

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

SUBJECT: Client Eligibility - Division of Mental Retardation

EFFECTIVE: This policy circular shall become effective July 1, 1984, and shall be implemented immediately.

PROMULGATED: June 22, 1984

SUPERSEDES: Policy Circular P5.01, promulgated June 27, 1983, and P5.02 and P.503, promulgated November 28, 1983.

The purpose of this policy circular is to outline specific client eligibility requirements for functional services through the Division of Mental Retardation. This policy circular supplements Department client eligibility requirements included in Policy Circular P5.01, Client Eligibility.

I. SCOPE

This policy circular applies to all contracted social services funded by the Division of Mental Retardation

II. DEFINITION

Mentally Retarded means a state of significant subnormal intellectual development with reduction of social competence in a minor or adult person; this state of subnormal intellectual development shall have existed prior to adolescence and is expected to be of life duration (N.J.S.A. 30:4-23).

Mentally Deficiency shall mean the state of mental retardation in which reduction of social competence is so marked that persistent social dependency requiring guardianship of the person shall have been demonstrated or be anticipated (N.J.S.A. 30:4-23).

Functional Services shall mean those services and programs in the Department available to provide the mentally retarded with education, training, rehabilitation, adjustment, treatment, care and protection (N.J.S.A. 30:4-23).

III. POLICY AND PROCEDURES

- A. In the Division of Mental Retardation, there are four separate processes for determining eligibility depending on the service to be delivered. The first process for Community Services includes the following services: Purchase of Care, Group Homes, Supervised Apartments, Family Care,

Foster Grandparents, Skill Development Homes, Supportive Living Apartments, Case Management, Adult Activities, and Home Assistance. The second process is for Day Training Services; the third for Infant Stimulation and Pre-School Services; and the fourth is for Citizen Advocacy Services.

B. COMMUNITY SERVICES

This includes Purchase of Care, Group Homes, Supervised Apartments, Family Care, Foster Grandparents, Skill Development Homes, Unsupervised Apartments, Case Management, Adult Activities, and Home Assistance.

1. Eligibility Criteria

The following eligibility criteria must be met in order for an individual to be eligible to receive Community Services.

- a. The individual must be a Mentally Retarded person. To be classified as Mentally Retarded, the following criteria must be met:
 1. the person must meet the established psychometric criteria for Mental Retardation;
 2. there must be a demonstrated reduction in social competence;
 3. the retardation must have existed prior to the age of eighteen; and
 4. the retardation can reasonably be expected to be of life duration.
- b. The individual must be in need of Community Services at the time of application.
- c. For Home Assistance, which includes Personal Care and Intervention Care, and Assistive Devices only, in addition to the above eligibility criteria, persons whose annual income does not exceed established limits, as indicated on the Income Schedule in Attachment 2, are eligible to receive services.

2. Application Procedures

- a. Application for services of the Division of Mental Retardation shall be made by the individual in need of service or person(s) authorized to do so.

Persons authorized to apply on a minor's behalf include parents, guardians, juvenile courts and/or appropriate agencies having care of the minor. In the case of an adult who is believed to be Mentally Deficient, a court of competent jurisdiction may apply. For an adult declared Mentally Deficient, the court-appointed guardian is authorized to make applications for Functional Services.

- b. Application shall be made to the regional office of the Division of Mental Retardation serving the county in which the individual resides. If the individual is in a facility out of State, the New Jersey address of the applicant shall be used to determine county of residence. A list of regional offices and the counties they serve is included in Attachment 1.
- c. For those services that require an income screening (Personal Care and Intervention, Respite Care, and Assistive Devices provided under Home Assistance), the process for determining eligibility is included, for informational purposes only, in Attachment 2.

