

an equivalency to, or waiver from, specific provisions of Title 6A of the New Jersey Administrative Code.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

There is an extreme unlikelihood the rules proposed for readoption with amendments would have an impact on pretrial detention, sentencing, probation, or parole policies concerning juveniles and adults in the State because the rules proposed for readoption with amendments govern LEAs and other entities that request an equivalency to, or waiver from, specific provisions of Title 6A of the New Jersey Administrative Code. Accordingly, no further analysis is required.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 6A:5.

Full text of the proposed amendments (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. EQUIVALENCY AND WAIVER PROCESS

6A:5-1.1 Purpose and scope

(a) (No change.)

(b) Entities covered by the chapter include: school districts; charter schools; renaissance [schools] **school projects**; county vocational school districts; county special services school districts; educational services commissions; jointure commissions; regional day schools; Marie Katzenbach School for the Deaf; approved private schools for students with disabilities; college-operated programs; **educator preparation programs**; and programs operated by the State Departments of Children and Families, Human Services, and Corrections. Agencies and clinics are excluded.

1. Throughout this chapter, unless otherwise indicated, “school district” refers to each of the 14 entities referenced at (b) above.

6A:5-1.3 Criteria for an equivalency or waiver

(a) An equivalency or waiver to a specific rule must meet the following criteria:

1. The spirit and intent of New Jersey Statutes Title 18A, applicable Federal laws and regulations, and the New Jersey Administrative Code Title 6A are served by granting the equivalency or waiver.

i. Certification requirements [of] at N.J.S.A. 18A:26-2 shall not be violated[;].

ii. **No equivalencies or waivers related to N.J.A.C. 6A:14, Special Education, shall be granted.**

iii. **The Department shall not accept any equivalency or waiver application that seeks relief from any title of the New Jersey Statutes or any title other than Title 6A of the New Jersey Administrative Code;**

2.-3. (No change.)

6A:5-1.4 Equivalency process

(a) The Commissioner, **or the Commissioner’s designee**, with authority delegated by the State Board, may approve an equivalency to a specific rule based on a Department-developed application submitted by a school district.

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

(d) The chief school administrator, or the chief school administrator’s designee, shall submit the signed application and the approved district board of education resolution, or other documentation indicating the district board of education’s approval of the application, to the executive county superintendent.

1. The executive county superintendent shall review the application for compliance with N.J.A.C. 6A:5-1.3(a)3 and forward, to the Office of the State Board of Education, the application submitted pursuant to (d) above and the executive county superintendent’s recommendation whether to approve the application.

2. An educator preparation program, as that term is defined at N.J.A.C. 6A:9-2.1, shall submit its application directly to the Office of the State Board of Education.

6A:5-1.5 Waiver process

(a) The Commissioner, **or the Commissioner’s designee**, with authority delegated by the State Board, may approve a waiver to a specific rule based on a Department-developed application submitted by a school district.

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

(d) The chief school administrator, or the chief school administrator’s designee, shall submit the signed application and the approved district board of education resolution, or other documentation indicating the district board of education’s approval of the application, to the executive county superintendent.

1. The executive county superintendent shall review the application for compliance with N.J.A.C. 6A:5-1.3(a)3 and forward, to the Office of the State Board of Education, the application submitted pursuant to (d) above and the executive county superintendent’s recommendation whether to approve the application.

2. An educator preparation program, as that term is defined at N.J.A.C. 6A:9-2.1, shall submit its application directly to the Office of the State Board of Education.

6A:5-1.7 Appeals

(a) (No change.)

(b) Any party seeking to challenge an action by a district board of education, **as that term is defined at N.J.A.C. 6A:3-1.2**, on the grounds that such action is in violation of school laws shall initiate a contested case pursuant to N.J.A.C. 6A:3, Controversies and Disputes, notwithstanding that the action being challenged may involve the implementation of a waiver or equivalency granted by the Commissioner.

HUMAN SERVICES

(a)

DIVISION OF FAMILY DEVELOPMENT

Work First New Jersey/Child Support Program

Work First New Jersey: Financial Eligibility— Income, Resources, Benefits

Child Support Program: CWA as Payee

Proposed Amendments: N.J.A.C. 10:90-3.8 and 10:110-6.2

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

Authority: N.J.S.A. 30:1-12 and 44:10-49.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2024-085.

