

[N.J.A.C. 10:90](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 52 No. 3, February 3, 2020

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Title 10, Chapter 90 -- Chapter Notes

Statutory Authority

CHAPTER AUTHORITY:

[N.J.S.A. 30:1-12.](#)

History

CHAPTER SOURCE AND EFFECTIVE DATE:

Effective: January 24, 2014.

See: [46 N.J.R. 440\(b\).](#)

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 Chapter 90, The Handbook for Home Services Program, was repealed by R.1980 d.208, effective May 9, 1980.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 As a part of R.2003 d.226, Subchapter 18, Essex/Atlantic Substance Abuse Research Demonstration, was repealed and Subchapter 18, Substance Abuse, and Subchapter 20, The Family Violence Option Initiative, were adopted as new rules, effective June 16, 2003.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: Source and Effective Date.

Annotations

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Research References & Practice Aids

CHAPTER EXPIRATION DATE:

Chapter 90, Work First New Jersey Program, expires on January 24, 2021.

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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).

Annotations

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Case Notes

Final agency determination of the Department of Human Services declaring a claimant ineligible to receive Work First New Jersey/Temporary Assistance for Needy Families (WFNJ/TANF) benefits for her family because she also received benefits from the Subsidized Adoption Program (SAP) for her two adopted children was erroneous since the decision was based on an instruction issued by the agency that SAP benefits were duplicative of the WFNJ/TANF benefits. The instruction was held not a valid basis to determine eligibility because it operated as a rule and was not adopted in accordance with the Administrative Procedure Act, [N.J.S.A. 52:14B-1](#) through [52:14B-15](#). [B.H. v. New Jersey, Dep't of Human Servs., 400 N.J. Super. 418, 947 A.2d 698, 2008 N.J. Super. LEXIS 120 \(2008\)](#).

[Initial Decision \(2007 N.J. AGEN LEXIS 560\)](#) adopted with comment, which found that disabled petitioner did not violate the spirit and intent of the Work First New Jersey program and Temporary Assistance for Needy Families as set forth in [N.J.A.C. 10:90-1.1](#), by seeking to have her husband -- a convicted sex offender -- reside with her and their children; although placing her husband on the lease resulted in their eviction and may have violated the lease term specific to HUD properties, it was not in and of itself a substantial violation of the welfare regulations. [K.J. v. Atlantic County Dep't of Family & Community Development, OAL Dkt. No. HPW 4417-07, 2007 N.J. AGEN LEXIS 935](#), Final Decision (August 14, 2007).

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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, family cap provisions, 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 CWA/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, except in the case of an employable WFNJ/GA applicant. For such an applicant, eligibility shall commence after he or she has completed a minimum of 28 days in an employment-related activity through LWD. While the applicant is participating in the activity, the agency shall ensure that the application is being processed for issuance of cash assistance upon completion of the 28-day employment-related activity, if the applicant appears otherwise eligible. Cash assistance shall be issued from the date eligibility is established, not the application date. An applicant's failure to comply with the employment-related activity requirement, without good cause, shall result in a denial of the applicant's WFNJ/GA application and a 30-day period of ineligibility. The period of ineligibility shall begin on the date of the denial for failure to complete the assigned activity. The notice of denial shall be issued in accordance with the provisions at N.J.A.C. 10:90-9. The penalty shall only be applied if the applicant reapplies within 30 days of the denial date and shall be noted on the denial notice.

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, except in the case of an employable WFNJ/GA applicant. For such an applicant, eligibility shall commence after he or she has completed a minimum of 28 days in an employment-related activity through LWD. While the applicant is participating in the activity, the agency shall ensure that the application is being processed for issuance of cash assistance upon completion of the 28-day employment-related activity, if the applicant appears otherwise eligible. Cash assistance shall be issued from the date eligibility is established, not the application date. An applicant's failure to comply with the employment-related activity requirement, without good cause, shall result in a denial of the applicant's WFNJ/GA application and a 30-day period of ineligibility. The period of ineligibility shall begin on the date of the denial for failure to complete the assigned activity. The notice of denial shall be issued in accordance with the provisions at N.J.A.C. 10:90-9. The penalty shall only be applied if the applicant reapplies within 30 days of the denial date and shall be noted on the denial notice.

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 CWA/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 CWA/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.

Annotations

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

(a)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.