3. Redetermination of Eligibility

- a. For all services provided in Community Services redetermination of client eligibility is an ongoing process which includes an assessment of the client's needs and abilities. Further, as stipulated in law, the Division of Mental Retardation shall evaluate each Mentally Retarded minor admitted to community service as he or she approaches adulthood to determine if, by reason of Mental Deficiency, the person will continue to require protection and supervision of his/her own interest, being incapable of managing oneself or affairs as an adult (N.J.S.A. 30:4-165.5). By implication, other individuals who are already adults at the time of their admission into Functional Services will be evaluated for the same purpose. Moreover, the status of every adult client previously determined either Mentally Deficient or non-deficient shall be reviewed no less than annually.
- b. For those services that require an income screening (Personal Care and Intervention, Respite Care, and Assistive Devices provided under Home Assistance) income eligibility will be

redetermined every 12 months. However, if the client situation changes in any way which would affect his/her eligibility, redetermination must be completed within 30 Days of the change.

4. Fees

- a. No fees are charged by the Provider Agency to clients receiving services.
- b. Clients receiving residential services may be assessed a fee for service by the appropriate county adjuster. The Provider Agency has no responsibility for this process nor may it charge clients any additional fees.

C. DAY TRAINING PROGRAMS

1. Eligibility Criteria

To be eligible to receive Day Training the individual must be between the ages of three and twenty-one. To receive service the following eligibility criteria must be met.

- a. Children from three to five must be classified as "preschool handicapped in need of a Day Training program.
- b. Individuals age five to twenty one must be classified as "eligible for Day Training".

Classification for both categories of Day Training Services is made by the Local Educational Authority (LEA).

2. Application Procedures

Individuals are determined eligible for Day Training services by their LEA, i.e., the local public school. Once the individual is classified as either "eligible for Day Training" or "pre-school handicapped in need of a Day Training program, referral is made by the LEA to the appropriate regional office of the Division of Mental Retardation. Once the individual is classified by the LEA, services must begin within 30 Days.

3. Redetermination of Eligibility

Redetermination of eligibility for Day Training Services is required at least every three years. However, the client's parent(s) may request it be done annually.

4. Fees

No fees are charged to clients receiving services.

D. INFANT STIMULATION AND PRE-SCHOOL PROGRAMS

1. Eligibility Criteria

The following eligibility criteria must be met in order for an individual to receive services:

- a. there must be severe chronic disability(ies) attributable to mental or physical impairment, or a combination of mental and physical impairments;
- b. the disability is likely to continue indefinitely;
- c. the disability results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency.
- d. the disability reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated; and
- e. the individual must be in need of the service at the time of application.

2. Application Procedures

To receive service, application is made by the individual or his/her parent or legal guardian directly to the Provider Agency. The Provider Agency is responsible for determining whether the individual meets the eligibility criteria. Generally this determination is done on the basis of a medical report completed by a physician or psychologist or, in the absence of a medical report, the assessment is done by trained Provider Agency staff.

3. Redetermination of Eligibility

Redetermination of client eligibility is an ongoing process which includes as assessment of the client's needs and abilities.

4. Fees

No fees are charged to clients receiving services.

E. CITIZEN ADVOCACY PROGRAMS

1. Eligibility Criteria

All past, current or future clients of the Division of Mental Retardation are eligible to receive service. This includes meeting any of the three processes outlined above.

2. Application Procedures

To receive service, application is made directly to the Provider Agency which is responsible for determining whether the individual meets the eligibility criteria.

3. Redetermination of Eligibility

Redetermination of clients eligibility is an ongoing process which includes as assessment of the client's needs and abilities.

4. Fees

No fees are charges to clients receiving services.

Issued by:


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Regional Offices - DMR

<u>Regional Office</u>	<u>Counties Served</u>
Central Regional Office 3rd Street, Building #5 Bordentown, NJ 08505 (609) 298-5981	Burlington Mercer Middlesex Monmouth Ocean
Metropolitan Regional Office 35 North Fullerton Avenue Montclair, NJ 07042	Bergen Essex Hudson Passaic Union
Northern Regional Office Seber Road Doctor's Park, Building #3 Hackettstown, NJ 07840 (201) 852-1214	Hunterdon Morris Somerset Sussex Warren
Southern Regional Office Route 30 and Elvins Avenue Hammonton, NJ 08037 (609) 561-5070	Atlantic Camden Cape May Cumberland Gloucester Salem

This attachment outlines how the appropriate regional office of the Division of Mental Retardation will determine income eligibility. Income eligibility is applicable to Personal Care and Intervention, Respite Care, and Assistive Devices provided under Home Assistance only. Since the Provider Agency is not responsible for determining income eligibility, this attachment is provided for informational purposes only.

