

CHAPTER 90

WORK FIRST NEW JERSEY PROGRAM

Authority

N.J.S.A. 44:10-3; Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); and the Work First New Jersey Act, Public Law 1997 c.13, c.14, c.37 and c.38.

Source and Effective Date

R.1998 d.42, effective December 10, 1997.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Executive Order No. 66(1978) Expiration Date

Chapter 90, Work First New Jersey Program, expires on December 10, 2002.

Chapter Historical Note

Chapter 90, The Handbook for Home Services Program, was filed and became effective prior to September 1, 1969. Chapter 90, The Handbook for Home Services Program, was repealed by R.1980 d.208, effective May 9, 1980. See: 12 N.J.R. 192(a), 12 N.J.R. 323(a).

Chapter 90, Monthly Reporting Policy Manual, was adopted as R.1982 d.399, effective November 15, 1982. See: 14 N.J.R. 958(a), 14 N.J.R. 302(a).

Pursuant to Executive Order No. 66(1978), Chapter 90, Monthly Reporting Policy Manual, was readopted as R.1987 d.454, effective November 16, 1987. See: 19 N.J.R. 1517(a), 19 N.J.R. 2193(a). Pursuant to Executive Order No. 66(1978), Chapter 90, Monthly Reporting Policy Manual, expired on October 14, 1992.

Chapter 90, Work First New Jersey Program, was adopted as R.1997 d.311, effective July 1, 1997 (to expire January 1, 1998). See: 29 N.J.R. 3287(a).

Pursuant to Executive Order No. 66(1978), Chapter 90, Work First New Jersey Program, was readopted as R.1998 d.42, effective December 10, 1997. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 10:90-1.1 Purpose, philosophy and scope of the WFNJ program
- 10:90-1.2 Opportunity and decision to apply
- 10:90-1.3 Immediate need
- 10:90-1.4 Notice and information to client
- 10:90-1.5 Prompt disposition by the county or municipal agency
- 10:90-1.6 Primary source of information
- 10:90-1.7 Nondiscrimination
- 10:90-1.8 Adherence to law and regulations
- 10:90-1.9 No duplication of assistance
- 10:90-1.10 Assistance to non-English speaking applicants
- 10:90-1.11 Release of information by county or municipal agency
- 10:90-1.12 Refusal to apply for eligible benefits
- 10:90-1.13 Change in circumstances
- 10:90-1.14 Issuance of summons or subpoena
- 10:90-1.15 Voluntary quit
- 10:90-1.16 Assignment or transfer of property

SUBCHAPTER 2. NON-FINANCIAL ELIGIBILITY REQUIREMENTS

- 10:90-2.1 General provisions

- 10:90-2.2 WFNJ TANF/GA eligibility requirements
- 10:90-2.3 Time limits on eligibility for WFNJ TANF/GA benefits
- 10:90-2.4 Exemptions from the 60 cumulative month time limit
- 10:90-2.5 Extensions to the 60 cumulative month time limit
- 10:90-2.6 Domestic violence
- 10:90-2.7 Composition of the WFNJ/TANF and WFNJ/GA eligible assistance unit
- 10:90-2.8 Individuals ineligible for WFNJ TANF/GA
- 10:90-2.9 Definition of employable/unemployable persons in WFNJ/GA
- 10:90-2.10 WFNJ TANF/GA citizenship/eligibility requirements
- 10:90-2.11 WFNJ TANF/GA residency requirements
- 10:90-2.12 County/municipal residence for identification
- 10:90-2.13 Temporary absence from the State (WFNJ TANF/GA)
- 10:90-2.14 Responsibility of a parent to report temporary absence of a child from the home
- 10:90-2.15 Child, parent or WFNJ/GA individual in an institution
- 10:90-2.16 Absence for reasons other than institutionalization
- 10:90-2.17 Parent-minor provisions
- 10:90-2.18 Family cap provision for WFNJ/TANF
- 10:90-2.19 Refusal to cooperate with Quality Assurance reviews

SUBCHAPTER 3. FINANCIAL ELIGIBILITY—INCOME, RESOURCES, BENEFITS

- 10:90-3.1 General financial eligibility provisions
- 10:90-3.2 Determining initial financial eligibility for WFNJ/TANF, assistance units with dependent children
- 10:90-3.3 WFNJ/TANF—initial allowable maximum income and maximum benefit payment levels (Schedules I and II)
- 10:90-3.4 Determining initial financial eligibility for employable WFNJ/GA assistance units
- 10:90-3.5 WFNJ/GA employable, initial allowable maximum income and maximum benefit payment levels (Schedules III and IV)
- 10:90-3.6 Eligibility/maximum benefit payment levels for WFNJ/GA unemployable single adults and couples without dependent children (Schedule V)
- 10:90-3.7 Computing prorated cash assistance benefits for WFNJ TANF/GA recipients
- 10:90-3.8 Computing the WFNJ TANF/GA monthly cash benefit using disregards for earned income
- 10:90-3.9 Income—WFNJ TANF/GA
- 10:90-3.10 Resources—WFNJ TANF/GA
- 10:90-3.11 Determining the income of WFNJ TANF/GA assistance units
- 10:90-3.12 Treatment of income and resources from eligible and noneligible individuals in the WFNJ TANF/GA household, as appropriate
- 10:90-3.13 Treatment of income for needy stepparents who are married to a WFNJ recipient parent
- 10:90-3.14 Treatment of income for non-needy stepparents who are married to a natural or adoptive WFNJ recipient parent
- 10:90-3.15 Eligibility of sponsored aliens and deeming of sponsor's income and resources to a sponsored alien for eligible aliens who entered the United States prior to August 22, 1996
- 10:90-3.16 Deeming income of parents of adolescent parents
- 10:90-3.17 WFNJ/GA special payment provisions for other living arrangements
- 10:90-3.18 Treatment of lump sum income WFNJ TANF/GA
- 10:90-3.19 Exempt income
- 10:90-3.20 Exempt resources
- 10:90-3.21 Overpayments and underpayments
- 10:90-3.22 WFNJ TANF/GA case redetermination process
- 10:90-3.23 Payees in WFNJ

