

RULE ADOPTIONS

CHILDREN AND FAMILIES

(a)

COMMISSIONER

Notice of Administrative Correction Child Protection Investigations When an Investigation is Required N.J.A.C. 3A:10-2.1

Take notice that the Department of Children and Families (Department) discovered an error in the text of N.J.A.C. 3A:10-2.1. This section contains the process for child protection investigations. The Department readopted N.J.A.C. 3A:10 effective April 29, 2019, with amendments. One amendment was to update the cross-reference to the website location of the U.S. Department of Defense Instruction 6400.01. See 51 N.J.R. 125(a); 825(b). While the cross-reference was accurate when proposed, the Department of Defense website link changed upon adoption and such change was not made at N.J.A.C. 3A:10-2.1. The Department has requested, and the Office of Administrative Law has agreed to, such update being made administratively. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rule follows (addition indicated in boldface thus; deletion indicated in brackets [thus]):

SUBCHAPTER 2. CHILD PROTECTION INVESTIGATION PROCESS

3A:10-2.1 When an investigation is required

(a) (No change.)

(b) A child protective investigator shall conduct a child protection investigation in response to each report alleging abuse or neglect on a military installation, to the extent permitted by the base commander, in accordance with U.S. Department of Defense Instruction 6400.01, incorporated herein by reference, as amended and supplemented, and this chapter.

1. U.S. Department of Defense Instruction 6400.01 is available for download from the Department of Defense's website, [http://www.esd.whs.mil/Portals/54/Documents/DD/dodm/640001m_voll.pdf?ver=2018-03-16-083539-267] <http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/640001p.pdf>.

(c) (No change.)

(b)

OFFICE OF LICENSING

Notice of Administrative Correction Manual of Requirements for Child Care Centers Vehicle Insurance N.J.A.C. 3A:52-9.6

Take notice that the Department of Children and Families (Department) discovered an error in the text of N.J.A.C. 3A:52-9.6. This section contains the insurance requirements for vehicles used by child care centers or persons for the purposes of transporting children. Paragraph (a)1 specifies the minimum amount of liability insurance required through a cross-reference to a rule of the Motor Vehicle Commission (MVC), N.J.A.C. 13:20-49H.1; however, N.J.A.C. 13:20-49H was recodified as N.J.A.C. 13:20-52 by the MVC effective January 21, 2003, and such update was not made to the Department's rule. The Department has requested, and the Office of Administrative Law has agreed to, such update being made administratively. This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rule follows (addition indicated in boldface thus; deletion indicated in brackets [thus]):

SUBCHAPTER 9. TRANSPORTATION REQUIREMENTS

3A:52-9.6 Vehicle insurance

(a) Each center or person providing transportation services, as specified in N.J.A.C. 3A:52-9.1(a), shall:

1. Secure and maintain vehicle liability insurance for bodily injury or death in minimum amounts as specified in N.J.A.C. 13:20-[49H.1]52.1;
- 2.-3. (No change.)

HUMAN SERVICES

(c)

DIVISION OF FAMILY DEVELOPMENT

Work First New Jersey Program Removing the Term "Foster" from the Work First New Jersey Program

Adopted Amendments: N.J.A.C. 10:90-2.7, 2.8, 3.19, 3.20, 6.1, 6.4, 9.1, and 19.3

Proposed: November 5, 2018, at 50 N.J.R. 2194(a).

Adopted: May 12, 2019, by Carole Johnson, Commissioner,
Department of Human Services.

Filed: August 12, 2019, as R.2019 d.097, **without change**.

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

Effective Date: September 16, 2019.

Expiration Date: January 24, 2021.

Summary of Public Comment and Agency Response:

No comments were received.

Federal Standards Statement

The Department of Human Services has reviewed the applicable Federal laws and regulations and that review indicates that the adopted amendments do not exceed Federal standards. Therefore, a Federal standards analysis is not required.

Full text of the adoption follows:

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.-3. (No change.)

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. (No change.)

(b) (No change.)

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.-12. (No change.)

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.-16. (No change.)
(b)-(c) (No change.)

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.-12. (No change.)