1. During the application process, employable WFNJ/GA applicants are required to participate in a minimum of 28 days of an employment-related activity through LWD before eligibility can be established. Cash assistance shall be issued as provided for at [N.J.A.C. 10:90-1.2\(f\)](#)8 and 9.

i. During participation in a minimum of 28 days of an employment-related activity, applicants may be eligible for immediate need, medical care, and NJ SNAP and other WFNJ benefits in accordance with the immediate needs provision at [N.J.A.C. 10:90-1.3](#). Transportation for participation in the work related activity may also be provided under [N.J.A.C. 10:90-1.3](#); and

ii. For applicants who fail to comply with the requirement for participation in an employment-related activity for a minimum of 28 days, without good cause, the agencies shall refer to [N.J.A.C. 10:90-1.2\(f\)](#)8 and 9.

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.

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[Initial Decision \(2005 N.J. AGEN LEXIS 960\)](#) adopted with comment, which found that [N.J.A.C. 10:90-1.5](#) did not support the agency's action in terminating a recipient's cash assistance and Medicaid benefits where she did not respond to the agency's information request within 30 days from the date of her application for redetermination/recertification; [N.J.A.C. 10:90-1.5](#) requires the agency to act promptly and in a timely fashion on applications, whether those applications are initial or concern redeterminations, but does not place a 30-day time constraint on the applicant/recipient to respond to information requests. [Burlington County Welfare Bd. v. N.R., OAL Dkt. No. HPW 8334-05 and HPW 8335-05 \(Consolidated\), 2005 N.J. AGEN LEXIS 1473](#), Final Decision (November 22, 2005).

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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 (OCR) 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.

(I)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](#)

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§ 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, and for employable GA applicants, participating in a minimum of 28 days of employment-related activities through LWD before eligibility can be established;
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.

Annotations

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[N.J.A.C. 10:90-2.3](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 52 No. 3, February 3, 2020

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

§ 10:90-2.3 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.

Annotations

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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. 52 No. 3, February 3, 2020

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§ 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 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; 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\(b\)](#).

Annotations

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

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End of Document

[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).

Annotations

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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 via 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. The limitation on an increase of cash assistance benefits as a result of the birth of a child conceived as a result of domestic violence, rape or incest;
4. Work requirements;
5. WFNJ/TANF living arrangements for minor parents (see [N.J.A.C. 10:90-2.17\(c\)](#)); and/or
6. 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.

Annotations

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[N.J.A.C. 10:90-2.7](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 52 No. 3, February 3, 2020

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

§ 10:90-2.7 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".

Annotations

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Case Notes

Final agency determination of the Department of Human Services declaring a claimant ineligible to receive Work First New Jersey/Temporary Assistance for Needy Families (WFNJ/TANF) benefits for her family because she also received benefits from the Subsidized Adoption Program (SAP) for her two adopted children was erroneous since the decision was based on an instruction issued by the agency that SAP benefits were duplicative of the WFNJ/TANF benefits. The instruction was held not a valid basis to determine eligibility because it operated as a rule and was not adopted in accordance with the Administrative Procedure Act, [N.J.S.A. 52:14B-1](#) through [52:14B-15](#). [B.H. v. New Jersey, Dep't of Human Servs., 400 N.J. Super. 418, 947 A.2d 698, 2008 N.J. Super. LEXIS 120 \(2008\)](#).

As the definition of "legal guardian" in [N.J.A.C. 10:90-2.7\(a\)3iv](#) was virtually identical to the definition in [N.J.S.A. 44:10-57](#), it was within the fair contemplation of the delegation of the enabling statute, [N.J.S.A. 44:10-70](#). [M.F. v. Dep't of Human Servs., Div. of Family Dev., Respondent, 395 N.J. Super. 18, 928 A.2d 71, 2007 N.J. Super. LEXIS 266 \(2007\)](#).

Appellant was not entitled to benefits as a non-needy caretaker pursuant to [N.J.A.C. 10:90-2.7\(a\)3i\(2\)](#), because under [N.J.A.C. 10:90-15.1](#), a "non-needy caretaker" had to be a natural or adoptive parent, legal guardian, or relative caring for a "dependent child," and appellant fit in none of those categories. [M.F. v. Dep't of Human Servs., Div. of Family Dev., Respondent, 395 N.J. Super. 18, 928 A.2d 71, 2007 N.J. Super. LEXIS 266 \(2007\)](#).

