF individual's good cause circumstances affording a guarantee of confidentiality and the safeguarding of substantiating information, by the CSSA/CSU, that pertains to the individual applicant/recipient and his or her child(ren).

(j) The WFNJ/TANF and/or Medicaid applicant/recipient who claims good cause in accordance with (e) through (h) above shall provide corroborative evidence, if appropriate, in accordance with these rules to substantiate the good cause claim, within 20 days from the day the claim was made. In exceptional situations, the CSSA/CSU may allow a reasonable additional period of time if it determines the applicant/ recipient requires additional time because of the difficulty of obtaining the evidence.

1. The CSSA/CSU shall make a good cause determination in situations involving (e) through (h) above within 45 days of the date of the claim by the WFNJ/TANF and/or Medicaid applicant/recipient, based on the corroborative evidence supplied by the WFNJ/TANF and/or Medicaid applicant/recipient, but only after it has examined the evidence and finds that it actually verifies the good cause claim. During the CSSA/CSU's 45 day review of the good cause determination, the applicant/recipient, if otherwise eligible for WFNJ, shall receive WFNJ benefits pending the outcome of this determination. The CSSA/CSU will make an entry in the case record regarding the decision and will document the basis of its decision. The claim may be corroborated by the following types of evidence:

i. Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction;

ii. Court, medical, criminal, child protective services, social services, psychological or law enforcement records pertaining to the child, parent, or parent-person;

iii. Medical records which indicate emotional health history and present emotional health status of the child for whom support would be sought; or written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the parent, parent-person or the child for whom support would be sought;

iv. A written statement from a public or licensed private social agency that the applicant/recipient is being assisted by the agency to resolve the issue of whether to keep the child or relinquish him or her for adoption; and

v. Sworn statements from individuals other than the applicant/recipient with knowledge of the circumstances which provide the basis for the good cause claim.

2. If, after examining the corroborative evidence, the CSSA/CSU finds additional information is necessary in order to make a good cause determination, it shall promptly notify the applicant/ recipient, specifying the type of document which is needed.

i. Upon request by the WFNJ/TANF applicant/recipient, the CSSA/CSU shall assist the individual in accordance with N.J.A.C. 10:90-16.3(g)5.

3. When corroborative evidence, if required to substantiate the good cause claim, is not submitted or is inadequate:

i. The CSSA/CSU may further verify the good cause claim and, where necessary for a final determination, conduct an investigation. The investigation may include contact of the non-custodial parent if such contact is determined to be necessary to establish the good cause claim. Prior to such contact, however, the applicant/recipient will be notified so that he or she may:

(1) Present additional corroborative evidence to make the contact unnecessary;

(2) Withdraw the application for assistance or have the case closed; or

(3) Have the good cause claim denied.

(k) If a WFNJ/TANF applicant/recipient is someone other than the parent of the child(ren), that individual shall be asked to provide the information outlined at N.J.A.C. 10:90-16.4(b) or (c) for both parents. However, if that individual claims that he or she cannot provide the required information, the applicant/recipient may be exempt from providing information as outlined below:

1. If the WFNJ/TANF applicant/recipient is a blood relative of one of the non-custodial parents, he or she shall provide the information outlined at N.J.A.C. 10:90-16.4(b) or (c) for that parent. The applicant/recipient shall be deemed to be cooperating upon providing a sworn statement, documenting with specificity, efforts undertaken and obstacles encountered in pursuit of information regarding the parent. If available, the applicant/recipient shall provide documentation.

2. If the WFNJ/TANF applicant/recipient is not a blood relative of either non-custodial parent, he or she shall provide the information outlined in N.J.A.C. 10:90-16.4(b) or (c) for at least one of the parents of the child(ren). The applicant/recipient shall be deemed cooperating upon providing a sworn statement, documenting with specificity, efforts undertaken and obstacles encountered in pursuit of information regarding the parent for which information was not provided. If available, the applicant/recipient shall provide documentation.

(l) The WFNJ/TANF applicant/recipient unless granted a good cause exception from the child support requirements in accordance with this subchapter shall comply with the continued cooperation requirements as outlined at N.J.A.C. 10:90-16.4(e).

(m) The deletion of the WFNJ/TANF parent or parent-person from the eligible unit shall not be construed as a bar to continuing effort by the CSSA/CSU to establish paternity or obtain a child support order and medical support for the WFNJ/TANF children.

(n) The CSSA/CSU shall maintain records of activities relative to good cause claims on the automated child support system. Records will thereby be available for Federal or State review.

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Rewrote the section.

Amended by R.2000 d.347, effective August 21, 2000.

See: 32 N.J.R. 2031(a), 32 N.J.R. 3070(a).

Rewrote the section.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote the section.

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N.J.A.C. 10:90-16.6

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 16. CHILD SUPPORT AND PATERNITY

§ 10:90-16.6 (Reserved)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

In (e), substituted a reference to N.J.A.C. 10:90-16.4(a)2 for a reference to N.J.A.C. 10:90-2.2(a)1.

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "Assignment of support rights".

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N.J.A.C. 10:90-16.7

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§ 10:90-16.7 (Reserved)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "Incentive payment".

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N.J.A.C. 10:90-16.8

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 16. CHILD SUPPORT AND PATERNITY

§ 10:90-16.8 (Reserved)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "Access to child support information".

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N.J.A.C. 10:90-16.9

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 16. CHILD SUPPORT AND PATERNITY

§ 10:90-16.9 (Reserved)

History

HISTORY:

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "County payment of fees for services".

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N.J.A.C. 10:90-16.10

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 16. CHILD SUPPORT AND PATERNITY

§ 10:90-16.10 (Reserved)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "Responsibility of the State agency".

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N.J.A.C. 10:90-16.11

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 16. CHILD SUPPORT AND PATERNITY

§ 10:90-16.11 (Reserved)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "Responsibilities of the county agency".

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N.J.A.C. 10:90-16.12

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§ 10:90-16.12 (Reserved)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Rewrote the introductory paragraph of (b); and changed rule references throughout.

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "Responsibilities of the county agency CSP Unit".

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N.J.A.C. 10:90-16.13

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§ 10:90-16.13 (Reserved)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Rewrote the section.

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "Fiscal record maintenance".

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N.J.A.C. 10:90-16.14

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-16.14 (Reserved)

History

HISTORY:

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "Notification of deletions, terminations, suspension or transfer of case/individual".

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N.J.A.C. 10:90-16.15

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 16. CHILD SUPPORT AND PATERNITY

§ 10:90-16.15 (Reserved)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

In (a), substituted a reference to N.J.A.C. 10:90-16.16 for a reference to N.J.A.C. 10:90-16.15.

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "Parent locator service".

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N.J.A.C. 10:90-16.16

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 16. CHILD SUPPORT AND PATERNITY

§ 10:90-16.16 (Reserved)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "County agency parent locator responsibilities".

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N.J.A.C. 10:90-16.17

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 16. CHILD SUPPORT AND PATERNITY

§ 10:90-16.17 (Reserved)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "State PLS/Federal Parent Locator Services (PLS)".

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N.J.A.C. 10:90-16.18

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 16. CHILD SUPPORT AND PATERNITY

§ 10:90-16.18 (Reserved)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "Disclosure of information".

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N.J.A.C. 10:90-16.19

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 16. CHILD SUPPORT AND PATERNITY

§ 10:90-16.19 (Reserved)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "Closing criteria for IV-D cases".

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N.J.A.C. 10:90-16.20

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§ 10:90-16.20 (Reserved)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Deleted former (c) and (d).

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "Retention and destruction of case records".

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N.J.A.C. 10:90-16.21

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§ 10:90-16.21 (Reserved)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "Child Support Guidelines (New Jersey Supreme Court Rule 5:6A)".

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N.J.A.C. 10:90-16.22

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 16. CHILD SUPPORT AND PATERNITY

§ 10:90-16.22 (Reserved)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "Income withholding".

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N.J.A.C. 10:90-16.23

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§ 10:90-16.23 (Reserved)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "Distribution of arrearage payments on child support orders".

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N.J.A.C. 10:90-16.24

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 16. CHILD SUPPORT AND PATERNITY

§ 10:90-16.24 (Reserved)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

In (a), substituted a reference to N.J.A.C. 10:90-16.12(m)1 for a reference to N.J.A.C. 10:90-16.10.

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "Application fee for NPA applicants".

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N.J.A.C. 10:90-16.25

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§ 10:90-16.25 (Reserved)

History

HISTORY:

Amended by R.1998 d.42, effective January 20, 1997.

See: 29 New Jersey Register 3971(b), 30 New Jersey Register 389(a).

Rewrote (f).

Repealed by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Section was "Review and adjustment of child support orders (WFNJ/TANF, foster care and Medicaid cases".

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N.J.A.C. 10:90-17

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

Title 10, Chapter 90, Subchapter 17 Notes

Statutory Authority

AUTHORITY:

N.J.S.A. 44:10-3; Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); and the Work First New Jersey Act, P.L. 1997, c.14, approved January 29, 1997.

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N.J.A.C. 10:90-17.1

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§ 10:90-17.1 Purpose and scope

(a) Consistent with the policy of the WFNJ program that seeking and accepting employment is a critical element of the program and is one of the primary requirements for receipt of cash assistance as outlined in N.J.A.C. 10:90-1.1(d), a program entitled "Early Employment Initiative (EEI)" has been established. The EEI involves mandatory participation by an adult member(s) of an applicant family, who meets certain EEI eligibility criteria, in an up-front concentrated job search/placement strategy that will provide an opportunity for the family to regain independence and self-sufficiency through obtaining unsubsidized employment, thereby avoiding receipt of WFNJ/TANF cash assistance. The EEI is designed to provide immediate up-front short-term financial investments for such EEI eligible applicant families. In return for this up-front assistance, the adult member(s) of such families shall be required to cooperate and actively participate in the EEI for a minimum period of 15 days to a maximum period of up to 30 days (which shall run parallel to the time frame for determining WFNJ program eligibility), in accordance with the provisions set forth in this subchapter, as a condition of eligibility for the WFNJ/TANF program (see N.J.A.C. 10:90-2.1(b)1).

(b) If an individual is determined EEI eligible in accordance with N.J.A.C. 10:90-17.2, and thereafter has a change in circumstances placing the family in immediate need prior to the expiration of the minimum 15 day participation period, the family shall be immediately referred to the WFNJ county agency for an immediate need determination. Such individuals shall have been considered to have met their EEI participation requirement.

(c) Participation in the EEI is subject to the availability of slots at the EEI entity. On a daily basis, the WFNJ agency shall confirm the availability of EEI slots prior to taking any action concerning determining EEI eligibility. The lack of an EEI slot shall not delay the processing of the WFNJ/TANF application. When EEI slots are not available, the WFNJ agency shall not screen any applicant for participation in the EEI, and participation in the EEI shall not be considered an eligibility requirement for those applicants. No further action shall be taken by the WFNJ agency to refer such applicants for EEI participation during this WFNJ/TANF application process, however, at the time of a subsequent reapplication for WFNJ/TANF cash assistance, the family may be referred for EEI participation, if applicable.

History

HISTORY:

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 New Jersey Register 2713(a), 35 New Jersey Register 2670(a).

Rewrote (a).

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N.J.A.C. 10:90-17.2

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§ 10:90-17.2 Determining eligibility for the EEI

(a) When it has been confirmed that EEI slots are available, the county WFNJ agency shall, during the WFNJ application interview, determine whether or not the WFNJ/TANF adult applicant(s) meets the eligibility criteria for mandatory participation in the EEI. More than one adult per family may be determined eligible for mandatory participation in the EEI. Eligibility for mandatory EEI participation shall be determined if an adult WFNJ/TANF applicant meets all of the following criteria:

1. Has a work history that equals or exceeds four months of full time employment in the last 12-month period;

2. Has at least one child;

3. Appears to meet all financial and non-financial WFNJ eligibility requirements, including initial cooperation with child support, and is considered an eligible candidate for receipt of WFNJ cash assistance;

4. Is not in immediate need, in accordance with the immediate need provisions at N.J.A.C. 10:90-1.3; and

5. Does not meet the criteria for a deferral from the work requirements under the WFNJ program (see N.J.A.C. 10:90-4.9).

(b) A WFNJ/TANF adult applicant who does not meet the criteria in (a)1 above for mandatory EEI participation, but has a high school diploma or a GED or a work history that equals or exceeds four consecutive weeks of employment within the 52 weeks prior to applying for WFNJ cash assistance and meets all of the other EEI eligibility criteria at (a)2 through 5 above, shall be given the opportunity to voluntarily participate in the EEI. The county WFNJ agency shall inform the applicant who is eligible for participation in the EEI under this voluntary criteria that once the decision is made to voluntarily participate, he or she shall be considered a mandatory EEI participant and shall be obligated to comply with all the provisions set forth in this subchapter.

(c) On the same day the WFNJ application is taken, the WFNJ/TANF agency shall determine whether or not any of the adult members of the applicant family meet the EEI eligibility criteria in (a) or (b) above.

1. For those applicants who meet the EEI eligibility criteria, the WFNJ agency shall prepare an initial Individual Responsibility Plan (IRP) with the applicant and utilize form Cage-Aid, Addendum to the Individual Responsibility Plan, to allow the applicant to self-identify a potential drug or alcohol problem prior to being referred for participation in the EEI. It is to be noted that the responses to the Cage-Aid questions are voluntary. If an applicant chooses not to respond to the drug and alcohol questions, the WFNJ agency shall make a notation on the Cage Aid form, accordingly. In all instances, the WFNJ agency shall attach the Cage-Aid form, along with the initial IRP, to the applicant family's WFNJ application.

i. If the individual indicates that he or she has a drug or alcohol problem, the individual shall not be referred to the EEI entity for participation during this WFNJ application process and the family's eligibility determination for WFNJ cash assistance shall continue without interruption. In such instances, when the family's WFNJ application is approved, the individual's self-identified drug or alcohol problem shall be taken into consideration and addressed, as appropriate.