SUBCHAPTER 4. WFNJ WORK REQUIREMENTS

- 10:90-4.1 General work requirement provisions
- 10:90-4.2 Work activity participation
- 10:90-4.3 Description of work activities

- 10:90-4.4 Satisfactory attendance
- 10:90-4.5 Conditions under which CWEP and AWEP shall be regarded as employment
- 10:90-4.6 Work activity placement parameters
- 10:90-4.7 Employment profile (assessment)
- 10:90-4.8 Individual responsibility plan (IRP)
- 10:90-4.9 Deferrals from the work requirement
- 10:90-4.10 Good cause
- 10:90-4.11 Sanctions
- 10:90-4.12 Effective date of sanctions
- 10:90-4.13 Intent to comply
- 10:90-4.14 Appeals
- 10:90-4.15 Injury compensation for CWEP and AWEP participants

SUBCHAPTER 5. SUPPORTIVE SERVICES

- 10:90-5.1 Introduction
- 10:90-5.2 Child care services
- 10:90-5.3 Child care for special circumstances
- 10:90-5.4 Transportation services
- 10:90-5.5 Work expense allowance
- 10:90-5.6 Medical support services
- 10:90-5.7 Retroactive Medicaid
- 10:90-5.8 Medicaid special
- 10:90-5.9 Medicaid extension (employment-related)
- 10:90-5.10 Medicaid extension (child support-related)

SUBCHAPTER 6. EMERGENCY ASSISTANCE

- 10:90-6.1 Availability of emergency assistance
- 10:90-6.2 Persons eligible for emergency assistance
- 10:90-6.3 Kinds of emergency assistance authorized
- 10:90-6.4 Time limitations
- 10:90-6.5 Recipient contribution
- 10:90-6.6 Recipient/agency responsibilities
- 10:90-6.7 Payment for emergency shelter
- 10:90-6.8 Intercounty/municipality transfer of EA cases

SUBCHAPTER 7. ADDITIONAL AGENCY RESPONSIBILITIES

- 10:90-7.1 Establishment and maintenance of case records
- 10:90-7.2 Contents of the case record
- 10:90-7.3 Maintenance, custody, movement and transfer of case records
- 10:90-7.4 Issuance of photo identification cards and fingerprinting
- 10:90-7.5 Lost or stolen assistance checks
- 10:90-7.6 Reporting of child abuse and neglect
- 10:90-7.7 Confidential nature of information
- 10:90-7.8 Settlement of suits and claims

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

- 10:90-8.1 Payment of funeral and burial expenses
- 10:90-8.2 Persons who may be eligible
- 10:90-8.3 Funeral and burial contracts
- 10:90-8.4 Definitions and conditions
- 10:90-8.5 Authorization of payment
- 10:90-8.6 Time of payment
- 10:90-8.7 Irregularities
- 10:90-8.8 Requirements pertaining to SSI or Medicaid only recipients

SUBCHAPTER 9. NOTICES AND HEARINGS IN WFNJ

- 10:90-9.1 Notice to applicant/recipient
- 10:90-9.2 Definitions related to hearings
- 10:90-9.3 Right to a fair hearing
- 10:90-9.4 Rules applicable to WFNJ/GA applicants/recipients
- 10:90-9.5 Responsibilities of the county/municipal agency in processing hearing requests
- 10:90-9.6 Responsibilities of the Division of Family Development
- 10:90-9.7 Responsibilities of the Office of Administrative Law upon transmittal of a contested case from DFD
- 10:90-9.8 Administrative hearings and administrative reviews
- 10:90-9.9 Complaints and adjustment procedures

- 10:90-9.10 Time limitations on entitlement to fair hearings (county and municipal)
- 10:90-9.11 Access to case file and documents prior to hearing
- 10:90-9.12 Representation at hearings
- 10:90-9.13 Disposition of hearing request through withdrawal, abandonment or settlement
- 10:90-9.14 Adjournments
- 10:90-9.15 Hearings involving medical issues
- 10:90-9.16 Decision by Director, Division of Family Development
- 10:90-9.17 Emergency fair hearings

SUBCHAPTER 10. REFUGEE RESETTLEMENT PROGRAM

- 10:90-10.1 Purpose and funding
- 10:90-10.2 Identifying refugees
- 10:90-10.3 INS statuses for RRP
- 10:90-10.4 Resettlement
- 10:90-10.5 Termination of RRP: continued eligibility for assistance
- 10:90-10.6 Eligibility
- 10:90-10.7 Medical assistance and medical expense spend-down
- 10:90-10.8 Social services
- 10:90-10.9 Fair hearings
- 10:90-10.10 Case records

SUBCHAPTER 11. INTENTIONAL PROGRAM VIOLATION

- 10:90-11.1 Definition of intentional program violation (IPV)
- 10:90-11.2 Methods of determining IPV
- 10:90-11.3 Referral for administrative disqualification hearing
- 10:90-11.4 Waiver of right to administrative disqualification hearing
- 10:90-11.5 Administrative disqualification hearing procedures
- 10:90-11.6 Participation while awaiting a hearing
- 10:90-11.7 No further administrative appeal
- 10:90-11.8 Referral of IPV cases for prosecution
- 10:90-11.9 Disqualification consent agreement
- 10:90-11.10 Reversed IPV disqualifications
- 10:90-11.11 IPV disqualification penalties
- 10:90-11.12 Imposing disqualification periods
- 10:90-11.13 County or municipal agency IPV administrative procedures