Family income will be determined according to the following steps:

- family size is determined according to the guidelines included in Attachment 2-A, Family Size;
- gross income, is determined according to the guidelines in Attachment 2-B, Income Resources and Exclusions; and
- the family size and gross income numbers already established, used with Attachment 2-C, Income Schedule, will determine if the applicant is eligible for services.

FAMILY SIZE

Computation of family size, which depends on the definition of "family" below, is important because the income eligibility schedule varies according to family size.

A. Definition of Family

For eligibility purposes, a family is either a multi-person or a one-person family.

1. Multi-Person Families are:

- A married couple residing together.
- One or more children (other than emancipated minors) residing with one or both of their parents or another person related by blood or law.
- A child who resides with a person unrelated by blood or law and whose legal relationship with his/her biological parents has not been terminated by court order.

Such a child (e.g., foster child), for the purposes of eligibility, continues to be considered a member of the natural family (except for Indochinese, Cuban, or Haitian Unaccompanied Minors, who are considered one-person families). The Provider Agency should consult with the foster care placement agency for eligibility status.

2. One-Person Families are:

- An adult residing alone or with another adult(s) (other than a spouse).
- An adult residing with children unrelated by blood or law.
- A child who resides alone or with a person unrelated by blood or law and whose legal relationship with his/her biological parents has been terminated by court order.
- An Indochinese, Cuban, or Haitian Unaccompanied Minor.

An emancipated minor, defined as a person under 18 years of age who is self-supporting or living independently or whose behavior and whose request for social services is not effectively under parental control.

Note on Emancipated Minors: An emancipated minor is never counted with his/her parents. If a child in the household is emancipated in the sense of being self-supporting, the child shall be considered an adult for eligibility purposes. This means that the child is considered a one-person family. While there may be other circumstances besides economic self-support that would properly characterize a person under 18 years of age as emancipated (for example, a girl under 18 years of age living with the family and caring for her child), these additional circumstances are difficult to set forth in advance, and each circumstance, other than economic self-support, suggesting emancipation shall be dealt with on a ad hoc basis.

B. Rules for Computing Family Size

Note: Family size must be determined for the same period over which gross income is computed.

As a general rule, to compute family size for eligibility purposes, count each married parent and natural and/or adoptive child residing as a family in the same household.

A child is a person (1) under 18 years of age, (2) between the ages of 18 and 21 who continues in a paid foster or residential care placement, who is regularly attending a school or training program below the college level, and/or has an emotional, cognitive, or physical disability or (3) any person age 18 who resides with his/her parent(s) and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.

An emancipated minor, as previously defined, shall be considered as an adult.

Married adults residing in the same household shall be counted as members of the same family (multi-person family).

Unmarried adults residing in the same household shall each be considered as a one-person family, unless an adult resides also with his/her own child(ren) related by blood

or law. Then that adult is part of a multi-person family which includes his/her child(ren) and/or child(ren) related by blood or law.

For child(ren) residing with unmarried parents who live together, the father is counted in family size with only those child(ren) for whom paternity has been legally established. If both unmarried parents are included in family size, only the income of the parent earning the greater gross income is used to determine financial eligibility.

A stepparent living with a spouse and the spouses's child is considered part of a multi-person family, if the stepparent is not legally responsible for the child.

INCOME RESOURCES AND EXCLUSIONS

NOTE: In computing income, only the earned income of family members 14 years of age or older is considered. However, unearned income of family members of all ages is considered.

Allowable/Mandated Resources

Gross income means the sum of income received by an individual from the following sources that are identified by the U.S. Census Bureau in computing the median income.