Submit comments by September 13, 2024, to:

Megan R. Mazzone, Administrative Practice Officer
Division of Family Development
PO Box 716
Trenton, New Jersey 08625-0716
or email: DFD-Regulations@dhs.nj.gov

The agency proposal follows:

Summary

This rulemaking includes the rules of the Department of Human Services (Department), Division of Family Development (Division), governing the Child Support Program. The Department is proposing amendments to the child support pass-through amounts to comport with statutory budget language that increased the pass-through amounts beginning in State Fiscal year 2021-2022 and incorporated the same in each subsequent State Fiscal year. At the Federal level, authority to pay a state share of child support collected to a family receiving assistance is provided pursuant to 42 U.S.C. § 657(a)(6). At the State level, N.J.S.A. 44:10-49(c) provides that: “An assistance unit eligible for benefits and in

receipt of child support shall receive, in addition to its regular grant of cash assistance benefits, a monthly amount of child support based on the current child support received for the month, as determined by regulations adopted by the Commissioner, and in accordance with Federal law.” Additionally, past and current budget language stated, “an assistance unit with two or more children that is eligible for benefits under the Work First New Jersey (WFNJ) program and in receipt of child support shall receive, in addition to its regular grant of cash assistance benefits, a monthly amount of child support based on the current child support received for the month and adjusted for the number of children in the assistance unit, in accordance with Federal law.”

As a condition of eligibility for Work First New Jersey applicants must assign their right to any child support collected on their behalf to the State. If the amount of child support collected is less than the grant amount, then a portion of the child support collected is passed-through to WFNJ recipients, and this amount is disregarded when computing their benefit amount. The current rules were superseded by State budget language and find authority in the Federal and State statutory language referenced above.

The proposed amendments at N.J.A.C. 10:90-3.8 and 10:110-6.2 modify existing pass-through amounts from \$100.00 to \$200.00 for families with two or more children as indicated in the budget language. The pass-through increase will allow families to continue to receive cash assistance while receiving a larger portion of child support collections.

The Division updated the child support pass-through amounts for eligible cases and began issuing the updated pass-through amounts on October 15, 2021, for the month of September. Eligible cases were provided retroactive payments for the months of July and August of 2021. The Division is now amending the regulatory language to reflect current Division practices and reflect the updated pass-through amounts.

As the Department is providing a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments at N.J.A.C. 10:90-3.8 and 10:110-6.2 will have a positive social impact as it will result in more money going directly to families in order to help support families in need.

Economic Impact

The proposed amendments at N.J.A.C. 10:90-3.8 and 10:110-6.2 will have a positive economic impact since additional funds will be provided to families in need.

Federal Standards Statement

The proposed amendments include standards that do not exceed those included at 45 CFR 260, Temporary Assistance for Needy Families (TANF), nor any Federal regulations promulgated pursuant to Title IV-D of the Social Security Act, which require uniform application of child support guidelines throughout the State. Therefore, a Federal standards analysis is not required.

Jobs Impact

The proposed amendments will not result in the generation or loss of jobs.

Agricultural Industry Impact

The proposed amendments will have no impact on the agriculture industry.

Regulatory Flexibility Statement

The proposed amendments have been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments impose no reporting, recordkeeping, or other compliance requirements on small businesses and, thus, a regulatory flexibility analysis is not required.

Housing Affordability Impact Analysis

The proposed amendments will have no impact on the affordability of housing in New Jersey and there is an extreme unlikelihood that the rules would evoke a change in the average costs associated with housing because the proposed amendments govern child support pass-through amounts.

Smart Growth Development Impact Analysis

The proposed amendments will have no impact on smart growth and there is an extreme unlikelihood that the rules would evoke a change in housing production in Planning Areas 1 or 2, or within designated centers, pursuant to the State Development and Redevelopment Plan in New Jersey because the proposed amendments govern child support pass-through amounts.

Racial and Ethnic Community Criminal Justice and Public Safety Impact

The Department of Human Services has evaluated this rulemaking and determined that it will not have an impact on pretrial detention, sentencing, probation, or parole policies concerning adults and juveniles in the State. Accordingly, no further analysis is required.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

CHAPTER 90

WORK FIRST NEW JERSEY PROGRAM

SUBCHAPTER 3. FINANCIAL ELIGIBILITY—INCOME, RESOURCES, BENEFITS

10:90-3.8 Computing the WFNJ TANF/GA monthly cash benefit using disregards for earned and unearned income

(a)-(g) (No change.)

(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] **at** 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 **for one child**, 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 **for one child**, 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.];

3. If the amount of child support verified as being received is less than \$200.00 per month for two or more children, 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

4. If the amount of child support verified as being received is \$200.00 or more per month for two or more children, the assistance unit shall receive \$200.00 and that \$200.00 shall be disregarded when calculating the cash assistance benefit.

(i)-(j) (No change.)

CHAPTER 110

CHILD SUPPORT PROGRAM

SUBCHAPTER 6. CWA AS PAYEE

10:110-6.2 Support payments

All support rights due the WFNJ/TANF applicant/recipient, which are assigned to the county, shall be paid through the State [disbursement unit as ordered by the court]. [Up to the first] **Disbursement Unit WFNJ/TANF applicants/recipients with one child will receive up to \$100.00 of any current support collected [in a] per month [when the child support is due, shall be paid to the family]. WFNJ/TANF applicants/recipients with more than one child will receive up to \$200.00 of any current support collected per month.**