SUBCHAPTER 12. PROGRAM ADMINISTRATION, CONSOLIDATION AND PERFORMANCE STANDARDS

- 10:90-12.1 Statutory authority
- 10:90-12.2 Authority of the Commissioner
- 10:90-12.3 Transfer of administration of the WFNJ/GA Program
- 10:90-12.4 Municipalities that continue to administer WFNJ/GA
- 10:90-12.5 Evaluating county/municipal agency performance
- 10:90-12.6 State fair hearings for action of the State to transfer WFNJ/GA from the municipality to the county
- 10:90-12.7 State fair hearings for action of the State to assume administration of WFNJ/GA from the county
- 10:90-12.8 Obligation to provide assistance
- 10:90-12.9 Organization of local assistance board
- 10:90-12.10 Appointment of employees
- 10:90-12.11 Establishment of Public Assistance Trust Fund Account

SUBCHAPTER 13. MEDICAL SERVICES FOR WFNJ SINGLE ADULTS AND COUPLES WITHOUT DEPENDENT CHILDREN (WFNJ/GA)

- 10:90-13.1 Payment of medical service claims
- 10:90-13.2 Obtaining medical services
- 10:90-13.3 Travel costs for medical care
- 10:90-13.4 Nursing facility payments
- 10:90-13.5 Medically needy

SUBCHAPTER 14. FISCAL PROCEDURES FOR WFNJ SINGLE ADULTS AND COUPLES WITHOUT DEPENDENT CHILDREN (WFNJ/GA)

- 10:90-14.1 Statutory authority
- 10:90-14.2 State financial participation
- 10:90-14.3 Public Assistance Trust Fund Accounts
- 10:90-14.4 Fiscal and statistical reporting requirements
- 10:90-14.5 Reimbursement of assistance for cases pending SSI entitlement

- 10:90-14.6 Establishment of Petty Cash Fund Account for municipal agency
- 10:90-14.7 Retention and destruction of case records
- 10:90-14.8 Processed medical service claims
- 10:90-14.9 Computerized match reports

SUBCHAPTER 15. DEFINITIONS

- 10:90-15.1 Definitions

SUBCHAPTER 16. CHILD SUPPORT AND PATERNITY

- 10:90-16.1 Introduction
- 10:90-16.2 Cooperation with child support for WFNJ eligibility
- 10:90-16.3 Cooperation in good faith in establishing paternity and support
- 10:90-16.4 Good faith effort requirement
- 10:90-16.5 Good cause exceptions to cooperation
- 10:90-16.6 Assignment of support rights
- 10:90-16.7 Incentive payment
- 10:90-16.8 Access to child support information
- 10:90-16.9 County payment of fees for services
- 10:90-16.10 Responsibilities of the State agency
- 10:90-16.11 Responsibilities of the county agency
- 10:90-16.12 Responsibilities of the county agency CSP Unit
- 10:90-16.13 Fiscal record maintenance
- 10:90-16.14 Notification of deletions, terminations, suspension or transfer of case/individual
- 10:90-16.15 Parent locator service
- 10:90-16.16 County agency parent locator responsibilities
- 10:90-16.17 State PLS/Federal Parent Locator Service (PLS)
- 10:90-16.18 Disclosure of information
- 10:90-16.19 Closing criteria for IV-D cases
- 10:90-16.20 Retention and destruction of case records
- 10:90-16.21 Child Support Guidelines (New Jersey Supreme Court Rule 5:6A)
- 10:90-16.22 Income withholding
- 10:90-16.23 Distribution of arrearage payments on child support orders
- 10:90-16.24 Application fee for NPA applicants
- 10:90-16.25 Review and adjustment of child support orders (WFNJ/TANF, foster care and Medicaid cases)

SUBCHAPTER 1. GENERAL PROVISIONS

10:90-1.1 Purpose, philosophy and scope of the WFNJ program

(a) The Work First New Jersey (WFNJ) program has been established to transform the design and purpose of the welfare system in New Jersey. For the first time, one comprehensive program has been created by the Legislature and the Governor to uniformly both inspire and require all able-bodied families with dependent children, single adults and couples without dependent children to WORK rather than receive welfare. WFNJ builds and expands upon the foundation of the basic principles set forth in the Federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Public Law 104-193. The Act established the Temporary Assistance for Needy Families (TANF) block grant program which ended the Aid to Families with Dependent Children program and established the WFNJ Program pursuant to the Work First New Jersey Act, Public Law 1997 c.13, c.14, c.37 and c.38.

(b) WFNJ, building upon the base of our former State and Federally funded Aid to Families with Dependent Children (AFDC) program and our State funded General

Assistance (GA) program, creates one WFNJ program. However, due to certain necessary differences in the requirements and the responsibilities entailed in being a single adult, a couple without dependent children or a single adult or couple with dependent children, the WFNJ program recognizes two segments which, for ease of reference and clarity throughout this manual are referred to as either the WFNJ/TANF component, which encompasses families with children whether headed by a single adult or a couple, and the WFNJ/GA component, which encompasses single adults and couples without dependent children.

(c) The WFNJ Program is designed specifically to emphasize personal responsibility, instill dignity, promote self-sufficiency and pride through work and strongly reinforce all parents' responsibility for their child(ren) through strict enforcement of child support requirements. WFNJ clearly recognizes that both parents of a child(ren), whether or not they are the custodial caretakers of these children share fully and equally in the responsibility for the financial support of the child(ren), as well as all the positive developmental aspects which occur throughout childhood. All adults have primary responsibility for supporting both themselves and their families.

(d) Assistance benefits provided under WFNJ are time-limited and considered a temporary cash subsidy to bridge the gap while individuals seek and obtain self-sufficiency through bona fide unsubsidized employment. Applicants shall be informed that receipt of WFNJ assistance benefits is limited to a lifetime maximum of 60 cumulative months and that seeking and accepting employment are the primary requirements for receipt of continuing cash assistance.