To receive benefits under the Work First New Jersey Act, [N.J.S.A. 44:10-44](#) through [44:10-78](#), an adult must have a legal relationship with the child pursuant to a court order; neither a county social services agency nor the New Jersey Department of Human Services may recognize a de

facto psychological parental relationship. Such a psychological-parent relationship may be established through a New Jersey Kinship Legal Guardianship proceeding, [N.J.S.A. 3B:12A-1](#) through [3B:12A-7](#), after which the kinship legal guardian will be eligible for benefits under [N.J.A.C. 10:90-19.1\(a\)](#), (c) of the [New Jersey Kinship Care Subsidy Program. M.F. v. Dep't of Human Servs., Div. of Family Dev., Respondent, 395 N.J. Super. 18, 928 A.2d 71, 2007 N.J. Super. LEXIS 266 \(2007\)](#).

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[N.J.A.C. 10:90-2.8](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 52 No. 3, February 3, 2020

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

§ 10:90-2.8 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.

Annotations

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Case Notes

Final agency determination of the Department of Human Services declaring a claimant ineligible to receive Work First New Jersey/Temporary Assistance for Needy Families (WFNJ/TANF) benefits for her family because she also received benefits from the Subsidized Adoption Program (SAP) for her two adopted children was erroneous since the decision was based on an instruction issued by the agency that SAP benefits were duplicative of the WFNJ/TANF benefits. The instruction was held not a valid basis to determine eligibility because it operated as a rule and was not adopted in accordance with the Administrative Procedure Act,

[N.J.S.A. 52:14B-1 through 52:14B-15. B.H. v. New Jersey, Dep't of Human Servs., 400 N.J. Super. 418, 947 A.2d 698, 2008 N.J. Super. LEXIS 120 \(2008\).](#)

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[N.J.A.C. 10:90-2.9](#)

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§ 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](#) and shall not be required to meet the WFNJ/GA 28-day work activity requirement. 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).

Annotations

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

§ 10:90-2.11 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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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 2. NON-FINANCIAL ELIGIBILITY REQUIREMENTS

§ 10:90-2.12 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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§ 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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End of Document

[N.J.A.C. 10:90-2.15](#)

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§ 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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§ 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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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 Family cap provision for WFNJ/TANF

(a)Adult WFNJ/TANF recipient and non-recipient parents, with the exception of non-needy caregivers, shall not be entitled to receive incrementally increased WFNJ cash benefits solely because of the birth of an additional child(ren). Although the family does not receive additional cash assistance, a child(ren) subject to this family cap provision is or are considered a member of the assistance unit for all purposes including, but not limited to, the existing cash assistance benefit, child support, medical assistance and NJ SNAP benefits provided to the assistance unit.

1.Adult recipients who were never previously subject to the family cap provision who then give birth to an additional child(ren) 10 full months or more after the date of their application for assistance shall not receive an increase in their cash assistance benefits due to the birth of such an additional child(ren).

2.Adult recipients who had been subject to the family cap provisions under the prior AFDC program and who have been receiving cash assistance benefits either under the former AFDC program and/or under WFNJ within 10 consecutive calendar months immediately preceding the birth of a child shall not receive an increase in their cash assistance benefits as a result of the birth of such an additional child. This 10 month ineligibility timeframe includes any periods of ineligibility or case closure, either initiated on the part of the recipient or imposed by the county agency, including the post-WFNJ benefit period.

3.The provisions of this section shall not apply to any individual in an assistance unit with dependent children who gives birth to a child in less than 10 months after applying for and receiving WFNJ cash assistance benefits.

4.The provisions of this section shall not apply to the birth of a child that occurs as a result of domestic violence, rape or incest.

i.An affidavit shall be acceptable documentation that a child(ren) was conceived as a result of incidents of domestic violence, rape or incest.

ii. Under no circumstances shall the perpetrator involved in incidents of domestic violence, rape or incest be contacted to verify the victim's claim of good cause for exemption from the family cap provision.

