

1. The CWA shall use information about past significant changes of a continuous nature in estimating future income. The date of an anticipated significant income/circumstance change may be used to schedule a desk review to coincide with the expected date of the change, in order to recalculate the best estimate of income.

2. Families shall be required to report all significant changes in income and circumstances that could affect eligibility and grant amount as soon as possible, but in no event later than 10 calendar days of the date the change happened. The CWA shall initiate appropriate action on the reported change within 10 calendar days of receiving the report of the change, subject to timely and/or adequate notice requirements.

(d) Non-significant income/circumstance changes are defined as temporary, very short term variations in the earned or unearned income amount or eligible unit size caused by a situation which is not of an ongoing nature, or which is of a variable nature. Examples include, but are not limited to: fluctuations in wages due to ongoing (reported) earnings from piece work; occasional changes in wages due to very irregular overtime; or an occasional unpaid day off.

(e) The following procedures are to be followed in determining the best estimate of income.

1. Verification through wage stubs or documentation from the employer, of income received within the specified timeframe in (b) above. All earned and unearned income received within this four week period must be verified and documented in the case record even if all four weeks of income are not ultimately used to calculate the best estimate.

2. Determination, through a review of the income documentation and discussion with the family, if there have been any significant changes during that period. If a significant change has occurred and the change is of a continuous nature, the change must be documented and taken into consideration when determining the best estimate. For example, if a family has received an increase in hourly rate, the new hourly rate must be multiplied by the appropriate number of hours (either stable or averaged) to determine anticipated income.

3. Determination if any significant changes are expected in the future. If a significant change is expected and the exact nature of the change is known, the CWA shall use the information in determining the best estimate of income and shall require that the family provide the required verification subsequent to the change to determine if the best estimate was correct or needs to be recalculated. If the exact nature of the anticipated change is not known, then a desk review can be scheduled to coincide with the expected date of change and/or the client advised to report the change within 10 days of the date of change.

4. Determination, through review of the documentation, the case record and discussion with the client, if any of the income received is not expected to be representative of the future. For instance, the first pay check of new employment may not represent a full-pay period; a missing week's income may represent a summer plant closing; or a larger check may represent nonrecurring overtime, all of which may not be anticipated to occur in the future. Non-representative income (or lack of income) shall not be used in calculating the best estimate. The case record must be clearly documented to explain why any income was not used, and to show how the best estimate was calculated. For example, the family receives regular weekly income but is missing one week's pay due to a plant closing for that week only. The three available amounts would be averaged to determine average weekly income and that average converted to monthly gross income as described in (b)2 above.

5. If income fluctuates (that is, is not exactly the same each time received and/or is not received on a regular schedule) to the extent that a four-week period is not expected to provide the best estimate of income until the next redetermination, the CWA shall require the family to submit verified wage information for those months subsequent to the month of review, in order that the CWA may recalculate the best estimate. When income fluctuates dramatically, the CWAs shall rebudget the case as often as deemed necessary to ensure the most accurate best estimate and correct assistance payment.

i. When four consecutive weeks of income fluctuate but are representative of the family's anticipated fluctuation in income for future months, the CWA shall average the income from the four-week period and project that gross income estimate for future months, taking into account any anticipated significant changes.

6. The final step shall be to average the income that has been determined to be representative of the eligible family's circumstances and to convert that average to a gross monthly income "best estimate" amount by using the conversion factors set forth in (b)2 above. The best estimate amount shall then be used to determine eligibility until the next redetermination or report of a significant change.

(f) If there are no significant changes in circumstances, a new best estimate of income shall, at a minimum, be completed at the time of the next redetermination of eligibility.

1. When non-significant changes are reported, it shall not be necessary to redetermine eligibility immediately. Non-significant changes shall, however, be taken into consideration when determining the best estimate of income at the next regularly scheduled redetermination. When such changes are reported, the case record must be clearly documented to show that the change was non-significant.

2. A significant change in circumstances of the eligible family may result in an adjustment upward or downward in the amount of the assistance payment. Unless (i) below applies, the adjustment must be effective no later than the first day of the month following the month in which the significant change in circumstance occurred, or 10 business days after the change is reported to the CWA, whichever is later. Downward adjustments shall be subject to timely and adequate notice.

i. Under certain circumstances which in the judgment of the CWA would otherwise result in undue hardship to the eligible family, a supplemental payment to the last regular benefit payment shall be issued during the current payment period for the reasons stated at N.J.A.C. 10:82-2.20.

ii. Any supplemental payment to an eligible family for the reason of undue hardship shall be subject to proration based on the date of the change.

New Rule R.1985 d.710, effective January 21, 1986 (operative February 1, 1986).

