

(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.

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".

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.

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).

Added a new (c); recodified former (c) as (d) and rewrote new (d).

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.

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 conditions warranting continued assistance payments and added last sentence.

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.

Amended by R.1998 d.42, effective January 20, 1998.

See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

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.

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".

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.