5. Families subject to the family cap provision may earn back an increase in their grant amount if they become employed. In such cases, the following shall apply:

i. The total countable income shall be compared for eligibility purposes to the appropriate assistance unit size including the child who does not receive cash assistance due to the family cap, using Schedule I (maximum allowable income levels) in [N.J.A.C. 10:90-3.3](#);

ii. The disregards as specified in [N.J.A.C. 10:90-3.8](#) shall be applied for the monthly earned income of each employed person in the assistance unit; and

iii. After application of the earned income disregards, the total countable income shall be subtracted from Schedule II (maximum benefit payment levels) at [N.J.A.C. 10:90-3.3](#), from the appropriate benefit payment level for the appropriate assistance unit size, including the child who did not receive cash assistance due to the family cap provisions in (a) above, to determine the assistance payment.

6. Any child subject to the family cap provisions listed in (a) above shall be included in the assistance unit for initial eligibility determination purposes.

7. The 10-month ineligibility timeframe for increased cash assistance due to the birth of an additional child(ren) specified in (a) above shall be binding upon any family for any subsequent reapplications or reopenings of the case and a family shall not be entitled to an increased cash benefit for the birth of any child(ren) until such time as (a)8 below applies.

i. Any child included in the WFNJ assistance unit who subsequently becomes a minor parent and either remains in the eligible unit of the parent or caretaker relative or resides in an adult-supervised setting, shall be permitted to receive WFNJ cash assistance benefits for that minor parent's first newborn child only. The 10-month ineligibility timeframe becomes effective for any subsequent children born to the minor parent.

8. When an adult parent(s) reapplies for WFNJ benefits and no adult member of the assistance unit has been in receipt of WFNJ benefits for a minimum of 12 consecutive months immediately preceding the date of re-application, the family is eligible for a new 10-month grace period from the date of reapplication. In addition, any child(ren) who did not receive cash assistance due to the family cap provisions listed in (a) above shall now be included in the assistance unit for cash assistance purposes.

i. When a WFNJ family becomes ineligible for WFNJ for either of the two reasons cited at (a)8i(1) or (2) below, remains employed for a minimum of 90 days, and subsequently reapplies for WFNJ prior to the expiration of the 12 consecutive month period noted in (a)8 above due to the loss of employment through no fault of their own, any child(ren) previously subject to the family cap in accordance with (a)8 above shall now be included in the assistance unit for cash assistance purposes. Such families, however, are not entitled to a new 10-month grace period

and any child(ren) born subsequent to the reapplication shall be subject to the family cap provisions and shall be included in the assistance unit for all purposes except the determination of the cash assistance grant.

(1) Earnings or increased earnings from employment, including earnings from new employment; or

(2) Increased hours of employment.

(b) Kinship caregivers are not subject to the family cap provision for the kinship children in their care.

(c) A child who is subject to the family cap who becomes a member of a different assistance unit shall no longer be subject to the family cap provision.

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-needier 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\(a\)](#).

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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 welfare agency shall refer the family to community-based agencies for services appropriate for their needs. Additionally, the county welfare 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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§ 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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Case Notes

Final agency determination of the Department of Human Services declaring a claimant ineligible to receive Work First New Jersey/Temporary Assistance for Needy Families (WFNJ/TANF) benefits for her family because she also received benefits from the Subsidized Adoption Program (SAP) for her two adopted children was erroneous since the decision was based on an instruction issued by the agency that SAP benefits were duplicative of the

WFNJ/TANF benefits. The instruction was held not a valid basis to determine eligibility because it operated as a rule and was not adopted in accordance with the Administrative Procedure Act, [N.J.S.A. 52:14B-1](#) through [52:14B-15](#). [B.H. v. New Jersey, Dep't of Human Servs., 400 N.J. Super. 418, 947 A.2d 698, 2008 N.J. Super. LEXIS 120 \(2008\)](#).

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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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§ 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 I

Initial Maximum Allowable Income Levels	Number in Assistance Unit	Maximum Benefit Payment Levels
\$243	1	\$162
483	2	322
636	63	424
732	4	488

828	5	552
924	6	616
1,015	7	677
1,092	8	728
Add \$ 75 for each additional person	More than 8	Add \$ 50 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).