2. For those adult applicants who meet the EEI eligibility criteria for participation and maintain that they do not have a drug or alcoholic problem, participation in the EEI shall be mandatory. Likewise, those adult family members who choose not to respond to the Cage-Aid drug and alcohol questions and who meet the eligibility criteria for EEI participation at (a) or (b) above, shall also be referred to the EEI entity for mandatory participation.

(d) Once it is determined that an adult individual meets all the criteria for mandatory participation in the EEI, the WFNJ agency shall immediately take action to refer that adult to the EEI entity as follows:

1. The county WFNJ agency shall provide a verbal explanation of what participation in EEI means as well as provide a copy of an "EEI Important Notice."

2. The county WFNJ agency shall require the mandatory EEI participant to sign form WFNJ/EEI-1, Early Employment Initiative Participation Agreement. Refusal by the participant to sign this form shall constitute noncooperation with the EEI, in accordance with the EEI cooperation provision at N.J.A.C. 10:90-17.3(b), and shall result in the denial of the applicant family's WFNJ application for cash assistance. In addition, the WFNJ agency shall complete a WFNJ Agency Referral to EEI which shall include the earned income amount that would render the family ineligible for WFNJ/TANF cash assistance, if an EEI participant secures employment. The originals of the WFNJ/EEI-1 and the WFNJ Agency Referral shall be retained at the WFNJ agency and attached to the WFNJ application. The EEI participant shall be provided a copy of the EEI Participant Agreement. The WFNJ agency shall immediately fax, to the appropriate EEI entity, a copy of the signed WFNJ/EEI-1, along with a copy of the referral form.

3. At the time the county WFNJ agency refers the EEI participant to the EEI agency, the WFNJ agency shall also refer the EEI participant to the child care resource and referral (CCR&R) agency for post-EEI child care service arrangements. The WFNJ agency shall provide notification to the CCR&R agency of the need for post-EEI child

care services by preparing a WFNJ Agency Referral to the CCR&R agency and immediately faxing it to the CCR&R agency. The WFNJ agency shall retain the original CCR&R agency referral and attach it to the EEI participant's WFNJ/TANF application.

History

HISTORY:

Amended by R.2000 d.205, effective May 15, 2000.

See: 32 N.J.R. 639(a), 32 N.J.R. 1771(a).

In (a)1, substituted a reference to four months for a reference to six months.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (b), in the first sentence deleted "a high school diploma or a GED or" preceding "a work history".

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

Substituted "Cage-Aid" for "CAGE-8" throughout.

Amended by R.2004 d.335, effective September 7, 2004.

See: 36 N.J.R. 2292(a), 36 N.J.R. 4145(a).

In (b), inserted "high school diploma or a GED or a" preceding "work history that equals or exceeds".

Administrative correction.

See: 42 N.J.R. 2322(a).

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N.J.A.C. 10:90-17.3

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§ 10:90-17.3 EEI participation

(a) For those WFNJ adult applicants who meet EEI eligibility criteria at N.J.A.C. 10:90-17.2(a) or (b), participation in the EEI shall be mandatory and non-cooperation shall result in denial of the WFNJ cash assistance application for both the applicant and the applicant's entire family.

1. EEI participant's shall be required to comply with all aspects of the cooperation and participation provisions of the EEI, as set forth in this subchapter, unless good cause exists, which aspects include, but are not limited to:

i. Keeping all scheduled appointments timely;

ii. Giving reasonable notice and explanation of the inability to keep an appointment;

iii. Cooperating in the development of an WFNJ individual responsibility plan (IRP);

iv. Signing the Early Employment Initiative Participation Agreement, and abiding by the provisions of that Agreement, which includes the agreement to withdraw the family's WFNJ application effective the date unsubsidized employment is secured when the gross earnings from that employment, along with any other countable income, of the family, exceed the maximum allowable income level for WFNJ financial eligibility; and

v. Contacting the child care resource and referral (CCR&R) agency to arrange for post-EEI participation child care services, as appropriate.

(b) Participation in EEI shall be for a minimum period of 15 days to a maximum period of 30 days (which shall run parallel to the time frame for determining WFNJ program eligibility).

1. The applicant shall be referred to the administering entity charged with the responsibility for providing the up-front job search/placement service for EEI. The EEI entity shall develop an EEI plan with the participant, which shall identify the dates and times of the activities, as appropriate, as well as the desired employment goal. In addition, the plan shall state whether an activity support payment is to be provided to cover necessary employment-related expenses to allow participation in the job

search/placement activity outlined in the plan. The EEI plan shall be signed by the EEI participant and a copy of the plan shall be provided to the EEI participant.

2. The family's application for WFNJ, Medicaid and/or NJ SNAP shall continue to be processed by the county agency, as appropriate, without delay.

i. Activity support payments and one time lump sum payments associated with participation in the EEI program, as set forth in (c) below, are disregarded as income in accordance with the State Plan for Title XIX when determining eligibility for AFDC-Related Medicaid.

3. All EEI participants shall be required to participate in an up-front job search/placement activity for the sole purpose of obtaining unsubsidized employment during which time the WFNJ county agency shall continue to process their application for WFNJ cash assistance. The EEI participation requirement is a minimum period of 15 days to a maximum period of 30 days or anytime after the 15 day minimum period when a final decision is reached on the client's WFNJ application (but not to exceed the 30-day maximum period). During the EEI participation period, the EEI family shall be eligible for an activity support payment, in accordance with the EEI Payment Schedule at (d) below, to cover employment-related expenses necessary to allow participation in the EEI, when such services are not available without charge from any other source. This activity support payment shall be based on identified job search/placement needs and shall not exceed the maximum activity support payment for the family size as indicated in the EEI Payment Schedule at (d) below.

i. If the WFNJ/TANF application was denied because of non-cooperation with EEI (see (a)1 above), and the family reapplies for WFNJ/TANF within 30 calendar days of that original WFNJ application date, any activity support payment provided to the family shall be considered as unearned income when determining WFNJ/TANF eligibility and calculating the WFNJ/TANF grant.

(c) When an EEI participant secures employment, the EEI entity shall determine whether or not the participant's gross earnings shall render the participant's family ineligible for WFNJ cash assistance by comparing the participant's gross earnings to earned income amount which the WFNJ agency entered on the "WFNJ Agency Referral to the EEI Entity" form.

1. If the EEI participant's gross earnings are equal to or less than the earned income amount indicated for that family on the referral form, the family may remain eligible for WFNJ cash assistance and the EEI entity shall refer the family to the WFNJ agency for a final determination of eligibility for cash assistance.

2. EEI participants who are successful in obtaining full-time unsubsidized employment and whose anticipated gross earnings, when combined with all other countable income available to the WFNJ assistance unit, exceed the earned income amount indicated for that family on the referral form, which exceeds the initial maximum allowable income eligibility level for WFNJ/TANF (Schedule I at N.J.A.C. 10:90-3.3(b)), shall be required to withdraw their family's WFNJ application for cash assistance. Before requiring the participant to initiate a withdrawal of the applicant family's WFNJ/TANF application, the EEI entity shall inquire whether any changes in

the applicant family's assistance unit size or other countable income has occurred as of the date of the WFNJ application. If the participant states that changes have occurred, the EEI entity shall contact the WFNJ agency to ascertain the impact of such changes on the applicant family's WFNJ eligibility for cash assistance. If it is determined, by the WFNJ agency, that the changes reported by the EEI entity indicate that the applicant family may remain eligible for the WFNJ cash assistance, the EEI agency shall refer the participant back to the WFNJ agency for a final determination of eligibility for WFNJ cash assistance. If, however, the participant expresses that no changes have occurred since the date of the WFNJ application and the applicant family withdraws the WFNJ application, the participant's family shall be eligible to receive the following under the EEI, as appropriate:

i. A one-time lump sum payment to cover expenses necessary to avoid loss of housing or for other employment-related expenses necessary to enable the employed individual to continue to engage in his or her employment such as, but not limited to, transportation, uniforms, car maintenance, tools, supplies, licenses and testing fees. This one-time lump sum payment shall be provided to the family by the EEI entity based on specific need and shall not exceed the one-time lump sum payment ceiling for the participant's family size as designated in the EEI Payment Schedule at (d) below; and

ii. Up to two years of child care in accordance with the WFNJ child care services provisions at N.J.A.C. 10:90-5.2.

(d) The EEI Payment Schedule below identifies the activity support and one-time lump sum payment ceilings for EEI. These ceiling amounts are based on the WFNJ assistance unit size; therefore, the ceiling amounts shall remain constant even if more than one adult of the WFNJ applicant family is participating in EEI. The activity support payment and the one-time lump sum payment issued by the EEI entity shall not count toward the 60 month lifetime limit for receipt of WFNJ cash assistance.

1. The activity support payment ceiling represents the maximum amount an EEI family would be eligible to receive up front during the EEI participation period to cover any expenses necessary to allow participation in the job search/placement activity.

2. The one-time lump sum payment ceiling represents the lump sum amount an EEI family would be eligible to receive, when full-time employment is secured during the EEI participation period, to cover expenses necessary to avoid housing loss or for other employment related expenses to enable the employed individual(s) to continue to engage in his or her employment. The EEI entity shall explain to the participant that the one-time lump sum payment is being issued in lieu of public cash assistance.

i. If a family reactivates the WFNJ/TANF application within a 60 day period from the date of the original WFNJ/TANF application in accordance with the provisions for reactivation at (f) below, the lump sum payment issued to the family shall be prorated for a two month period and applied as unearned income when determining the family's WFNJ/TANF financial eligibility and calculating the WFNJ grant amount.

EEI PAYMENT SCHEDULE

Number in WFNJ	Activity Support	One-time Lump Sum

Assistance Unit	Payment Ceiling	Payment Ceiling
1	$ 350	$ 135
2	450	515
3	750	521
4	950	513
5	1,150	505
6	1,350	497
7	1,450	580
8	1,550	633

(e) An EEI participant shall be referred back to the WFNJ/TANF agency for WFNJ/TANF cash assistance when:

1. The EEI participant fully cooperates and participates in EEI as required and full-time unsubsidized employment is not found; or

2. Full-time employment is secured, however, the family continues to be considered financially eligible for WFNJ cash assistance because the participant's gross earnings combined with the family's other countable income is equal to or less than the WFNJ maximum allowable income eligibility level for the assistance unit, in accordance with N.J.A.C. 10:90-3.3 (Schedule I), and the family's countable income is less than the applicable WFNJ benefit level at N.J.A.C. 10:90-3.3 (Schedule II).

(f) Under certain circumstances, it may be necessary for a family, which has secured employment and has withdrawn its WFNJ/TANF application, to return to the WFNJ/TANF program for cash assistance. If the situation occurs within 60 days from the date of the original WFNJ application, the application shall be reactivated and the date of that original WFNJ application shall apply. Any of the following circumstances shall render the family eligible to reactivate its WFNJ/TANF application:

1. Child care services cannot be secured; or

2. The unsubsidized employment obtained while participating in EEI is no longer available, for reasons of good cause, in accordance with the good cause provisions under the WFNJ program at N.J.A.C. 10:90-4.10;

i. If the unavailability of the unsubsidized employment is due to a voluntary quit situation, the family shall not be eligible to reactivate its WFNJ/TANF application and shall be required to make reapplication to determine its eligibility for WFNJ/TANF cash assistance. At the time of reapplication, the individual who voluntarily quit the employment shall be subject to a 90-day voluntary quit penalty in accordance with N.J.A.C. 10:90-1.5. The other family members, however, shall be eligible to apply for cash assistance.

(g) If the WFNJ/TANF application is reactivated within 60 days of the original date of the WFNJ/TANF application, any lump sum payment amount received under EEI shall be prorated from the date of the original WFNJ/TANF application to the date the client contacted the WFNJ county agency for reactivation and subtracted from the WFNJ/TANF monthly grant amount(s) for which the assistance unit is eligible for that period of time. If the lump sum payment received under EEI is in excess of the family's monthly grant amount(s) for that period, the excess amount shall be counted as unearned income when

calculating the WFNJ/TANF monthly grant amount for the assistance unit for any subsequent month.

(h) If the individual loses unsubsidized employment after 60 days from the date of the original WFNJ/TANF application, reapplication for WFNJ/TANF cash assistance shall be required.

(i) If a family experiences an emergency housing situation, in accordance with the emergency assistance provision at N.J.A.C. 10:90-6.1(b), while participating in EEI, the family shall immediately notify the EEI entity which in turn shall advise the client to return to the WFNJ agency for assistance. If the EEI participant is employed and an emergency situation occurs within 60 days from the original WFNJ/TANF application date, the family shall be eligible to reactivate its original WFNJ/TANF application. In all other instances in which the EEI family experiences an emergency situation, reapplication for WFNJ/TANF shall be required.

(j) Once a WFNJ/TANF adult participates in EEI, he or she may be considered an eligible candidate to repeat EEI participation if the county social service agency determines that EEI participation would be beneficial in helping the client move toward self-sufficiency. An individual is considered suitable for participation in EEI at the county agency's discretion when determining subsequent eligibility.

(k) If the participant fails to cooperate with the terms of the EEI, in accordance with (a)1 above, without good cause (see good cause provisions at N.J.A.C. 10:90-4.10), the EEI entity shall report the incident of noncooperation to the WFNJ agency by completing Form WFNJ/EEI-2, EEI Agency Report/Referral. Upon receipt of the EEI entity's report of noncooperation, the WFNJ agency shall review the report to determine if the EEI agency correctly determined noncooperation and, if appropriate, send an adequate notice in accordance N.J.A.C. 10:90-9.1, to the WFNJ/TANF family advising that the WFNJ/TANF application for cash assistance for the participant and the participant's entire family is being denied because of noncooperation with the EEI and reapplication for WFNJ/TANF shall be required. The notice shall also include the family's right to a fair hearing.

1. If a fair hearing is requested and scheduled, the county WFNJ agency shall notify the EEI entity of the scheduled hearing. The EEI entity shall arrange for the required attendance of the appropriate EEI representative at the scheduled hearing.