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.-vii. (No change.)

viii. Monies received on behalf of a child in resource family care, including extra payments received for special services; and

ix. (No change.)

14.-17. (No change.)

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.-13. (No change.)

14. Resources designated for special purposes as follow:

i.-vii. (No change.)

viii. Monies received on behalf of a child in resource family care, including extra payments received for special services; and

ix. (No change.)

SUBCHAPTER 6. EMERGENCY ASSISTANCE

10:90-6.1 Availability of emergency assistance

(a)-(c) (No change.)

(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.-4. (No change.)

(e) (No change.)

10:90-6.4 Time limitations

(a) (No change.)

(b) Additional emergency assistance shall be granted beyond the 12-month maximum when, in the judgment of the county or municipal agency, the WFNJ or SSI recipient has taken all reasonable steps to resolve the emergent situation, but the emergency nonetheless continues, or a new emergency occurs, which causes extreme hardship to the family.

1. The following listing is not intended to be exhaustive, nor should it be interpreted as preventing county or municipal agencies from considering other situations not specifically mentioned in the list. Nevertheless, the agency shall confer with DFD if individual and/or family circumstances that are offered as a reason for extending EA represent a departure from the categories provided herein. An extension of emergency assistance based on extreme hardship shall be provided when:

i. (No change.)

ii. There is imminent danger of the immediate breakup of the family unit, with children needing to be placed in resource family care;

iii.-v. (No change.)

2. (No change.)

(c)-(f) (No change.)

SUBCHAPTER 9. NOTICES AND HEARINGS IN WFNJ

10:90-9.1 Notice to applicant/recipient

(a)-(c) (No change.)

(d) Timely notice may be dispensed with, but adequate notice shall be sent not later than the effective date of the action when:

1.-6. (No change.)

7. An eligible child is removed from the home as a result of a judicial determination, an intervention by the Division of Child Protection and Permanency, or is voluntarily placed outside of the home by his or her legal guardian;

8.-13. (No change.)

SUBCHAPTER 19. KINSHIP CARE SUBSIDY PROGRAM (KCSP)

10:90-19.3 Determining eligibility for the KCSP

(a)-(c) (No change.)

(d) Sources of countable income reflect WFNJ/TANF income definitions found at N.J.A.C. 10:90-3.9(b) and include, but are not limited to, employment (including self-employment), rental income, Social Security (disability, retirement, or survivor's) benefits, State disability, rental property managed by an agent, worker's compensation, pensions/annuity/401K payments, alimony received, railroad retirement, General Assistance payments, TANF payments (excluding payments for the kinship child), unemployment, interest and dividend income, veterans' benefits, and any child support received.

1. For purposes of determining kinship family eligibility, exempt income, as stipulated at N.J.A.C. 10:90-3.19, includes, but is not limited to, SSI benefits, and payments for resource family care and shall be excluded from the 150 percent FPL income eligibility test in the same manner that such benefits are excluded when determining WFNJ/TANF eligibility. Any member of the family who receives SSI or any child for whom CP&P is making a resource family care payment is not counted as a member of the kinship family for this determination.

(e)-(i) (No change.)

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Notice of Administrative Correction

Home Care Services

Definition of Nurse Delegation

N.J.A.C. 10:60-1.2

Take notice that the Office of Administrative Law (OAL) discovered an error in the text of N.J.A.C. 10:60-1.2. The Department of Human Services (Department), Division of Medical Assistance and Health Services (DMAHS) adopted amendments, new rules, and repeals throughout N.J.A.C. 10:60, effective September 17, 2018 (see 49 N.J.R. 2693(a); 50 N.J.R. 1992(b)). During the comment period, Disability Rights New Jersey (DRNJ) submitted a comment pertaining to the definition of nurse delegation. As part of the comment, DRNJ requested DMAHS to add "pursuant to N.J.A.C. 13:37-6.2" after "selected nursing tasks" to clarify what selected nursing tasks referred to (see Comment 16). DMAHS agreed to the change; however, in making the addition upon adoption, DMAHS inadvertently added the cross-reference as "N.J.A.C. 10:37-6.2."

This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

Full text of the corrected rule follows (addition indicated in boldface **thus**; deletion indicated in brackets [thus]):