

based criminal history background check, that person shall be immediately removed from their position and their employment terminated.

(f) A conviction of a crime or disorderly persons offense against children, as set forth at N.J.S.A. 2C:24-4 and 4.1, shall permanently disqualify individuals from employment at a community agency.

(g) Notwithstanding any other provisions of this chapter to the contrary, except for (f) above, no individual shall be disqualified from employment on the basis of any conviction disclosed by a criminal history record background check if the individual has affirmatively demonstrated to the Department clear and convincing evidence of the individual's rehabilitation. In determining whether an individual has affirmatively demonstrated rehabilitation, the following factors shall be considered:

1. The nature and responsibility of the position that the convicted individual would hold, has held, or currently holds, as the case may be;
2. The nature and seriousness of the offense;
3. The circumstances under which the offense occurred;
4. The date of the offense;
5. The age of the individual when the offense was committed;
6. Whether the offense was an isolated or repeated incident;
7. Any social conditions that may have contributed to the offense; and
8. Any evidence of rehabilitation, including, but not limited to, evidence of good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the individual under their supervision.

(h) The individual shall have no longer than 14 days from the date of the written notice of disqualification to provide evidence of affirmatively demonstrated rehabilitation to the Department as provided pursuant to this section.

1. The individual may make a one-time request to the Department for an additional 14 days to gather and provide evidence of rehabilitation.

(i) The Department shall have no longer than 90 days from the date of receipt of evidence of the individual's affirmatively developed rehabilitation to make a determination on the individual's qualification. The Department shall notify the individual and the community agency, in writing, of the determination of the individual's qualification or disqualification no longer than 90 days from the date of receipt of evidence of the individual's affirmatively developed rehabilitation. The written notice may be transmitted electronically if the individual authorizes the Department to transmit the information electronically.

**(a)**

**DIVISION OF FAMILY DEVELOPMENT  
Work First New Jersey Program  
Elimination of the Work First New Jersey  
(WFNJ)/Temporary Assistance for Needy Families  
(TANF) Family Cap Provisions; Funeral and  
Burial/Cemetery Costs**

**Adopted Amendments: N.J.A.C. 10:90-1.2, 2.6, 8.2,  
8.5, and 20.4**

**Adopted Repeal: N.J.A.C. 10:90-2.18**

Proposed: November 20, 2023, at 55 N.J.R. 2311(a).  
Adopted: February 23, 2024, by Sarah Adelman, Commissioner,  
Department of Human Services.  
Filed: March 5, 2024, as R.2024 d.026, **without change**.  
Authority: N.J.S.A. 30:1-12; and P.L. 2020, c. 99.  
Effective Date: April 1, 2024.  
Expiration Date: October 4, 2028.

**Summary of Public Comment and Agency Response:**  
The official comment period ended January 19, 2024. The Division of Family Development (DFD) received one public comment on the

rulemaking from Marlene Lao-Collins, Executive Director of the Catholic Charities of Trenton.

COMMENT: The commenter expressed strong support of the proposed amendments and repeal.

RESPONSE: DFD appreciates the commenter's support.

**Federal Standards Statement**

The Department of Human Services has reviewed the applicable Federal laws and regulations. The adopted amendments and repeal include standards that do not exceed those at 45 CFR Part 260, Temporary Assistance for Needy Families. Therefore, a Federal standards analysis is not required.

Full text of the adoption follows:

**SUBCHAPTER 1. GENERAL PROVISIONS**

10:90-1.2 Opportunity and decision to apply

(a)-(e) (No change.)

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

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

2.-10. (No change.)

**SUBCHAPTER 2. NON-FINANCIAL ELIGIBILITY REQUIREMENTS**

10:90-2.6 Family violence

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

1.-2. (No change.)

Recodify existing 4.-6. as 3.-5. (No change in text.)

(b) (No change.)

10:90-2.18 (Reserved)

**SUBCHAPTER 8. SPECIAL PROVISIONS FOR PAYMENT OF FUNERAL AND BURIAL EXPENSES**

10:90-8.2 Persons who may be eligible

(a) Claims for funeral and burial expenses may be received and considered with respect to:

1.-11. (No change.)

Recodify existing 13.-19. as 12.-18. (No change in text.)

(b) (No change.)

10:90-8.5 Authorization of payment

(a) Funeral services and cemetery costs shall be separated and paid separately. Funeral directors shall complete and submit Form WFNJ-11M, Affidavit and Petition for Payment Mortuary, to the county or municipal agency to receive payment. Cemetery representatives shall complete and submit Form WFNJ-11C, Affidavit and Petition for Payment Cemetery, to the county or municipal agency to receive payment. The total maximum allowances for a decedent is the sum of the applicable funeral allowance and cemetery allowance pursuant to (a)1, 2, 3, and 4 below.

1. The allowance for funeral services, exclusive of cemetery costs are, as follows:

i. The funeral allowance for an adult, which shall apply to decedents two years of age and older, is the total amount charged or \$3,056, whichever is less;

ii. The funeral allowance for a stillborn birth up to six days old is the total amount charged or \$1,933, whichever is less; and

iii. The funeral allowance for a one-week through 23-month-old child is the total amount charged or \$2,494, whichever is less.

2. The allowance for cemetery costs, exclusive of funeral services are, as follows:

i. The cemetery allowance for an adult, which shall apply to decedents two years of age and older, is the sum of all cemetery charges or \$714.00, whichever is less;

ii. The cemetery allowance for a stillborn birth up to six days old is the sum of all cemetery charges or \$452.00, whichever is less; and

iii. The cemetery allowance for a one-week through 23-month-old child is the sum of all cemetery charges or \$583.00, whichever is less.