History

HISTORY:

Amended by R.2000 d.205, effective May 15, 2000.

See: 32 N.J.R. 639(a), 32 N.J.R. 1771(a).

Inserted (b)2i.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote (j).

Administrative correction.

See: 42 N.J.R. 2322(a).

Administrative change.

See: 44 N.J.R. 1529(a).

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End of Document

N.J.A.C. 10:90-18.1

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-18.1 General provisions and purpose

(a) Based on P.L. 1997, c.14 (Work First New Jersey Act), approved January 29, 1997 and P.L. 1999, c.427, approved January 18, 2000, the WFNJ Substance Abuse Initiative (SAI) is established to help promote the goals of the WFNJ program, to move WFNJ recipients from dependency on WFNJ cash assistance benefits to self-sufficiency, to the extent possible.

(b) The New Jersey Department of Human Services (DHS) in collaboration with the New Jersey Department of Health and Senior Services (DHSS) has established a substance abuse treatment program entitled the "SAI". The SAI addresses the needs of WFNJ recipients who are abusing drugs and/or alcohol to the extent that WFNJ recipients are unable to move forward and take advantage of work, work readiness activities, or other service offered through the WFNJ program. The SAI shall provide substance abuse screening, assessment, treatment placement, utilization management, care coordination and case management. The screening and assessment services are available at the local WFNJ county social service agency (CSSA). The referral of WFNJ recipients to and participation in the SAI shall be either voluntary or mandatory. A substance abuse assessment shall be administered to each WFNJ recipient referred to the SAI by a professional clinical care coordinator (CCC) using nationally recognized standardized assessment tools. The CCC shall meet the requirements for Alcohol and Drug Counselors as established in the Alcohol and Drug Counselor Licensing and Certification Act, P.L. 1997, c.331. This subchapter is for use by the WFNJ CSSAs/MWAs in the administration of this ongoing DHS initiative that shall provide an equal and meaningful opportunity for WFNJ recipients to participate in substance abuse treatment.

(c) All WFNJ CSSAs/MWAs shall make referrals to the SAI program.

(d) The purposes of the SAI program are as follows:

1. To make no cost substance abuse treatment services, that include screening and assessment administered by a CCC, treatment, placement and follow-up as determined clinically appropriate by a CCC, available to WFNJ TANF/GA recipients who have substance abuse problems;

2. To assist SAI participants in removing substance abuse barriers to employment, as determined by a CCC, and to enable participants to obtain treatment with the goal of moving towards self-sufficiency, to the extent possible;

i. Supportive services shall be provided in accordance with N.J.A.C. 10:90-5;

3. To provide SAI participants with an integrated combination of work activity and substance abuse treatment as determined clinically appropriate by the CCC, by requiring individuals who are able to work to participate in job readiness activity that ultimately leads to work; and

4. To allow an SAI participant's hours spent in treatment to count towards the required hours of a WFNJ work activity.

i. For WFNJ recipients required to participate in a work activity, substance abuse treatment counts as a participant's work activity only if the CCC assesses the individual and monitors the participant's treatment.

(e) Unless good cause for temporary excused participation exists or other good cause for work deferral exists in accordance with N.J.A.C. 10:90-4.11(b), the SAI program provides for participant requirements that include, but are not limited to, the following requirements:

1. Completion and signing of the required SAI program forms, which include the Work First New Jersey Substance Abuse Initiative Care Coordinator Referral Form, WFNJ-125; the Consent for the Release of Confidential Alcohol or Drug Treatment Information to the National Council on Alcoholism and Drug Dependence Work First New Jersey Substance Abuse Initiative, WFNJ-126 and the Consent for the Release of Confidential Alcohol or Drug Treatment Information to State of New Jersey Welfare Information Systems, WFNJ-127 in accordance with the Federal Confidentiality regulations at 42 CFR Part 2;

2. Participation in the completion of the substance abuse assessment administered by the CCC, using nationally recognized, standardized assessment tools.

i. WFNJ recipients shall also cooperate with intake interviews at the treatment facility and any follow-up activities as determined by the CCC;

3. For WFNJ recipients required to participate in the SAI, mandatory participation in substance abuse treatment, as determined to be clinically appropriate by the CCC, in accordance with N.J.A.C. 10:90-18.3;

4. WFNJ recipients who are referred for voluntary participation in the SAI that do not complete and sign the required SAI forms, or do not complete the assessment, cannot obtain substance abuse treatment services through the SAI. However, these individuals cannot be sanctioned for failure to comply with treatment services;

5. WFNJ recipients subject to mandatory participation in the SAI, when participation is considered a work activity, shall complete and sign the required SAI forms; complete the assessment and follow through with the recommended treatment or the recipient shall be sanctioned in accordance with N.J.A.C. 10:90-4.13; and

6. WFNJ applicants/recipients, who want to establish eligibility in accordance with N.J.A.C. 10:90-18.6 and are subject to mandatory participation in the SAI, shall complete and sign the required SAI forms; complete the assessment and follow through with the recommended treatment as a condition for WFNJ initial or continued eligibility and the receipt of WFNJ/GA cash assistance benefits.

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N.J.A.C. 10:90-18.2

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§ 10:90-18.2 Referral to the SAI

(a) WFNJ recipients who may be referred for voluntary participation in the SAI, include, but are not limited to, the following:

1. WFNJ TANF/GA recipients who are pregnant and choose to voluntarily participate in the SAI beyond the third trimester, when the recipient is otherwise deferred, without the risk of sanction;

2. WFNJ TANF/GA recipients who are participating in work or a work activity other than substance abuse treatment, self-identify a substance abuse problem, and believe that treatment will be beneficial;

3. WFNJ/TANF deferred recipients with substance abuse problems and other physical, medical or mental health problems, including chemical addiction;

4. WFNJ/GA unemployable recipients with substance abuse problems and other physical, medical or mental health problems, including chemical addiction;

i. Substance abuse treatment services offered through the SAI to WFNJ/GA applicants/recipients identified in (a)4 above are subject to the availability of funding; or

5. WFNJ TANF/GA recipients, who are required to participate in a work activity and who choose to participate in the SAI as his or her assigned work activity.

i. A WFNJ TANF/GA recipient who chooses to participate in the SAI as his or her assigned work activity shall be required to participate in a substance abuse assessment. The WFNJ agency worker shall advise the recipient in accordance with N.J.A.C. 10:90-20.2(e)2.

(b) WFNJ applicants/recipients who must be referred for mandatory participation in the SAI include, but are not limited, to the following:

1. WFNJ TANF/GA recipients who have been sanctioned for non-compliance with work or a work activity, in accordance with N.J.A.C. 10:90-4.13, unless the WFNJ agency worker determines that the reason for the non-compliance is other than substance abuse;

2. WFNJ TANF/GA recipients who are required to participate in substance abuse treatment as stipulated in the IRP, unless the provisions at N.J.A.C. 10:90-18.2(e)3 apply;

3. WFNJ TANF/GA recipients who are in sanction status, for failure to comply with SAI treatment, and want to have the sanction removed in accordance with N.J.A.C. 10:90-4.18;

4. WFNJ/TANF recipients who are deferred when the sole reason for the deferred status is substance abuse;

5. WFNJ/GA recipients who are unemployable when the sole reason for the unemployable status is substance abuse;

6. WFNJ TANF/GA recipients in receipt of EA who meet the criteria established at N.J.A.C. 10:90-6.1(c)1iii for demonstrating functional incapacity; or

7. Persons convicted on or after August 22, 1996 for an offense which occurred on or after August 22, 1996 involving possession or use of a controlled substance who want to establish eligibility for WFNJ cash assistance benefits, unless the person meets the good cause criteria set forth at N.J.A.C. 10:90-18.6.

i. Persons convicted of possession or use of a controlled substance who are required to demonstrate good faith effort in accordance with N.J.A.C. 10:90-18.6(e) shall be required to participate in substance abuse treatment at the time that a facility is able to accommodate the person's request for enrollment. At that time, treatment shall become mandatory and a condition for WFNJ initial and continued eligibility and receipt of WFNJ TANF/GA cash assistance.

(c) The following are WFNJ recipients that are not eligible for referral to the SAI program.

1. Drug Court Initiative (DCI) participants;

2. Persons convicted on or after August 22, 1996 for an offense which occurred on or after August 22, 1996 involving possession, use or distribution of a controlled substance that want to establish eligibility only for NJ SNAP program benefits; and meet the good cause requirements in accordance with N.J.A.C. 10:90-18.6(c); and

3. Mutual Agreement Program (MAP) inmates who are on parole, residing in the community and under the custody of correctional authorities are not eligible for WFNJ cash assistance in accordance with N.J.A.C. 10:90-2.8(a)5, and therefore, cannot be referred to the WFNJ SAI. Treatment decisions and/or recommendations for such individuals fall under the purview of correctional authorities.

(d) WFNJ recipients shall be referred, by the WFNJ agency worker, for participation in the SAI at any time:

1. During the WFNJ application or re-determination process;

2. During the application for EA;

3. When the WFNJ recipient has incurred a sanction, unless the worker determines that the reason for the sanction is a reason other than substance abuse; or

4. The person self-identifies a substance abuse problem and requests to voluntarily participate in the SAI.

(e) Before a WFNJ recipient signs an IRP or otherwise agrees to participate in the SAI, the WFNJ agency worker shall advise WFNJ applicants/recipients referred for participation in the SAI of the following:

1. All of the information provided is confidential;

2. Substance abuse treatment is available at no cost.

i. A WFNJ applicant who is required to participate in work or a work activity has the option of participating in the SAI as his or her assigned work activity when the person becomes WFNJ eligible, or attending work or another work activity.

(1) A WFNJ recipient who chooses to participate in the SAI, as his or her assigned work activity, shall be required to participate in the substance assessment as administered by the CCC. The CCC and the WFNJ recipient shall discuss the results of the assessment and recommendations for treatment. If the recommendations for treatment are incorporated in the IRP, then substance abuse treatment shall become mandatory. However, when the recommendations for treatment are not included in the IRP, the WFNJ recipient shall be required to participate in the usual WFNJ work requirements or incur a sanction.

ii. Individuals referred for mandatory participation in the SAI shall be advised orally and in writing that failure to attend the SAI program without good cause may result in a sanction;

3. When a decision is made to sanction a WFNJ recipient for not participating in substance abuse treatment services, the individual shall be given an opportunity to begin or continue in an assigned work activity.

i. The CCC may recommend that the WFNJ recipient be reassigned to another work activity other than substance abuse treatment, if it is determined that treatment is not clinically appropriate for the recipient at that time;

4. A CCC shall conduct the substance abuse screening and assessment and determine the treatment plan and placement service, with the involvement of the WFNJ applicant/recipient, if such a plan and/or service is necessary;

5. Treatment counts toward the required hours of the WFNJ recipient's work activity only if the CCC assesses the individual and monitors the participant's treatment;

6. WFNJ individuals may be referred to the CCC in order to initiate having a sanction removed; and

7. SAI participants have a right to a fair hearing on any adverse action in accordance with the provisions at N.J.A.C. 10:90-9.

History

HISTORY:

Amended by R.2007 d.15, effective January 16, 2007.

See: 38 N.J.R. 1156(a), 39 N.J.R. 207(a).

In (c)1, deleted "and" from the end; in (c)2, substituted "; and" for the period at the end; and added (c)3.

Special amendment, R.2008 d.182, effective June 3, 2008.

See: 40 N.J.R. 4232(a).

In the introductory paragraph of (e)3, deleted "during the conciliation process, in accordance with N.J.A.C. 10:90-4.12(a)1i," following "opportunity".

Administrative change.

See: 44 N.J.R. 1529(a).

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N.J.A.C. 10:90-18.3

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§ 10:90-18.3 Mandatory SAI treatment

(a) For WFNJ applicants/recipients subject to mandatory participation in the SAI, the following shall apply:

1. Substance abuse treatment, as determined clinically appropriate by the CCC, shall be mandatory for WFNJ TANF/GA applicants/recipients identified at N.J.A.C. 10:90-18.2(b).

i. WFNJ individuals shall demonstrate active participation in a DHSS' licensed or approved RSATP in accordance with the definition established at N.J.A.C. 10:90-15.1, or in-patient, or out-patient substance abuse treatment programs.

ii. Enrollment of WFNJ individuals in a DHSS' licensed or approved RSATP shall be required in accordance with the definition established at N.J.A.C. 10:90-15.1, or in-patient, or out-patient substance abuse treatment programs.

iii. Failure to participate in the treatment plan shall result in a sanction in accordance with N.J.A.C. 10:90-4.13.

2. A WFNJ GA unemployable individual shall be required to participate in the mandatory SAI program, if substance abuse is the sole reason for the unemployable status and shall have his or her WFNJ status changed from GA unemployable to GA employable once the individual is well enough, as determined by the CCC, to participate in work or work activities. Such a change in status shall be supported by medical documentation, and shall be in the therapeutic interest of the WFNJ recipient as determined by the CCC and the CCC clinical supervisor.

i. In the instances as noted in (a)2 above, the CCC shall advise the WFNJ agency worker to request a new WFNJ/MED-1, Examination Report that states that substance abuse is the reason for the unemployable status. If the updated WFNJ/MED-1, Examination Report indicates that the WFNJ/GA recipient is no longer unemployable, then the WFNJ/GA employable requirements at N.J.A.C. 10:90-3 shall apply.

3. WFNJ recipients who shall not be required to participate in substance abuse treatment include, but are not limited to, the following:

i. WFNJ individuals who, as a result of the assessment by the CCC, are determined not to be dependent on alcohol and/or drugs or abusing alcohol and/or drugs shall cease involvement with the SAI program at that time;

ii. A WFNJ eligible individual who is able to function at work or in a work activity and scores high on the "Cage-Aid" form; or

iii. Persons convicted on or after August 22, 1996 for an offense which occurred on or after August 22, 1996 involving possession, use or distribution of a controlled substance that meet the good cause requirements in accordance with N.J.A.C. 10:90-18.6(c).