(e) In WFNJ, for the first time, a major commitment has been solicited from all arms of State and local government to pull together resources and philosophy to clearly demonstrate to all welfare and potential welfare clients that WORK is the answer and self-sufficiency is the key to a better life for all New Jerseyans. The changes brought about by this program are monumental. They require all adults to accept personal responsibility and immediately contribute something back to their community in return for the temporary helping hand WFNJ will provide them in their time of need or crisis. Welfare is not a way of life. Work, however, is a way of life for all able-bodied adults. WFNJ recognizes that working families and individuals need temporary supports such as child care, transportation and health care and has strengthened the State's commitments in these areas. Additionally, the WFNJ program is designed to increase the health and well-being of children and young adults reared within the welfare system as well as to instill in these children the dignity, value, pride and self-satisfaction that are derived from work and positively contributing to our society. While WFNJ maintains our commitment to protect the most vulnerable who are unable to care fully for themselves, the major focus in the New Jersey welfare system has definitely changed from welfare to work with the onset of WFNJ. This new era in the public welfare system should be made very clear by the focus and standards put forth in this manual.

(f) However, in line with protecting its most vulnerable citizens, it should be emphasized that the WFNJ Program has availed itself of the PRWORA option regarding protections for victims of Domestic Violence. PRWORA and WFNJ provide the flexibility to uniquely address the specific problems of victims of domestic violence, as well as victims of rape and incest. The flexibility provided is not intended to allow or force individuals to remain on the welfare rolls; rather, it is intended to extend to domestic violence survivors the flexibility, protections and services necessary to begin or continue on the path away from a life of abuse and forward toward a life that will provide safety; physical, mental and financial recovery and self-sufficiency gained through work experience and/or employment as soon as victims are able to avail themselves and their families of these opportunities.

1. When an individual in the course of either application, redetermination or at any other point of contact with the county or municipal agency is identified as a victim of domestic violence, rape or incest, it must be determined with the victim whether or not this represents an immediate barrier to engaging in work. If the victim attests to an inability to participate as would otherwise be required in WFNJ activities, an affidavit to this effect shall be secured from the individual. This affidavit will temporarily exempt the individual from the five year lifetime limit on benefits receipt and will also temporarily defer the individual from the requirement to engage in work or a work activity until the case is redetermined. At any point, the victim may provide corroborative evidence, if available, and it is clear to the victim that providing such information will in no way pose a threat to the safety of the victim and the victim's family.

i. Even though an affidavit is taken, an initial individual responsibility plan (IRP) will be developed with the individual to set goals so that the individual will move forward toward safety and self-sufficiency. Information and referral to the Department of Human Services' (DHS) Designated Domestic Violence Programs which provide all core services or to Rape Crisis Programs will be suggested to the victim as well as referral to any other appropriate community services which can assist the victim and any dependent children in the family. The goals established in the individual's IRP shall be reviewed with the individual at three month intervals to determine the status and progress the individual has made toward meeting the goals established in the IRP. If appropriate, the IRP will be updated to reflect the individual's progress and establish new goals. If, upon disclosure of the domestic violence victimization, the victim expresses a willingness to begin to engage in a work activity prior to the next regular redetermination, this shall be accommodated. For example, the victim may wish to begin work as soon as permanent housing has been secured, the children have been enrolled and settled in school and major court appointments have been kept.

ii. Once the individual has expressed a willingness to engage in work or a work activity the individual will no longer be exempt from the five year lifetime limit on benefits' receipt or deferred from work requirements, unless or until the victim encounters further debilitating factors due to domestic violence and makes these known to the county or municipal agency via an affidavit.

2. The State has a responsibility to protect victims in these cases but it also has a responsibility to help promote the victim's self-sufficiency. Therefore, at the point of the first regular six-month case redetermination following disclosure of domestic violence victimization, unless the victim is in crisis and clearly indicates via affidavit that the inability to participate in work activities still exists, when reviewing the IRP, the individual will be scheduled to begin a regular work activity or, at a minimum, engage in 20 hours per week of community service. If the victim requests or if the victim selects to do only 20 hours of community service, the victim will also be referred to the local DHS Designated Domestic Violence Program for core services, related support and/or community service placement in counties where arrangements have been made to assist such individuals through purchase of service agreements with the DHS Designated Domestic Violence Programs. The goals established in the individual's IRP shall be reviewed with the individual after three months to determine the status and progress the individual has made toward meeting the goals established in the IRP.

10:90-1.15 Voluntary quit

An adult applicant for WFNJ shall not be eligible for benefits when the applicant's eligibility is the result of a voluntary cessation of employment, without good cause, within 90 days prior to the date of application. The applicant shall be ineligible for assistance for a period of 90 days beginning with the date of quit. Other members of the adult applicant's assistance unit shall remain eligible to apply for benefits (see N.J.A.C. 10:90-4.11(b)1 for voluntary quit provisions and N.J.A.C. 10:90-4.11(c) regarding good cause provisions).

Amended by R.1998 d.42, effective January 20, 1998.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

10:90-1.16 Assignment or transfer of property

A voluntary assignment or transfer of income or resources within one year prior to the time of application for benefits for the purpose of qualifying for WFNJ benefits shall render the applicant/recipient and the applicant/recipient's assistance unit members ineligible for benefits in accordance with N.J.A.C. 10:90-3.10(e).

SUBCHAPTER 2. NON-FINANCIAL ELIGIBILITY REQUIREMENTS

10:90-2.1 General provisions

(a) This subchapter describes those Work First New Jersey (WFNJ) program eligibility factors, other than financial, which must be considered in making eligibility determinations.

(b) Eligibility for WFNJ is based upon certain criteria including, but not limited to, age, relationship, CSP cooperation, cooperation with work requirements, citizenship/eligible alien status, residence in the State, county and municipality and financial need.

(c) Maximum allowable income eligibility and benefit payment levels for assistance units eligible for WFNJ benefits appear at N.J.A.C. 10:90-3.

