

(a)

DIVISION OF FAMILY DEVELOPMENT**New Jersey Supplemental Nutrition Assistance Program (NJ SNAP)****Elimination of the Supplemental Nutrition Assistance Program (SNAP) Family Cap Provisions****Adopted Amendments: N.J.A.C. 10:87-2.32 and 5.7**

Proposed: April 7, 2025, at 57 N.J.R. 647(a).

Adopted: August 18, 2025, by Sarah Adelman, Commissioner,
Department of Human Services.

Filed: August 18, 2025, as R.2025 d.108, **without change**.

Authority: N.J.S.A. 30:1-12; and P.L. 2020, c. 99.

Effective Date: September 15, 2025.

Expiration Date: November 16, 2029.

Summary of Public Comment and Agency Response:

The official comment period ended June 6, 2025. The Division of Family Development received one comment from Jean Public.

COMMENT: Jean Public commented on the public's general disapproval of the elimination of the family cap and expressed concern about increased program costs.

RESPONSE: Jean Public's comments are beyond the scope of this rulemaking. P.L. 2020, c. 99 removed the family cap from the statute. These amendments delete outdated references. Additionally, New Jersey Supplemental Nutrition Assistance Program (NJ SNAP) benefits were not impacted by the family cap.

Federal Standards Statement

The Department of Human Services has reviewed the applicable Federal laws and regulations and that review indicates that the adopted amendments impact the NJ SNAP program. The adopted amendments do not exceed Federal standards, including those at 7 CFR 272 and 7 CFR 273; therefore, a Federal standards analysis is not required for this rulemaking.

Full text of the adoption follows:

SUBCHAPTER 2. THE APPLICATION PROCESS**10:87-2.32 Categorically eligible WFNJ/TANF/SSI households**

(a) Any household, except those listed at (c) below, in which all members are authorized to receive WFNJ/TANF/SSI benefits shall be considered categorically eligible for the NJ SNAP program, unless the household is institutionalized or disqualified for any reason from receiving NJ SNAP benefits. This includes the following households: those in which all members receive or are authorized to receive cash through a public assistance program funded in full or in part with Federal Title IV-A or New Jersey State money counted as Maintenance of Effort (MOE) purposes; those in which all members receive or are authorized to receive non-cash or in-kind benefits, funded with more than 50 percent State money counted as MOE or Federal money pursuant to Title IV-A designed to forward purposes one and two of the TANF block grant; and those in which all members receive or are authorized to receive non-cash or in-kind benefits, funded with more than 50 percent State money designed to forward purposes three and four of the TANF block grant, and requires participants to have a gross monthly income at or below 200 percent of the Federal poverty level.

1.-4. (No change.)

(b)-(s) (No change.)

SUBCHAPTER 5. FINANCIAL ELIGIBILITY; INCOME**10:87-5.7 Special income situations**

(a)-(b) (No change.)

(c) The rules for failure to comply with public assistance (PA) program requirements (also known as "The Riverside Rule") ban an increase in NJ SNAP program benefits when income from the WFNJ/TANF/GA

programs is decreased (reduced or suspended) as a result of failure to comply with a program requirement and a sanction has been imposed.

1.-2. (No change.)

3. The PA amount to be considered as income for NJ SNAP purposes shall be the pre-sanction amount. This pre-sanction amount shall be used until the sanction is removed.

i. If a new member is added to the PA household during the period of sanction, the TANF grant increases and the calculation of NJ SNAP benefits shall be based on the new TANF grant amount as the TANF countable income. The new member added to the PA household will also increase the NJ SNAP benefit amount since the new person is also added to the NJ SNAP household.

4.-10. (No change.)

(d) The following are good cause reasons for not applying the Riverside Rule. The ban on increasing benefits does not apply under these circumstances.

1. (No change.)

Recodifying existing 3.-5. as 2.-4. (No change in text.)