History

HISTORY:

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 New Jersey Register 1695(a), 36 New Jersey Register 3545(a).

In (a), rewrote 2i.

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N.J.A.C. 10:90-18.4

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§ 10:90-18.4 SAI sanctions

For WFNJ recipients subject to mandatory participation in the SAI, failure to comply with the completion and signing of the required SAI forms, the substance abuse assessment and/or the requirements of the treatment plan, including biological testing if appropriate, and follow-up, when it is clinically appropriate and in the therapeutic interest of the SAI participant, shall result in a sanction in accordance with N.J.A.C. 10:90-4.13, unless the CCC determines that treatment is not clinically appropriate for the WFNJ recipient at the time.

History

HISTORY:

Special amendment, R.2008 d.182, effective June 3, 2008.

See: 40 N.J.R. 4232(a).

Deleted "or the criteria established for conciliation at N.J.A.C. 10:90-4.12 apply" from the end.

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N.J.A.C. 10:90-18.5

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§ 10:90-18.5 Continued SAI treatment when the WFNJ TANF/GA case closes

(a) WFNJ recipients are eligible for continued substance abuse treatment as follows:

1. WFNJ/GA recipients are eligible for continued treatment for a period of six months from the date the WFNJ/GA case is closed due to earnings; and

2. WFNJ/TANF recipients are eligible for continued treatment for up to two years from the effective date the WFNJ/TANF case is closed due to earnings.

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N.J.A.C. 10:90-18.6

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§ 10:90-18.6 Eligibility rules for convicted drug felons

(a) The following convicted drug felons may establish eligibility for WFNJ TANF/GA cash assistance benefits and/or NJ SNAP program benefits:

1. A person convicted on or after August 22, 1996 under Federal or State law of any offense which occurred on or after August 22, 1996 which is classified as a felony, high misdemeanor or crime, under the laws of the jurisdiction involved and which has as an element the possession, or use of, a controlled substance as defined in section 102(6) of the Federal "Controlled Substances Act" (21 U.S.C. § 802(6)).

i. Under the laws of the State of New Jersey, a crime is defined at N.J.S.A. 2C:1-4(a) as "an indictable offense ... for which a sentence of imprisonment in excess of 6 months is authorized."

ii. A person convicted in accordance with (a)1 above of possession or use of a controlled substance may be eligible for WFNJ TANF/GA cash assistance and/or NJ SNAP program benefits, if the person enrolls in and actively participates in or completes a DHS' licensed or approved RSATP at the conclusion of which the person is certified drug free by an authorized program representative or the person is able to establish good cause in accordance with N.J.A.C. 10:90-18.6(c).

(1) Eligibility for WFNJ TANF/GA cash assistance and/or NJ SNAP program benefits shall commence upon the person's enrollment in a DHS' licensed or approved RSATP.

(2) Eligibility for WFNJ TANF/GA cash assistance and/or NJ SNAP program benefits may continue after the person has completed a DHS' licensed or approved RSATP provided that:

(A) During the first 60 days after completion of a RSATP or at the time of application or case redetermination, it must be determined, via testing by an entity designated by DFD, that the person is free of any non-prescribed controlled substance. If the person is determined not to be free of any controlled substance during, or at the conclusion of, the 60 day period, the person's eligibility for benefits shall be terminated immediately.

(B) WFNJ TANF/GA cash assistance and/or NJ SNAP program benefits cannot be granted or reinstated until the person re-enrolls in another RSATP, and remains drug free for a minimum of 60 days and is determined via testing to be free of any non-prescribed controlled substance.

iii. Juvenile drug convictions are not classified as felonies, high misdemeanors or crimes. Therefore, a juvenile who committed an offense involving possession or use of a controlled substance, who was not convicted of the offense until he or she was 18 years of age or older, shall not be found ineligible for WFNJ cash assistance and/or NJ SNAP program benefits solely because of a drug conviction.

(b) The following convicted drug felons may establish eligibility only for NJ SNAP program benefits and WFNJ/GA medical services:

1. The provisions at (a)1 above, with respect to Federal and State law, also apply to persons convicted of distribution of a controlled substance.

i. The provisions at (a)1i above, with respect to the State's definition of a crime, also apply to persons convicted of distribution of a controlled substance.

ii. A person convicted in accordance with (a)1 above of distribution of a controlled substance may be eligible only for NJ SNAP program benefits, if the person enrolls in and actively participates in or completes a licensed or approved DHS' RSATP at the conclusion of which the person is certified drug free by an authorized program representative; and WFNJ/GA medical services, which shall not exceed benefits offered in the WFNJ/GA program, that are limited to the time the person is receiving treatment in a DHS' licensed or approved RSATP.

(1) Eligibility for NJ SNAP program benefits and WFNJ/GA medical services shall commence upon the person's enrollment in a DHS' licensed or approved RSATP.

(A) A person convicted of distribution of a controlled substance is only eligible for WFNJ/GA medical services while at the facility. The person is not eligible for GA medical services after completing a DHSS' licensed or approved RSATP.

(2) The provisions at (a)1ii(2) above, with respect to continued eligibility for NJ SNAP program benefits, also apply to persons convicted of distribution of a controlled substance.

(A) The provisions at (a)1ii(2)(A) and (B) above, with respect to drug testing, also apply to persons convicted of distribution of a controlled substance.

(3) Persons convicted on or after August 22, 1996 of an offense which occurred on or after August 22, 1996 involving distribution are not eligible for WFNJ cash assistance benefits.

iii. The provisions at (a)1iii above, with respect to juvenile drug convictions, also apply to persons convicted of distribution of a controlled substance.

(c) Good cause exceptions, from participation in substance abuse treatment, shall be established for persons convicted of possession or use of a controlled substance who are willing to participate in a DHS' licensed or approved RSATP in order to establish eligibility for WFNJ TANF/GA cash assistance and/or NJ SNAP program benefits and are unable to do so for the following reasons:

1. Persons that want to establish eligibility for NJ SNAP program benefits only and meet the good cause criteria established at (c)2 through 6 below, including the good faith effort requirements, can not be referred to the SAI for assessment or substance abuse treatment.

2. The person already completed a substance abuse treatment program as noted below:

i. Individuals who have been incarcerated and have completed a substance abuse treatment program as a result of the incarceration and are determined to be drug free;

ii. Individuals who have completed a DHS' licensed or approved in-patient or out-patient substance abuse treatment program and are determined to be drug free; or

iii. Individuals who test free of drugs, and are therefore not appropriate for substance abuse treatment in a DHS' licensed or approved RSATP, or in an in-patient or out-patient program.

(1) As a result of the substance abuse assessment, the CCC can determine that:

(A) The person is not in need of substance abuse treatment at this time and his or her involvement in the SAI shall cease;

(B) Periodic completion of the "Cage-AID" form or the "Pre-Assessment Checklist" shall be done to verify the person's continued compliance with the good cause reasons identified in (c)2i through ii above. The periodic assessment shall become mandatory and a condition for WFNJ initial and continued eligibility and receipt of WFNJ TANF/GA cash assistance; or

(C) The person is in need of in-patient or out-patient substance abuse treatment at a DHS' licensed or approved facility. Treatment shall become mandatory and a condition for WFNJ initial and continued eligibility and receipt of WFNJ TANF/GA cash assistance.

(2) The person is a participant in the Drug Court Initiative (DCI) and provides written verification, on agency letterhead confirming the following:

(A) A Treatment Assessment Services for the Courts (TASC) evaluator's substance abuse assessment has been completed;

(B) The level of treatment required by the court; and

(C) The name and telephone number of the DCI liaison to the WFNJ agency.

3. The person entered a DHS' licensed or approved RSATP on his or her own.

4. The person was enrolled in a DHS' licensed or approved RSATP then later discharged as a result of the participant's physical or mental health problems including pregnancy.

i. Individuals discharged from a facility in accordance with (c)4 above shall provide written documentation from the facility the person was discharged from, on agency letterhead, confirming the reason for the discharge and the date of discharge.

5. The person meets the good faith effort requirements in accordance with (e) below and the person is denied entry in a DHS' licensed or approved RSATP due to the following:

i. The facility's inability to provide services to accommodate the person's physical or mental health problems (including pregnancy);

ii. The facility reached its capacity and cannot accommodate the person's request for enrollment at the time of application for WFNJ cash assistance benefits only; and

6. Individuals experiencing other unusual circumstances as determined by the DHS.

(d) The provisions at (c)1 through 6 above, with respect to good cause reasons, also apply to persons convicted of distribution of a controlled substance that want to establish eligibility only for NJ SNAP program benefits.

(e) Persons convicted of possession or use of a controlled substance that establish good cause for the reasons identified in (c)5i or ii above, shall be required to make a "good faith" effort to enter a facility as noted below:

1. The person shall make a good faith effort by attempting to enroll in at least three DHS' licensed or approved RSATPs.

i. Attempts by the individual to enroll in a facility may be pursued by telephone.

2. The person shall provide documentation of his or her good faith efforts.

i. Documentation shall consist of a written verification from each licensed or approved RSATP, on agency letterhead, confirming that the person sought entry in the facility; and, the date(s) and reason (mental or physical health reasons or capacity issues in the treatment programs) the facility denied the individual's request for enrollment.

ii. The required documentation shall be provided promptly, as a condition of eligibility, so that the eligibility determination can be completed within the 30-day time frame in accordance with N.J.A.C. 10:90-1.5.

iii. If the person making the good faith effort wants to establish eligibility for WFNJ TANF/GA cash assistance benefits and indicates that the facility will not provide the requested documentation, then the county or municipal WFNJ agency, with the cooperation of the applicant, shall follow-up by contacting the DHSS' licensed or approved RSATP(s) by telephone.

iv. Individuals who establish eligibility for WFNJ TANF/GA cash assistance benefits through the good cause process shall be referred to the SAI immediately

at the time of application, unless the person submits written documentation from a substance abuse treatment program, that he or she is free of any non-prescribed controlled substance at the time of application.

(f) The provisions at (e) above, with respect to making a good faith effort also apply to persons convicted of distribution of a controlled substance that want to establish eligibility only for NJ SNAP program benefits.

History

HISTORY:

Administrative correction.

See: 39 N.J.R. 652(a).

Administrative change.

See: 44 N.J.R. 1529(a).

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§ 10:90-18.7 Responsibility of the SAI CCC

(a) The responsibilities of the CCC are to:

1. Notify the WFNJ agency worker, through a liaison, within 24 hours of the scheduled assessment of a WFNJ recipient;

2. Conduct the assessment and provide the WFNJ agency worker with the individual's status as to assessment, treatment plan and placement in treatment, if it is determined that treatment is necessary;

3. Monitor and follow-up on treatment service;

4. Evaluate, authorize and pre-approve treatment for persons convicted of possession or use of a controlled substance who are referred to the SAI for participation in treatment service or payment of treatment service; and

5. Inform the WFNJ agency worker of any changes during a WFNJ participant's course of treatment as well as when it is appropriate for an individual to engage in an additional work activity.

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N.J.A.C. 10:90-18.8

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§ 10:90-18.8 Responsibilities of the county/municipal WFNJ agency for SAI

(a) The responsibilities of the county and/or municipal WFNJ agencies are to:

1. Refer eligible WFNJ recipients for participation in the SAI;

2. Perform system updates;

3. Provide transportation;

4. Provide supportive services; and

5. Notify the CCC immediately when the SAI participant's case will be closed and provide the effective closing date.

History

HISTORY:

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 New Jersey Register 1695(a), 36 New Jersey Register 3545(a).

In (a)1, deleted "/SARD" after "SAI".

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N.J.A.C. 10:90-18.9

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 18. SUBSTANCE ABUSE

§ 10:90-18.9 Fair hearings

WFNJ recipients have a right to a fair hearing on any adverse action in accordance with the provisions at N.J.A.C. 10:90-9.

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N.J.A.C. 10:90-19.1

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§ 10:90-19.1 Purpose and scope

(a) Based on P.L. 2001, c.250, the Kinship Care Subsidy Program (KCSP) is being established. The KCSP involves providing monthly cash subsidies for children residing with low income individuals, known as kinship legal guardians, who take responsibility for raising a child whose parents are unable or unwilling to do so. The KCSP is designed to provide cash assistance for the needs of children residing with kinship legal guardians, in accordance with the provisions set forth in this subchapter.

(b) The KCSP shall provide subsidies for eligible children up to the financial cap allotted to the program. The KCSP slots shall be allocated by county to serve eligible children on a first come, first served basis.

(c) P.L. 2001, c.250 creates a new type of court awarded kinship legal guardianship, which addresses the needs of children and caregivers in long-term kinship relationships. Participation in the KCSP is subject to the caregiver's establishment of a court ordered kinship legal guardianship arrangement.

(d) A child is determined eligible for the KCSP if the child's caregiver has been granted kinship legal guardianship and has an annual family income of less than or equal to 150 percent of the Federal Poverty Level (FPL). Children whose caregivers meet the specific KCSP eligibility criteria will be eligible for up to a $ 250.00 per month/per child subsidy.

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N.J.A.C. 10:90-19.2

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§ 10:90-19.2 Defining kinship legal guardianship

(a) "Kinship legal guardianship" is defined as a caregiver who is willing to assume care of a child due to parental incapacitation, with the intent to raise the child to adulthood, and who is appointed the kinship legal guardian of the child by the court pursuant to P.L. 2001, c.250.

1. "Parental incapacity" means incapacity of such a serious nature as to demonstrate that the parent is unable, unavailable or unwilling to perform the regular and expected functions of care and support of the child.

2. This form of legal guardianship provides permanency for children and stronger legal protection for caregivers, without termination of parental rights and adoption.

i. A kinship legal guardian shall be responsible for the care and protection of the child and providing for the child's health, education and maintenance.

ii. Under kinship legal guardianship, the child's parent(s) retain the power to consent to the adoption or name change of the child, the obligation to pay child support and the right to maintain a continued relationship with the child through visitation as determined by the court. An award of kinship legal guardianship does not limit or terminate any rights or benefits derived from the child's parents, including inheritance and social security or insurance benefits.