Amended by R.1998 d.42, effective January 20, 1998.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

10:90-2.2 WFNJ TANF/GA eligibility requirements

(a) An applicant/recipient, as a condition of eligibility for WFNJ TANF/GA benefits, shall, subject to good cause exceptions, be required to do the following:

1. Cooperate with child support by providing specific information regarding the noncustodial parent, such as, name, address, employer, date of birth, social security number or manufacturer, model and license plate number of automobile and take certain actions as requested by the child support agency to help establish paternity, or establish, modify, or enforce a child support order (see N.J.A.C. 10:90-16);
2. Cooperate with work requirements;
3. Make application for any other assistance for which members of the assistance unit may be eligible;

4. Be income and resource eligible, including the deeming of income and resources as appropriate;

5. Provide all necessary documentation;

6. Sign an Agreement to Repay benefits, if not already incorporated into the application, in the event of receipt of income or resources. (See N.J.A.C. 10:90-3.18 for Treatment of Lump Sum Income as well as N.J.A.C. 10:90-7.8 for Settlement of Suits and Claims);

7. Satisfy any sanction or repayment obligation incurred pursuant to any Federal or State law governing public assistance;

8. Supply the county/municipal agency with the Social Security number of each member of the assistance unit or apply for a Social Security number for any such person who does not already have one. If an applicant refuses to provide or apply for the appropriate Social Security number(s), the county/municipal agency shall declare the entire assistance unit ineligible for WFNJ benefits.

i. Effective no later than July 1, 1998, the Federal Social Security number shall be used as the common identifier of individuals for any record, license, certificate or other document identifying a person by name which is used by an agency of State government in accordance with requirements of Federal law.

ii. The Federal Social Security number must be provided for all assistance unit members, except for an eligible alien who cannot be assigned a Social Security number due to his or her status;

9. Comply with personal identification requirements as a condition of receiving benefits, which shall employ the use of high technology processes, such as fingerimaging, for the detection of fraud.

i. Each adult WFNJ/TANF applicant/recipient and each WFNJ/GA applicant/recipient (except nursing facility applicants/recipients) shall, as a condition of receiving WFNJ benefits, be issued a photo-identification card by the county agency until implementation of the electronic benefit distribution system is begun in that county agency. Once a county begins to implement the electronic benefit distribution system, the county agency shall no longer be required to issue a photo-identification card to each adult recipient but may continue the issuance of photo-identification cards separate from the benefit cards.

ii. WFNJ/GA applicants/recipients (except nursing facility applicants/recipients) are required to participate in the high technology process, such as the fingerimaging process, at the time of application and at other times when the county/municipal agency deems it necessary to deter duplication of assistance.

(b) An applicant/recipient who is a parent-minor must, as a condition of eligibility, comply with all of (a) above and must also cooperate with the parent-minor provisions cited at N.J.A.C. 10:90-2.17.

1. Failure of the parent-minor to cooperate with the requirements listed at (a) above renders the parent-minor and the parent-minor's child ineligible for WFNJ/TANF cash assistance but does not render the entire assistance unit with whom the parent-minor resides ineligible for WFNJ/TANF cash assistance.

(c) A recipient of WFNJ benefits who is subject to WFNJ work requirements, that is, all adult recipients, teen parents and 16 through 18 year old individuals not attending school on a full-time basis, shall sign an individual responsibility plan which shall be developed jointly with the county or municipal agency in accordance with the provisions at N.J.A.C. 10:90-4.8.

(d) Any WFNJ applicant/recipient who fails at any time to cooperate with any of the WFNJ program eligibility requirements without good cause shall render some or all assistance unit members ineligible for WFNJ benefits. (See N.J.A.C. 10:90-4.11 regarding sanction provisions and N.J.A.C. 10:90-11.11 regarding intentional program violation disqualification penalties.)

1. An applicant/recipient who cooperates fully with the conditions of eligibility listed in (a) above, but who has a non-cooperating 16 through 18 year old dependent child as a member of the assistance unit, shall not become ineligible for WFNJ/TANF assistance, nor shall other members of the assistance unit become ineligible for WFNJ/TANF assistance. The non-cooperating 16 through 18 year old dependent child does, however, become ineligible for WFNJ/TANF assistance until such time as he or she complies.

(e) Any WFNJ recipient who fails at any time to participate in work activities without good cause shall lose cash assistance benefits in accordance with the sanction provisions at N.J.A.C. 10:90-4.11. The individual may re-apply for WFNJ benefits; however, the individual must satisfactorily complete any outstanding sanction obligations and demonstrate compliance with a work activity, in accordance with N.J.A.C. 10:90-4.10 and 4.13, in order to qualify for cash assistance.

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

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

Added (b)1 and (d)1.

10:90-2.3 Time limits on eligibility for WFNJ TANF/GA benefits

(a) Effective April 2, 1997, eligibility for cash assistance benefits shall be limited to a lifetime total of 60 cumulative months for an adult individual recipient, except as otherwise provided in this subsection, whether the assistance was received in the WFNJ/TANF component, the WFNJ/GA component or a combination of both the WFNJ TANF/GA components of the program. The calculation of the lifetime limit will be based upon the number of days the recipient received benefits up to the 60 cumulative month lifetime limit.

1. At the end of an individual adult recipient's 60 cumulative months of receipt of cash assistance, the assistance unit shall no longer be eligible to receive WFNJ/TANF or WFNJ/GA assistance.

2. In the event that a recipient who has received cash assistance as a dependent child or parent-minor and later becomes a head of household or other adult assistance unit member, the time during which such dependent child or parent-minor had previously received benefits shall not count toward the 60 cumulative months lifetime limit.