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Case Notes

Final agency determination of the Department of Human Services declaring a claimant ineligible to receive Work First New Jersey/Temporary Assistance for Needy Families (WFNJ/TANF) benefits for her family because she also received benefits from the Subsidized Adoption Program (SAP) for her two adopted children was erroneous since the decision was based on an instruction issued by the agency that SAP benefits were duplicative of the WFNJ/TANF benefits. The instruction was held not a valid basis to determine eligibility because it operated as a rule and was not adopted in accordance with the Administrative Procedure Act,

[N.J.S.A. 52:14B-1 through 52:14B-15. B.H. v. New Jersey, Dep't of Human Servs., 400 N.J. Super. 418, 947 A.2d 698, 2008 N.J. Super. LEXIS 120 \(2008\).](#)

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[N.J.A.C. 10:90-3.4](#)

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§ 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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§ 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
\$ 210	21	\$ 140
290	2	193

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.

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§ 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, reapplicant, 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	\$ 210
2	\$ 289

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.

Annotations

Notes

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[N.J.A.C. 10:90-3.7](#)

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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

§ 10:90-3.7 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

Annotations

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§ 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. CWAs/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) An eligible assistance unit in receipt of child support income is eligible for a disregard of up to \$ 100.00 per month provided that the total amount of child support received for that month is less than the monthly WFNJ grant amount. After an assistance unit has passed the initial eligibility test indicated in [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, 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

2.If the amount of child support verified as being received is \$ 100.00 or more per month, the assistance unit shall receive \$ 100.00 and that \$ 100.00 shall be disregarded when calculating the cash assistance benefit. The total amount of child support disregarded shall not exceed \$ 100.00 per month per eligible assistance unit.

(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).

Annotations

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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 prizes, casino and racetrack 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".

Annotations

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Case Notes

Final agency determination of the Department of Human Services declaring a claimant ineligible to receive Work First New Jersey/Temporary Assistance for Needy Families (WFNJ/TANF) benefits for her family because she also received benefits from the Subsidized Adoption Program (SAP) for her two adopted children was erroneous since the decision was based on an instruction issued by the agency that SAP benefits were duplicative of the WFNJ/TANF benefits. The instruction was held not a valid basis to determine eligibility because it operated as a rule and was not adopted in accordance with the Administrative Procedure Act, [N.J.S.A. 52:14B-1](#) through [52:14B-15](#). [B.H. v. New Jersey, Dep't of Human Servs., 400 N.J. Super. 418, 947 A.2d 698, 2008 N.J. Super. LEXIS 120 \(2008\)](#).

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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\(a\)](#).

Annotations

Notes

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End of Document

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 exceeds 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 CWA 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\(a\)](#).

Annotations

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Case Notes

Board of social services properly terminated appellant's General Assistance and Emergency Assistance benefits on grounds he was ineligible for them under [N.J.A.C. 10:90-3.11\(a\)](#) due to his receipt of Social Security Disability (SSD)benefits, as he failed to produce any credible evidence that his receipt of SSD benefits was anything but imminent, and not beyond his ability to control. [Burlington County Bd. of Soc. Servs. v. G.W., 425 N.J. Super. 42, 39 A.3d 906, 2012 N.J. Super. LEXIS 40 \(2012\)](#).

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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. 52 No. 3, February 3, 2020

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§ 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 with 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".

Annotations

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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. 52 No. 3, February 3, 2020

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§ 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. 10:90-3.13

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N.J.A.C. 10:90-3.14

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§ 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.

Annotations

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N.J.A.C. 10:90-3.15

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§ 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.Un-sponsored 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".

Annotations

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[N.J.A.C. 10:90-3.16](#)

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§ 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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§ 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 (\$ 960.05), 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 which 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\(a\)](#).

Annotations

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End of Document

[N.J.A.C. 10:90-3.18](#)

This file includes all Regulations adopted and published through the New Jersey Register, Vol. 52 No. 3, February 3, 2020

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

§ 10:90-3.18 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 and racetrack 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	\$ 324
2	644
3	848
4	976
5	1104
6	1232
7	1354
8	1456
More than 8	Add \$ 100.00 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".

Annotations

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Case Notes

[Initial Decision \(2008 N.J. AGEN LEXIS 180\)](#) adopted as modified, which found that child support payments could not be considered as "lump sums" for which the agency could seek repayment of Work First New Jersey/Temporary Assistance for Needy Families cash assistance under [N.J.A.C. 10:90-3.18](#), since "lump sums" included such items as lottery winnings and personal injury awards; to include regularly recurring child support payments in the definition would violate important public policy considerations, namely the best interests of the child. [R.F. v. Union County Div. of Social Services, OAL Dkt. No. HPW 1331-08, 2008 N.J. AGEN LEXIS 1044](#), Final Decision (July 24, 2008).