3. Any adult family friend or person with a biological or legal relationship to a child, other than the child's parent, who has been providing care and support for the child living in the caregiver's home for 12 consecutive months, may petition the court for kinship legal guardianship.

(b) Caregivers who have obtained other forms of guardianship through the Surrogate and Probate Departments of the Superior Court must receive kinship legal guardianship to be eligible to apply for the subsidy. A kinship legal guardian shall have the same meaning as the term "legal guardian," as defined in 42 U.S.C. § 675, except that the process, procedure and ruling for kinship legal guardianship shall be apart from and shall not amend, supplant or contravene N.J.S.A. 3B:12-1 et seq.

(c) The Superior Court, Chancery Division, Family Part has jurisdiction to award kinship legal guardianship. Consistent with rules and procedures adopted by the Supreme Court, the determination will be based on a petition filed by the caregiver that contains a kinship caregiver assessment certifying to the ability of the petitioner to care for the child. The assessment shall also contain the results from a criminal history record background check, domestic violence central registry check and a child abuse record check of the caregiver and any adult residing in the caregiver's household.

1. The Department of Human Services (DHS) may, subject to the availability of funding, provide payments for assessments associated with obtaining kinship legal guardianship for caregivers meeting the definition of a Temporary Assistance for Needy Families (TANF) parent person with family incomes of less than or equal to 150 percent of the FPL. The costs for the assessment shall be borne by DHS in cases where an eligible individual is applying for cash assistance provided by the Division of Family Development for which kinship legal guardianship is a requirement and for the Division of Child Protection and Permanency cases. In cases where DHS is paying for the assessment associated with obtaining kinship legal guardianship, after filing an application for child support services the caregiver may contact the Kinship Navigator Program for a referral to an appropriate entity. The caregiver assessment shall be conducted by a designated entity contracted by the DHS or by the Division of Child Protection and Permanency.

(d) Kinship legal guardianship terminates when the child reaches 18 years of age or when the child is no longer continuously enrolled in a secondary education program, whichever event occurs later, or when kinship legal guardianship is otherwise terminated.

1. An order or judgment awarding kinship legal guardianship may be vacated by the court prior to the child's 18th birthday if the court finds that the kinship legal guardianship is no longer in the best interests of the child or, based upon clear and convincing evidence, the court finds that the parental incapacity or inability to care for the child that led to the original award of kinship legal guardianship is no longer the case, and termination of kinship legal guardianship is in the child's best interests.

2. An order or judgment awarding kinship legal guardianship may be vacated by the court if, based upon clear and convincing evidence, the court finds that the guardian failed or is unable, unavailable or unwilling to provide proper care and custody of the child, or that the guardianship is no longer in the child's best interests (see N.J.A.C. 10:90-19.3(h)).

History

HISTORY:

Administrative change.

See: 46 N.J.R. 855(b).

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N.J.A.C. 10:90-19.3

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§ 10:90-19.3 Determining eligibility for the KCSP

(a) When it has been confirmed that kinship legal guardianship has been granted, eligibility for KCSP participation shall be approved if the kinship legal guardian's family income is less than or equal to 150 percent of the FPL and funds are available.

(b) Based upon the total gross income of the kinship legal guardian's family and the child, the designated entity shall calculate the annual income to determine if the family's income is less than or equal to 150 percent of FPL eligibility requirement. Income definitions reflective of those used to determine WFNJ/TANF eligibility will be utilized when determining eligibility for the KCSP.

1. All countable earned and unearned income of the kinship legal guardian's family and the child, with the exception of Work First New Jersey (WFNJ)/TANF benefits received on behalf of the child, is to be counted in the financial determination. Kinship subsidy eligibility shall not exist if the total countable gross annual income exceeds 150 percent of the FPL guidelines 66 Fed. Reg. 10,695 (February 16, 2001) for the appropriate family size.

(c) For purposes of determining eligibility for the kinship care subsidy, the kinship legal guardian's family shall include the kinship legal guardian(s), his or her spouse, his or her children and the child or children for whom kinship legal guardianship has been awarded. The family also includes dependent children who are over the age of 18 or other adults who are not legally responsible for the children for whom kinship legal guardianship has been awarded but who are dependent on the kinship legal guardian and who live in the household.

(d) Sources of countable income reflect WFNJ/TANF income definitions found at N.J.A.C. 10:90-3.9(b) and include, but are not limited to, employment (including self-employment), rental income, Social Security (disability, retirement, or survivor's) benefits, State disability, rental property managed by an agent, worker's compensation, pensions/annuity/401K payments, alimony received, railroad retirement, General Assistance payments, TANF payments (excluding payments for the kinship child), unemployment, interest and dividend income, veterans' benefits, and any child support received.

1. For purposes of determining kinship family eligibility, exempt income, as stipulated at N.J.A.C. 10:90-3.19, includes, but is not limited to, SSI benefits, and payments for resource family care and shall be excluded from the 150 percent FPL income eligibility test in the same manner that such benefits are excluded when determining WFNJ/TANF eligibility. Any member of the family who receives SSI or any child for whom CP&P is making a resource family care payment is not counted as a member of the kinship family for this determination.

(e) Resources shall not be considered when determining financial eligibility for the kinship subsidy.

(f) Kinship subsidy eligibility calculations shall be based on an estimate of the gross annual income of the kinship legal guardian's family, using income averaging and a prospective budgeting methodology reflective of that used to determine WFNJ/TANF eligibility as stipulated at N.J.A.C. 10:90-3.11. To determine the estimated income of the family, all earned and unearned income shall be considered.

1. For purposes of determining financial eligibility for the kinship subsidy, the entity shall determine earnings by obtaining wage information for the four consecutive week period immediately preceding the date of application or redetermination. Likewise, all unearned income received within this four-week period shall be verified and documented in the case file.

(g) Once it is determined that a kinship legal guardian meets the criteria for participation in the KCSP, the designated entity shall refer him or her to the appropriate county social service agency (CSSA) to apply for the subsidy benefit for the child.

1. Eligibility for the kinship subsidy shall be redetermined on an annual basis (12 months from the date of application) by the designated entity.

i. Once determined KCSP eligible, the recipient shall continue to receive the subsidy for the remaining balance of the 12-month eligibility period. However, there are circumstances that may result in termination of the kinship subsidy payment prior to the 12-month redetermination date. These include, but are not limited to, termination of kinship legal guardianship, if the child leaves the kinship legal guardian's home, if the child moves out of New Jersey or if the child's countable income exceeds $ 250.00 per month.

(h) Kinship subsidy eligibility shall extend beyond the age of 18 if the child is a full-time student in a secondary school (or equivalent level of vocational or technical training) and expected to complete the program before reaching age 19. Kinship subsidy eligibility shall be extended to age 21 if the child is enrolled in a special education program per N.J.A.C. 10:90-2.7(a). If the court terminates kinship legal guardianship prior to the child's 18th birthday, eligibility for the KCSP shall no longer exist.

(i) Continued participation in the KCSP shall not be affected by time limitations on WFNJ/TANF benefits for the kinship legal guardian's family. If a TANF recipient who has kinship legal guardianship reaches the 60 month time limit, the child may continue to receive the kinship subsidy with the caregiver continuing to act as the "payee." If the

family meets WFNJ/TANF exemption or extension criteria, the case continues unchanged. The child remains eligible for the subsidy until eligibility is redetermined.

History

HISTORY:

Amended by R.2019 d.097, effective September 16, 2019.

See: 50 N.J.R. 2194(a), 51 N.J.R. 1461(c).

In the introductory paragraph of (d), inserted a comma following the first occurrence of "retirement" and substituted "veterans' benefits," for "veterans benefits"; and in (d)1, substituted "payments for resource family care" for "foster care payments", and "any child for whom CP&P is making a resource family care payment" for "foster care benefits".

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N.J.A.C. 10:90-19.4

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§ 10:90-19.4 Kinship Care Subsidy Program application process

The Kinship Care subsidies shall be administered through the CSSAs. The kinship legal guardian must apply for the KCSP in order to receive the kinship subsidy benefit for the child. All kinship legal guardians are considered the "payee" for a related child in his or her care when the child is not their natural or adopted child. The applicant shall provide his or her case file papers that were completed by the designated entity, including the original eligibility determination, which shall be retained and attached to the kinship subsidy application. In order to receive a WFNJ kinship subsidy, all eligible children up to 16 years old must be attending school on a full-time basis and 16 through 18 year old children must be attending school on a full-time basis or participating in an appropriate work activity (see N.J.A.C. 10:90-1.2(f)10iv, 2.2(c) and (d)1, 4.2(f) and 4.8(a)). To receive the kinship subsidy for the eligible child, the kinship legal guardian shall sign the application and agree to cooperate with efforts to collect child support from the parents of the child. The decision to apply rests with the applicant.

History

HISTORY:

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

Added the fifth sentence.

Amended by R.2008 d.324, effective November 3, 2008.

See: 40 N.J.R. 2188(a), 40 N.J.R. 6459(a).

In the fifth sentence, substituted "a WFNJ kinship subsidy, all eligible children up to 16 years old must be" for "an" and updated the first N.J.A.C. reference.

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N.J.A.C. 10:90-19.5

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§ 10:90-19.5 Kinship Care subsidy payments

(a) A calculation utilizing WFNJ/TANF income definitions will be performed by the CSSA to determine the amount of the kinship subsidy. Any countable income (see N.J.A.C. 10:90-3.9) the child receives shall be considered and will reduce the subsidy benefit. If there is more than one child eligible for a kinship subsidy in one household, the children shall be considered a "kinship unit." In a kinship unit, the combined subsidy amount is reduced by the combined countable income of the kinship unit members.

1. The subsidy amount shall be the full subsidy benefit of $ 250.00, multiplied by the number of eligible children in the unit, less all combined countable income of the eligible children.

(b) When calculating the subsidy for children living with kinship legal guardians receiving WFNJ/TANF cash benefits, the CSSA worker will re-calculate the TANF benefit for the assistance unit without counting the kinship child(ren) or the kinship subsidy income. The kinship child is not a member of the TANF unit for purposes of cash assistance. An additional calculation will issue the kinship subsidy for each child. The subsidy issuance will be sent to EBT along with the TANF issuance, if applicable, for the designated payee on the case.

(c) When calculating the subsidy for children who do not receive WFNJ/TANF benefits, the CSSA worker shall initiate the application process for the kinship subsidy as a child only case at the request of the kinship legal guardian. If the child is already receiving a WFNJ/TANF child only benefit, the CSSA worker will re-calculate the payment to issue the kinship subsidy.

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N.J.A.C. 10:90-19.6

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§ 10:90-19.6 Kinship subsidy supportive services

(a) Although a child who is eligible to receive the kinship subsidy is not a member of the assistance unit for purposes of receipt of WFNJ cash assistance, the child is considered a member of the WFNJ/TANF assistance unit for all benefits and support services. These include, but are not limited to, child care, medical assistance, emergency assistance and NJ SNAP benefits.

1. Any penalties imposed on the assistance unit related to a WFNJ sanction shall not affect eligibility for or issuance of the kinship subsidy.

(b) The CSSA worker shall determine Medicaid eligibility for the kinship child. The kinship subsidy shall be disregarded in determining Medicaid eligibility.

History

HISTORY:

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (a), inserted ", emergency assistance" after "medical assistance" in the second sentence.

Administrative change.

See: 44 N.J.R. 1529(a).

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N.J.A.C. 10:90-20

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 20. THE FAMILY VIOLENCE OPTION INITIATIVE

Title 10, Chapter 90, Subchapter 20 -- Subchapter Notes

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N.J.A.C. 10:90-20.1

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§ 10:90-20.1 General provisions and purpose

(a) Based on P.L. 1997, c.13, c.14, c.37, and c.38 (Work First New Jersey Act), approved January 29, 1997; the Personal Responsibility and Work Opportunity Act (PRWORA) of 1996; and the final Federal Temporary Assistance for Needy Families (TANF) regulations, issued on April 12, 1999, the WFNJ Family Violence Option (FVO) Initiative is established to help promote the goals of the WFNJ program. The objective of the WFNJ FVO Initiative is to safely move WFNJ TANF/GA applicants/recipients, who may be past or present victims of family violence or are at risk of family violence, from dependency on WFNJ TANF/GA cash assistance benefits to employment and self-sufficiency, to the extent possible.

1. Past or present situations involving family violence or any situation that places the WFNJ individual and/or family member(s) at risk of family violence may affect the individual's current ability to cooperate with the WFNJ TANF/GA program requirements because the individual has or fears emotional or physical harm. Family violence means situations involving domestic violence and/or sexual assault in accordance with the definition at N.J.A.C. 10:90-15.

2. Family violence circumstances may affect a WFNJ TANF/GA individual's and/or his or her family member's safety, may limit the person's ability to move beyond the violence or trauma of the violence and, as such, may affect the individual's current ability to comply with WFNJ TANF/GA program requirements such as, but not limited to:

i. Cooperating in establishing paternity or in establishing and enforcing orders of support on a non-custodial or alleged non-custodial parent;

ii. His or her ability to work or participate in a work activity;

iii. The length of time of receipt of public assistance; and

iv. His or her ability to maintain housing and/or comply with EA requirements.

(b) The New Jersey Department of Human Services' (DHS) Division of Family Development (DFD) in collaboration with the New Jersey Coalition for Battered Women (NJCBW) established the WFNJ FVO Initiative. The WFNJ FVO Initiative provides WFNJ

TANF/GA applicants/recipients with notification of the WFNJ FVO process; screenings which may identify individuals with a past or present history of family violence or who may be at risk of family violence; provides for the safety provision that allows one or more of the WFNJ TANF/GA program requirements to be considered for a WFNJ FVO Waiver, including a good cause exception from the WFNJ/TANF child support requirements and requests for EA for reason of family violence, if and when a waiver is necessary, and for as long as the waiver may be needed.