3. If the decedent is cremated, then purchase of an urn is a permissible expense and charged to the funeral allowance. When a ground burial is made of the decedent's remains, the cemetery allowance also applies. Crematory charges and burial of the urn are permissible expenses and charged to the cemetery allowance.

4. If the eligible decedent has chosen to donate their body for medical education and research, then payments may be authorized for transportation costs which shall not exceed the total maximum allowances, as listed at (a)1 and 2 above.

(b) The payment to be made shall not exceed the maximum allowable rate for funerals and cemetery costs, as delineated at (a) above. The value of any prepaid funeral contract on record shall reduce, dollar for dollar, the funeral and burial allowance. Contributions from next of kin and interested parties up to \$785.00 for a stillborn to six days old, \$1,178 for one week through 23 months old, and \$1,570 for two years old to adult shall be excluded. Amounts exceeding those listed shall be counted in determining the amount to be paid by the agency. The contributor shall designate the contribution, up to the maximum allowed, as the contributor allocates, either to defray the funeral expenses or cemetery costs.

1. (No change.)

(c) (No change.)

SUBCHAPTER 20. THE FAMILY VIOLENCE OPTION INITIATIVE

10:90-20.4 WFNJ TANF/GA program requirements that may be waived

(a) WFNJ/TANF applicants/recipients may request a WFNJ FVO Waiver of the following WFNJ/TANF program requirements, pursuant to the WFNJ FVO Initiative:

1.-3. (No change.)

Recodify existing 5.-7. as 4.-6. (No change in text.)

(b) (No change.)

(a)

**DIVISION OF DISABILITY SERVICES**

**Notice of Readoption**

**Traumatic Brain Injury Fund**

**Readoption: N.J.A.C. 10:141**

Authorized by: Sarah Adelman, Commissioner, Department of Human Services.

Authority: N.J.S.A. 30:6F-5 et seq.

Effective Date: February 27, 2024.

Expiration Date: February 27, 2031.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1.c, the rules at N.J.A.C. 10:141, Traumatic Brain Injury (TBI) Fund, were scheduled to expire on May 25, 2024. The chapter sets forth general and specific information about the administration and operations of the TBI Fund (Fund) administered by the Division of Disability Services (Division). This includes, but is not limited to, information about beneficiary

eligibility, covered and non-covered services, appeals and fair hearing procedures, and various program controls.

The chapter includes one subchapter with 14 sections, described as follows:

N.J.A.C. 10:141-1.1, Purpose and scope, provides an overview of the TBI Fund, as set forth in the statute.

N.J.A.C. 10:141-1.2, Definitions, lists the various terms used in the chapter, related to the Fund.

N.J.A.C. 10:141-1.3, Administration of the Fund, sets forth the procedures and methods to administer the Fund, including the establishment of a Review Committee and its responsibilities.

N.J.A.C. 10:141-1.4, Expenditure caps and limitations, describes the statutory maximum funding that can be provided to an individual per year and over an individual's lifetime, as well as provides the process to request a waiver of the cap.

N.J.A.C. 10:141-1.5, Eligibility for services and supports, sets forth the criteria for applicants requesting services be paid for by the Fund. This includes clinical requirements regarding the traumatic brain injury, as well as financial requirements regarding asset limits and the lack of coverage from other funds and insurance benefit programs. This section also provides that the TBI Fund shall recover its expenditures from any litigation arising from the traumatic brain injury. Additionally, residency requirements limiting services to citizens or permanent residents living in New Jersey, including determinations regarding residency of minor children, are included in this section. Lastly, the order of criteria used to determine priority if the Fund is unable to provide funding to all individuals is set forth.

N.J.A.C. 10:141-1.6, Application process for the services/supports of the Fund, sets forth the criteria, factors, and documentation to be provided, so as to determine eligibility, including listing actions to be taken if there is insufficient medical documentation regarding the traumatic brain injury.

N.J.A.C. 10:141-1.7, Approval and denial of supports/services from the Fund, describes the procedure and method for being approved or denied for services from the Fund. It sets forth how the applicant is notified of the decision including the appeal process.

N.J.A.C. 10:141-1.8, Service coordination under the Fund, sets forth the parameters of service coordination and when it can be provided.

N.J.A.C. 10:141-1.9, Responsibilities of the case manager, enumerates how the case management benefit will be provided to beneficiaries including visits, completing the support plan, and assisting with the provision of services.

N.J.A.C. 10:141-1.10, Payments for supports/services, sets forth how the Fund, as payer of last resort, will make payment to providers of approved services or supports who are appropriately licensed and can perform the service or support as defined in this chapter.

N.J.A.C. 10:141-1.11, Eligible supports and services, describes the services and supports that may be requested for approval by the Fund. Each individual service and support is defined as to scope of service, any limitation, and who may provide the service and support.

N.J.A.C. 10:141-1.12, Ineligible supports and services, provides a list of ineligible goods, services, and other items that will not be considered for payment by the Fund.

N.J.A.C. 10:141-1.13, Emergency services, establishes the definitions and procedures for reviewing requests for certain types of services that constitute an emergency and cannot be reviewed in the normal process.

N.J.A.C. 10:141-1.14, Revenue and reporting of expenditures, describes the statutory requirements for reporting on the status of the Fund.

While the Department of Human Services (Department) is readopting these rules, it has identified areas of the chapter that need to be amended and intends to publish one or more proposed rulemakings with amendments at N.J.A.C. 10:141 that will update existing rules, delete obsolete rules, and/or propose new rules prior to the next scheduled expiration.

The Department has reviewed the rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1.c(1),