3. For eligible aliens identified at N.J.A.C. 10:90-2.10, who are single adults or couples without dependent children, the benefit period is further limited by the alien's eligibility and application for citizenship status.

i. Eligible aliens who are single adults or couples without dependent children may receive benefits until they meet the minimum residency requirements to apply for citizenship in accordance with INS rules, which include, but are not limited to, continuous residence within the United States, after being lawfully admitted for permanent residence, for at least three years immediately preceding the date of filing a petition for naturalization if married to a United States citizen or, if not, continuous residence within the United States, after being lawfully admitted for permanent residence, for at least five years immediately preceding the date of filing a petition for naturalization.

ii. After residency requirements for citizenship are met, aliens who have applied for citizenship shall not receive benefits for more than six months unless they attain citizenship, or pass the language and civics component (prior to or at the time of the alien's interview with the INS, unless exempt), and are awaiting a final INS determination delayed through no fault of their own.

iii. An alien who attains citizenship may continue to receive benefits for a lifetime total of 60 cumulative months from April 2, 1997 forward or the effective date of eligibility for WFNJ/GA, if later than April 2, 1997. The total months of eligibility include any time the individual was receiving WFNJ benefits prior to becoming a citizen.

iv. An alien who meets the requirements for residency and citizenship on or after August 22, 1996, but does not initiate the naturalization process shall not be eligible to receive benefits.

(b) A WFNJ/GA recipient's receipt of non-Federally funded general public assistance benefits while in another state shall count towards the WFNJ/GA 60 cumulative month lifetime limit.

iii. Referral to affordable housing (if known) as well as referral to and/or application for other available benefits or services.

2. The county or municipal agency shall monitor compliance with the service plan at least quarterly.

3. The county or municipal agency shall reevaluate and/or revise the service plan as warranted by changes in the recipient's shelter needs and/or other pertinent circumstances.

i. When emergency assistance has been extended beyond the 12-month maximum found at N.J.A.C. 10:90-6.4(a) above for either an initial period of six months or a second period of six months (applicable to WFNJ/TANF recipients only), the service plan must be revised in order to address the special circumstances which have contributed to the hardship which caused the extension.

Amended by R.1998 d.42, effective January 20, 1998.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).
Deleted (a)iv.

10:90-6.7 Payment for emergency shelter

(a) The county or municipal agency shall issue payment for emergency housing provided in hotels and motels in accordance with the schedule of per diem rates as follows:

Emergency Assistance amounts per day	
1 Person/1 room	\$35.00
2 Persons/1 room	\$45.00
3 Persons/1 room	\$53.00
4 Persons/1 room	\$53.00
4 Persons/2 rooms	\$90.00
5 Persons/1 room	\$63.00
5 Persons/2 rooms	\$90.00

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), substituted "housing provided in hotels and motels" for "shelter"; inserted per diem rates; and deleted (b).

10:90-6.8 Intercounty/municipality transfer of EA cases

(a) Whenever a single adult, a couple without dependent children or a family with dependent children requiring the provision of EA benefits moves from one county or municipality (WFNJ/GA only) to another, the following provisions shall apply:

1. When the county or municipality of origin (that is, the county or municipality that granted the emergency assistance benefit) places the individual or family in out-of-county/municipality emergency housing, the county/municipality of origin shall retain financial responsibility for the shelter payments, regular assistance payments and issuance of food stamp benefits, if applicable, as well as other monitoring functions until the homelessness is resolved or permanent housing is obtained. If mutually agreed upon by the two counties or municipalities, the new county or municipality of residence may assume full

responsibility for administration of the case, provided transfer requirements promulgated by DFD have been fulfilled.

2. When an EA recipient residing in one county or municipality voluntarily takes up residence in another county or municipality, without county or municipal agency intercession, the new county or municipality of residence shall assume responsibility provided the client remains eligible for EA payments, as well as all other monitoring requirements, including any cash assistance benefits, pursuant to transfer requirements promulgated by DFD. The recipient must apply for cash assistance in the new county or municipality and for food stamps in the new county. The time requirements for such transfers as found at N.J.A.C. 10:90-7 shall apply.

3. When a WFNJ recipient voluntarily moves from one county or municipality to another, with or without county or municipal agency intercession, and a subsequent change in circumstances results in the need for EA, the new county or municipality of residence shall immediately assume responsibility to determine eligibility for EA payments, as well as all other monitoring functions, pursuant to case transfer provisions at N.J.A.C. 10:90-7.

4. Any case transfer management disputes which cannot be resolved locally shall be referred to DFD to determine which county or municipal agency has responsibility for administration of the case. The decision of DFD shall be considered final and binding upon all parties involved.

Amended by R.1998 d.42, effective January 20, 1998.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

SUBCHAPTER 7. ADDITIONAL AGENCY RESPONSIBILITIES

10:90-7.1 Establishment and maintenance of case records

(a) The case record is the official file, whether computerized or hard copy, of forms, chronological narrative, correspondence and other documents pertinent to the application and determination of eligibility for WFNJ benefits. It constitutes a complete record of the county/municipal agency's decisions and actions concerning eligibility for assistance in each case. Since it is the record on which decisions to grant, deny or continue assistance in accordance with law and regulations are made, it is mandatory that a case record be established and maintained for every individual who applies for and/or receives WFNJ benefits.

1. Records shall also be established and kept when emergency assistance or service payments are made to or on behalf of SSI recipients. Records shall likewise be established when burial expense payments are made on behalf of non-WFNJ recipients pursuant to the listing of

persons who may be eligible for such payments as found in N.J.A.C. 10:90-8.2.

(b) The case record shall be kept confidential as described in N.J.A.C. 10:90-7.7.

(c) It is the right of every applicant for or recipient of WFNJ or his or her authorized representative to review the contents of his or her case file. Applicants or recipients or their authorized representatives shall make an appointment with appropriate agency staff when review of the case file is desired so that the review may take place at the convenience of all the parties. Requests for review shall be responded to in a reasonable amount of time. See N.J.A.C. 10:90-9.11 concerning access to the case file and related documents prior to a fair hearing.

10:90-7.2 Contents of the case record

(a) The validity of all case action rests primarily on the corroborating data in the case record, whether computerized or hard copy. The following items shall be part of the case record:

1. All completed forms necessary for the appropriate assistance programs;
2. A record of any contact with the WFNJ client and a summary of the information obtained;
3. All related referrals, correspondence, memoranda and documents, except those which are required by law or regulation to be maintained in some other files; and
4. A record of all pertinent verifications, such as, but not limited to, birth certificates, Social Security numbers, driver's licenses, and so forth.