1. All requests for a WFNJ FVO Waiver of any WFNJ TANF/GA program requirement(s) are coupled with the requirement for participation in the standardized WFNJ FVO Risk Assessment process. This involves the formal referral of WFNJ TANF/GA individuals applying for or in receipt of WFNJ TANF/GA cash assistance benefits to the designated victim service provider agency for completion of the Federally required WFNJ FVO Risk Assessment and for possible referral to intervention services.

i. The WFNJ FVO Risk Assessment includes a safety and service plan strategy consistent with the identified needs and safety concerns of the individual, as determined by the WFNJ TANF/GA individual and the victim service provider agency's risk assessor.

ii. The EA service plan completed at the CSSA/MWA for WFNJ TANF/GA individuals requesting EA for reason of family violence or the risk of family violence must be coordinated with any services offered through the designated victim service provider agency and included in the family violence safety and service plan.

2. The CSSA/MWA notifies, screens for, and processes any WFNJ FVO Waiver requests made by WFNJ TANF/GA/EA individuals for reason of family violence.

3. Designated WFNJ CSSA/MWA staff shall refer any individual who requests help in accessing victim services, in their community, to the designated victim service provider agency of that county.

i. The WFNJ FVO Initiative provides for the informal referral of WFNJ TANF/GA individuals, who are victims/survivors and do not request a WFNJ FVO Waiver, to the designated victim service provider agency for information and/or services. Such informal referrals are also available, upon request, to anyone from the public at large having contact with the WFNJ CSSAs/MWAs and for CSSA/MWA employees.

(c) All WFNJ CSSAs/MWAs shall make referrals to the designated victim service provider agency.

1. The MWA shall make a referral for the WFNJ FVO Risk Assessment when the WFNJ/GA individual requests a WFNJ FVO Waiver of one or more WFNJ/GA program requirements, unless the individual is making application for or participating in the WFNJ/GA program in an area of the Statewide program where the WFNJ FVO Initiative process has not yet administratively been implemented or made operational. In these excepted case situations, the WFNJ/GA process for waivers shall follow that

operational process that preceded the WFNJ FVO Initiative, until such time as that process becomes effective for that MWA.

(d) The purposes of the WFNJ FVO Initiative are as follows:

1. To provide all WFNJ TANF/GA applicants/recipients with the following:

i. Safety and flexibility in meeting the WFNJ TANF/GA work requirements and WFNJ/TANF child support requirements;

ii. Notification of the right to request a WFNJ FVO Waiver of one or more WFNJ TANF/GA program requirements, including a good cause exceptions from the WFNJ/TANF child support requirements, and requests for EA for reason of family violence;

iii. Identification of the specific WFNJ TANF/GA program requirements that may be waived;

iv. An explanation of the WFNJ FVO Waiver process and the WFNJ FVO Risk Assessment requirements;

v. Advice that any individual, who wants information about or who is in need of victim services, of his or her right to request a referral to the designated victim service provider agency, where certified professionals trained in the area of domestic violence or sexual assault may assist the person with specialized services, including completion of the WFNJ FVO Risk Assessment, when a WFNJ FVO Waiver has been requested; and

vi. Basic written and oral information about the New Jersey Address Confidentiality Program (NJACP);

(1) Applications for the NJACP shall be made through the designated victim service provider agency in accordance with State law at N.J.S.A. 47:4-1 et seq.;

(A) If the applicant/recipient does not meet the criteria for the NJACP, or is in the process of applying for the NJACP, then the CSSA address may be used for the individual on appropriate agency documents to protect the individual's location due to safety concerns;

(B) If a WFNJ TANF/GA applicant/recipient is placed in a domestic violence shelter (DV) or is currently residing in a DV shelter, the WFNJ agency shall not use the DV shelter address for the individual in order to ensure the safety of the WFNJ applicant/recipient and other families placed in the shelter; and

2. To educate WFNJ TANF/GA applicants/recipients, the public at large having contact with the CSSAs/MWAs, including Medicaid and NJ SNAP applicants/recipients, and CSSA/MWA employees about access to and availability of family violence services in the community.

History

HISTORY:

Administrative change.

See: 44 N.J.R. 1529(a).

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N.J.A.C. 10:90-20.2

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-20.2 WFNJ FVO notification process for WFNJ TANF/GA applicants/recipients

(a) Each CSSA/MWA shall provide every WFNJ TANF/GA applicant/recipient with the following:

1. Basic written and oral information about the WFNJ FVO Initiative; and

2. Information regarding the WFNJ TANF/GA applicant's/recipient's right to request a WFNJ FVO Waiver of one or more WFNJ TANF/GA program requirements, at any point in the WFNJ process throughout the individual's association with the CSSA/MWA for WFNJ program benefits, that includes, but is not limited to, the following:

i. The purpose and availability of, and process for obtaining, a WFNJ FVO Waiver of WFNJ TANF/GA program requirements;

ii. The WFNJ TANF/GA program requirements that may be waived, including a good cause exception from the WFNJ/TANF child support requirements and requests for EA for reason of family violence;

iii. Mandated participation in the WFNJ FVO Risk Assessment process when such waiver is requested in accordance with the provisions of C.F.R. 260.55 concerning requirements for Federal recognition of good cause domestic violence waivers;

iv. All requests for a WFNJ FVO Waiver, including good cause exceptions from the child support requirements and requests for EA for reason of family violence require completion of a WFNJ FVO Risk Assessment with a certified victim service provider agency's risk assessor, and discussion about access to and the availability of intervention services; and

v. Basic written and oral information about the NJACP.

(1) Applications for the NJACP shall be made in accordance with the provisions at N.J.A.C. 10:90-20.1(d)1iv(1).

(b) Each CSSA/MWA shall provide the public at large having contact with the WFNJ CSSAs/MWAs, including Medicaid and NJ SNAP applicants/recipients and CSSA/MWA employees, with basic written and oral information about the WFNJ FVO Initiative.

History

HISTORY:

Administrative change.

See: 44 N.J.R. 1529(a).

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N.J.A.C. 10:90-20.3

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-20.3 Rights of WFNJ applicants/recipients and other program applicants/recipients to speak with CSSA FVO representative or designated MWA worker concerning family violence and to confidentiality

(a) Self-disclosure of past or present family violence concerns or the risk of family violence by WFNJ TANF/GA applicants/recipients, or other program applicants/recipients, shall be handled in a confidential and private manner by all CSSA/MWA staff. Self-disclosure of family violence concerns by individuals is a voluntary admission. The decision to self-disclose is the individual's alone to make. An applicant/recipient may self-disclose and/or, under WFNJ TANF/GA, request a WFNJ FVO Waiver of one or more WFNJ TANF/GA programs requirements at any time, such as, but not limited to, the following situations:

1. At any point of contact with CSSA/MWA staff;

2. At any time during the WFNJ TANF/GA application or redetermination processes for WFNJ TANF/GA program benefits including child support services when the non-custodial or alleged non-custodial parent may place the individual at risk of harm;

3. During the Comprehensive Social Assessment (CSA) process;

4. During discussion with staff of the Substance Abuse Initiative (SAI) or the Mental Health Initiative (MHI);

5. At the time of request for EA benefits, including individuals receiving Supplemental Security Income (SSI);

6. At the time of WFNJ TANF/GA program sanctioning, when an individual is questioned as to why he or she failed to comply and what concerns precluded his or her complying with the WFNJ TANF/GA program requirements; or

7. At any time during the program process (including WFNJ TANF/GA, NJ SNAP benefits, child support, EA or Medicaid) throughout the individual's association with the CSSA/MWA for program benefits.

(b) A WFNJ applicant, recipient or employee of any program administered by the CSSA/MWA has the right to voluntarily discuss any issues or requests for information about available community resources with a CSSA FVO representative or designated

MWA worker. CSSA/MWA program contact staff shall offer all WFNJ and other program applicants/recipients a referral to the CSSA FVO representative or designated MWA worker.

1. For WFNJ/GA applicants/recipients handled by the CSSA, voluntary discussion with the CSSA FVO representative is also possible.

i. Details concerning the specifics of the violence, relayed by the individual, shall not be written into any CSSA/MWA case record document.

(c) A WFNJ/GA applicant/recipient being serviced by a MWA shall be provided with information about victim services by the designated MWA worker as determined by the MWA. The designated MWA worker shall offer the WFNJ/GA applicant/recipient a referral to the designated victim service provider agency in that county.

History

HISTORY:

Amended by R.2007 d.15, effective January 16, 2007.

See: 38 N.J.R. 1156(a), 39 N.J.R. 207(a).

In (a)4, substituted "(MHI)" for "(MH)".

Administrative change.

See: 44 N.J.R. 1529(a).

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N.J.A.C. 10:90-20.4

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-20.4 WFNJ TANF/GA program requirements that may be waived

(a) WFNJ/TANF applicants/recipients may request a WFNJ FVO Waiver of the following WFNJ/TANF program requirements, pursuant to the WFNJ FVO Initiative:

1. The WFNJ work requirement (see N.J.A.C. 10:90-2.6 and 4.10(a)11);

2. The WFNJ time limit (see N.J.A.C. 10:90-2.4, 2.5 and 2.6);

3. A good cause exception from the child support requirements when the non-custodial/alleged non-custodial parent may place the individual at risk of harm (see N.J.A.C. 10:90-2.6, 16.5, and N.J.A.C. 10:110-9.5);

4. Good cause exceptions for WFNJ/TANF parent minor living arrangements (see N.J.A.C. 10:90-2.17(c));

5. Residency requirements pertaining to qualified aliens.

i. An alien, regardless of program eligibility/non-eligibility may be referred to the designated victim service provider agency for help with family violence concerns; and/or

6. Requests for EA, to cover needs, for reason of family violence or the risk of family violence in accordance with N.J.A.C. 10:90-6.1(c)4.

(b) WFNJ/GA applicants/recipients may request a WFNJ FVO Waiver of the following WFNJ/GA program requirements, under the WFNJ FVO Initiative:

1. The WFNJ/GA work requirement (N.J.A.C. 10:90-2.6 and 4.10(a)11);

2. The WFNJ/GA time limit (N.J.A.C. 10:90-2.4, 2.5 and 2.6); and/or

3. Residency requirements pertaining to qualified aliens (N.J.A.C. 10:90-2.10(b)3).

i. An alien, regardless of program eligibility/non-eligibility may be referred to the designated victim service provider agency for help with family violence concerns; and/or

4. Requests for EA, to cover needs, for reason of family violence or the risk of family violence in accordance with N.J.A.C. 10:90-6.1(c)4.

History

HISTORY:

Amended by R.2024 d.026, effective April 1, 2024.

See: 55 N.J.R. 2311(a), 56 N.J.R. 486(a).

In the introductory paragraph of (a), substituted "pursuant to" for "under"; deleted former (a)4; and recodified (a)5 through (a)7 as (a)4 through (a)6.

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N.J.A.C. 10:90-20.5

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 56 No. 24, December 16, 2024

§ 10:90-20.5 Referral of WFNJ TANF/GA individuals to the CSSA FVO representative or designated MWA worker

(a) When a WFNJ TANF/GA individual initially requests a WFNJ FVO Waiver of a WFNJ TANF/GA program requirement(s) or seeks to continue the WFNJ FVO Waiver at redetermination, a referral shall be made to the CSSA FVO representative or designated MWA worker.

(b) The following individuals who self-disclose family violence concerns shall be referred to the CSSA FVO representative or designated MWA worker for further discussion:

1. WFNJ TANF/GA individuals who do not request a WFNJ FVO Waiver of WFNJ program requirements;

2. The public at large having contact with the CSSA/MWA, including Medicaid and NJ SNAP applicants/recipients, and CSSA/MWA employees; and

3. Persons who request a referral.

(c) Each CSSA shall follow the procedures established in its agency for the referral of any individual to the CSSA FVO representative.

(d) MWAs do not utilize the function of the FVO representative but rather follow internal procedures for discussion of the WFNJ FVO Initiative with applicants/recipients and for referral to the victim service provider agency.

History

HISTORY:

Administrative change.

See: 44 N.J.R. 1529(a).

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N.J.A.C. 10:90-20.6

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§ 10:90-20.6 WFNJ/TANF Waiver process

(a) When a WFNJ/TANF applicant/recipient requests a WFNJ FVO Waiver of one or more WFNJ/TANF program requirements (see N.J.A.C. 10:90-20.4), including a good cause exception from the child support requirements and requests for EA for reason of family violence, the individual shall be granted a WFNJ FVO Waiver, by the CSSA. The appropriate WFNJ FVO forms shall be completed by the responsible CSSA worker, be signed by the individual as appropriate to his or her case circumstances, and a referral shall be made immediately to the CSSA FVO representative. The CSSA FVO representative shall explain the WFNJ FVO Waiver and WFNJ FVO Risk Assessment processes to the WFNJ/TANF applicant/recipient. The explanation shall include informing the individual that he or she must complete the WFNJ FVO Risk Assessment process within 10 calendar days of the referral to the victim service provider agency in accordance with N.J.A.C. 10:90-20.8(b); and that failure to complete the WFNJ FVO Risk Assessment will result in cancellation of the waiver in accordance with (a)4 below. The CSSA FVO representative shall refer the WFNJ/TANF individual to the victim service provider agency for the required WFNJ FVO Risk Assessment.

1. The WFNJ FVO Waiver shall identify the specific WFNJ TANF program requirement(s) being waived.

i. A WFNJ FVO Waiver of a WFNJ/TANF program requirement applies to the TANF program requirements and is available to WFNJ/TANF participants. This waiver is not available for other program requirements, such as, NJ SNAP and Medicaid. Individuals from these programs may be informally referred to the designated victim service provider agency for assistance. The individual may access services on his or her own if he or she chooses to do so.

