

**CHAPTER 90**

**WORK FIRST NEW JERSEY PROGRAM**

**Authority**

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

**Source and Effective Date**

R.2003 d.226, effective May 5, 2003.  
See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

**Chapter Expiration Date**

Chapter 90, Work First New Jersey Program, expires on May 5, 2008.

**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 Chapter 90, The Handbook for Home Services Program, was repealed by R.1980 d.208, effective May 9, 1980.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: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).

Subchapter 17, Early Employment Initiative (EEI), was adopted as R.1998 d.383, effective July 20, 1998. See: 30 N.J.R. 1489(a), 30 N.J.R. 3656(a) (operative August 1, 1998).

Subchapter 18, Essex/Atlantic Substance Abuse Research Demonstration, was adopted as R.1999 d.66, effective March 1, 1999. See: 30 N.J.R. 3629(a), 31 N.J.R. 685(a).

Subchapter 19, Kinship Care Subsidy Program (KCSP), was adopted as R.2002 d.349, effective November 4, 2002. See: 33 N.J.R. 4191(a), 34 N.J.R. 3778(b).

Chapter 90, Work First New Jersey Program, was readopted as R.2003 d.226, effective May 5, 2003. As part of d.226, Subchapter 18, Essex/Atlantic Substance Abuse Research Demonstration was repealed and Subchapter 18, Substance Abuse, and Subchapter 20, The Family Violence Option Initiative, were adopted as new rules. 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 Family 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 decming of sponsor's income and resources to a sponsored alien for eligible aliens who entered the United States after 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 The "Individual Responsibility Plan (IRP) Development Tool and Employability Profile" (IDT) (assessment)
- 10:90-4.8 Individual responsibility plan (IRP)
- 10:90-4.9 WFNJ comprehensive social assessment (CSA)
- 10:90-4.10 Deferrals from the work requirement
- 10:90-4.11 Good cause
- 10:90-4.12 Sanction notification process (conciliation)
- 10:90-4.13 Sanctions
- 10:90-4.14 Voluntary quit (recipients)
- 10:90-4.15 Removal/lifting and rescission of sanctions
- 10:90-4.16 Sanction accruals
- 10:90-4.17 Effective date of sanctions
- 10:90-4.18 Intent to comply
- 10:90-4.19 Appeals
- 10:90-4.20 Injury compensation for CWEP and AWEP participants
- 10:90-4.21 Failure to comply with work requirements for individuals in post 60-month extension or exemption status

**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)
- 10:90-5.11 Supplemental Work Support Program
- 10:90-5.12 Career Advancement Voucher Program
- 10:90-5.13 Housing Subsidy Program
- 10:90-5.14 Supplemental Living Support (SLS) Program

**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 (Reserved)
- 10:90-6.9 Commissioner's Long Term Support Program (LTSP) pilot project for emergency assistance extensions

**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

- 10:90-7.5 Lost or stolen benefits
- 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**

- 10:90-13.1 Medical services for WFNJ/GA recipients
- 10:90-13.2 Payment of medical service claims for WFNJ/GA recipients residing in a nursing facility
- 10:90-13.3 Obtaining medical services for WFNJ/GA recipients residing in a nursing facility
- 10:90-13.4 Travel costs for medical care
- 10:90-13.5 Nursing facility payments
- 10:90-13.6 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 Retention and destruction of case records
- 10:90-14.7 Computerized match reports
- 10:90-14.8 (Reserved)

**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 (Reserved)
- 10:90-16.7 (Reserved)
- 10:90-16.8 (Reserved)
- 10:90-16.9 (Reserved)
- 10:90-16.10 (Reserved)
- 10:90-16.11 (Reserved)
- 10:90-16.12 (Reserved)
- 10:90-16.13 (Reserved)
- 10:90-16.14 (Reserved)
- 10:90-16.15 (Reserved)
- 10:90-16.16 (Reserved)
- 10:90-16.17 (Reserved)
- 10:90-16.18 (Reserved)
- 10:90-16.19 (Reserved)
- 10:90-16.20 (Reserved)
- 10:90-16.21 (Reserved)
- 10:90-16.22 (Reserved)
- 10:90-16.23 (Reserved)

- 10:90-16.24 (Reserved)
- 10:90-16.25 (Reserved)

**SUBCHAPTER 17. EARLY EMPLOYMENT INITIATIVE (EEI)**

- 10:90-17.1 Purpose and scope
- 10:90-17.2 Determining eligibility for the EEI
- 10:90-17.3 EEI participation