Amended by R.1998 d.42, effective January 20, 1998.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

10:90-7.3 Maintenance, custody, movement and transfer of case records

(a) 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.

(b) There shall be a supervisory review of the status of these cases to assure that no payments are issued beyond the period for which approval has been given, unless and until an extension of continued assistance is approved by the DFD, and that payments are terminated when and if eligibility ceases.

(c) Recipients who are receiving assistance out-of-State shall be afforded the same full advance notice, including information about their hearing rights, in accordance with present policy. A copy of any such notice shall be sent to any out-of-State agency with which there has been communication regarding the case.

(d) Responsibility for WFNJ benefits shall be transferred from one county to another when a recipient/family moves to another county.

(e) A temporary visit by the assistance unit shall not be considered to be a change of county/municipal residence until that visit has continued for more than a one-month period.

(f) Those WFNJ/TANF cases which receive only Medicaid or a Medicaid extension shall also be transferred to the new county of residence in the same manner as active WFNJ/TANF cases when the family moves from the county of origin.

(g) The well-being of recipients shall not be adversely affected by a transfer from one county/municipality to another and their right to uninterrupted assistance shall not be prejudiced by any disagreement that arises between the county/municipality of origin and the receiving county/municipality.

(h) Any case transfer management disputes which cannot be resolved locally shall be referred to the DFD to determine which county/municipal agency has responsibility for the case. In such instances, the decision of the DFD shall be considered final and binding on all parties involved.

Amended by R.1998 d.42, effective January 20, 1998.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

10:90-7.4 Issuance of photo identification cards and fingerprinting

(a) Each WFNJ/TANF adult recipient shall be required, as a condition of eligibility, either to participate in the fingerprinting process or to accept a photo identification (ID) card, as appropriate, and agree to be photographed for the purpose of placing a photo on an ID card unless refusal to do so is based on the reasons found in (e)3 and 4 below. Agencies administering the WFNJ/GA program shall have the option of issuing a photo ID card to recipients.

(b) Until the electronic benefit transfer system (EBT) has been implemented Statewide, the county agency shall continue to issue a photo ID card to each assistance payee. Once a county begins to implement the EBT system, the county agency shall no longer be required to issue a photo ID card to each adult recipient but will have the option of continuing the issuance of photo ID cards separate from the EBT cards. The photo ID card shall be used as proof of eligibility and to make check cashing possible.

(c) The county agency shall establish a procedure for completion of the ID card that shall ensure that the WFNJ recipient need make only one visit to the agency for that purpose.

(d) Each photo ID card shall, at a minimum, include the name, case number, color photograph and signature of the recipient. The county seal or other type of logo produced via a validation plate shall overlap upon the ID card and the photo to preclude substitution of the photo.

2. A written agreement is reached between the absent parent and custodial parent which provides for an alternative arrangement. If there is an assignment of support rights to the county agency, the county agency must also be a party to the written agreement.

(b) In cases of income not subject to immediate withholding, the income of the absent parent will be subject to withholding on the date the absent parent fails to make support payments at least equal to the support payable for 14 calendar days.

Amended by R.1998 d.42, effective January 20, 1998.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

10:90-16.23 Distribution of arrearage payments on child support orders

(a) Payments on arrearages accrued from past due child support shall be used to satisfy claims as follows:

1. If the obligee is receiving WFNJ/TANF cash assistance, any payment must first satisfy arrearages owed to the county agency before any payment to the obligee.

2. If the obligee has never received WFNJ/TANF cash assistance, all payments shall go to obligee.

3. If the obligee once received WFNJ/TANF cash assistance:

i. Payments from tax intercepts (Federal and State income tax and Homestead Rebate) first shall satisfy any arrearages owed the county agency;

ii. All other payments (for example, wage executions and unemployment garnishment) shall satisfy arrearages in the following priority order:

(1) During the five-month period following the last month of WFNJ/TANF eligibility, payments collected in excess of the current support for that period are first used to reimburse the county agencies for arrearages that accrued while the family was receiving WFNJ/TANF cash assistance.

(2) Subsequent to the five-month period, arrearages which have accrued to the obligee since leaving public assistance shall go to the obligee.

(3) Arrearages assigned to the county agency up to the amount of assistance granted shall go to the county agency.

(4) Any remaining arrearage balance owed to the obligee before receiving public assistance shall go to the obligee.

Amended by R.1998 d.42, effective January 20, 1998.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

10:90-16.24 Application fee for NPA applicants

(a) NPA individuals, who do not have an active support order and who do not know the location of the obligor, shall

file an application with the county agency CSP Unit. (Individuals with an active support order or those without an active support order who know the whereabouts of the obligor shall file the application for IV-D services at the appropriate probation division.) See N.J.A.C. 10:90-16.12(m)1 regarding the State of New Jersey Title IV-D Program Application for Child Support Services.

(b) Each NPA applicant shall pay an application fee in the amount of \$6.00.

1. The applicant shall be given a receipt to cover the fee, a copy of which shall be retained in a case record file.

(c) The \$6.00 fee shall be deposited in the Administration Account as an offset against CSP administrative costs.

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), substituted a reference to N.J.A.C. 10:90-16.12(m)1 for a reference to N.J.A.C. 10:90-16.10.

10:90-16.25 Review and adjustment of child support orders (WFNJ/TANF, foster care and Medicaid cases)

(a) The county agency CSP Unit shall review all WFNJ/TANF, foster care and Medicaid cases with a court order at least once every three years, or at the request of either parent subject to the order, for possible adjustment. If a request for review is made before the three year time frame, and the request is determined to be frivolous by the county agency CSP Unit, the request may be denied.

1. An adjustment is an upward or downward change in the amount of child support based upon an application of State guidelines under New Jersey Court Rule 5:6A for setting and adjusting child support awards and/or a provision for the child's health care needs, through health insurance coverage or other means.