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[N.J.A.C. 10:90-3.19](#)

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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

§ 10:90-3.19 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".

Annotations

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Case Notes

Final agency determination of the Department of Human Services declaring a claimant ineligible to receive Work First New Jersey/Temporary Assistance for Needy Families (WFNJ/TANF) benefits for her family because she also received benefits from the Subsidized Adoption Program (SAP) for her two adopted children was erroneous since the decision was based on an instruction issued by the agency that SAP benefits were duplicative of the WFNJ/TANF benefits. The instruction was held not a valid basis to determine eligibility because it operated as a rule and was not adopted in accordance with the Administrative Procedure Act, [N.J.S.A. 52:14B-1](#) through [52:14B-15](#). [B.H. v. New Jersey, Dep't of Human Servs., 400 N.J. Super. 418, 947 A.2d 698, 2008 N.J. Super. LEXIS 120 \(2008\)](#).

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[N.J.A.C. 10:90-3.20](#)

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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

§ 10:90-3.20 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".

Annotations

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[N.J.A.C. 10:90-3.21](#)

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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

§ 10:90-3.21 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".

Annotations

Notes

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Case Notes

[Initial Decision \(2008 N.J. AGEN LEXIS 180\)](#) adopted as modified, which found that the agency could not recoup 2003 cash assistance paid to petitioner under the Work First New Jersey/Temporary Assistance for Needy Families under [N.J.A.C. 10:90-3.21](#) where the retained amount did not represent child support arrearages but rather 2007 then-current weekly support payments. [R.F. v. Union County Div. of Social Services, OAL Dkt. No. HPW 1331-08, 2008 N.J. AGEN LEXIS 1044](#), Final Decision (July 24, 2008).

[Initial Decision \(2006 N.J. AGEN LEXIS 351\)](#) adopted, which found that when agency sought to recover overpayment of Temporary Assistance for Needy Families, Food Stamp allotment, and Emergency Assistance pursuant to [N.J.A.C. 10:90-3.21](#) and [N.J.A.C. 10:87-11.20](#), respondent could not claim equitable estoppel against a government entity in the same manner as against a private individual; furthermore, respondent did not have "clean hands" in that she intentionally failed to report earned income. [Burlington County Bd. of Social Services v. T.B., OAL Dkt. No. HPW 951-05, Final Decision \(May 11, 2006\)](#).

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[N.J.A.C. 10:90-3.22](#)

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§ 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 CWA/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.

Annotations

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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 unrestricted 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".

Annotations

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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 under 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. For GA applicants, the cooperation process begins at application, with the requirement to participate in a minimum 28-day employment-related activity through LWD, before WFNJ-eligibility can be established.

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).

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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](#)

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§ 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](#)

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§ 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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§ 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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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 4. WFNJ WORK REQUIREMENTS

§ 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".

Annotations

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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 advanced 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".

Annotations

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[N.J.A.C. 10:90-4.11](#)

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§ 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](#)

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§ 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](#)

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§ 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 welfare agency, as appropriate, makes the determination that the recipient quit the job.

(h) The county or municipal welfare 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 welfare 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 welfare 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".

Annotations

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[N.J.A.C. 10:90-4.14](#)

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§ 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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§ 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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§ 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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§ 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](#)

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§ 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 CWA 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 CWA 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 New Jersey Register 3971\(b\)](#), [30 New Jersey Register 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 New Jersey Register 2713\(a\)](#), [35 New Jersey Register 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](#)

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§ 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 CWAs 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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[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 health 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\(b\)](#).

Annotations

Notes

[Chapter Notes](#)

N.J.A.C. 10:90-5.15

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[N.J.A.C. 10:90-5.16](#)

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 5. SUPPORTIVE SERVICES

§ 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 CWA, 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\(b\)](#).

Annotations

Notes

[Chapter Notes](#)

Case Notes

Agency erred in sanctioning petitioner's benefits under Temporary Assistance to Needy Families after petitioner refused to participate in an Initiative for Parents (TIP) assessment; failure to participate in a TIP is not a sanctionable offense under [N.J.A.C. 10:90-5.16\(c\)](#) (remanding on other grounds). [C.W. v. Hunterdon County Bd. of Social Services, OAL Dkt. No. HPW 4341-07, 2007 N.J. AGEN LEXIS 934](#), Remand Decision (October 5, 2007).