2. A request for a WFNJ FVO Waiver can be made for one or more WFNJ/TANF program requirements, including a good cause exception from the child support requirements and requests for EA for reason of family violence. Therefore, multiple WFNJ/TANF program requirements can be waived simultaneously.

i. If an individual requests a waiver of more than one WFNJ/TANF program requirement, only one referral shall be made for the WFNJ FVO Risk Assessment to cover all circumstances waived, including EA requests.

ii. If at a later date an individual requests the waiver of an additional WFNJ/TANF program requirement(s), in the following six-month period, no risk assessment referral shall be made to the designated victim service provider agency. The update to the WFNJ FVO Risk Assessment shall be handled at the next case redetermination. The WFNJ/TANF applicant/recipient shall not be required to participate in the WFNJ/TANF program requirement(s) for which a WFNJ FVO Waiver has been requested pending the next case redetermination.

(1) Subsequent requests to waive additional WFNJ/TANF program requirements do require a referral to the CSSA FVO representative for discussion.

3. While the FVO Risk Assessment process is taking place, the WFNJ/TANF applicant/recipient is not required to participate in the WFNJ/TANF program requirement(s) being waived or other activities, in order to complete this process.

4. When a WFNJ/TANF individual is unable to have the WFNJ FVO Risk Assessment completed within the 10-calendar day timeframe, he or she may seek the assistance of the CSSA FVO representative in scheduling or rescheduling an appointment to have the assessment completed. The individual's WFNJ FVO Waiver shall be cancelled if the assessment is not completed, unless the individual has a good reason for not completing the WFNJ FVO Risk Assessment, including the need to make alternative arrangements for completing the assessment that will exceed the 10-calendar day timeframe. No sanction is incurred against a WFNJ/TANF individual when the assessment is not completed. Unless the individual is otherwise deferred or exempt from WFNJ program requirements, WFNJ/TANF individuals shall be required to participate in the specific program requirement(s)/activities for which the waiver had been requested prior to cancellation. If the individual fails to participate in the WFNJ program requirement(s)/activities after the WFNJ FVO Waiver is cancelled, and is not otherwise deferred or exempt, he or she may be sanctioned for failure to participate in a WFNJ/TANF program requirement/activity. The WFNJ/TANF individual may request another WFNJ FVO Waiver at any time throughout the individual's association with the CSSA for program benefits and will be required to complete the WFNJ FVO Risk Assessment.

(b) The "WFNJ FVO Risk Assessment Referral/Report," WFNJ FVO-115, when returned to the CSSA from the designated victim service provider agency shall serve as confirmation that the initial WFNJ FVO Risk Assessment or updated risk assessment has or has not been completed.

History

HISTORY:

Administrative change.

See: 44 N.J.R. 1529(a).

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N.J.A.C. 10:90-20.7

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§ 10:90-20.7 WFNJ/GA Waiver process

(a) When a WFNJ/GA applicant/recipient requests a WFNJ FVO Waiver of one or more WFNJ/GA program requirement(s), including requests for EA for reason of family violence, the individual shall be granted a WFNJ FVO Waiver by the CSSA/MWA. The appropriate WFNJ FVO forms shall be completed by the responsible CSSA/MWA worker, be signed by the individual as appropriate to his or her case circumstances, and a referral shall be made immediately to the CSSA FVO representative when the case is handled by the CSSA or the designated MWA worker. The CSSA FVO representative or the designated MWA worker shall explain the WFNJ FVO Waiver and WFNJ FVO Risk Assessment processes to the WFNJ/GA applicant/recipient. The explanation shall include informing the individual that he or she must complete the WFNJ FVO Risk Assessment process within 10-calendar days of the referral to the victim service provider agency in accordance with N.J.A.C. 10:90-20.8(b); and that failure to complete the WFNJ FVO Risk Assessment shall result in cancellation of the waiver in accordance with (b)4 below. The CSSA FVO representative or the designated MWA worker shall refer the WFNJ/GA individual to the designated victim service provider agency for the required WFNJ FVO Risk Assessment, unless the provisions at N.J.A.C. 10:90-20.1(c)1 apply.

(b) When the WFNJ/GA case is handled by a MWA, the MWA worker shall explain the WFNJ FVO Waiver and WFNJ FVO Risk Assessment processes to the WFNJ/GA applicant/recipient based on its agency's procedures for the referral of the GA individual to the designated victim service provider agency for the required WFNJ FVO Risk Assessment.

(c) The WFNJ FVO Waiver shall identify the specific WFNJ/GA program requirement(s) being waived (see N.J.A.C. 10:90-20.4).

1. A WFNJ FVO Waiver of a WFNJ/GA program requirement applies to the GA program requirements and is available to WFNJ/GA participants.

2. A request for a waiver can be made for one or more WFNJ/GA program requirements, including requests for EA for reason of family violence, and multiple WFNJ/GA program requirements can be waived simultaneously.

i. If an individual requests a waiver of more than one WFNJ/GA program requirements, only one referral shall be made for the WFNJ FVO Risk Assessment to cover all circumstances waived, including EA requests.

ii. If at a later date an individual requests the waiver of an additional WFNJ/GA program requirement(s), in the following six-month period, no risk assessment referral shall be made to the designated victim service provider agency. The update to the WFNJ FVO Risk Assessment shall be handled at the next case re-determination. The WFNJ/GA applicant/recipient shall not be required to participate in the WFNJ/GA program requirement(s) for which WFNJ FVO Waiver has been requested pending the next case redetermination.

(1) Subsequent requests to waive additional WFNJ/GA program requirements do require a referral to the CSSA FVO representative for discussion when the case is handled by the CSSA; or discussion with the appropriate designated MWA staff, in accordance with MWA procedures.

3. While the WFNJ FVO Risk Assessment process is taking place, the WFNJ/GA applicant/recipient is not required to participate in the WFNJ/GA program requirement(s) being waived or other activities, in order to complete this process.

4. When a WFNJ/GA individual is unable to have the FVO Risk Assessment completed within the 10-calendar day timeframe, he or she may seek the assistance of the CSSA FVO representative or designated MWA worker in scheduling or rescheduling an appointment to have the assessment completed. The individual's FVO Waiver shall be cancelled if the assessment is not completed, unless the individual has a good reason for not completing the assessment, including the need to make alternative arrangements for completing the WFNJ FVO Risk Assessment that will exceed the 10-calendar day timeframe. No sanction is incurred against a WFNJ/GA individual when the assessment is not completed. Unless the individual is otherwise deferred or exempt from WFNJ/GA program requirements, GA individuals shall be required to participate in the specific program requirement/activities for which the waiver had been requested prior to cancellation. If the individual fails to participate in the WFNJ/GA program requirements/activity after the WFNJ FVO Waiver is cancelled, and is not otherwise deferred or exempt, he or she may be sanctioned for failure to participate in a WFNJ/GA program requirement/activity. The individual may request another WFNJ FVO Waiver at any time and will be required to complete the WFNJ FVO Risk Assessment.

(d) The "WFNJ FVO Risk Assessment Referral/Report," WFNJ FVO-115, when returned to the CSSA/MWA from the designated victim service provider agency shall serve as confirmation that the initial WFNJ FVO Risk Assessment or updated risk assessment has or has not been completed unless the provisions at N.J.A.C. 10:90-20.1(c)1 apply.

(e) The FVO Risk assessment process is available to WFNJ/GA applicants/recipients to the extent that State funds are available to fund these services. When FVO Risk Assessments are unavailable due to lack of State funds, the WFNJ/GA applicant/recipient shall be granted the requested WFNJ FVO Waiver of WFNJ/GA program requirements.

1. If a WFNJ/GA applicant/recipient is unable to have a FVO Risk Assessment completed due to lack of State funds, the CSSA/MWA shall make an informal referral to the designated victim service provider agency so the individual may access the intervention services of the provider agency that may assist the individual in handling barriers to becoming self-sufficient.

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N.J.A.C. 10:90-20.8

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§ 10:90-20.8 Required standardized WFNJ FVO Risk Assessment for WFNJ/TANF applicants/recipients

(a) The designated victim service provider agency in the county shall complete the required standardized WFNJ FVO Risk Assessment for WFNJ/TANF applicants/recipients in accordance with this section.

1. The designated victim service provider agency shall provide a WFNJ FVO Risk Assessment, reviewing the WFNJ/TANF individual's circumstances with regard to the existence of past or present violence or the risk of violence.

i. The WFNJ FVO Risk Assessment shall be completed by the WFNJ/TANF individual and the victim service provider agency's risk assessor, as follows:

(1) At the WFNJ agency;

(2) By telephone;

(3) At the victim service provider agency; or

(4) Any other alternative means as determined by the WFNJ agency in collaboration with its designated victim service provider agency, if extenuating circumstances involving safety considerations warrant such an arrangement.

ii. The "WFNJ FVO Risk Assessment Referral/Report," WFNJ FVO-115, when returned from the designated victim service provider agency, shall serve as confirmation that the WNFJ/TANF individual's initial WFNJ FVO Risk Assessment or updated risk assessment has or has not been completed.

iii. The completed WFNJ FVO-115 shall be maintained in the CSSA TANF case record with a copy in the applicable Child Support and/or EA files. The WFNJ FVO-115 covers the six-month period from the date of application/redetermination through to the next WFNJ/ TANF redetermination date, unless the WFNJ FVO-115 is completed in the middle of a redetermination cycle, at which time an updated referral and assessment via the WFNJ FVO-115 are required.

(1) The exception to the six-month referral and reassessment may be the WFNJ FVO Waiver in capped assistance situations. The CSSA may determine

based on case circumstances whether repeat referrals for assessment are necessary for the specific WFNJ/TANF requirement waiver request.

2. Supports, such as, but not limited to, child care and transportation, are available to WFNJ/TANF individuals to assist such individuals in the completion of the WFNJ FVO Risk Assessment process and/or participation in intervention services.

3. The completed WFNJ FVO Risk Assessments for all WFNJ/TANF individuals shall be maintained by the designated victim service provider agency, at its agency, and are kept confidential in accordance with New Jersey law, N.J.S.A. 2A:84A-22.13 of the Criminal Justice Code, "Victim-Counselor Privilege" protection.

i. The completed WFNJ FVO Risk Assessment records for WFNJ/TANF individuals are subject to review by State and/or Federal auditors of the WFNJ/TANF program in accordance with 45 C.F.R. 265.7(e) and (f).

4. When a WFNJ/TANF individual fails to have the WFNJ FVO Risk Assessment completed within 10-calendar days of referral to the designated victim service provider agency, the individual's WFNJ FVO Waiver request shall be cancelled unless a good reason exists, in accordance with (b) below, for not scheduling an appointment initially, or rescheduling an appointment for completion of the assessment.

i. There is no sanction other than cancellation of the WFNJ FVO Waiver if the WFNJ/TANF individual fails to have the WFNJ FVO Risk Assessment completed in accordance with N.J.A.C. 10:90-20.6(a)4.

ii. Cancellation of the WFNJ FVO Waiver may result in the person's required participation in the WFNJ/TANF program requirement(s) for which the wavier was requested. Failure to participate in the applicable WFNJ/TANF program requirement(s) may result in a sanction in accordance with N.J.A.C. 10:90-4.13.

iii. A WFNJ/TANF applicant/recipient whose WFNJ FVO Waiver is cancelled for failure to complete the WFNJ FVO Risk Assessment shall be permitted to request another WFNJ FVO Waiver at any time throughout the individual's association with the CSSA for program benefits.

(b) If a WFNJ/TANF individual fails to complete the WFNJ FVO Risk Assessment within 10-calendar days of referral to the designated victim service provider agency, the individual must show that he or she has a good reason for not scheduling the appointment initially or to reschedule the appointment. Good reasons include, but are not limited to, the following:

1. The time of the scheduled appointment poses safety concerns for the WFNJ/TANF applicant/recipient or a member(s) of the individual's family;

2. The WFNJ/TANF applicant's/recipient's hospitalization, illness or recovery from injuries prohibit the individual from making or keeping the appointment;

3. Illness of the WFNJ/TANF applicant's/recipient's child(ren);

4. Scheduling issues involving the WFNJ/TANF applicant's/recipient's child(ren), transportation and or child care issues, that prohibit the individual from making or keeping the scheduled appointment;

5. It is necessary to make alternative arrangements, in accordance with N.J.A.C. 10:90-20.9(a)1i(3), for initially scheduling or rescheduling the appointment for completion of the WFNJ FVO Risk Assessment that will exceed the 10-calendar day timeframe; and/or

6. Other unusual circumstances or good reason as determined by the DFD.

(c) A WFNJ/TANF individual's continued need for a waiver of WFNJ/TANF program requirements shall be reevaluated every six months, at a minimum, except in situations involving a capped child in accordance with (a)1iii(1) above. The individual shall be referred back to the victim services provider agency to update his or her safety and service plan needs and for confirmation that an updated WFNJ FVO Risk Assessment has or has not been completed.

1. The WFNJ agency may shorten the time for WFNJ FVO Waiver reevaluation and request an update of the WFNJ FVO Risk Assessment based on the case by case circumstances of the individual.

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§ 10:90-20.9 Required standardized WFNJ FVO Risk Assessment for WFNJ/GA applicants/recipients

(a) The designated victim service provider agency in the county shall complete the required standardized WFNJ FVO Risk Assessment for WFNJ/GA applicants/recipients in accordance with this section.

1. The designated victim service provider agency shall provide a WFNJ FVO Risk Assessment, reviewing the WFNJ/GA individual's circumstances with regard to the existence of past or present violence or the risk of violence.

i. The WFNJ FVO Risk Assessment shall be completed by the WFNJ/GA individual and the victim service provider agency's risk assessor, as follows:

(1) At the WFNJ agency;

(2) By telephone;

(3) At the victim service provider agency; or

(4) Any other alternative means as determined by the WFNJ agency in collaboration with its designated victim service provider agency, if extenuating circumstances involving safety considerations warrant such an arrangement.

ii. The "WFNJ FVO Risk Assessment Referral/Report," WFNJ FVO-115, when returned from the designated victim service provider agency shall serve as confirmation that the WNFJ/GA individual's initial WFNJ FVO Risk Assessment or updated risk assessment has or has not been completed.

iii. The completed WFNJ FVO-115 shall be maintained in the GA case record with a copy in the applicable EA file. The WFNJ FVO-115 covers the six-month period from the date of application/ redetermination through to the next WFNJ/GA redetermination date, unless the WFNJ FVO-115 is completed in the middle of a redetermination cycle, at which time an updated referral and assessment via the WFNJ FVO-115 are required.