2. Review means an objective evaluation by the county agency CSP Unit of information necessary for application of the New Jersey Child Support Guidelines, New Jersey Court Rule 5:6A, to determine:

- i. The appropriate support award amount; and
- ii. The need to provide for the child's health care needs, through health insurance coverage or other means.

3. Examples of a frivolous request would be as follows:

- i. An obligor's income has not increased or decreased by a minimum of 20 percent.
- ii. An obligor is temporarily out of work or temporarily injured and unable to work.

(b) The procedure for the review of cases shall be as follows:

1. An Automated Child Support Enforcement Systems (ACSES) report has been developed to identify appropri-

ate cases for review for possible adjustment. The review date field on the ACSES Support Order Review/Modification—Client Data Screen (USM1) and the Support Order Review/Modification—Absent Parent Data Screen (USM2) screens will trigger a report of cases in which the date is equal to or greater than two years and 11 months from the run date of the report.

2. The county agency CSP Unit shall screen cases on the report to identify those cases that should be adjusted to bring them into compliance with the Child Support Guidelines at New Jersey Court Rule 5:6A.

3. A case can be eliminated from the screening if it is found that:

i. There is a good cause determination that the review of the case is not in the best interest of the child(ren);

ii. The current order is less than three years old or the case has been reviewed in the last three years, unless a review was requested by either parent subject to the order and it has not been determined to be a frivolous request by the county agency CSP Unit. Examples of a frivolous request would be as outlined in (a)3 above; or

iii. The obligor is institutionalized.

4. The review date field on the USM1 and USM2 shall be updated indicating the date that a review was completed. If the case was eliminated from the adjustment cycle, the reason should be documented.

i. The county agency CSP Unit shall determine within 15 calendar days of the date the child support order is 36 months old, whether a review should be conducted.

ii. In handling a request for a review, the county agency CSP Unit has up to 15 calendar days from the receipt of a request to determine whether a review should be conducted.

iii. Within 180 days of determining that a review should be conducted or locating the non-requesting parent, whichever occurs later, the State must complete the process by adjusting the order or determining the order should not be adjusted and completing the steps outlined at (c) and (d)1 through 4 below.

iv. Interstate cases should also follow the 180 calendar day timeframe for completing the review and adjustment process.

5. When it is determined that a review should be conducted on an interstate case and New Jersey is the initiating state, a request for review shall be sent to the responding state within 20 calendar days of receipt of sufficient information to conduct a review.

i. The information the responding state needs to act on the request must be provided.

ii. If the request for review is the first contact between the initiating and responding states in the case, the initiating state must send the request for review to the interstate central registry in the responding state.

iii. If the initiating state has previously referred the case to a responding state for action, the request for review may be sent directly to the appropriate agency in the responding state for processing.

iv. The initiating state is also responsible for sending to the parent in its state a copy of any notice issued by a responding state in connection with the review and adjustment of an order. This notice must be sent to the parent within five working days of receipt in the initiating state.

6. When acting as the responding state in a case which another state has determined a review is necessary, the laws and procedures for review and adjustment of the responding state apply. This includes the use of the responding state's child support guidelines.

i. Within 15 calendar days of receipt of a request for review from another state, a determination must be made as to whether or not the review will be conducted.

ii. The determination not to conduct a review because it would not be in the best interest of the child cannot be made by the responding state. This determination must be made by the initiating state.

(c) The county agency CSP Unit shall process cases for review in the following manner:

1. Information on the obligor's current income and employment should be obtained via the USM2 screen and/or on-line access to the Department of Labor's Wage Reporting File through Honeywell terminals. Information obtained will be verified through a letter generated to the employer. Medical insurance information shall also be verified.

2. The case shall be cross-referenced on ACSES to determine if multiple cases exist (the amount of the obligor's court orders will figure in the use of the guidelines).

3. Verification of the obligor's address shall also be obtained.

4. In cases where there has been no change in the income, however, medical support is not currently ordered, a motion shall be filed to have the order adjusted to include medical support when health insurance is available to the obligor at a reasonable cost. If health insurance is not available to the obligor at a reasonable cost at the time of the modification, this order for support will go into effect when health insurance at a reasonable cost is actually available.

i. Health insurance is considered reasonable in cost if it is employment related or other group health insurance, regardless of service delivery mechanism.

(d) Recommendations for adjustment shall be based on the New Jersey Child Support Guidelines, New Jersey Court Rule 5:6A.

1. If the recommended amount of adjustment is a 20 percent or more increase over the current order, a motion shall be filed to have the order modified.

2. If the recommended amount of adjustment is a 20 percent or more decrease, the obligor should be directed to file appropriate application with the court.

3. Each parent subject to a child support order shall be notified of any review of the order at least 30 calendar days before commencement of the review.

i. This notification requirement may be satisfied by filing a notice of motion, provided both parties are notified 30 calendar days prior to the hearing.

ii. If modification is warranted, the notice of motion may serve as a notice to both parties of the review determination. If either party disagrees with the determination, they may challenge the decision to a judge.

If no adjustment is warranted based on a review, a notice shall be issued as outlined in (d)4i and ii below.

4. Following any review, the county agency CSP Unit shall notify each parent subject to the child support order of the following:

i. Any adjustment or a determination that there should be no change; and

ii. Each parent's right to initiate proceedings to challenge the adjustment or determination within 30 calendar days after the date of the notice.

(e) The county agency Statistical Report shall be completed each month to reflect the number of cases reviewed and the number of cases adjusted.

(f) In accordance with Section 351 of the Personal Responsibility and Reconciliation Work Opportunity Act of 1996, P.L. 104-193, the county agency CSP Unit shall target for review and adjustment all orders under Title IV-A and Title IV-E foster care cases by reviewing one-third of the caseload per year, over a three-year period.

Amended by R.1998 d.42, effective January 20, 1997.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Rewrote (f).