**SUBCHAPTER 18. SUBSTANCE ABUSE**

- 10:90-18.1 General provisions and purpose
- 10:90-18.2 Referral to the SAI
- 10:90-18.3 Mandatory SAI treatment
- 10:90-18.4 SAI sanctions
- 10:90-18.5 Continued SAI treatment when the WFNJ TANF/GA case closes
- 10:90-18.6 Eligibility rules for convicted drug felons
- 10:90-18.7 Responsibility of the SAI CCC
- 10:90-18.8 Responsibilities of the county/municipal WFNJ agency for the SAI
- 10:90-18.9 Fair hearings

**SUBCHAPTER 19. KINSHIP CARE SUBSIDY PROGRAM (KCSP)**

- 10:90-19.1 Purpose and Scope
- 10:90-19.2 Defining kinship legal guardianship
- 10:90-19.3 Determining eligibility for the KCSP
- 10:90-19.4 Kinship Care Subsidy Program application process
- 10:90-19.5 Kinship Care subsidy payments
- 10:90-19.6 Kinship subsidy supportive services

**SUBCHAPTER 20. THE FAMILY VIOLENCE OPTION INITIATIVE**

- 10:90-20.1 General provisions and purpose
- 10:90-20.2 WFNJ FVO notification process for WFNJ TANF/GA applicants/recipients
- 10:90-20.3 Rights of WFNJ applicants/recipients and other program applicants/recipients to speak with CWA FVO representative or designated MWA worker concerning family violence and to confidentiality
- 10:90-20.4 WFNJ TANF/GA program requirements that may be waived
- 10:90-20.5 Referral of WFNJ TANF/GA individuals to the CWA FVO representative or designated MWA worker
- 10:90-20.6 WFNJ/TANF Waiver process
- 10:90-20.7 WFNJ/GA Waiver process
- 10:90-20.8 Required standardized WFNJ FVO Risk Assessment for WFNJ/TANF applicants/recipients
- 10:90-20.9 Required standardized WFNJ FVO Risk Assessment for WFNJ/GA applicants/recipients
- 10:90-20.10 WFNJ TANF/GA individuals not requesting a WFNJ FVO Waiver
- 10:90-20.11 Responsibility of the CWA FVO representative or designated MWA worker
- 10:90-20.12 Responsibility of the designated victim service provider agency under the WFNJ FVO Initiative
- 10:90-20.13 Fair hearings

**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) The applicant(s) and/or his or her designee shall be assisted by the WFNJ worker in completing the Application and Affidavit for WFNJ and the Agreement to Repay pursuant to N.J.S.A. 44:10-64. The applicant shall be given the WFNJ Participant Handbook, an information card concerning the "Fair Hearings in the Work First New Jersey Program (WFNJ)", and written notification of his or her rights and responsibilities under the WFNJ program.

(f) 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 Family Violence. PRWORA and WFNJ provide the flexibility to uniquely address the specific problems of victims of family violence, as well as victims of rape and incest (see N.J.A.C. 10:90-20 regarding family violence provisions).

(g) The purpose of this chapter is to establish the policies necessary for the orderly and equitable provision of WFNJ Program benefits to single adults, couples without dependent children and families with dependent children on a Statewide basis. The policies and procedures are binding on the county or municipal agency charged with the responsibility for administering the WFNJ Program and are enforceable by the Department of Human Services (DHS), Division of Family Development (DFD). The DHS shall oversee the actions of the county or municipal agency as they relate to program administration and shall coordinate with other departments within the State of New Jersey in an effort to establish the necessary linkages to assist recipients of WFNJ to achieve social and economic self-sufficiency. Questions of interpretation shall be resolved by the Division of Family Development. If any rules herein contradict or conflict with rules or policies established at N.J.A.C. 10:81, 10:82 or 10:86 such material is superseded by this chapter.

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).

Rewrote (e) and (f).

#### 10:90-1.2 Opportunity and decision to apply

(a) Any person who believes he or she is eligible for WFNJ assistance must be given the opportunity to apply without delay. Applicants shall be informed about the eligibility requirements and their rights and obligations in applying for and receiving assistance. The decision to apply rests with the person. The applicant has the right to withdraw the application before eligibility or ineligibility has been determined.

(b) The application process begins with the initial contact by a member of the assistance unit with the designated county or municipal agency and ends with a decision by that agency as to the eligibility of the assistance unit for WFNJ benefits. Both the applicant and the county or municipal agency have a responsibility to verify and document eligibility.