See: 17 N.J.R. 2518(a), 18 N.J.R. 191(a).

Repeal and New Rule, R.1992 d.261, effective June 15, 1992 (operative July 1, 1992).

See: 24 N.J.R. 1194(a), 24 N.J.R. 2258(a).

Section was "Retrospective Budgeting".

Case Notes

Reasonable basis existed for use of income multiplier to determine eligibility under Medical Assistance and Health Service Act. P.P. v. New Jersey Dept. of Human Services, Div. of Medical Assistance and Health Services, 280 N.J.Super. 1, 654 A.2d 471 (A.D.1994), certification denied 142 N.J. 452, 663 A.2d 452.

10:82-1.11 AFDC eligible family on assistance on or after October 1, 1992 with newborn child(ren)

(a) The provisions in this section do not apply to AFDC families who have been randomly assigned to a control group for purposes of evaluation requirements pertaining to Federally approved waivers. Adult AFDC recipient parents shall not be entitled to incrementally increased AFDC benefits as a result of the birth of a child(ren). Any such child(ren) shall be excluded from the eligible unit, for cash assistance purposes only, until the requirement in (c) below applies. This provision is applicable to adults who have been in receipt of AFDC cash benefits for a period of one or more calendar months within 10 consecutive calendar months immediately preceding the birth of a child. This 10-month timeframe is inclusive of any periods of ineligibility or case closure, either initiated on the part of the recipient or imposed by the county welfare agency including the post-AFDC benefit period for REACH/JOBS or FDP participation.

1. For families in receipt of assistance on October 1, 1992, a child born to the AFDC adult recipient on or after August 1, 1993 shall not be included in the eligible unit for the provision of AFDC cash assistance only, in accordance with (a) above.

2. For families who apply for AFDC benefits on or after October 1, 1992, the 10-month timeframe specified in (a) above shall be applied from the date of application. For example, if the date of application is November 12, 1992 and the case was determined eligible for benefits, any child born to that adult recipient on or after September 12, 1993 shall not be included in the eligible unit for the provision of AFDC cash assistance only, in accordance with (a) above.

3. Any child excluded from the AFDC eligible unit in accordance with the provisions of (a) above shall be categorically eligible for Medicaid benefits.

(b) Beginning October 1, 1992, the 10-month timeframe addressed in (a) above shall be binding upon any family for any subsequent reapplications or reopenings of the case and a family shall not be entitled to an increased benefit allowance for the birth of any child(ren) until such time as (c) below applies.

1. Any child included in the AFDC eligible unit who subsequently becomes a parent-minor and either establishes his or her own separate AFDC eligible unit or remains in the eligible unit of the parent or caretaker relative shall be entitled to the 10-month timeframe specified in (a) above from the date of the birth of the parent-minor's first child. The parent-minor's first newborn child shall, therefore, be entitled to AFDC cash assistance.

(c) Beginning October 1, 1992, when an adult parent(s) reapplies for AFDC benefits and no member of the eligible unit has been in receipt of AFDC-C, -F or -N benefits for a minimum of 12 consecutive months immediately preceding the date of application, that family is eligible for a new 10-month grace period from the date of reapplication. In such situation, any child(ren) previously excluded from the eligible unit in accordance with (a) above shall now be included in the eligible unit for cash assistance purposes.

1. When an AFDC-C, -F or -N family becomes ineligible for AFDC for any of the reasons listed in (c)1i through iii below, remains employed for a minimum of 90 days, and subsequently reapplies for AFDC prior to expiration of the 12 consecutive month period in (c) above due to the loss of employment through no fault of their own, any child(ren) previously excluded from the eligible unit in accordance with (a) above shall now be included in the eligible unit for cash assistance purposes. Such families, however, are not entitled to a new 10-month grace period and any child(ren) born subsequent to the reapplication shall not be included in the eligible unit as set forth in (b) above.

i. Earnings or increased earnings from employment, including earnings from new employment;

ii. Loss of the \$30.00 or one-third disregards of earned income (see N.J.A.C. 10:82-4) because of the time-limited application of those disregards; or

iii. Increased hours of employment.

(d) AFDC adult recipient parents whose child(ren) is excluded from the eligible unit in accordance with (a) above, shall have deducted from the monthly earned income of each employed person in that family the additional State earned income disregard specified in N.J.A.C. 10:82-2.8(c).

New Rule, R.1985 d.710, effective January 21, 1986 (operative February 1, 1986).

See: 17 N.J.R. 2518(a), 18 N.J.R. 191(a).

Amended by R.1989 d.497, effective September 18, 1989.

See: 21 N.J.R. 1811(a), 21 N.J.R. 3014(a).

Bimonthly reporting requirement deleted.