A. Earned Income

- Money wages or salary means total money earnings received for work performed as an employee, including wages, salary, Armed Forces pay, commissions, tips, piece-rate payments, and cash bonuses earned before deductions are made for taxes, bonds, pensions, union dues, and similar purposes.
- Net income from non-farm self-employment means gross receipts minus expenses from one's own non-farm business, professional enterprise, or partnership. Gross receipts include the value of all goods sold and services rendered. Expenses include costs of goods purchased, rent, heat, light, power, depreciation charges, wages and salaries paid, business taxes (not personal income taxes), and similar costs. The value of salable merchandise consumed by the proprietors of retail stores is not included as part of net income.
- Net income from farm self-employment means gross receipts minus operating expenses from the operation of a farm by a person on his/her own account, as an owner, renter, or sharecropper. Gross receipts include the value of all products sold, government crop loans, money received from the rental of farm equipment to others, and incidental receipts from the sale of wood, sand, gravel, and similar items. Operating expenses include cost of feed, fertilizer, seed, and other farming supplies, cash wages paid to farmhands, depreciation charges, cash rent, interest on farm mortgages, farm building repairs, farm taxes (not State and federal income taxes), and similar expenses. The value of fuel, food, or other farm products used for family living is not included as part of net income.

B. Unearned Income

- Social Security includes Social Security pensions and survivor's benefits, and permanent disability insurance payments made by the Social Security Administration prior to deductions for medical insurance and railroad retirement insurance checks from the U.S. Government.
- Dividends, interest (on savings or bonds), income from estates or trusts, net rental income or royalties include dividends from stockholdings or membership in associations, interest on savings or bonds, periodic receipts from estates or trust funds, net income from rental of a house, store, or other property to others, receipts from boarders or lodgers, and net royalties.
- Public assistance or welfare payments include public assistance payments such as AFDC, SSI, State supplemental payments to SSI recipients, and general assistance (i.e., municipal welfare).
- Pensions and annuities include pensions or retirement benefits paid to a retired person or his/her survivors by a former employer or by a union, either directly or through an insurance company, and periodic receipts from annuities or insurance.
- Unemployment compensation means compensation received from government unemployment insurance agencies or private companies during periods of unemployment and any strike benefits received from union funds.
- Worker's compensation means compensation received periodically from private or public insurance companies for injuries incurred at work. The cost of this insurance must have been paid by the employer and not by the worker.
- Alimony.
- Child support.
- Veteran's pensions means money paid periodically by the Veterans Administration to disabled members of the Armed Forces or to survivors of deceased veterans, subsistence allowances paid to veterans for education and on-the-job training, as well as so-called "refunds" paid to ex-service personnel as GI insurance premiums.

- Exclusions

Excluded from computation of gross income are the following:

- Per capita payments of or funds held in trust for any individual in satisfaction of a judgment of the Indian Claims Commission of the Court of Claims.
- Payments made pursuant to the Alaska Native Claims Settlement Act to the extent such payments are exempt from taxation under section 21(a) of the Act.
- Money received from sale of property, such as stocks, bonds, a house, or a car (unless the person was engaged in the business of selling such property, in which case the net proceeds would be counted as income from non-farm self-employment).
- Withdrawals of bank deposits.
- Money borrowed.
- Tax refunds or rebates.
- Gifts.
- Lump sum payments, (e.g., inheritances, insurance payments, energy assistance, HUD settlements).
- Capital gains.
- The value of the coupon allotment under the Food Stamp Act of 1977, as amended.
- The value of supplemental food assistance under the Child Nutrition Act of 1966 and the special food service program for children under the National School Lunch Act, as amended.
- Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- Earned income of a child under 14 years of age (no inquiry shall be made).

- Loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs.
- Any grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Commissioner of Education under the Higher Education Act.
- Home produce utilized for household consumption.
- Payments to VISTA volunteers pursuant to Section 404 (g) of the Domestic Assistance Act of 1973.

INCOME SCHEDULE

FAMILY SIZE	GROSS INCOME PER YEAR
1	16,037
2	20,972
3	25,907
4	30,841
5	35,775
6	40,709
7	41,635
add for each additional member	925