(c) Initial contact may be an inquiry, a referral or an application:

1. Inquiry means any request for information about assistance programs which is not a request for an application. A record is necessary only when the inquiry requires follow-up action.

i. When a WFNJ family becomes ineligible for WFNJ for either of the two reasons cited at (a)8i(1) or (2) below, remains employed for a minimum of 90 days, and subsequently reapplies for WFNJ prior to the expiration of the 12 consecutive month period noted in (a)8 above due to the loss of employment through no fault of their own, any child(ren) previously subject to the family cap in accordance with (a)8 above shall now be included in the assistance 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 be subject to the family cap provisions and shall be included in the assistance unit for all purposes except the determination of the cash assistance grant.

- (1) Earnings or increased earnings from employment, including earnings from new employment; or
- (2) Increased hours of employment.

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)1, substituted "full months" for "months"; added (a)4i to (a)4ii; and in (a)8i, cited (a)8i(1).

Amended by R.2003 d.226, effective June 16, 2003.  
See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Deleted (a)9.

#### **10:90-2.19 Refusal to cooperate with Quality Assurance reviews**

An adult assistance unit member shall be determined ineligible for cash assistance if he or she refuses to cooperate in a State Quality Assurance review. If an adult assistance unit member is deleted for refusal to cooperate, without good cause, with a Quality Assurance review, such an individual shall be removed from the assistance unit until such time as the individual cooperates with the review.

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

### **SUBCHAPTER 3. FINANCIAL ELIGIBILITY— INCOME, RESOURCES, BENEFITS**

#### **10:90-3.1 General financial eligibility provisions**

(a) Benefits for recipients of WFNJ/TANF and WFNJ/GA shall be determined according to standards of countable income (earned and unearned) and countable resources. These standards shall take into account, for the determination of eligibility and provision of benefits, all income and resources of all persons in an assistance unit of which the applicant or recipient is a member, including any income deemed to the assistance unit members as a result of deeming from parents to adolescent parents and from sponsors to eligible aliens.

(b) Initial financial eligibility for WFNJ benefits shall be determined through an initial test for assistance units applying as a new applicant, reapplicant or reopened case by comparing the total countable income with the maximum income allowed for the appropriate unit size in accordance with Schedule I at N.J.A.C. 10:90-3.3 for WFNJ/TANF and Schedule III at N.J.A.C. 10:90-3.5 for WFNJ/GA employable single adults and couples without dependent children. If the assistance unit has income equal to or less than the maximum allowable income level, then initial financial eligibility exists.

1. There is no separate initial income eligibility test for WFNJ/GA unemployable single adults and couples without dependent children; instead, the total countable income of the WFNJ/GA unemployable assistance unit shall be compared to the unemployable maximum benefit payment level for the appropriate unit size in accordance with Schedule V at N.J.A.C. 10:90-3.6. If the assistance unit has income less than the maximum benefit payment level, then WFNJ/GA initial financial eligibility exists.

(c) Once initial financial eligibility is determined, as long as the total countable income of a WFNJ/TANF or WFNJ/GA assistance unit (with benefit of the appropriate disregards at N.J.A.C. 10:90-3.8 for earned income) is less than the maximum benefit payment level for the appropriate eligible assistance unit size in accordance with Schedule II at N.J.A.C. 10:90-3.3, Schedule IV at N.J.A.C. 10:90-3.5 or Schedule V at N.J.A.C. 10:90-3.6, as appropriate, financial eligibility shall exist until such income equals or exceeds the maximum benefit payment level for the appropriate unit size except for cases with earned income that are subject to six-month reporting requirements. Such cases need not report changes in earned income until such time as the assistance unit's total income exceeds 130 percent of the Federal Poverty Level (FPL) as published by the Department of Health and Human Services in the Federal Register. However, if the assistance unit does report a change, the county/municipal agency shall act on that change.

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 "to adolescent parents and from sponsors to eligible aliens" for "and sponsors" at the end; in (b)1, deleted "equal to or" following "income" in the last sentence; in (c), deleted "is equal to or" following "income", and inserted "equals or" following "income"; and in (d), added 2.

Amended by R.2003 d.226, effective June 16, 2003.  
See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote (c); deleted (d).

#### **10:90-3.2 Determining initial financial eligibility for WFNJ/TANF assistance units with dependent children**

(a) For the initial financial eligibility test, that is, in order to determine initial financial eligibility for assistance units applying for WFNJ/TANF as a new applicant, reapplicant or reopened case, all countable income available to the assistance unit shall be considered and compared to the initial maximum allowable income levels for the appropriate eligi-

ble assistance unit size in Schedule I at N.J.A.C. 10:90-3.3. If the assistance unit has income equal to or less than the initial maximum allowable income level for the appropriate unit size, then WFNJ/TANF initial financial eligibility exists.

(b) WFNJ/TANF initial maximum allowable financial income eligibility levels are based on 150 percent of the maximum benefit payment levels (provided within the limit of funds appropriated by the Legislature) for the appropriate assistance unit size in Schedule II at N.J.A.C. 10:90-3.3.

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 "For the initial financial eligibility test, that is" at the beginning.

**10:90-3.3 WFNJ/TANF-initial allowable maximum income and maximum benefit payment levels (Schedules I and II)**

(a) Schedule I below identifies the WFNJ/TANF initial maximum allowable income eligibility levels for the appropriate assistance unit size that shall be used for new applicant, reapplicant and reopened cases to determine initial financial eligibility for families with dependent children.

(b) Schedule II below identifies the WFNJ/TANF maximum allowable benefit payment levels for the appropriate assistance unit size that shall be used for families with dependent children. As long as the assistance unit's countable income is less than the applicable benefit level, WFNJ/TANF financial eligibility exists. When the total countable income equals or exceeds the applicable benefit level, the assistance unit is no longer eligible for WFNJ/TANF benefits except for cases with earned income that are subject to six-month reporting requirements. Such cases need not report changes in earned income until such time as the assistance unit's total income exceeds 130 percent of the Federal Poverty Level (FPL). However, if the assistance unit does report a change, the county/municipal agency shall act on that change.

WFNJ/TANF Schedules I and II

WFNJ/TANF Initial Maximum Allowable Income Levels and Maximum Benefit Payment Levels

Families with Dependent Children		
Schedule I		Schedule II
Initial Maximum Allowable Income Levels	Number in Assistance Unit	Maximum Benefit Payment Levels
\$243	1	\$162
483	2	322
636	3	424
732	4	488
828	5	552
924	6	616
1,015	7	677
1,092	8	728
Add \$75 for each additional person	More than 8	Add \$50 for each additional person

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), deleted "equal to or" following "income is" in the first sentence, and inserted "equals or" following "income" in the second sentence.

Amended by R.2003 d.226, effective June 16, 2003.  
See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote (b).

**10:90-3.4 Determining initial financial eligibility for employable WFNJ/GA assistance units**

(a) For the initial financial eligibility test, that is, in order to determine initial financial eligibility for assistance units composed of employable single adults or couples without dependent children, who are applying for WFNJ/GA as a new applicant, reapplicant or reopened case, all countable income available to the assistance unit shall be considered and compared to the initial maximum allowable income levels for the appropriate eligible assistance unit size in Schedule III at N.J.A.C. 10:90-3.5. If the assistance unit has income equal to or less than the initial maximum allowable income level for the appropriate unit size, then WFNJ/GA initial financial eligibility exists.

(b) WFNJ/GA initial maximum allowable financial income eligibility levels are based on 150 percent of the maximum benefit payment levels (provided within the limit of funds appropriated by the Legislature) for the appropriate assistance unit size in Schedule IV at N.J.A.C. 10:90-3.5.

1. When an eligible WFNJ/GA assistance unit is composed of a couple without dependent children and at least one individual is employable, Schedule III shall be used to determine initial financial eligibility.

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 "For the initial eligibility test, that is," at the beginning.

**10:90-3.5 WFNJ/GA employable, initial allowable maximum income and maximum benefit payment levels (Schedules III and IV)**

(a) Schedule III below identifies the WFNJ/GA initial maximum allowable income eligibility levels for the appropriate assistance unit size that shall be used for new applicant, reapplicant and reopened cases to determine initial financial eligibility for employable single adults and couples without dependent children.

(b) Schedule IV below identifies the WFNJ/GA maximum allowable benefit payment levels for the appropriate assistance unit size that shall be used for employable single adults and couples without dependent children. As long as the assistance unit's countable income is less than the applicable benefit level, WFNJ/GA financial eligibility exists. When the countable income equals or exceeds the applicable benefit level, the assistance unit is no longer eligible for WFNJ/GA benefits except for cases with earned income that are subject to six-month reporting requirements. Such cases need not report changes in earned income until such time as the assistance unit's total income exceeds 130 percent of the Federal Poverty Level (FPL). However, if the assistance unit does report a change, the county/municipal agency shall act on that change.