2. Supports, such as, but not limited to, transportation, are available to WFNJ/GA individuals to assist such individuals in the completion of the WFNJ FVO Risk Assessment process and/or participation in intervention services.

3. The completed WFNJ FVO Risk Assessments for all WFNJ/GA individuals shall be maintained by the designated victim service provider agency, at its agency, and are kept confidential in accordance with New Jersey law, N.J.S.A. 2A:84A-22.13 of the Criminal Justice Code, "Victim-Counselor Privilege" protection.

i. The completed WFNJ FVO Risk Assessment records for WFNJ/GA individuals are subject to review by State auditors of the WFNJ/GA program.

4. When a WFNJ/GA individual fails to have the WFNJ FVO Risk Assessment completed within 10-calendar days of referral to the designated victim service provider agency, the individual's WFNJ FVO Waiver request shall be cancelled unless a good reason exists, in accordance with (b) below, for not scheduling an appointment initially, or rescheduling an appointment for completion of the assessment.

i. There is no sanction other than cancellation of the WFNJ FVO Waiver if the WFNJ/GA individual fails to have the WFNJ FVO Risk Assessment completed in accordance with N.J.A.C. 10:90-20.6(a)4.

ii. Cancellation of the WFNJ FVO Waiver may result in the person's required participation in the WFNJ/GA program requirement(s) for which the waiver was requested. Failure to participate in the applicable WFNJ/GA program requirement(s) may result in a sanction in accordance with N.J.A.C. 10:90-4.13.

iii. A WFNJ/GA applicant/recipient whose WFNJ FVO Waiver is cancelled for failure to complete the WFNJ FVO Risk Assessment shall be permitted to request another WFNJ FVO Waiver at any time during the individual's association with the CSSA/MWA for program benefits.

(b) If a WFNJ/GA individual fails to complete the WFNJ FVO Risk Assessment within 10 calendar days of referral to the designated victim service provider agency, the individual must show that he or she has a good reason for not scheduling the appointment initially or to reschedule the appointment. Good reasons include, but are not limited to, the following:

1. The time of the scheduled appointment poses safety concerns for the WFNJ/GA applicant/recipient or a member(s) of the individual's family;

2. The WFNJ/GA applicant's/recipient's hospitalization, illness or recovery from injuries prohibit the individual from making or keeping the appointment;

3. Scheduling issues including transportation that prohibit the WFNJ/GA applicant/recipient from making or keeping the scheduled appointment;

4. Other unusual circumstances or good reason as determined by the DFD; and/or

5. It is necessary to make alternative arrangements, in accordance with (a)1i(3) above, for initially scheduling or rescheduling the appointment for completion of the WFNJ FVO Risk Assessment that will exceed the 10-calendar day time frame.

(c) A WFNJ/GA individual's continued need for a waiver of WFNJ/GA program requirements shall be reevaluated every six months, at a minimum. The individual shall be referred back to the victim service provider agency to update his or her safety and service plan needs and for confirmation that an updated WFNJ FVO Risk Assessment has or has not been completed.

1. The WFNJ agency may shorten the time for WFNJ FVO Waiver reevaluation and request an update of the WFNJ FVO Risk Assessment based on the case by case circumstances of the individual.

(d) The WFNJ FVO Risk Assessment process is available to WFNJ/GA applicants/recipients to the extent that State funds are available to fund these services. WFNJ/GA applicants/recipients who are denied WFNJ FVO Risk Assessments due to lack of State funds shall be granted requested waivers of program requirements and the provision at N.J.A.C. 10:90-20.7(c)1 shall apply.

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N.J.A.C. 10:90-20.10

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§ 10:90-20.10 WFNJ TANF/GA individuals not requesting a WFNJ FVO Waiver

(a) Any applicant/recipient of any program administered by the CSSA/MWA who self-discloses past or present family violence concerns or risk of family violence and does not request a WFNJ FVO Waiver, or an employee of the CSSA/MWA who self-discloses family violence, shall be offered the opportunity to discuss the matter with the CSSA FVO representative or designated MWA worker.

(b) Upon the request of the individual, the CSSA FVO representative or designated MWA worker shall make an informal referral to the victim service provider agency for specialized services which the person may access on his or her own if he or she chooses to do so.

1. An informal referral to the designated victim service provider agency does not involve or require the completion of the standardized WFNJ FVO Risk Assessment process since the informal referral is not tied to a WFNJ FVO Waiver of any WFNJ TANF/GA program requirements.

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N.J.A.C. 10:90-20.11

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§ 10:90-20.11 Responsibility of the CSSA FVO representative or designated MWA worker

(a) The responsibility of the CSSA FVO representative or designated MWA worker for WFNJ TANF/GA individuals is as set forth in (a)1 and 2 below. The representative shall:

1. Explain the WFNJ FVO Waiver process and the choices available to the individual, under the WFNJ FVO Initiative, with regard to WFNJ TANF/GA program eligibility requirements and specific steps the agency can take that will allow the person to cooperate/participate, with WFNJ TANF/GA program requirements, in order that the individual can make an informed decision on how to proceed;

i. WFNJ TANF/GA individuals who self-disclose family violence concerns or the risk of family violence and do not request a WFNJ FVO Waiver of a WFNJ TANF/GA program requirement, shall be advised that he or she is required to participate in work or a work activity, unless he or she has another deferral.

(1) WFNJ TANF/GA individuals who do not request a WFNJ FVO Waiver and wish to access victim services shall be informed that an informal referral may be made to the designated victim service provider agency in order to access such services in conjunction with his or her work or work activity, on his or her own, if the WFNJ TANF/GA individual so chooses.

(2) An informal referral to the designated victim service provider agency does not involve or require the completion of the standardized WFNJ FVO Risk Assessment process in accordance with N.J.A.C. 10:90-20.10(b)1;

2. Advise the individual as follows:

i. He or she has the right to the following:

(1) Self-disclosure of past or present family violence concerns or the risk of family violence;

(2) Request a WFNJ FVO Waiver of one or more WFNJ TANF/GA program requirements;

(A) A WFNJ FVO Waiver of a WFNJ TANF/GA program requirement(s) includes a good cause exception from the child support requirements in accordance with the provisions at N.J.A.C. 10:90-16.5, 20.3, 20.4, 20.6, 20.7, 20.8, 20.9, and 10:110-9.5;

(B) EA for reason of family violence in accordance with the provisions at N.J.A.C. 10:90-6.1(c)4 may be requested; and

(3) Confidentiality and privacy with regard to disclosure of information in accordance with the provisions at N.J.A.C. 10:90-1.11 concerning the release of information and 10:90-7.7 concerning the confidential nature of information.

(A) The provisions at N.J.A.C. 10:90-20.1(d)1iv(1)(A) and (B) concerning safety, confidentiality and privacy may apply.

ii. The WFNJ FVO Risk Assessment process and the WFNJ TANF/GA individual's responsibility for completion of the WFNJ FVO Risk Assessment in order to retain his or her WFNJ FVO Waiver including informing the WFNJ TANF/GA applicant/recipient of the following:

(1) All requests for a WFNJ FVO Waiver of any WFNJ TANF/GA program requirement(s) are coupled with the requirement for participation in the standardized WFNJ FVO Risk Assessment process in accordance with N.J.A.C. 10:90-20.1(b).

(2) The WFNJ FVO Risk Assessment shall be completed for every WFNJ TANF/GA individual who requests a WFNJ FVO Waiver of one or more WFNJ TANF/GA program requirements, including a good cause exception from the child support requirements or requests for EA for reason of family violence.

(3) He or she must complete the WFNJ FVO Risk Assessment within 10 calendar days of the referral to the designated victim services provider agency in accordance with N.J.A.C. 10:90-20.8 or 20.9, to retain the WFNJ FVO Waiver.

(4) The WFNJ FVO Risk Assessment identifies the safety and service needs of the individual and members of the family in his or her care who are impacted by the violence, as that violence presently affects his or her day-to-day living situation and ability to comply with WFNJ TANF/GA program requirements.

(5) Participation in the safety and service planning process of the WFNJ FVO Risk Assessment with the risk assessor at the designated victim service provider agency is required, initially when the WFNJ FVO Waiver is requested and for periodic updates to the safety and service plan in accordance with N.J.A.C. 10:90-20.

(6) The CSSA FVO representative or designated MWA worker shall assist the WFNJ TANF/GA individual, as necessary, in scheduling the appointment for the WFNJ FVO Risk Assessment; arranging for the assessment to be completed by telephone while the individual is present; or rescheduling the appointment for another time or place mutually agreed to by the individual, the

CSSA FVO representative or designated MWA worker and the representative from the designated victim service provider agency.

(7) That failure to complete the WFNJ FVO Risk Assessment shall result in cancellation of the WFNJ FVO Waiver, unless the individual has a good reason in accordance with N.J.A.C. 10:90-20.8(b) and 20.9(b), for not scheduling an initial appointment or rescheduling an appointment for completion of the assessment.

(8) The WFNJ TANF/GA individual may be required to participate in the WFNJ TANF/GA program requirement(s) for which the WFNJ FVO Waiver was requested, unless the individual has another deferral.

(9) The WFNJ TANF/GA applicant/recipient whose WFNJ FVO Waiver is cancelled for failure to complete the WFNJ FVO Risk Assessment shall be permitted to request another waiver at any time and the WFNJ Risk Assessment shall be completed at that time;

3. Offer the person an opportunity to discuss the matter;

4. Upon the request of the individual, assist the person in accessing the victim service provider agency;

5. Advise the individual of services available to victims through the NJACP, including the following:

i. The purpose of the service is to protect the safety of the applicant's/recipient's location;

ii. The individual may choose to use this service provided by the State for his or her own safety;

iii. The NJACP protected records service only apply to agency documents controlled/issued by New Jersey agencies and is not applicable to out-of-State agencies/records;

iv. The NJACP program is under the Department of Community Affairs, Division on Women. Applications for the NJACP shall be made through the designated victim service provider agency in accordance with State law; and

v. That interested individuals will be provided a NJACP application package;

6. Advise the individual of eligibility for unemployment benefits in accordance with N.J.A.C. 12:17-9.11; and

7. Ensure confidentiality and disclosure of information in accordance with the provisions at N.J.A.C. 10:90-1.11 concerning the release of information and 10:90-7.7 concerning the confidential nature of information.

(b) The responsibility of the CSSA FVO representative or designated MWA worker for individuals not applying for or receiving WFNJ TANF/GA, including CSSA/MWA employees, is as set forth in (b)1 through 5 below. The representative shall:

1. Offer the person an opportunity to discuss the matter;

2. Advise the public at large having contact with the CSSA/MWA, and CSSA/MWA employees of access to and availability of victim services offered by the designated victim service provider agency;

3. Inform the public at large having contact with the CSSA and CSSA/MWA employees who wish to access victim services that an informal referral may be made to the designated victim service provider agency in order to access such services on his or her own if he or she so chooses;

4. Upon the request of an individual, assist the person in accessing victim services;

5. Advise the individual of services available to victims, through the NJACP in accordance with N.J.A.C. 10:90-20.11(a)5, and, provide interested individuals with an NJACP application package;

6. Advise the individual of eligibility for unemployment benefits in accordance with N.J.A.C. 12:17-9.11; and

7. Ensure confidentiality and disclosure of information in accordance with the provisions at N.J.A.C. 10:90-1.11 concerning the release of information and 7.7 concerning the confidential nature of information.

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N.J.A.C. 10:90-20.12

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§ 10:90-20.12 Responsibility of the designated victim service provider agency under the WFNJ FVO Initiative

(a) The responsibility of the designated victim service provider agency, under the WFNJ FVO Initiative, for WFNJ TANF/GA individuals, who have requested a WFNJ FVO Waiver, is as set forth in (a)1 through 4 below. The program shall:

1. Complete the required standardized WFNJ FVO Risk Assessment for every WFNJ TANF/GA individual referred to its agency by the CSSA FVO representative or the designated MWA worker;

2. Review the WFNJ TANF/GA individual's circumstances to determine the existence of the past or present violence or the risk of family violence and complete a safety and service plan that includes the identification of intervention services, where appropriate;

3. Provide the CSSA FVO representative or the designated MWA worker with confirmation that the initial WFNJ FVO Risk Assessment or updated risk assessment has or has not been completed within no more than 10 calendar days from the date of the CSSA/MWA referral, unless there is an exception that prohibits the designated victim service provider agency from responding in the prescribed timeframe, including the applicant/recipient's inability to meet with the victim service provider agency's risk assessor within the prescribed timeframe.

i. The designated victim service provider agency shall advise the CSSA FVO representative or the designated MWA worker of any exceptions to (a)3 above, or the applicant/recipient's inability to meet with the victim service provider agency representative within the prescribed timeframe based on individual applicant/recipient circumstances, as soon as the agency becomes aware that it will be unable to complete the WFNJ FVO Risk Assessment process in the prescribed timeframe.

(1) In instances involving (a)3i above, the designated victim service provider agency shall provide the CSSA FVO representative or the designated MWA worker with an anticipated date for completion of the WFNJ FVO Risk Assessment; and

4. Guarantee privacy and confidentiality to WFNJ TANF/GA applicants/recipients that are referred to the designated victim service provider agency in accordance with New Jersey law, N.J.S.A. 2A:84A-22.13 of the Criminal Justice Code, "Victim-Counselor Privilege" protection.

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 20. THE FAMILY VIOLENCE OPTION INITIATIVE

§ 10:90-20.13 Fair hearings

WFNJ applicants/recipients have a right to a fair hearing on any adverse action in accordance with the provisions at N.J.A.C. 10:90-9.

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