(b)

DIVISION OF FAMILY DEVELOPMENT**New Jersey Supplemental Nutrition Assistance Program (NJ SNAP)****Eligibility Factors Other Than Need****Adopted Amendment: N.J.A.C. 10:87-3.17**

Proposed: March 17, 2025, at 57 N.J.R. 522(a).

Adopted: August 18, 2025, by Sarah Adelman, Commissioner,
Department of Human Services.

Filed: August 18, 2025, as R.2025 d.110, **without change**.

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

Effective Date: September 15, 2025.

Expiration Date: November 16, 2029.

Summary of Public Comment and Agency Response:

The official comment period ended May 16, 2025. **The Division of Family Development received no comments.**

Federal Standards Statement

The Department of Human Services has reviewed the applicable Federal laws and regulations and that review indicates that the adopted amendments impact the New Jersey Supplemental Nutrition Assistance Program. The adopted amendment does not exceed Federal standards, including those at 7 CFR 272 and 7 CFR 273; therefore, a Federal standards analysis is not required for this rulemaking.

Full text of the adoption follows:

SUBCHAPTER 3. ELIGIBILITY FACTORS OTHER THAN NEED**10:87-3.17 Fleeing felons and probation or parole violators**

(a) Individuals are ineligible for the NJ SNAP program benefits and disqualified from participation in SNAP while they are fleeing to avoid prosecution, custody, or confinement for a felony (high misdemeanor) or attempted felony (attempted high misdemeanor), or for violating a condition of probation or parole pursuant to Federal or state law. The CSSA may only disqualify an individual from the SNAP program, and make such necessary adjustment to the household's benefits, if they are considered a fleeing felon or a probation or parole violator as defined in this section:

1. An individual is considered a fleeing felon when a Federal, state, or local law enforcement officer, acting in their official capacity, confirms that they are actively seeking the fleeing felon and presents to the CSSA an outstanding felony (high misdemeanor) arrest warrant that conforms to one of the following National Crime Information Center Uniform Offense Classification Codes:

i. Escape (4901);

ii. Flight to Avoid (prosecution, confinement, etc.) (4902); or

iii. Flight-Escape (4999).

2. An individual is considered a probation or parole violator when an impartial party (such as, but not limited to, a court or parole board) has determined that the individual violated a condition of their probation or parole as imposed pursuant to Federal or state law and that Federal, state, or local law enforcement authorities are actively seeking the individual to enforce the conditions of their probation or parole.

(b) Actively seeking, as used at (a) above, shall mean:

1. A Federal, state, or local law enforcement agency informing the CSSA that it intends to enforce an outstanding felony (high misdemeanor) warrant or to arrest an individual for a probation or parole violation within 20 days of submitting a request for information about the individual to the CSSA; or

2. A Federal, state, or local law enforcement agency informing the CSSA that it intends to enforce an outstanding felony (high misdemeanor) warrant or to arrest an individual for a probation or parole violation within 30 days of the date of a request from the CSSA about a specific outstanding felony (high misdemeanor) warrant or probation or parole violation.

(c) The CSSA shall give a law enforcement agency 20 days to respond to a request for information about the conditions of a felony (high misdemeanor) warrant or a probation or parole violation and as to whether or not the law enforcement agency intends to actively pursue the individual.

1. If the law enforcement agency does not indicate it intends to enforce the felony (high misdemeanor) warrant or arrest the individual for the probation or parole violation within 30 days of the date of the CSSA's request for information about the warrant, the CSSA shall determine that the individual is not a fleeing felon or a probation or parole violator and update the case file accordingly.

2. If the law enforcement agency does intend to enforce the felony (high misdemeanor) warrant or arrest the individual for the probation or parole violation within 30 days of the CSSA's request for information, the CSSA will postpone any action on the case file until the 30-day time period has expired.

3. At the conclusion of 30 days, the CSSA shall verify with the law enforcement agency whether it has attempted to execute the felony (high misdemeanor) warrant or arrest the probation or parole violator. If the law enforcement agency has taken such action, the CSSA shall deny an applicant or terminate a participant who has been determined to be a fleeing felon or probation or parole violator. If the law enforcement agency has not taken such action, the CSSA shall not consider the individual to be a fleeing felon or probation or parole violator, shall document the case accordingly, and shall take no further action.