Repealed by R.1992 d.261, effective June 15, 1992 (operative July 1, 1992).

See: 24 N.J.R. 1194(a), 24 N.J.R. 2258(a).

Section was "Monthly Reporting"; now reserved.

New Rule, R.1992 d.367, effective September 21, 1992 (operative October 1, 1992).

See: 24 N.J.R. 2155(a), 24 N.J.R. 3352(a).

SUBCHAPTER 2. PROCEDURES FOR DETERMINING AMOUNT OF MONTHLY GRANT

10:82-2.1 Form PA-3A or Form 105

(a) To determine the monthly assistance payment, Form PA-3A, Worksheet and Authorization for Public Assistance, or Form 105, the computer (FAMIS) input form, as appropriate, shall be prepared for each eligible family. (See Family Assistance Management Information System (FAMIS) Manual for preparation of Form 105.) All information supporting the data on Form PA-3A or Form 105 shall be included in the agency's case record.

(b) Form PA-3A shall be completed in the following order:

1. Part I: All members of the eligible unit must be listed in Part I, followed by the appropriate information:

i. Under the heading CHECK, the appropriate segment column will be checked for each eligible person;

ii. The total number of adults and children eligible for each segment shall be recorded in the "recipient count" box in the upper right-hand corner of the PA-3A;

iii. In companion cases, all eligible persons shall be listed on a single PA-3A (see N.J.A.C. 10:82-2.13);

iv. Under "Categorically Related", list those persons not in the eligible unit who are eligible for Medicaid.

2. Part VI: For all new applications, Part VI, Determination of Initial Eligibility, must be completed first, in accordance with N.J.A.C. 10:82-2.7.

3. Part V: When one or more members of the eligible unit have earned income, compute the calculated earned income in Part V. See N.J.A.C. 10:82-2.8 for methods for determining calculated earned income.

4. Part II: The amount of the regular monthly grant is determined in Part II, Amount of Allowance. Make the appropriate entries according to key numbers indicated on the form as follows:

i. Key numbers:

(1) Enter any payment(s) received from Social Security (RSDI);

(2) Enter amount of calculated earned income, if any, as determined in Part V. In companion cases, enter the total CEI of the two segments;

(3) Enter any other income actually available to the eligible unit, identifying the source in the space provided, such as contributions from LRRs, pensions other than Social Security, and so forth (see N.J.A.C. 10:82-4.10 through 4.12 on unearned income), and adjustment for eligible member temporarily out of the home (N.J.A.C. 10:82-1.6(b) and 1.7(e));

(4) Total all income;

(5) Enter public assistance allowance(s) from the appropriate schedules;

(6) Enter the amount, or total of amounts, in (5);

(7) Enter total income from (4);

(8) Subtract (7) from (6) to determine the adjusted allowance.

ii. The monthly grant:

(1) The monthly grant is the amount of the adjusted allowance unless part or all of payment is being recouped in accordance with N.J.A.C. 10:82-2.19(c).

(2) If the amount of the monthly grant is not a whole dollar, the grant shall be rounded down to the next lower whole dollar.

(3) No grant shall be payable if the amount determined is less than \$10.00 except when the grant is less than \$10.00 solely as a result of the recovery of an overpayment.

(4) Even if maximum eligibility has been established, if no income deficit exists (except when due solely to the recovery of an overpayment or because of rounding the amount which would otherwise be payable) the family is ineligible for AFDC and Medicaid.

5. Part III: Determine the amount of the first assistance payment (initial grant) in accordance with N.J.A.C. 10:82-2.3.

6. Part IV: Entries under Recommendation and Decision, Part IV, shall be made by the worker, using one or more of the spaces provided. Thus, the initial grant and the regular grant may both be listed; the regular grant only; or any other applicable combination. Give "Reason for Action" to explain the recommendation(s). The PA-3A becomes an official authorization when the county welfare agency director's signature or facsimile appears in the lower right corner.

Amended by R.1979 d.363, effective November 1, 1979.

See: 11 N.J.R. 377(a), 11 N.J.R. 519(d).

Amended on an emergency basis by R.1981 d.396, effective September 30, 1981, exp. November 30, 1981.

See: 13 N.J.R. 763(a). Readopted, R.1981 d.519, effective December 31, 1981.

See: 13 N.J.R. 763(a), 14 N.J.R. 102(d).

(b)4ii(3) and (4) added; (b)5: "No initial . . . \$10.00" added.

Amended by R.1982 d.440, effective December 1, 1982.

See: 14 N.J.R. 1169(a), 14 N.J.R. 1461(a).

Originally filed as an emergency adoption (R.1982 d.367) on October 1, 1982. Readopted as R.1982 d.440. If not a whole dollar, benefits are to be rounded down.