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[N.J.A.C. 10:90-6.1](#)

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NJ - New Jersey Administrative Code > TITLE 10. HUMAN SERVICES > CHAPTER 90. WORK FIRST NEW JERSEY PROGRAM > SUBCHAPTER 6. EMERGENCY ASSISTANCE

§ 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 CWA 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.

Annotations

Notes

[Chapter Notes](#)**Case Notes**

[Initial Decision \(2007 N.J. AGEN LEXIS 560\)](#) adopted with comment, which found that disabled petitioner did not violate [N.J.A.C. 10:90-6.1\(c\)](#), and lose eligibility for emergency assistance, by seeking to have her husband -- a convicted sex offender -- reside with her and their children; the HUD lease prohibited sex offenders from residing on the premises, but the conduct that resulted in the lease violation was perpetrated by the husband, not petitioner. [K.J. v. Atlantic County Dep't of Family & Community Development, OAL Dkt. No. HPW 4417-07, 2007 N.J. AGEN LEXIS 935](#), Final Decision (August 14, 2007).

[Initial Decision \(2007 N.J. AGEN LEXIS 155\)](#) adopted, which found that in calculating Temporary Rental Assistance, [N.J.A.C. 10:90-6.1\(c\)2](#) required the agency to consider all "potential contributions," including an applicant's prospect of continued Universal Service Fund subsidy and voluntary rent contribution from a friend; however, because the agency was provided with insufficient information to determine whether the individual volunteering to assist with rent had the wherewithal or the will to continue payments for the entire term of the lease, the agency was within its right to deny emergency assistance under [N.J.A.C. 10:90-6.3\(a\)7i\(2\)](#). [T.A. v. Burlington County Bd. of Social Services, OAL Dkt. No. HPW 8995-06](#), Final Decision (April 16, 2007).

Where petitioner used available funds to pay for a leased automobile rather than to finance her mortgage and utilities, her circumstances did not meet the eligibility requirements for emergency assistance; although petitioner was afflicted with medical problems, these problems did not render her functionally incapacitated as defined in [N.J.A.C. 10:90-6.1](#) such that she was prevented from planning for or securing substitute housing. [D.M. v. Ocean County Welfare Agency, OAL Dkt. No. HPW 6602-05, 2005 N.J. AGEN LEXIS 1531](#), Final Decision (October 27, 2005).

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[N.J.A.C. 10:90-6.2](#)

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§ 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.

Annotations

Notes

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§ 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	e:\$ 89 5	e:\$ 1,04 5	\$ 1,195	\$ 1,365

*7*Add \$ 150 for each additional person *7*

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 CWA/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 CWA/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\(b\)](#).

Annotations

Notes

[Chapter Notes](#)

Case Notes

[Initial Decision \(2007 N.J. AGEN LEXIS 155\)](#) adopted, which found that in calculating Temporary Rental Assistance, [N.J.A.C. 10:90-6.1\(c\)2](#) required the agency to consider all "potential contributions," including an applicant's prospect of continued Universal Service Fund subsidy and voluntary rent contribution from a friend; however, because the agency was provided with insufficient information to determine whether the individual volunteering to assist

with rent had the wherewithal or the will to continue payments for the entire term of the lease, the agency was within its right to deny emergency assistance under [N.J.A.C. 10:90-6.3\(a\)7i\(2\)](#). T.A. v. Burlington County Bd. of Social Services, OAL Dkt. No. HPW 8995-06, Final Decision (April 16, 2007).

[Initial Decision \(2007 N.J. AGEN LEXIS 629\)](#) adopted, which concluded that although [N.J.A.C. 10:90-6.3\(a\)1](#) and [N.J.A.C. 10:90-6.6\(a\)1i\(1\)](#) allowed an applicant for emergency housing to be placed outside his municipality of customary residence, they did not provide the agency with the authority to move him beyond the county's geographic boundaries. Public policy favored maintaining a homeless person either in or as close to his municipality of residence as possible. [G.M. v. Cumberland County Bd. of Social Services, OAL Dkt. No. HPW 395-07, 2007 N.J. AGEN LEXIS 967](#), Final Decision (February 5, 2007).

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