(d) The CSSA shall continue the processing of any SNAP application while awaiting verification from a law enforcement agency that an individual is a fleeing felon or probation or parole violator. If program timeframes, including timeframes for expedited service pursuant to N.J.A.C. 10:87-2.28 through 2.30, require the CSSA to process the application before verification of fleeing felon or probation or parole violator status can be determined, the CSSA should process the application without consideration of the individual's status.

1. The existence of an outstanding felony (high misdemeanor) arrest warrant for any crime not set forth at (a)1 above shall not be sufficient to deny SNAP benefits based upon fleeing felon status, even if the individual is aware of an outstanding warrant.

2. If an individual self-declares that they are a fleeing felon or a probation or parole violator, the CSSA must verify such information from an independent source before accepting any self-declaration as true.

3. If an individual declares that a warrant has been satisfied, the individual shall be given the opportunity to submit documentation of such warrant having been satisfied.

(a)

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

Notice of Readoption Medicaid Only

Readoption: N.J.A.C. 10:71

Authority: N.J.S.A. 30:4D-1 et seq., and 30:4J-8 et seq.

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

Effective Date: August 14, 2025.

New Expiration Date: August 14, 2032.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 10:71, Medicaid Only, were scheduled to expire on October 23, 2025. The chapter regulates the Medicaid Only program for aged, blind, and disabled individuals. The Department of Human Services (Department) proposes to readopt the chapter without change.

The chapter includes nine subchapters, described as follows:

Subchapter 1, Introduction, explains the Medicaid Only program and describes which populations qualify for participation in the program if they meet all eligibility requirements. It also describes the administrative organization and principles of administration of the program and provides for availability of public review of the program rules.

Subchapter 2, The Application Process, provides definitions for use in the chapter, describes the Medicaid Only program application process and states the responsibilities of beneficiaries, the county board of social services, and the central office of the Division of Medical Assistance and Health Services (Division). It also describes the administrative procedures used throughout the application process and the process for allowing applicants to apply for retroactive eligibility.

Subchapter 3, Eligibility Factors, explains factors regarding eligibility for the Medicaid Only program that are not related to financial requirements, such as citizenship, alien status documentation, residence, age, disability, and blindness. It also describes the responsibilities and procedures of the county board of social services relating to these factors. Additionally, it regulates payment or non-payment for institutional care and advises of the resources available from the Division's Medical Assistance Customer Centers.

Subchapter 4, Resources, explains the process of distinguishing countable resources from excludable resources in determining eligibility for the Medicaid Only program, and sets forth the standards and limits. It also explains the requirements regarding deeming of resources. It also sets forth specific rules regarding the resources of couples when one spouse is institutionalized and the other spouse remains in the community. Additionally, the subchapter regulates the use of trusts and the transfer of assets as they relate to eligibility.

Subchapter 5, Income, sets forth income limits for beneficiaries in various living arrangements. In addition, the subchapter sets forth criteria for includable and excludable income and requirements regarding deeming of income. It also contains criteria for post-eligibility treatment of income for institutionalized individuals and explains eligibility pursuant to life care and pay-as-you-go agreements. It also regulates deeming from sponsors to aliens.

Subchapter 6, Case Records and Files, explains the contents of, and the responsibilities of maintaining, the official case records of the Medicaid Only program.

Subchapter 7, Other Payments, explains other payments for which Medicaid Only program beneficiaries may qualify in certain situations, such as funeral expenses, travel costs for health care, childcare, and other payments.

Subchapter 8, Responsibilities, explains other agency responsibilities, such as determinations of continuing eligibility, recording and notice requirements, redeterminations of medical eligibility, responding to complaints and requests for fair hearings, responding to fraud, reporting criminal offenses to law enforcement authorities, safeguarding information, and observing nondiscrimination requirements.