Amended by R.1982 d.443, effective December 20, 1982.

See: 14 N.J.R. 952(a), 14 N.J.R. 1459(b).

At iv., language was deleted regarding persons between 18 and 21 years of age.

Amended by R.1989 d.497, effective September 18, 1989.

See: 21 N.J.R. 1811(a), 21 N.J.R. 3014(a).

Reference to CODES deleted and replaced with references to FAM-IS.

Amended by R.1991 d.7, effective January 7, 1991.

See: 22 N.J.R. 2445(a), 23 N.J.R. 93(a).

In (b)4i(3): revised N.J.A.C. to read "N.J.A.C. 10:82-1.6(b) and 1.7(e)."

Amended by R.1992 d.261, effective June 15, 1992 (operative July 1, 1992).

See: 24 N.J.R. 1194(a), 24 N.J.R. 2258(a).

In (b): deleted non-current N.J.A.C. citations.

10:82-2.2 Initial grant

(a) When eligibility has been determined, the initial grant shall be computed as follows:

1. All income which has been received or which will be received in the month of application shall be counted in accordance with the best estimate policy found at N.J.A.C. 10:82-1.10. The countable income shall be subtracted from the appropriate monthly assistance standard and the result shall be prorated by multiplying that amount by the factor appropriate for the date of application in the table below. If the result is not a whole dollar amount, the amount shall be rounded in the next lower whole dollar.

Date of Application	Multiplication Factor	Date of Application	Multiplication Factor
1	1.000	16	.5000
2	.9666	17	.4666
3	.9333	18	.4333
4	.9000	19	.4000
5	.8666	20	.3666
6	.8333	21	.3333
7	.8000	22	.3000
8	.7666	23	.2666
9	.7333	24	.2333
10	.7000	25	.2000

Date of Application	Multiplication Factor	Date of Application	Multiplication Factor
11	.6666	26	.1666
12	.6333	27	.1333
13	.6000	28	.1000
14	.5666	29	.0666
15	.5333	30 and 31	.0333

(b) In determining the amount of the initial grant, the appropriate disregards shall be applied to earned income.

(c) The effective date of the initial grant shall be the date of the application if the client was eligible on that date. If the client was found eligible on any other date, the initial grant shall be retroactive to the date eligibility commenced.

Amended by R.1978 d.157, effective June 1, 1978.

See: 10 N.J.R. 113(a), 10 N.J.R. 255(b).

Amended by R.1980 d.331, effective September 1, 1980.

See: 12 N.J.R. 320(b), 12 N.J.R. 484(a).

(c) added.

Amended by R.1982 d.440, effective December 1, 1982.

See: 14 N.J.R. 1169(a), 14 N.J.R. 1461(a).

Originally filed as an emergency adoption (R.1982 d.367) on October 1, 1982. Readopted as R.1982 d.440. Chart of multiplication factors added.

Amended by R.1982 d.443, effective December 20, 1982.

See: 14 N.J.R. 952(a), 14 N.J.R. 1459(b).

Original subsection entitled "Initial eligibility" deleted in its entirety and subsection 2.3 recodified at this cite.

Amended by R.1985 d.299, effective June 17, 1985.

See: 17 N.J.R. 546(b), 17 N.J.R. 1566(a).

(a)1: substantially amended.

Amended by R.1992 d.261, effective June 15, 1992 (operative July 1, 1992).

See: 24 N.J.R. 1194(a); 24 N.J.R. 2258(a).

In (a) and (b): deleted non-current N.J.A.C. citations.

10:82-2.3 Income from eligible and noneligible individuals in the household

(a) Family groups living together: For purposes of AFDC, in family groups living together, income of the spouse is considered available for children under 18. If the spouse or parent is living with his or her spouse or children, respectively, income is considered available regardless of whether the spouse or natural or adoptive parent is noneligible or sanctioned. However, if a spouse or parent is receiving SSI benefits, including mandatory or optional State supplementary payments, then for the period for which such benefits are received, his or her income and resources shall not be counted as income and resources available to the eligible family.

1. If the spouse is also a stepparent of eligible AFDC-C children and is in fact a member of the household, income will be considered available in accordance with N.J.A.C. 10:82-2.9.

2. For earned income, the net amount to be considered available to the eligible family shall be determined by deducting only the first \$90.00 of such income for each employed individual in the AFDC-C, -F and -N segments to cover work-related expenses, including, but not limited to, transportation and mandatory payroll deductions and the actual expenses of child care or care for an incapacitated individual in the household (when applicable as set forth in N.J.A.C. 10:82-2.8 and 4.4) that do not exceed the following rates: