

**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, including situations in which an applicant has been discharged from employment due to an action or inaction on his or her part in violation of the employer's written rules or policies, or lawful job related instructions 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. The individual who voluntarily ceased employment shall be responsible for providing the necessary information so that a good cause determination can be made (see N.J.A.C. 10:90-4.14(b) for voluntary quit provisions for WFNJ recipients and N.J.A.C. 10:90-4.14(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).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote the section.

**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).

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**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.

1. In addition to the conditions of eligibility for WFNJ/TANF at N.J.A.C. 10:90-2.2, participation in the Early Employment Initiative (EEI) program is a condition of eligibility for those WFNJ/TANF applicant families which meet the EEI eligibility criteria for participation in accordance with the EEI provisions set forth at N.J.A.C. 10:90-17.

(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).

Amended by R.1998 d.383, effective July 20, 1998, (operative August 1, 1998).

See: 30 N.J.R. 1489(a), 30 N.J.R. 2656(a).

In (b), added a new I.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (b)1, substituted "program" for "pilot project".

**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 identifying his or her child(ren), providing specific information regarding the noncustodial or custodial parent(s), such as, name, address, date of birth, and social security number and take certain actions as requested by the appropriate 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(a)2v and 16.3(d));

2. Cooperate with work requirements, including interviewing for and accepting employment, if offered;

3. Make application within 30 days for any other assistance for which members of the assistance unit may be eligible when the agency refers the individual, and cooperate with all requirements to establish eligibility for other programs, which includes, but is not limited to, participating in the appeals process, as appropriate. In addition, the individual shall be informed that he or she shall inform the WFNJ agency of all eligibility decisions for other programs within 10 days of receiving notification of the decision. This requirement shall in no way prevent, or delay, an agency from accepting and processing an application for WFNJ assistance;

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 (pursuant to N.J.S.A. 44:10-64), 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 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 at the time of application and at other times when the county/municipal agency deems it necessary to deter duplication of assistance; and

10. Participate in an intensive case management program after receiving 48 months of cash assistance if the recipient does not appear to be exempt from the 60-month time limit or if the recipient is "chronically unemployable" as defined at N.J.A.C. 10:90-2.4(a)4.

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

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

(c) All adult applicants and recipients, minor parents and 16- through 18-year-old individuals not attending school on a full-time basis, as a condition of eligibility, shall complete the

EPDT (Part A) and sign an individual responsibility plan (IRP), which shall be developed jointly with the county or municipal agency in accordance with the provisions at N.J.A.C. 10:90-1.2(f)10 and 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. 10:90-11.11 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. 10:90-4.13. 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. 10:90-4.11 and 4.18, 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.

Amended by R.2000 d.347, effective August 21, 2000.  
See: 32 N.J.R. 2031(a), 32 N.J.R. 3070(a).

Rewrote (a)1.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), inserted "noncustodial or" preceding "custodial" in 1, rewrote 6, and deleted references to fingerprinting in 9; in (c) added references to the initial IRP; in (e), amended N.J.A.C. references.

Amended by R.2009 d.289, effective September 21, 2009.  
See: 40 N.J.R. 5494(a), 41 N.J.R. 3435(a).

In (a)2, inserted ", including interviewing for and accepting employment, if offered"; rewrote (a)3 and (c); in (a)9ii, substituted "; and" for a period at the end; added (a)10; in (b), substituted "minor parent" for "parent-minor" throughout; in the introductory paragraph of (b), deleted "cited" preceding "at"; in (b)1, substituted "minor parent's" for "parent-minor's"; in (c), updated the first N.J.A.C. reference; and in (e), updated the first N.J.A.C. reference.

### 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

1. Non-needy caretakers, except that the eligibility of a dependent child shall not be affected by the income or resources of a non-needy caretaker;

2. Supplemental Security Income recipients, except for the purposes of receiving emergency assistance benefits and burial assistance, which are funded through SSI and administered by the WFNJ agency;

3. Illegal aliens;

4. Other aliens who are not eligible aliens as defined in N.J.A.C. 10:90-2.10;

5. A person absent from the home who is incarcerated in a Federal, State, county or local corrective facility or under the custody of correctional authorities;

6. A person who is fleeing to avoid prosecution, custody or confinement after conviction, under the laws of the jurisdiction from which the person has fled, for a crime or an attempt to commit a crime which is a felony or a high misdemeanor under the laws of the jurisdiction from which the person has fled; or is violating a condition of probation or parole imposed under Federal or State law;

i. Under the laws of the State of New Jersey, a crime is defined at N.J.S.A. 2C:1-4(a) as "an indictable offense . . . for which a sentence of imprisonment in excess of 6 months is authorized."

7. A person who has legal custody of a child(ren) but who is unable to prove a legal and/or blood relationship with such child(ren) (as defined at N.J.A.C. 10:90-2.7(a)1);

i. According to N.J.S.A. 9:3-38, legal custody is defined as the "general right to exercise continuing control over the person of a child derived from court order or otherwise."

8. A convicted drug felon, unless the eligibility criteria delineated at N.J.A.C. 10:90-18, the rules established for convicted drug felons, are met;

9. A person found, on or after August 22, 1996, to have willfully and knowingly fraudulently misrepresented his or her residence in order to simultaneously obtain means-tested, public assistance benefits in two or more states or jurisdictions. Such person shall be ineligible for benefits for a period of 10 years from the date of conviction in a Federal or State court;

10. A person who, after July 1, 1997 and provided that the person has received written notice informing them of the WFNJ disqualification penalties, intentionally makes a false or misleading statement or misrepresents, conceals or withholds facts for the purpose of receiving benefits. Such person shall be ineligible for benefits for a period of six months for the first violation, 12 months for the second violation, and permanently for the third violation;

11. A GA applicant or recipient who is eligible for or who is a recipient of WFNJ/TANF, or who has been found

ineligible for WFNJ/TANF due to voluntary refusal to comply with program requirements;

12. A GA applicant or recipient who is admitted or committed to an institution (see N.J.A.C. 10:90-9.1(d)3);

13. A foster parent(s) who is unable to prove a legal or blood relationship with the foster child (as defined at N.J.A.C. 10:90-2.7(a)1), when there are no other eligible children in the household; and

14. A person who is seeking legal guardianship of an unrelated child.

i. Although ineligible for TANF benefits, when needed, the WFNJ agency shall provide contact information to these cases for assistance in obtaining guardianship.

(b) When the county agency determines a family to be financially ineligible for WFNJ/TANF, such family shall not be eligible to receive WFNJ/GA benefits, unless there is a change in family status, such as the only minor child in the home becoming 18 years of age.

(c) WFNJ benefits shall not be payable for any month in which any individual applicant/recipient in the assistance unit is participating in a strike. The individual who is on strike is ineligible for benefits; however, other members of the assistance unit remain eligible for benefits.

1. The term "strike" includes any strike or other concerted stoppage of work by employees (including a stoppage by reason of expiration of a collective bargaining agreement) and any concerted interruption of operations by employees.

2. The term "participating in a strike" means an actual refusal, in concert with others, to provide services to one's employers.

3. Examples of non-strikers who are eligible to participate in the program include, but are not limited to:

i. Employees whose workplace is closed by an employer in order to resist the demands of employees (for example, lockout);

ii. Employees unable to work as a result of striking employees (for example, truck drivers who are not working because striking pressmen prevent newspapers from being printed); or

iii. Employees who are not part of the bargaining unit on strike who do not want to cross the picket line due to fear of personal injury.

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

Added (a)7 and 7i, recodified former 7 through 10 as 8 through 11; and added language to (a)8 regarding occurrence date of state law offense.

Amended by R.1999 d.177, effective June 7, 1999.  
See: 31 N.J.R. 249(a), 31 N.J.R. 1507(a).

Inserted a new (b); and recodified former (b) as (c).

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), rewrote 8.

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

Added (a)12.

Amended by R.2009 d.289, effective September 21, 2009.

See: 40 N.J.R. 5494(a), 41 N.J.R. 3435(a).

In (a)2, inserted "and burial assistance, which are funded through SSI and administered by the WFNJ agency"; in the introductory paragraph of (a)7, inserted "(as defined at N.J.A.C. 10:90-2.7(a)1)"; in (a)8, substituted a comma for "may not establish eligibility for WFNJ cash assistance benefits" following "felon"; in (a)8, (a)9 and (a)12, substituted a semicolon for a period at the end; in (a)9, substituted ". Such person" for a comma following "jurisdictions"; in (a)10, inserted ". Such person" preceding "shall", and a semicolon at the end; rewrote (a)11; and added (a)13 and (a)14.

### 10:90-2.9 Definition of employable/unemployable persons in WFNJ/GA

(a) The definition of employable/unemployable persons for determination of payment level is as follows:

1. An employable person is any person applying for or receiving cash assistance who is able-bodied and does not meet any one of the criteria of deferred delineated in (a)2 below; and

2. An unemployable person is any person who meets any of the criteria listed below:

i. Persons who are 60 years of age or older;

ii. Persons receiving inpatient hospital care and treatment who were receiving an unemployable grant prior to entering the hospital. (Persons who were listed as employable shall retain such employable status until hospital discharge.);

iii. Persons who are residents in long term care facilities;

iv. Persons in the first 12 months of residential treatment in centers licensed by the New Jersey Department of Health and Senior Services for the treatment of drug abuse, when medical evidence exists that the residential treatment is necessary (see N.J.A.C. 10:90-2.8(a)7ii regarding drug abuse treatment for those convicted of possession or use of controlled substances). The 12 month period starts anew for each commencement of treatment, previous incomplete or unsuccessful courses of treatment notwithstanding;

v. Persons normally eligible to receive RSDI (Title II benefits), SSI or Railroad Retirement benefits on the basis of disability, but due to administrative delays in that respective program, payments are being withheld;

vi. Persons who have been determined to be legally blind by the New Jersey Commission for the Blind and Visually Impaired;

vii. Persons in the third trimester of pregnancy when an examining physician certifies to both the pregnancy and its term;

viii. Pregnant persons when an examining physician certifies that employment poses a threat to the mother or the fetus;

ix. A caretaker relative of a disabled dependent who must provide full-time care for the disabled dependent (see N.J.A.C. 10:90-2.4(a)2ii). No more than one person in an eligible unit may be considered unemployable for this reason without written authorization from the DFD; and/or

x. Persons determined to be incapacitated by the agency that administers the WFNJ/GA program are unemployable when such determination of incapacity is supported by the following circumstances:

(1) Form WFNJ/MED-1 shall be fully completed by an examining physician that the individual is unable to comply with WFNJ/GA requirements. Such certification shall include, at a minimum, the date of examination, diagnosis, length of incapacity, functional limitations, prescribed treatment, an indication of whether or not reevaluation will be necessary and the examining physician's signature.

(A) Individuals who are deferred from the work requirement because of a physical or mental condition, which prevent them from being able to work full-time may participate part-time in a WFNJ work activity or employment if their physical or mental impairment allows, and the examining practitioner certifies on the WFNJ/MED-1 that the individual's physical or mental condition will allow participation. If a deferred individual chooses to participate in a work activity or employment and then finds that his or her condition precludes continuing participation, he or she shall not be subject to a WFNJ sanction. Part-time participants shall be given access to the same services and supports as non-deferred recipients, such as access to training slots, transportation and child care supports.

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)2ix, added reference to N.J.A.C. 10:90-2.4(a)2ii.

Special amendment, R.2000 d.392, effective September 1, 2000 (to expire March 1, 2001).

See: 32 N.J.R. 3615(a).

In (a)1, deleted a former second sentence.

Amended by R.2001 d.42, effective December 27, 2000.

See: 32 N.J.R. 3615(a), 33 N.J.R. 564(a).

In (a)1, deleted 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).

In (a)1, inserted "cash" following "receiving".

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (a)2x(1), rewrote the first sentence.

Amended by R.2009 d.289, effective September 21, 2009.

See: 40 N.J.R. 5494(a), 41 N.J.R. 3435(a).

In (a)1, substituted “; and” for a period at the end; in (a)2i, deleted “over” preceding “60”; and inserted “or older”; in the introductory paragraph of (a)2x, substituted “that” for “which”, and deleted “any of” preceding “the following”; in the introductory paragraph of (a)2x(1), substituted “examination” for “examining”, and deleted a comma following “necessary”; and added (a)2x(1)(A).

**10:90-2.10 WFNJ TANF/GA citizenship/eligibility requirements**

(a) Only those persons who are United States citizens, or eligible aliens shall be eligible for WFNJ TANF/GA benefits. In addition, for WFNJ/GA eligibility purposes only, those persons permanently residing in the United States under color of law as of August 21, 1996 are considered eligible for WFNJ/GA benefits.

1. Eligible alien means an alien as defined in the provisions of section 431 of Title IV of Federal Public law 104-193 pursuant to section 101 of the Immigration and Nationality Act (INA) (42 U.S.C. §§ 601 and 602).

(b) The following individuals are considered to be eligible aliens:

1. An alien present in the United States prior to August 22, 1996, and who is:

- i. A lawful permanent resident;
- ii. A refugee, pursuant to section 207 of the Immigration and Nationality Act;
- iii. An asylee pursuant to section 208 of the Immigration and Nationality Act;
- iv. An alien who has had deportation withheld pursuant to section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. §§1101 et seq.);
- v. An alien who has been granted parole for at least one year by the Immigration and Naturalization Service pursuant to section 212(d)(5) of the Immigration and Nationality Act;
- vi. An alien granted conditional entry pursuant to section 203(a)(7) of the immigration laws in effect before April 1, 1980;
- vii. An alien who is honorably discharged or on active duty in the United States armed forces and his or her spouse and the unmarried dependent children of the alien or spouse;
- viii. An alien who is a Cuban or Haitian entrant as defined in Section 501(e) of the Refugee Education Assistance Act of 1980;
- ix. An alien admitted to the United States as an Amerasian immigrant as described in Section 402(a)(2)(A)(i)(V) of the Refugee Education Assistance Act of 1980;
- x. An alien who obtained one of the statuses in (b)1i through ix above after August 22, 1996 if the alien

was continuously present in the United States from the latest date of entry prior to August 22, 1996, until he or she obtained qualified alien status. In general, any single absence from the United States of more than 30 days, or a total of aggregated absences of more than 90 days shall be considered to interrupt continuous presence; or

xi. An alien who is a victim of human trafficking; and

2. An alien entering the United States on or after August 22, 1996 and who is an alien described in (b)1ii, iii, iv, vii, viii or ix above.

i. An alien described in (b)1i, v or vi above is not eligible until five years after entry into the United States.

3. Certain eligible aliens, regardless of their date of entry into the United States, as provided in Section 431 of Title IV of Federal P.L. 104-193 pursuant to Section 101 of the INA who resided in the United States and are victims of domestic violence, subject to certain conditions as described below:

i. The alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent or by a member of the spouse or parent’s family residing in the same household as the alien and the spouse or parent acquiesced to such battery or cruelty; or

ii. The alien’s child has been battered or subjected to extreme cruelty in the United States by the spouse or parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse or parent’s family residing in the same household as the alien when the spouse or parent acquiesced to and the alien did not actively participate in such battery or cruelty; and

iii. In addition to the provisions described in (b)4i or ii above, if the individual responsible for the battery or cruelty continues to reside in the same household or family assistance unit as the individual who was subjected to such battery or cruelty, then the alien shall be ineligible for benefits.

iv. Federal law stipulates that the Attorney General of the United States shall issue guidance in the Attorney General’s sole and unreviewable discretion concerning:

(1) The meaning of the terms “battery” and “extreme cruelty”; and

(2) The standards and methods to be used for determining whether a substantial connection exists between battery or cruelty suffered and an individual’s need for benefits under a specific Federal, State or local program.

v. Until such time as specific guidance is issued by the Attorney General in accordance with (b)4iv above, the alien’s statement, taken in the form of an affidavit,

shall be accepted as documentation that the alien or the alien's child is subject to battery or extreme cruelty and the alien and the child(ren) shall be eligible for 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)lviii; and added a new (b)3 and recodified existing (b)3 as (b)4.

Administrative correction.

See: 30 N.J.R. 4239(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 (b).

Amended by R.2009 d.289, effective September 21, 2009.

See: 40 N.J.R. 5494(a), 41 N.J.R. 3435(a).

In (b)lv, substituted "241(b)(3)" for "243(h)" and "§§1101" for "§§ 101"; in (b)lix, substituted "Refugee" for "Refuge"; and deleted "or" from the end; in (b)lx, substituted "or" for "and" at the end; and added (b)lxi.

### 10:90-2.11 WFNJ TANF/GA residency requirements

(a) WFNJ/TANF residency requirements are as follows:

1. The law requires that an applicant for or recipient of WFNJ/TANF assistance shall reside in New Jersey. Any person who responds affirmatively to the question on the application "Do you plan to continue living in New Jersey?" fulfills this requirement. The requirement is also satisfied when the person resides in the State having entered with a job commitment or is seeking employment even if he or she is currently unemployed.

(b) WFNJ/GA residency requirements are as follows:

1. A resident of a municipality is a person who maintains a permanent customary home in the municipality, or a person who is in the municipality with intention to remain. No time intervals are relevant so long as the home is not established for a temporary purpose such as for a visit or vacation. A resident may live in his or her own home, a rented home or apartment, the home of a friend or relative, in a residential health care facility or boarding home, homeless shelter or in a long-term care facility.

2. Nonresidents/transients are persons in a municipality who may not intend to remain in that municipality and who are not residents of long-term care facilities who shall, if otherwise eligible, be granted assistance until arrangements

can be made to return them to their customary place of residence.

i. For any person in a municipality who is away from the municipality of his or her customary home and wishes to return but cannot, because of lack of funds, the agency shall grant sufficient funds to allow the individual to travel to his or her own municipality or to the nearest place at which it has been confirmed that the individual's needs may be met. Travel costs shall be estimated or ascertained, as appropriate, according to the least expensive method of travel which is appropriate. The travel grant shall be sufficient to allow payment for the fare and such food, clothing, or shelter as may be essential during the trip.

(1) When circumstances prevent an accurate determination as to whether an applicant would be otherwise eligible to receive WFNJ/GA, the agency will evaluate the application according to the best information available.

(2) Assistance for travel purposes in any amount over \$100.00 shall be granted only with prior approval from the DFD. Such approval shall be contingent upon the presence of the following positive indicators: the individual has actually resided where he or she wishes to go; there is a place for the individual to reside upon return; and someone will be responsible for the individual upon his or her return. Furthermore, the individual must not have established a pattern of requesting travel assistance annually or more frequently.

3. College students are individuals age 18 or over who are attending school or college. They may be found eligible for WFNJ/GA only when all of the following conditions are present:

i. He or she is a resident of the municipality in which application is made, and such municipality is his or her acknowledged home on a year-round basis;

(1) An individual coming from another state for the purpose of attending school or college is not eligible for WFNJ/GA during the period he or she is attending school;

ii. He or she is eligible in accordance with the eligibility provisions of the WFNJ/GA program;

iii. He or she shall comply with the WFNJ work requirements; and

iv. A college student shall not be eligible for WFNJ/GA while residing out-of-State in order to attend school.

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

In (b)2i(2), added second and third sentences.  
Amended by R.2003 d.226, effective June 16, 2003.  
See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), deleted li.

**10:90-2.12 County/municipal residence for identification**

(a) Residence in a county or municipality is not an eligibility requirement. A county or municipality of residence is necessary to identify which county/municipal agency is legally responsible for receipt, registration and processing an application and for issuance of payment, but shall not preclude or limit the opportunity for any person residing in New Jersey to apply for and receive assistance without delay.

(b) Wherever a family is living shall be considered that family's county or municipal residence. When a recipient family, or any member thereof, goes to another county, municipality or state for the purpose of a temporary visit, that county, municipality or state shall not become their residence unless it is a permanent transfer and provisions at N.J.A.C. 10:90-2.13 apply.

(c) A permanent residence is not an eligibility requirement. If an applicant expresses an intent to reside in the county or municipality, by providing verification of residence or by affirmatively stating his or her intent to reside in the jurisdiction, for purposes of WFNJ eligibility, the applicant shall be deemed to be a resident of such county and/or municipality.

(d) A public or private institution of custodial, curative or penal character shall not be considered an individual's customary residence, including those situations listed below:

1. When a WFNJ/TANF client is placed in a substance abuse residential treatment facility out-of-county and the child(ren) remains in the county of origin, then the parent(s) shall be considered on a temporary absence, in accordance with the provisions of N.J.A.C. 10:90-2.15(c), and the parent's eligibility for WFNJ/TANF shall not be affected.

2. If both parent(s) and child(ren) are placed in the facility, the case shall remain under the supervision of the county of origin.

3. If the WFNJ/TANF family is separated, with the parent(s) and one or more of the children placed in the facility and the other children remaining in the county of

origin, then case responsibility shall remain in the county of origin.

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

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

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

**10:90-2.13 Temporary absence from the State (WFNJ TANF/GA)**

(a) The county/municipal agency may, with the approval of the DFD, continue assistance payments to recipients who leave the State under specified conditions, such as, but not limited to, the need to provide temporary care to a sick or elderly relative when no one else is available to provide the care, or the recipient's presence is required in order to settle an estate. A recipient must notify the county/municipality when leaving the State for more than seven days. A recipient assistance unit may leave the State for up to a one month period with no resultant effect upon eligibility or payment. Special circumstances may allow for an extension of benefits beyond the one month time frame but such an extension must be approved by the DFD. Special circumstances include, but are not limited to, serious illness or accident while the recipient is out of the State, and a period of recuperation is required prior to returning to the State.

(b) Upon establishment of the fact that the recipient assistance unit still considers its permanent residence to be New Jersey and that it plans to return thereto, continuation of assistance shall be granted for the following reason(s):

1. Ill health;
2. Inability to travel of one or more members;
3. Mental or physical welfare; or
4. Family responsibility (for example, settling affairs of deceased).

(c) Assistance shall not be continued for a recipient assistance unit which leaves New Jersey when there has been no information provided to the county/municipal agency establishing that the absence is purely temporary.

(d) Whenever a recipient assistance unit wishes to leave New Jersey either to establish a permanent place of abode or for a temporary visit, he or she shall be advised of the effects of this plan on their eligibility for continued assistance, and on the amount of assistance, if any, for which he or she may continue to be eligible during a temporary absence.

(e) The county/municipal agency shall maintain an up-to-date record of all cases of recipients approved to receive assistance while out of the State.

(f) Recipients who are receiving assistance out-of-State shall be afforded the same full advance notice including information about their right to a fair hearing in accordance

with present policy regarding termination, reduction or suspension applicable in WFNJ. A copy of any such notice shall be sent to any out-of-State agency with which there has been communication regarding the case.

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

In (a), added language regarding conditions warranting continued assistance payments and added last sentence.

**10:90-2.14 Responsibility of a parent to report temporary absence of a child from the home**

(a) Eligibility for WFNJ/TANF may exist during the absence of a child from the home under the circumstances described in N.J.A.C. 10:90-2.15 and 2.16.

1. A parent or needy caretaker relative who fails to notify the county agency of the absence of the minor child from the home by the end of the five day period that begins with the date that it becomes clear to the parent or caretaker relative that the minor child will be absent for more than 180 consecutive days shall be ineligible for benefits for a period of three months.

i. The period of 90 days ineligibility for benefits shall begin on the first day of the month following the month in which the county agency becomes aware of the recipient's failure to notify the agency of the child's absence.

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

**10:90-2.15 Child, parent or WFNJ/GA individual in an institution**

(a) When a child who would be otherwise eligible for WFNJ is out of the home due to voluntary/involuntary placement in an institution, he or she shall be recognized as a member of the assistance unit so long as it is anticipated that he or she will return home within one year from the date of the placement. State only funds shall be used after the minor child has been absent from the home for more than 180 consecutive days.

1. A child whose placement is specified for a period longer than one year shall not be eligible during the entire period of placement.

2. Placement for an unspecified or indeterminate period shall be construed to be for less than one year. Should such period extend beyond one year, the child shall be deleted from the eligible unit at the end of the year.

3. In the case of a new application, eligibility of an institutionalized child shall be based upon the specified length of the placement starting from the date the placement began.

(b) The term "parent" as used in (c) below includes natural/adoptive parents, parent-persons, and legal guardians (see N.J.A.C. 10:90-2.7(a)3).

(c) Rules concerning a parent in an institution are:

1. Under WFNJ, when a parent is absent for diagnostic treatment or care and, even though hospitalized, is able to retain responsibility for supervising a plan for adequate care and control of his or her child(ren), eligibility shall continue so long as necessary to complete recovery but not to exceed 90 days.

i. When it appears that the absence will continue for more than 90 days, the case shall be reevaluated.

(d) When a WFNJ/GA assistance unit member is hospitalized for more than 30 days, cash assistance and EA benefits shall be continued for up to 60 additional days for the purpose of retaining shelter to which the person can return.

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

In (b), added "natural/adoptive" and "legal guardians"; and added new (d).

**10:90-2.16 Absence for reasons other than institutionalization**

(a) Temporary absence of a child which has not lasted more than 30 consecutive days does not affect eligibility. When the absence of a child lasts longer than 30 days, or it appears that an absence will last longer than 30 days, the county agency shall review the situation and take appropriate action.

1. If it is found that the parent, parent person, or legal guardian lacks or will lack both physical custody and responsibility for day-to-day care of the child and the situation is likely to continue for more than 90 days, the child is no longer eligible for assistance. In situations in which the whereabouts of the child is unknown, or the parent, parent-person, or legal guardian is precluded from contact, or the time period is otherwise indefinite, the child is no longer eligible for assistance.

2. If it is found there is reasonable expectation that the child will return to the home within 90 days, the child remains eligible.

3. The child remains eligible during the time that the above review is in process, but not longer than 90 days.

4. In unusual situations involving particular hardship, the county agency may consult with the DFD regarding the continuing eligibility of the child.

5. A child is considered temporarily absent from the home and regarded as an eligible member of the assistance unit if he or she is receiving vocational training at a residential Job Corps Center which permits him or her to return home for weekends.

**Case Notes**

Initial Decision (2008 N.J. AGEN LEXIS 180) adopted as modified, which found that child support payments could not be considered as "lump sums" for which the agency could seek repayment of Work First New Jersey/Temporary Assistance for Needy Families cash assistance under N.J.A.C. 10:90-3.18, since "lump sums" included such items as lottery winnings and personal injury awards; to include regularly recurring child support payments in the definition would violate important public policy considerations, namely the best interests of the child. R.F. v. Union County Div. of Social Services, OAL Dkt. No. HPW 1331-08, 2008 N.J. AGEN LEXIS 1044, Final Decision (July 24, 2008).

**10:90-3.19 Exempt income**

(a) Exempt income is not considered in determining initial and continued eligibility for assistance or in computing the amount of WFNJ cash assistance payments; however, as part of the determination of eligibility for emergency assistance, the agency shall evaluate all potential contributions of support to the household in accordance with N.J.A.C. 10:90-6.1(c)2. The following sources of income shall be exempt:

1. Income tax refunds;
  2. Homestead property tax rebates;
  3. Earned income tax credit (EITC) payments;
  4. Unearned income (including moneys to offset training expenses) received by a WFNJ dependent child through the Workforce Investment Act (WIA);
  5. Earned income received through the WIA by a WFNJ dependent child;
  6. Allowance payments to offset expenses related to training received by any WFNJ recipient who is participating in the WIA program;
  7. The earned income of any middle or secondary school student in the eligible assistance unit;
    - i. This income exemption applies to children who are full-time students up to the age of 18, or up to the age of 19 if they are expected to complete an educational program before reaching age 19; and children up to the age of 21, if they are enrolled in a special education program (see N.J.A.C. 10:90-2.7);
  8. Any grant, scholarship, student loan or other financial aid received by an eligible child or eligible adult who is a student, including funds received through college work study programs, so long as the eligible child or eligible adult continues to attend school and meets the conditions under which such moneys are granted and complies with required WFNJ work requirements at N.J.A.C. 10:90-4;
    - i. During any period for which a child or adult who is a student receives a grant, scholarship or student loan under a Federal, State or other public or private program, he or she shall not be entitled to any allowances for expenses incident to training which are otherwise provided for through student financial aid. In other situations al-
- lowances shall be provided in accordance with the supportive services provisions at N.J.A.C. 10:90-5;
  9. SSI benefits for WFNJ/TANF;
  10. Income-in-kind or benefits received in the form of goods, services or via third party payments, rather than cash;
  11. Kinship Subsidy Program payments;
  12. Individual Development Accounts including matching contributions and interest;
  13. Supplemental Living Support (SLS) Program payments made to WFNJ TANF/GA families/individuals who have been determined to be exempt from the 60-month lifetime limit on assistance;
  14. The following funds are considered as exempt income and are also identified as exempt resources designated for special purposes at N.J.A.C. 10:90-3.20(a)14:
    - i. Relocation adjustment payments which are made pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
    - ii. The value of the Food Stamp allotment for any household participating in the Food Stamp Program of the U.S. Department of Agriculture;
    - iii. Allowances for participation in the WFNJ program, including payments for transportation and related expenses set forth in the supportive services section at N.J.A.C. 10:90-5 and payments for child care;
    - iv. Allowance payments, that is, monies paid to offset expenses related to training received by a WFNJ parent or parent-person who is participating in the WIA program;
    - v. Payments to assistance units for child care in situations where special circumstances occur within the household (such as emergency illness of the parent(s)) that necessitate alternative care for a child on a temporary basis; and transportation or the cost of transportation, which is not available from any other source, to transport that child to and from the child care site when it is essential for the child's physical health and safety;
    - vi. Supplemental aid by other agencies or organizations, whether public or private, provided that:
      - (1) There is no duplication between such aid and the public assistance grant;
      - (2) Such aid is for a special purpose not within the function of the public assistance agency (for example, vocational rehabilitation); or
      - (3) Such aid is to any undergraduate student for educational purposes;

vii. Monies received through the Subsidized Adoption Program of the Division of Youth and Family Services pursuant to N.J.S.A. 30:4C-45 through 49 (P.L. 1973, c.81);

viii. Monies received on behalf of foster child care, including extra payments received for special services; and

ix. Funds received by applicants and recipients through certain Federal programs as delineated in (a)14ix(1) through (19) below:

(1) Funds distributed or held in trust for members of any Indian Tribe under Public Law 92-254 or 93-134;

(2) Funds which are tax-exempt portions of payments made pursuant to Public Law 92-03, the Alaska Native Claims Settlement Act;

(3) Benefits or assistance received through the WIC program (Special Supplemental Food program for Women, Infants and Children) and the special food services program for children under the National School Lunch Act as amended by Public Laws 92-433 and 93-150;

(4) Benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965 (42 U.S.C. §§ 3001 et seq.);

(5) Payments made through Service Corps of Retired Executives (SCORE), Active Corps of Executives (ACE);

(6) Payments made through the United States Department of Housing and Urban Development (HUD) Section 8, Rental Assistance Program (RAP), which provides funds to certain disabled individuals and low income families to assist them in meeting shelter costs;

(7) HUD community development block grant funds under Title I of the Housing and Community Development Act of 1974;

(8) Benefits received by eligible households under the Low Income Home Energy Assistance Act of 1981 pursuant to section 2605(f) of Public Law 97-35;

(9) Allowances and benefits under the National and Community Service Trust Act of 1993 (NCSTA) which established a Corporation for National and Community Service which administers national service programs, including the Americorps programs, the Senior Corps and Youth Corps programs; the Learn and Serve program and, the Volunteers in Service to America (VISTA) program;

(10) All student financial assistance received under Title IV of the Higher Education Act and under the Bureau of Indian Affairs student assistance programs;

(11) Student financial assistance made for attendance costs under the Carl D. Perkins Vocational Education Act Amendments of 1990;

(12) Restitution made, under Section 105 of Title I of P.L. 100-383, the Civil Liberties Act of 1988, to individuals of Japanese ancestry who were interned during World War II;

(13) Restitution made, under Section 206 of Title II of P.L. 100-383, the Aleutian and Pribilof Islands Restitution Act, to Aleuts who were relocated by the U.S. government during World War II;

(14) Major disaster and emergency assistance granted under Section 105 of P.L. 100-707, the Disaster Relief and Emergency Assistance Amendments of 1988, including FEMA;

(15) Agent Orange payments as provided for under Section 1(a) of P.L. 101-201 and Section 10405 of P.L. 101-239 of the Omnibus Budget Reconciliation Act of 1989;

(16) Amounts paid to individuals, under Section 6(h)(2) of P.L. 101-426, the Radiation Exposure Compensation Act of 1990, for injuries or deaths due to exposure to radiation from nuclear testing and uranium mining;

(17) Payments made to individuals because of their status as victims of Nazi persecution;

(18) Stipends received by individuals who participate in the New Jersey Youth Corps Stipends Program; and

(19) Certain payments made by the Department of Veterans Affairs to the natural children of female Vietnam veterans who served in the Republic of Vietnam from February 28, 1961 through May 7, 1975;

15. Kinship Legal Guardian subsidy payments, received either through DYFS or DFD;

16. Benefits received pursuant to N.J.S.A. 52:4B-1 et seq., the Criminal Injuries Compensation Act of 1971;

17. Income earned as a result of temporary census employment; and

18. Supplemental participant allowance payments issued in accordance with N.J.A.C. 10:90-4.2(a)2i.

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

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

Added (a)8i and (a)12.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), substituted "WFNJ/TANF/GA" for "WFNJ/TANF/GA only" in 10, added new 12 through 14 and recodified former 12 as 15.

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (a), rewrote 10 and added 19.

Amended by R.2009 d.135, effective April 20, 2009.

See: 40 N.J.R. 5501(a), 41 N.J.R. 1861(a).

In (a)1, substituted "\$100.00" for "\$50.00".

Amended by R.2011 d.078, effective March 7, 2011.

See: 42 N.J.R. 2561(b), 43 N.J.R. 630(a).

Rewrote the introductory paragraph of (a); deleted former (a)1; recodified former (a)2 through (a)15 as (a)1 through (a)14; in (a)3, inserted "tax" and substituted "(EITC)" for "(EIC)"; in (a)4, substituted "Workforce Investment Act (WIA)" for "Job Training Partnership Act (JTPA)"; in (a)5 and (a)6, substituted "WIA" for "JTPA"; in (a)13, deleted "and" from the end; in (a)14ii, substituted the first occurrence of "Food Stamp" for "coupon"; in (a)14iv, substituted "WIA" for "Job Training Partnership Act (JTPA)"; in (a)14ix(19), substituted a semicolon for a period at the end; and added (a)15 through (a)18.

### 10:90-3.20 Exempt resources

(a) Exempt resources are not subject to any requirement for liquidation and are not considered in determining WFNJ eligibility or in determining the cash assistance benefit. In addition to the exempt income set forth at N.J.A.C. 10:90-3.19, the following resources shall be exempt for each assistance unit:

1. Benefits available through the WFNJ program which are over and above the cash assistance allowance, such as, but not limited to, child care and transportation payments;

2. Aid/assistance from other agencies or organizations, whether public or private, as exempt from Federal and/or State law such as, but not limited to, Federal Emergency Management Assistance (FEMA), which supplements but does not supplant WFNJ benefits;

3. Up to a total of \$2,000 in resources (including savings);

i. An exception to the \$2,000 limit may be made for minor parents living in alternate adult supervised living arrangements only. For such minor parents, the full amount of special minor parent alternate living arrangement savings accounts and all interest and/or dividend earnings from such an account shall also be exempt;

ii. In addition to the above resources, moneys, matching contributions and interest on funds which are held in separate approved Individual Development Accounts are totally exempt. Funds which are held in approved Individual Development Accounts shall not be considered available for the assistance unit's use for emergency assistance purposes. The funds in these accounts are controlled by other entities and must be designated for one of the following purposes:

- (1) Purchase of a home;
- (2) Educational/training expenses;
- (3) Purchase of a motor vehicle; or
- (4) Purchase of a business.

iii. Moneys identified at (a)3 and 3i above are exempt in determining eligibility for WFNJ. However, in

the event that a WFNJ assistance unit is in need of emergency assistance, such funds may be considered available for the assistance unit's use to meet the emergency need prior to the issuance of emergency assistance;

4. All motor vehicle(s) registered in the name of a member of the assistance unit;

i. Recreational vehicles are not subject to the resource exemption and the value of recreational vehicles, registered in the name of an assistance unit member, shall be included in the determination of financial eligibility. The fair market value of a recreational vehicle shall be determined by the value of those vehicles as indicated on the National Automobile Dealers Association Internet website [www.nadaguides.com](http://www.nadaguides.com). The county or municipal agency shall not increase the basic value of a vehicle by adding the value of low mileage or other factors such as optional or handicap accessible equipment. If a new vehicle is not listed on the website, the county or municipal agency shall determine the wholesale value by some other means such as, but not limited to, contacting a dealer that sells that make of recreational vehicle;

5. Real property owned by an eligible assistance unit member(s) and used as a home by a member(s) of the eligible assistance unit, together with so much of the land on which the house stands as is reasonably necessary for the maintenance of the house;

i. The property may remain in exempt status during temporary absence of the entire assistance unit for a period up to four months, at which time the county or municipal agency shall review the status and, if so indicated, may allow it to remain in exempt status for an additional four months. Continued absence through the entire eight months shall be deemed to be permanent and the property shall be removed from exempt status;

6. Personal property, such as, but not limited to, house furnishings and clothing which are used regularly or likely to be used;

i. Furnishings and clothing in storage may be deemed to be exempt in the presence of a reasonable plan for their use;

ii. Personal effects if regularly used or of small intrinsic value;

(1) Items of exceptional value not regularly used and not essential to the physical health and safety of the eligible assistance unit are not exempt;

7. Livestock, machinery, tools, equipment, and stock-in-trade which serve to produce some net income in cash or in kind or serve as an incentive for self-help; livestock or property owned or used by a child in connection with a group or school activity (such as 4-H); and farm and gar-

den products raised by the eligible assistance unit for its own use;

8. Any asset, real or personal, the liquidation of which would produce no net revenue to the eligible assistance unit;

9. Nonrecurring gifts and contributions of nominal amount or value, such as those for birthdays, graduations or holidays;

10. Bona fide and/or personal loans which are held and used for specific purposes in accordance with the conditions of the loan and not used to meet day-to-day living costs; and, such loans are evidenced by a document signed by the client and the lender which states the amount of the loan and terms of repayment;

11. Fees paid in conjunction with the collection of a pending claim when the costs were incurred during a period of receipt of WFNJ (see N.J.A.C. 10:90-7);

12. Prepaid burial plots (limited to one for each member of the eligible assistance unit) and prepaid bona fide funeral agreements up to a total value of \$4,000 per assistance unit member, to the extent that the total equity value of any agreement attributable to each member of an eligible assistance unit does not exceed \$2,430, unless such assistance unit member was a recipient of General Assistance prior to July 1, 1997 and the exemption at (a)12iii below applies;

i. Burial plots mean conventional gravesites, crypts, mausoleums, urns or other repositories which are customarily and traditionally used for the remains of deceased persons.

ii. Funeral agreements mean contractual arrangements to provide for the costs connected with burial, cremation, or other funeral arrangements.

iii. Prepaid irrevocably assigned funeral/burial arrangements, as noted in (a)12iii(1) through (3) below, for WFNJ/GA recipients who were General Assistance recipients and had made such arrangements prior to July 1, 1997;

(1) Prepaid irrevocable funeral/burial insurance policies;

(2) Prepaid irrevocable funeral/burial annuity policies;

(3) Prepaid irrevocable funeral/burial trust funds;

13. Life insurance policies;

14. Resources designated for special purposes as follow:

i. Relocation adjustment payments which are made pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;

ii. The value of the Food Stamp allotment for any household participating in the Food Stamp Program of the U.S. Department of Agriculture;

iii. Allowances for participation in the WFNJ program, including payments for transportation and related expenses set forth in the supportive services section at N.J.A.C. 10:90-5 and payments for child care;

iv. Allowance payments, that is, monies paid to offset expenses related to training received by a WFNJ parent or parent-person who is participating in the Workforce Investment Act (WIA) program;

v. Payments to assistance units for child care in situations where special circumstances occur within the household (such as emergency illness of the parent(s)) that necessitate alternative care for a child on a temporary basis; and transportation or the cost of transportation, which is not available from any other source, to transport that child to and from the child care site when it is essential for the child's physical health and safety;

vi. Supplemental aid by other agencies or organizations, whether public or private, provided that:

(1) There is no duplication between such aid and the public assistance grant;

(2) Such aid is for a special purpose not within the function of the public assistance agency (for example, vocational rehabilitation); or

(3) Such aid is to any undergraduate student for educational purposes;

vii. Monies received through the Subsidized Adoption Program of the Division of Youth and Family Services pursuant to N.J.S.A. 30:4C-45 through 49 (P.L. 1973, c.81);

viii. Monies received on behalf of foster child care, including extra payments received for special services; and

ix. Funds received by applicants and recipients through certain Federal programs as delineated in (a)14ix(1) through (18) below:

(1) Funds distributed or held in trust for members of any Indian Tribe under Public Law 92-254 or 93-134;

(2) Funds which are tax-exempt portions of payments made pursuant to Public Law 92-03, the Alaska Native Claims Settlement Act;

(3) Benefits or assistance received through the WIC program (Special Supplemental Food program for Women, Infants and Children) and the special food services program for children under the National School Lunch Act as amended by Public Laws 92-433 and 93-150;

i. The client self-assessment section, completed by the client, explores the client's strengths and weaknesses and shall assist in determining appropriate interventions.

ii. The comprehensive social assessment tool, completed by both the client and worker, assists in identifying barriers that hinder the recipient's success in reaching self-sufficiency. Identified issues shall trigger subsequent referrals/actions to address such concerns.

iii. The assessment summary sheet shall indicate and record the initial actions taken by the agency as a result of the assessments.

2. The employability assessment, completed by the Department of Labor, provides testing to determine reading and math levels and testing to establish employment competence.

(b) Required attendance at a scheduled comprehensive assessment appointment shall be entered on the IRP so that failure to attend or refusal to be assessed, without good cause, shall be considered sanctionable.

(c) The WFNJ recipient shall be informed, verbally and in writing, prior to beginning the CSA that disclosure of disability information is voluntary. An individual shall not be sanctioned or otherwise penalized for failing to disclose information or for declining to answer specific questions.

(d) A CSA or other DFD-approved assessment shall be administered to a recipient who failed to actively participate in work activities without acknowledged good cause prior to the agency initiating the sanction process found at N.J.A.C. 10:90-4.13.

1. If barriers are identified during the assessment, those issues shall be addressed and the sanction shall not be imposed. If the barriers relate to family violence, the FVO Initiative procedures are to be followed (see N.J.A.C. 10:90-20).

(e) Disclosure of family violence shall require referral of the individual to the agency's Family Violence Option (FVO) representative (see N.J.A.C. 10:90-20).

(f) Based on the information obtained from the comprehensive assessment, the agency shall address all barriers that are identified and schedule the client for an appropriate employment-related activity at the earliest possible opportunity.

(g) Actions taken as a result of the comprehensive assessment must be included in the IRP. Some of the assigned actions set forth in the IRP may not be work related depending on the issues and barriers identified on the CSA. Sanctions will apply in those situations of non-compliance with assigned work or work related activities only. Participation in the Substance Abuse Initiative (SAI) and/or the Mental Health Initiative (MHI) may be considered a work activity (see N.J.A.C. 10:90-5.15 and 18).

New Rule, R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Former N.J.A.C. 10:90-4.9, Deferrals from the work requirement, recodified to N.J.A.C. 10:90-4.10.

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (a), deleted "is comprised of 12 sections that" after "client and worker," in the first sentence of Iii.

Amended by R.2007 d.15, effective January 16, 2007.

See: 38 N.J.R. 1156(a), 39 N.J.R. 207(a).

In (g), inserted "and/or the Mental Health Initiative (MHI)" and updated the N.J.A.C. reference.

Special amendment, R.2008 d.182, effective June 3, 2008.

See: 40 N.J.R. 4232(a).

Rewrote the introductory paragraph of (d); and in (d)1, substituted "shall not be imposed" for "notification process and imposition rescinded".

#### 10:90-4.10 Deferrals from the work requirement

(a) Deferrals from WFNJ work requirements shall be limited to:

1. Individuals age 60 or older;

2. Individuals who are unable to engage in regular work activities because they are chronically ill, infirm, or have a physical and/or mental disability or impairment which is expected to last for more than 12 months and such conditions are certified by an attending physician (including a licensed or certified psychologist, as appropriate) or advanced practice nurse to constitute a permanent disability. Such certification shall be documented through use of Form WFNJ/MED-1, Examination Report, and shall, upon completion by the certifying physician (including a licensed or certified psychologist, as appropriate) or advanced practice nurse, be reviewed by the county or municipal agency which shall have the responsibility to approve or deny the deferral request;

i. Individuals receiving a work deferral due to a certified permanent disability shall be required to make application for SSI benefits;

ii. A recertification to determine permanent disability using Form WFNJ/MED-1 shall not be required for those individuals who provide documentation that they have been determined permanently disabled and are receiving disability insurance benefits under Title II or Title XVI of the Federal Social Security Act. At the time of case redetermination, the permanent disability condition of the individual shall be reviewed. If the permanent disability remains unchanged as verified through social security documentation, it shall be duly noted on the IRP that the permanent disability remains unchanged, the source of the documentation and the date of the review. If a change in the permanent disability occurs which indicates that the individual may be able to participate in a WFNJ activity, for example, the client is no longer eligible for permanent disability considerations under Title II or Title XVI and the client is still requesting a WFNJ deferral based on the disability, the county or municipal agency shall require the completion of Form WFNJ/MED-1 by the client's attending physician (including a

licensed or certified psychologist, as appropriate) or advanced practice nurse in order to evaluate the client's ability to participate;

3. A person certified by an attending physician (including a licensed or certified psychologist, as appropriate) or advanced practice nurse to be unable, by reason of a physical or mental defect, disease or impairment, to engage in any gainful occupation for any period of less than 12 months. Such certification shall be documented through use of Form WFNJ/MED-1, Examination Report, which, upon completion by the certifying physician (including a licensed or certified psychologist, as appropriate) or advanced practice nurse, shall be returned to the county or municipal agency worker, as appropriate for review and final determination of deferral from participation from work requirement activities within the WFNJ program;

4. WFNJ/GA single adults or couples without dependent children who are determined unemployable in accordance with provisions set forth at N.J.A.C. 10:90-2.9(a)2. The form WFNJ/MED-1 will be required, if appropriate;

5. A woman in the second trimester, or earlier, of a pregnancy, when it is certified by an attending physician that a medical reason exists;

6. A woman in the third trimester of pregnancy;

7. The parent or relative of a child under the age of 12 weeks who is the individual providing care for that child;

i. This deferral may be extended for an appropriate period of time, when it is certified by the attending physician to be medically necessary for the parent or child;

8. A person who has been determined to be temporarily disabled resulting from his or her participation in a CWEP or AWEP activity;

9. An individual who is participating in a CWEP or AWEP activity and is eligible for leave under the State Family Leave Act and the family and medical leave provisions allowed under Federal law;

10. The sole caretaker (parent/relative) of a severely disabled or seriously ill dependent child or the sole caretaker (parent/relative) of a severely disabled or seriously ill family member;

i. Such certification shall be completed through use of Form WFNJ-5S(DEP), Confidential Medical Examining Physician's Report for Dependent Child or Dependent Adult, which shall provide documentation for the severity of the disability or illness of the dependent child or adult.

ii. During the time a severely disabled or ill dependent child or family member regularly attends a residential special school or other specialized care environment, the sole caretaker shall not be deferred.

(1) If there is an interruption of 30 consecutive days or longer in this regular schedule of care at the residential special school or other specialized care

environment which necessitates the recipient to care for that individual due to the unavailability of other care arrangements, the caretaker shall be deferred from the work requirement.

(2) Periods of less than 30 days of care shall allow the caretaker an excused absence from participation; and

11. Individuals determined to be victims of family violence who have requested temporary deferral from work via affidavit due to circumstances/trauma related to the family violence incident in accordance with requirements set forth at N.J.A.C. 10:90-20.

(b) All instances when medical documentation is required, Form WFNJ/MED-1, Examination Report or Form WFNJ-5S (DEP), Confidential Medical Examining Physician's Report for Dependent Child or Dependent Adult, as appropriate, shall serve as a physician's, licensed or certified psychologist, or advanced practice nurse certification and the following procedures concerning receipt of the completed form shall be adhered to:

1. If the WFNJ/MED-1 or WFNJ-5S (DEP) states that the incapacity will be for less than 30 days, the agency will approve the deferral and retain the documentation at the agency. At the end of the 30 days, the agency worker will review the circumstances of the incapacity with the client and determine if the client is still claiming the same deferral circumstance; if so, another WFNJ/MED-1 or WFNJ-5S (DEP) is to be completed by the attending physician (including a licensed or certified psychologist, as appropriate) or advanced practice nurse.

2. If the WFNJ/MED-1 or WFNJ-5S (DEP) states that the incapacity is expected to last more than 30 days the county or municipal agency, as appropriate, shall have the responsibility to approve or deny the deferral request.

i. The acceptable timeframe for a physician (licensed or certified psychologist, as appropriate) or advanced practice nurse to complete and a client to return medical documentation shall not exceed 30 days unless extenuating circumstances occur which cause a delay in the completion/return of such documentation. Extenuating circumstances shall include, but not be limited to, the inability of the recipient to see a treating physician (licensed or certified psychologist, as appropriate) or advanced practice nurse within the 30 days or when the physician (licensed or certified psychologist, as appropriate) or advanced practice nurse fails to return the form within the specified timeframe.

ii. A sanction shall not be imposed for failing to return medical documentation timely. The individual and case manager shall have previously decided on an acceptable employment-directed activity in the event that the medical deferral is not forthcoming.

(c) A recipient shall not be required to engage in a work activity if appropriate child care is necessary but unavailable. Child care services shall be provided in accordance with child care services regulations at N.J.A.C. 10:15. WFNJ supportive services provisions concerning child care are found at N.J.A.C. 10:90-5.2 and 5.3. Child care is unavailable if:

1. Appropriate child care is not available within a reasonable distance from the individual's home or work-site;
2. Appropriate informal child care from a relative or otherwise, if available, is unsuitable; or
3. Appropriate formal child care arrangements are unaffordable.

Administrative correction.  
See: 29 N.J.R. 3729(a).

In (a)11, corrected N.J.A.C. reference; and in (d), deleted "from any other source, and the recipients child(ren) is under 13 years of age or up to 18 years of age if a special needs child" following "Child care is unavailable if:".

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

Added (a)2ii; and in (d), added N.J.A.C. references.  
Amended by R.1999 d.66, effective March 1, 1999.

See: 30 N.J.R. 3629(a), 31 N.J.R. 685(a).

Deleted a former (c); and recodified former (d) as (c).  
Recodified from N.J.A.C. 10:90-4.9 and amended by R.2003 d. 226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote the section. Former N.J.A.C. 10:90-4.10, Good cause, recodified to N.J.A.C. 10:90-4.11.

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

Rewrote the section.

**10:90-4.11 Good cause**

(a) Good cause for failure to participate in WFNJ or refusal to accept or maintain employment shall be found if:

1. The mandatory WFNJ participant is certified by DFD to be physically or mentally unable to engage in an assigned WFNJ work requirement or to cooperate with a WFNJ program requirement;

4. Vendors providing education and/or training to WFNJ recipients must be listed on the Eligible Training Provider List (ETPL). If a vendor is not currently listed as an eligible training provider, the vendor must demonstrate proof of registration to become an Eligible Training Provider.

5. The CAV Program shall not be construed as an entitlement program. If the fiscal or other resources necessary to carry out the CAV Program are unavailable, that individual shall not be deemed to have a right to such program.

(b) In order to be eligible for this program, the applicant's WFNJ/ TANF case must have closed within the previous 24 months and the applicant shall:

1. Be currently employed, for at least 20 hours a week, and have been employed for at least the previous four months;
2. Have expressed an interest in, and have an opportunity for, career advancement;
3. Agree to remain employed and not reduce work hours in order to participate in the program; and
4. Have not already received a CAV within the previous 18 months or if a CAV was received, the program funded by the CAV was successfully completed. Successful completion means the client has participated through the closing date of the class or training program. It is not a requirement that the client pass the course or receive a graduation certificate or license. (Exceptions may be made on a case by case basis as some institutions require payment for an approved subsequent class prior to the completion date of the first class or training program.)

(c) Child care support services may be available to eligible CAV participants as a part of the TCC and Post TCC Programs.

(d) A post WFNJ/TANF participant that received a CAV and successfully completed the CAV funded program may apply for a second voucher up to a maximum of \$4,000, if requested within the 24 month post-TANF benefit period.

(e) CAV participants who lose their job through no fault of their own and need to re-apply for WFNJ/TANF cash assistance, shall be allowed to complete their CAV funded activity and receive the needed supportive services for such attendance.

(f) CAV participants that voluntarily quit a job without good cause and re-apply for WFNJ/TANF cash assistance shall be determined ineligible for WFNJ benefits for a 90-day period beginning with the day of quit. They may still continue to attend their CAV funded activity.

1. During the 90-day period, these clients will be ineligible to continue receiving supportive services for the CAV funded activity.

(g) CAV participants that relocate to another county, if able, may complete the current program with needed supports and the final CAV payment issued by the receiving county.

1. Employed post WFNJ/TANF clients that move to another county are eligible to apply for the CAV program in the receiving county as long as eligibility requirements are met and the request is made within 24 months of case closure.

2. Employed post WFNJ/TANF clients that move to another state are not eligible to apply for a CAV.

3. CAV participants that move to another state during the time of attendance in a CAV funded program, if able, may complete that portion of the program funded through the initial payment. Final payments and supportive services shall not be issued.

New Rule, R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (a), rewrote 4; in (b), substituted "24" for "12" before "months" in the introductory paragraph; in (c), substituted "and Post TCC Programs" for "Program" after "TCC".

**10:90-5.13 Housing Subsidy Program**

(a) In an effort to provide housing stability and eliminate long term dependence on WFNJ/TANF assistance, DFD has established a Housing Subsidy Program. This program is designed to provide rental assistance to former WFNJ/TANF recipients for up to 24 months. Eligibility is determined on an annual basis, with the initial income eligibility standard set at 150 percent or less of the FPL during the first year of the program. The income standard for redetermination after the first 12 months is set at 200 percent or less of the FPL.

(b) In addition to ongoing rental assistance, the subsidy can be used toward a one-time payment of the following:

1. A security deposit;
2. Moving expenses; or
3. Utility turn on, when no other assistance is available.

(c) Checks for rent subsidy will be made payable to the landlord and the housing subsidy recipient has the responsibility of paying the balance of the rent to the landlord.

(d) In order to be initially eligible for the Housing Subsidy Program, recipients shall meet all of the following criteria:

1. The recipient shall be a former WFNJ/TANF recipient whose case has closed within the previous 12 months or a current WFNJ/TANF recipient who agrees to close the TANF case;

2. The recipient shall be currently employed a minimum of 20 hours a week and have maintained employment for the previous four months;

3. The recipient shall have an eligible child as defined at N.J.A.C. 10:90-2.7(a) for the entire 24-month period.

i. If determined that the recipient would not meet this requirement for the full 24-month period, the housing subsidy benefit period must be limited to the number of months eligibility would exist.

4. Initial financial eligibility is based on a gross household income of less than or equal to 150 percent of the FPL;

5. Recipients are required to be spending a minimum of 40 percent of their gross household income on rent; and

6. As a condition of eligibility, all recipients shall apply for Section 8 Housing within 60 days of receipt of the subsidy (or make a good faith documented effort to apply, providing a waiting list is available). The recipients shall also agree to accept the Section 8 Housing if it is offered to them.

(e) Recipients in receipt of a housing subsidy shall continue to receive all necessary post WFNJ/TANF supports, such as, child care, transportation and Medicaid based on existing eligibility requirements.

(f) CWA's are required to conduct an annual redetermination that includes a subsidy recalculation.

1. If the program participant is unemployed at the time of the redetermination, he or she shall obtain new employment within 90 days from the date of the last day of his or her employment to maintain eligibility for the housing subsidy.

2. As part of annual redetermination, the CWA shall verify that the recipient has paid his or her portion of the monthly rent and has kept current with his or her utility payments.

i. The CWA shall allow exceptions for situations involving a landlord dispute when the individual is holding payments until the landlord takes action and the situation is resolved.

3. During the annual redetermination, if there is an increase or decrease in the rent, the subsidy amount shall be adjusted accordingly provided the recipient continues to meet the eligibility requirements.

(g) Recipients are no longer eligible for program participation when any of the following takes place:

1. A recipient loses his or her housing due to criminal activity of the recipient or activity that the recipient knowingly permitted to occur on the premises;

2. A recipient fails to apply for Section 8 Housing (or make a good faith documented effort to apply, providing a waiting list is available);

3. A recipient fails to accept Section 8 Housing if it is offered to him or her;

4. A recipient's household income exceeds 200 percent of the FPL at the time of the annual redetermination; or

5. Rent is less than 40 percent of the recipient's household income.

(h) If a recipient leaves the Housing Subsidy Program, then re-applies, the recipient may be eligible for the balance of the months remaining, up to 24 months, provided the recipient meets the eligibility requirements.

(i) When a recipient moves, whether within or outside of the county issuing the subsidy, the subsidy amount shall remain unchanged during the first 12 months of the subsidy as long as program eligibility is maintained. The county of origin shall maintain responsibility for issuance of the monthly subsidy.

1. If the recipient fails to notify the agency regarding a move and a subsidy payment is subsequently issued to the previous landlord, no new subsidy can be issued on the recipient's behalf for that month. The CWAs shall attempt to secure repayment from the previous landlord.

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

#### 10:90-5.14 Supplemental Living Support (SLS) Program

(a) The Purpose of the Supplemental Living Support (SLS) Program is to offset additional housing or living costs associated with long term disability as evidenced by receipt of assistance in excess of 60 months and designation as an exempt individual.

(b) The SLS Program is available to all cases where at least one active adult has been determined to be exempt from the 60-month time limit and continues to be in receipt of WFNJ Benefits.

(c) The SLS program provides assistance units with an additional \$150.00 per month for those exempt cases where one or both of the adults has met the exemption criteria for post 60-month WFNJ/TANF benefit receipt.

(d) Cases that fail to comply with program eligibility requirements or work requirements and are sanctioned, are not eligible to receive the SLS. In addition, if the exempt status of an individual should change, the household is no longer eligible to receive the SLS payment.

(e) The SLS payment is not included when calculating the WFNJ benefit amount.

(f) In the calculation of other benefits received by the household, the SLS shall be treated as unearned income for food stamp purposes and as part of total household income when determining, where necessary, the TRA/EA household co-payment amount.

1. If a WFNJ/TANF/GA recipient is already receiving TRA when he or she begins to receive an SLS benefit, the TRA shall be continued even if the additional SLS income would have rendered the recipient ineligible for TRA. The TRA co-payment amount will be 65 percent of all household income including the SLS benefit or the combined cash assistance and SLS benefit, whichever is less.

New Rule, R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (f), added 1.

### 10:90-5.15 Mental Health Initiative

(a) Mental health and employment readiness services are available through the Work First New Jersey Mental Health Initiative (MHI). The MHI provides services to WFNJ recipients who are experiencing mental health barriers to self-sufficiency.

1. WFNJ recipients enrolled in the MHI are eligible to receive mental health services provided and/or arranged by a Mental Health Case Manager who is a trained mental health clinician from a contracted agency, and employment readiness services provided by an employment specialist from an agency associated with the Division of Mental Health Services' Supported Employment Program and/or coordinated with the One-Stop Career Centers (OSCC).

i. Mental health services arranged for may include, but are not limited to, psychiatric evaluation and medication, out-patient counseling, or partial care/psychosocial rehabilitation.

ii. Employment services may include, but are not limited to, vocational readiness determination, career profiling, community-based occupational exploration, job-seeking skills, alternative work experience with support, support plan development, and individualized job placement.

(b) A participant's hours spent in treatment provided by and/or arranged through the MHI may count towards the required hours of a work activity.

1. For WFNJ recipients required to participate in a work activity, mental health treatment counts as a participant's work activity only if the mental health case manager assesses the recipient and monitors the participant's treatment.

(c) A WFNJ recipient who appears to have a mental health barrier and appears to meet the eligibility criteria for the program shall be asked to complete the form MHI-1, WFNJ

Mental Health Initiative Questionnaire. Completion of this form is voluntary. If the results of the MHI-1 indicate a mental health barrier, the recipient shall be referred to the MHI for an assessment by a Mental Health Case Manager.

1. A mental health assessment shall be administered to each WFNJ recipient referred to the program by a trained mental health clinician using recognized DMHS Intensive Case Management Services assessment protocols.

(d) Participants may be enrolled in the MHI if they meet either of the following criteria below:

1. They are mandatory TANF recipients required to participate in a work activity or employable GA recipients, and have a mental health problem that prevents them from achieving self-sufficiency, as determined by the Mental Health Case Manager, based on the results of the mental health assessment, pursuant to (c)1 above; or

2. They have an open DYFS case, and have a mental health problem, as determined by the Mental Health Case Manager, based on the results of the mental health assessment, pursuant to (c)1 above. These cases may include deferred TANF and unemployable GA cases.

(e) Referral to and participation in the MHI shall be either voluntary or mandatory based on the following criteria:

1. Non-sanctioned WFNJ recipients who are required to participate in a work activity shall be offered a referral based on the results of the MHI-1. Acceptance of such referral is voluntary. Individuals that choose not to accept the referral are to be assigned an appropriate work-related activity.

i. For those individuals that accept the referral and agree to attend a meeting with a Mental Health Case Manager, the referral is to be noted on the IRP. If the meeting with the recipient and the Mental Health Case Manager is held and it is determined that a mental health problem exists and an appropriate mental health activity is assigned, then the recipient has the option of attending that activity or participating in another WFNJ work-related activity. Refusal to attend the mental health activity is not sanctionable in this situation.

ii. If the recipient agrees to attend this activity, it becomes his or her WFNJ work-related activity, with non-compliance triggering the start of the sanction process.

(1) Before starting the sanction process for a recipient enrolled in MHI, the WFNJ worker shall contact that recipient's Mental Health Case Manager for a determination of whether the client's non-compliance was due to his or her mental health problems. If the Mental Health Case Manager concludes that the recipient's non-cooperation may have been a result of his or her mental health barriers, that recipient shall not be sanctioned and shall be offered the opportunity

either to continue participating in the MHI or to be assigned an alternate activity.

2. WFNJ recipients who are required to participate in a work activity, and who have been sanctioned for non-compliance with a work activity in accordance with N.J.A.C. 10:90-4.13, may be advised that they shall be required to complete the MHI-1 and, if applicable, participate in the MHI in order to remove the sanction, unless the agency worker determines that the reason for the non-compliance is other than a mental health problem. A referral to meet with a Mental Health Case Manager for a mental health assessment shall be provided to the sanctioned individual. Acceptance of such referral is mandatory. The MHI referral is to be noted on the recipient's IRP.

i. If treatment is indicated, the recipient shall be required to actively attend that program during the two-week intent to comply period in order for the sanction to be removed. Continuation of the mental health activity will become the recipient's mandatory work activity. Failure to participate as designated shall cause the individual's sanction to proceed as scheduled.

(1) Before the individual's sanction is reinstated to proceed as scheduled, the WFNJ worker shall contact the recipient's Mental Health Case Manager for a determination of whether the recipient's non-compliance was due to his or her mental health problems. If the Mental Health Case Manager concludes that the recipient's non-cooperation was a result of his or her mental health barriers, then the recipient shall not be sanctioned and shall be offered the opportunity either to continue participating in MHI or be assigned an alternate activity.

New Rule, R.2007 d.15, effective January 16, 2007.

See: 38 N.J.R. 1156(a), 39 N.J.R. 207(a).

Special amendment, R.2008 d.182, effective June 3, 2008.

See: 40 N.J.R. 4232(a).

In (e)2i, substituted "cause the individual's sanction to proceed as scheduled" for "advance the penalty to the next sanction offense level"; and in (e)2i(1), substituted "the individual's sanction is reinstated to proceed as scheduled" for "advancing a MHI recipient to the next sanction level".

#### 10:90-5.16 TANF Initiative for Parents (TIP) Program

(a) The TIP Program is a performance-based child abuse and neglect prevention initiative that offers comprehensive parenting, nutritional and support services utilizing in-home visitation parenting models of service delivery, one of which includes the Healthy Families America (HFA) model, for families at risk of abuse or neglect. TIP Program services are made available initially based on the in-home visitation service provider's assessed needs of the family. TIP Program participants shall be re-evaluated for continued program services, by the service provider, at three-month intervals.

(b) The purposes of the TIP Program are to:

1. Promote the safety, permanency and well-being of infants and their siblings while:

- i. Encouraging healthy parent-child interactions; and
- ii. Reducing the number of referrals to the Division of Youth and Family Services (DYFS);

2. Increase healthy child development, rates of immunizations, early identification of development delays, and good nutrition;

3. Link families to community based medical, social, nutritional and employment services; and

4. Provide TANF parents an opportunity to acquire parenting skills that will assist the recipient in the pursuit or maintenance of employment while balancing a healthy family environment.

(c) Participation in TIP Program services, including the in-home visitation, is not mandatory. The TIP program preferred approach is in-home visitation. However, participants are given a choice of participating in the program services voluntarily, as follows:

1. In their own home;
2. Outside of their own home; or
3. In their own home and outside of their own home.

(d) The TIP Program services are available to certain individuals in their last trimester of pregnancy and new parents with infants from birth through 12 months of age, even if the individual has older children in the family in addition to the new infant, as follows:

1. Individuals in their third trimester of pregnancy:
  - i. WFNJ TANF/GA individuals; and
  - ii. Non-Public Assistance (NPA) Food Stamp Program (FSP) individuals; and
2. Individuals who are new parents:
  - i. WFNJ TANF recipients, including new TANF parents, needy parent persons, parents in child-only cases, sanctioned recipients and recipients with a capped child;
  - ii. SSI recipients in child-only cases; and
  - iii. NPA FSP recipients.

(e) TIP Program participants who are deferred from the WFNJ work requirements in accordance with N.J.A.C. 10:90-4.10 may voluntarily take part in parenting skills services.

1. WFNJ recipients who are deferred may want to consider participating in the TIP Program as a transitional activity that will help prepare them for employment readiness and assist the recipient with balancing work activity and raising a family.

(f) For TIP Program participants who are required to participate in a work activity in accordance with N.J.A.C. 10:90-4, hours spent participating in the TIP Program shall count towards the required hours of a work activity. A TIP par-

ticipant may need to participate in another work activity in addition to TIP in order to fulfill his or her required number of hours. No adverse action or sanction shall be imposed on a

2. When an EA recipient determined appropriate to receive TRA benefits moves to permanent housing in another county/ municipality, with or without county or municipal agency intercession, the new county or municipality of residence shall assume responsibility for the TRA benefits, EA case management, WFNJ case management and cash assistance benefits provided the client remains eligible for EA payments after the recipient makes application for services in the new county/municipality, and pursuant to transfer requirements at N.J.A.C. 10:90-7.

3. 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.

4. 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.

5. 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).

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (a), inserted "temporary" before "emergency housing" in the first sentence of 1, added 2, recodified existing 2 through 4 as 3 through 5.

Amended by R.2010 d.239, effective November 1, 2010.

See: 41 N.J.R. 3887(a), 42 N.J.R. 2621(a).

In (a)1, inserted "the" following "When" and inserted the last sentence.

### **10:90-6.9 Supportive Housing Assistance Program (SHAP) pilot project**

(a) The SHAP pilot project is established pursuant to P.L. 1997, c. 14, §10 (Work First New Jersey Act), approved January 29, 1997, wherein the Commissioner of the Department of Human Services is authorized to waive compliance with the requirements of the Work First New Jersey (WFNJ) program to the extent the Commissioner deems it necessary to conduct experimental, pilot, or demonstration projects, which are likely to help promote the objectives of the WFNJ program. The SHAP pilot project expands upon the provi-

sions governing the granting of extensions of Emergency Assistance (EA) to recipients of WFNJ/General Assistance (GA) EA as found at N.J.A.C. 10:90-6.4(c), WFNJ/Temporary Assistance for Needy Families (TANF) and Federal Supplemental Security Income (SSI) payments, as found at N.J.A.C. 10:90-6.4(d), provided such individuals continue to need EA and are otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1.

(b) One purpose of the SHAP pilot project is to extend EA benefits for WFNJ recipients who otherwise qualify for Temporary Rental Assistance (TRA) and may have exhausted at least six months of their 12 cumulative-month lifetime limit on receipt of EA benefits in temporary housing, such as a hotel, motel, or shelter and subsequently locate permanent housing; and to recipients whose emergency assistance benefits terminated due to the 12 cumulative-month lifetime limit on receipt of EA benefits and who are experiencing a new housing crisis. The second purpose of the SHAP pilot is to provide WFNJ recipients who are determined permanently disabled, as well as SSI recipients with up to an additional 36 months of EA.

1. Under the SHAP pilot project, WFNJ recipients who are engaged or eligible to engage in employment or a program designed to prepare recipients for competitive employment, may receive up to an additional 12 months of EA, plus up to two six-month extensions (see N.J.A.C. 10:90-6.4), in accordance with the following provisions:

i. Recipients must be in compliance with all WFNJ program requirements, including the EA services plan;

ii. Recipients must be participating or eligible to participate in a Federally defined work activity or, as appropriate, the Substance Abuse Initiative (SAI) or the Mental Health Initiative (MHI);

iii. Recipients must be in receipt of EA benefits and residing in a hotel, motel, or shelter placement paid for by the county or municipal agency, and have exhausted at least six months of their 12-month lifetime limit; or the recipient's emergency assistance benefits terminated due to the 12 cumulative-month lifetime limit on receipt of EA benefits and he or she is experiencing a new housing crisis; and

iv. Recipients must have located permanent or transitional housing and are in need of TRA benefits. The housing must be considered likely to become affordable during the receipt of SHAP benefits, or the housing must be the least costly arrangement and serve to preserve the family structure.

2. SSI recipients and WFNJ recipients who are determined permanently disabled and are in imminent danger of homelessness, shall receive up to 36 months of SHAP when one or more of the following criteria are met:

i. The individual has applied for and is either pending approval or appealing a denial for Retirement,

Survivors and Disability Insurance (RSDI) and/or SSI disability benefits, which shall be supported by a WFNJ/MED-1 form substantiating at least 12 months of disability. The individual shall cooperate with all WFNJ requirements related to applying for RSDI/SSI disability benefits;

ii. The recipient is the sole caretaker of a severely disabled or seriously ill dependent child or family member;

iii. There is recent documentation of long-term medical or psychological problems, which indicates that the individual is unlikely to ever secure and/or maintain employment;

iv. There is documentation of a history of mental and/or physical inability to take care of oneself, resulting in serious potential or actual harm to the individual based on agency observation as documented in the case file. Documentation may be provided from the case record, worker's observations supported by Form WFNJ-6, Work First New Jersey Medical Social Information Report, and/or verification from community-based organizations regarding the individual's mental and/or physical incapacity;

v. There is documentation of a history of recurrent inpatient hospital care or institutionalization due to a clinically/medically diagnosed chronic medical/psychological condition, which renders the individual functionally incapacitated;

vi. The individual is age 60 or above. The individual shall be required to apply for other benefits for which he or she may be potentially eligible, such as RSDI or SSI; or

vii. The individual has been diagnosed as HIV positive with symptoms, or has active AIDS, or is terminally ill and unable to perform activities of daily living.

(c) After receipt of SHAP, if additional assistance is needed, the recipient shall be evaluated for a hardship extension in accordance with N.J.A.C. 10:90-6.4.

(d) Recipients who lost Section 8 housing for non-compliance with Section 8 housing rules and regulations are not eligible for SHAP.

(e) WFNJ recipients must agree to a mandatory vendor-restricted payment for the payment of rent and/or other utilities, as deemed appropriate by the agency.

(f) In accordance with N.J.A.C. 10:90-6.3, the county and municipal agencies are authorized to make the following payments under SHAP:

1. Payment of security deposits shall be made for eligible recipients when permanent housing has been located. Security deposits shall not be counted toward the months in SHAP.

i. If a recipient is placed in temporary housing while awaiting final arrangements for permanent housing, the time spent in temporary housing shall not count toward the SHAP benefit, as long as the recipient is currently receiving EA or is in a hardship extension.

2. Payment of retroactive utilities may be made in accordance with N.J.A.C. 10:90-6.3(a)5 and shall be counted as one month of receipt of SHAP benefits for each two months paid, not to exceed three months of SHAP benefits; and

3. Payment of retroactive rent or mortgage may be made in accordance with N.J.A.C. 10:90-6.3(a)5 and shall be counted month for month toward SHAP benefits.

(g) County and municipal agency responsibilities include, but are not limited to, the following:

1. Determining SHAP eligibility;

2. Developing and updating the EA Service Plan, as appropriate, but not less than every six months;

3. Placing recipients in TRA within three months or as soon as possible;

4. Ensuring that all supporting documentation, including the county or municipal agency's certification of recipient disability/unemployability, shall be maintained in the recipient's case record for recipients determined disabled or unemployable;

5. Referring recipients to appropriate agencies and programs to meet the recipient's needs, which may include, but not be limited to, substance abuse, medical services, and mental health screening and services. Additionally, as appropriate, making necessary transportation arrangements;

6. Documenting that recipients apply for permanent housing including Section 8, public housing, project or tenant-based vouchers, State-Rental Assistance Program and Housing First programs and accept that housing if offered; and

7. Assuring that recipients are referred to apply for SSI, RSDI, or other cash benefits to which the recipients might be entitled. For recipients who have been denied SSI, the agency shall ensure that the recipients follow through with all levels of the appeal process.

New Rule, R.2008 d.313, effective October 20, 2008.

See: 40 N.J.R. 2191(a), 40 N.J.R. 6205(a).

Section was "Reserved".

Administrative correction.

See: 40 N.J.R. 6970(a).

“State IV-D Agency” means the Department of Human Services (DHS).

“State institution” means any institutional facility for the mentally ill or developmentally disabled, penal institution or veteran’s hospital under the jurisdiction of the State of New Jersey.

“State office” means the Division of Family Development.

“Substance Abuse Initiative” means active participation in substance abuse treatment services that requires a substance abuse assessment administered by a professional clinical care coordinator (CCC) and treatment services as determined clinically appropriate by the CCC, for all WFNJ eligible applicants and recipients who have substance abuse problems.

“Suspended grant” means a payment which is withheld from the recipient pending clarification of continuing eligibility and/or extent of need or because of temporary increase of available resources.

“TANF” means the Federal welfare reform program called Temporary Assistance for Needy Families.

“Temporary payee” means a person designated temporarily by the WFNJ entity to receive assistance payments on behalf of an eligible individual or family, usually in an emergency situation.

“Time-limited assistance” means an aggregate total of 60 cumulative months of receipt of WFNJ benefits whether or not those months are accrued consecutively or intermittently during periods of program participation.

“Timely notice” means a notice that is mailed to a WFNJ applicant/ recipient by a county or municipal agency at least 10 calendar days before the effective date of an agency’s decision or action concerning WFNJ benefits.

“Title IV-D” means Part D, “Child Support and Establishment of Paternity,” of subchapter IV of the Social Security Act (42 U.S.C. § 651 et seq.) under which states receive partial Federal reimbursement of their administrative expenses for establishing paternity and collecting child support.

“Total countable income” means the sum of all recognized income of the assistance unit, including unearned and calculated earned income.

“Transfer application” means a signed request for assistance from a recipient who is presently receiving assistance under the same program in another county or municipality in the State.

“Unrestricted payments” means checks drawn to the order of and delivered to the recipient or authorized payee

and received by such person without direction of any kind as a condition of receiving the payment.

“Vendor payment” means a payment drawn to the order of a person or facility for providing goods or services to or for the client, representing payment for such goods or services.

“Vocational training” means providing recipients with classroom training experience and instruction related to specific occupational areas in demand in their labor market area. Training may be combined with CWEP.

“Voluntary acknowledgment of paternity” means consent to the parentage of a child(ren) by signing a Certificate of Parentage. This includes a request by the alleged father and/or the non-custodial parent for genetic testing.

“WFNJ/TANF” means the Work First New Jersey/Temporary Assistance for Needy Families Program.

“WFNJ/GA” means the Work First New Jersey/General Assistance Program.

“Withdrawn application” means an oral or written request by an applicant that the WFNJ entity terminate its activity on his or her application.

“Work activity” means, but is not limited to, the following: employment, on-the-job-training, job search and job readiness assistance; vocational educational training; job skills training related directly to employment; community work experience; alternative work experience; supportive work; community service programs, including the provision of child care as a community service project; in the case of a teenage parent or a recipient under the age of 19 who is expected to graduate or complete their course of study by their 19th birthday, satisfactory attendance at a secondary school or in a course of study leading to a certificate of general equivalence; and education that is necessary for employment in the case of a person who has not received a high school diploma or a certificate of high school equivalency, a course of study leading to a certificate of general equivalency, or post-secondary education, when combined with community work experience participation or other approved work activities, including employment.

“Work First New Jersey participants” means all individuals in the assistance unit.

“Work First New Jersey program” means the single public assistance program established pursuant to P.L. 1997, c.13, c.14, c.37 and c.38, which provides assistance to single adults, couples without dependent children and families with dependent children.

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

Inserted “Legal custody” and “Legally-related”; and in “Parent”, added a reference to legal guardians.  
Amended by R.1999 d.66, effective March 1, 1999.

See: 30 N.J.R. 3629(a), 31 N.J.R. 685(a).

Inserted "Substance abuse research demonstration (SARD)".  
Amended by R.2000 d.347, effective August 21, 2000.

See: 32 N.J.R. 2031(a), 32 N.J.R. 3070(a).

Inserted "Cooperation with child support", "Good faith effort for WFNJ/GA" and "Good faith effort for WFNJ/TANF".

Amended by R.2000 d.371, effective September 18, 2000.

See: 32 N.J.R. 2203(a), 32 N.J.R. 3435(a).

In "Substance Abuse Research Demonstration (SARD)", deleted a reference to applicants.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote the section.

Amended by R.2004 d.292, effective August 2, 2004.

See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

Rewrote "Parent-person".

## SUBCHAPTER 16. CHILD SUPPORT AND PATERNITY

### 10:90-16.1 Introduction

(a) P.L. 93-647 establishes Title IV-D of the Social Security Act, which mandates procedures for locating non-custodial parents, establishing paternity for children born out-of-wedlock and establishing, enforcing and/or modifying support obligations owed by non-custodial parents to their children. Title IV-D services with regard to paternity determinations and support collections shall be available to a WFNJ individual, a Medicaid individual, a Title IV-E individual or any other individual not receiving WFNJ who files an application for child support services.

(b) The WFNJ program is designed to promote self-sufficiency. Support collections are a vital financial resource to all individuals attempting to attain and/or maintain self-sufficiency. Applicant/recipient cooperation with the county welfare agency child support unit (CWA/CSU) is a necessary step in obtaining support collections. Child support cooperation is an interactive ongoing process based on individual case circumstances. The applicant/recipient has a continuing responsibility to provide all necessary and new information available to them. The CWA/CSU is responsible for assisting the clients in obtaining information in its efforts to make paternity determinations and to obtain support collections from their responsible parent(s).

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

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

Added the second sentence.

Amended by R.2000 d.347, effective August 21, 2000.

See: 32 N.J.R. 2031(a), 32 N.J.R. 3070(a).

Rewrote the section.

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (b), substituted "CWA/CSU" for "CWA/CSP".

### 10:90-16.2 Cooperation with child support for WFNJ eligibility

(a) The first step in the WFNJ application process is cooperation with child support. In addition to the eligibility requirements contained in N.J.A.C. 10:90-2.2 and 3.2 or 3.4, requirements for WFNJ eligibility shall include the following:

1. The application process for WFNJ benefits for both WFNJ/TANF and WFNJ/GA individuals begins with the agency worker assigned to ascertain cooperation requirements of child support. For TANF purposes, at the time of the IV-D interview with the WFNJ/TANF applicant/recipient, the CWA/CSU worker shall explain the child support cooperation requirements set out in this section and N.J.A.C. 10:90-16.3, the good faith effort requirement set out in N.J.A.C. 10:90-16.4, and what constitutes a claim for good cause exceptions from the child support requirements, as outlined at N.J.A.C. 10:90-16.5 and the related procedures for those individuals affected by family violence at N.J.A.C. 10:90-20. The CWA/CSU worker, as an agency program contact person, shall notify all WFNJ/TANF individuals having contact with the CWA/CSU of the WFNJ Family Violence Option (FVO) in accordance with N.J.A.C. 10:90-20.2, and explain the purpose of the WFNJ FVO and of the availability and opportunity for referral to the CWA FVO representative. Except in extraordinary circumstances, the IV-D interview shall be conducted at the time of application.

- i. For TANF purposes, the IV-D interview to establish cooperation shall begin with the applicant/recipient signing the affidavit of cooperation and completing the child support questionnaire which includes providing information related to the non-custodial parent in accordance with N.J.A.C. 10:90-16.4(b) and (c), unless the WFNJ/TANF individual requests a WFNJ FVO Waiver in accordance with N.J.A.C. 10:90-16.5 and 20.6 for reason of family violence as a good cause exception from child support requirements, or any of the other reasons for good cause exemption from child support requirements in accordance with N.J.A.C. 10:90-16.5. The WFNJ FVO Waiver and WFNJ/TANF Waiver mean the same as a good cause exception from the child support requirements for reason of family violence or the risk of family violence and are used interchangeably throughout this subchapter.

- (1) The WFNJ/TANF applicant/recipient is required to provide information related to the non-custodial parent at the time of the IV-D interview but no later than 30 calendar days from the date of the notice of initial cooperation with child support in accordance with N.J.A.C. 10:90-16.4(d).

(2) During any IV-D contact of a WFNJ/TANF applicant/recipient with the CWA/CSU as a component of the WFNJ/TANF application processing, WFNJ/TANF redetermination processing, IV-D case processing, or after completion of these processes, the WFNJ/TANF applicant/recipient shall be informed of the right to speak with a CWA FVO representative and offered the opportunity to do so in accordance with N.J.A.C. 10:90-20.2. During any of the aforementioned types of contact with the CWA/CSU, should the WFNJ/TANF applicant/recipient request a WFNJ/TANF Waiver, that is, a good cause exception from the child support requirements for reason of family violence, then corroborative evidence concerning the violence and the client's circumstances is not and shall not be required by the CWA/CSU. The individual's case shall be handled in accordance with the rules for the WFNJ FVO Initiative at N.J.A.C. 10:90-20 and involves completion of the WFNJ FVO Risk Assessment process, as delineated at N.J.A.C. 10:90-20.8 and 20.12, to determine possible risks of harm to the WFNJ/TANF individual and family members.

ii. The CWA/CSU shall make the determination as to whether or not the WFNJ/TANF applicant/recipient has initially cooperated in good faith in accordance with N.J.A.C. 10:90-16.3.

iii. During the period after initial cooperation has been determined, if the CWA/CSU finds that the information provided by the WFNJ/TANF applicant/recipient is insufficient and additional information is necessary, the CWA/CSU shall make a determination as to whether or not the applicant/recipient has continued to cooperate in meeting the good faith effort requirement in accordance with N.J.A.C. 10:90-16.4.

iv. If later CWA/CSU efforts to verify a WFNJ/TANF applicant's/recipient's information show that inaccurate information related to the non-custodial parent was deliberately provided, the applicant/recipient shall be found to have failed to cooperate.

v. At the point of initial intake, for WFNJ/GA applicants, initial cooperation in good faith with the child support requirements shall be established by the completion and signing of the affidavit of cooperation which shall include the identification of his or her child(ren) and their respective custodial parent(s).

vi. At the time of any adverse action, the applicant/recipient shall be advised of his or her rights to a fair hearing and to appeal any adverse action in accordance with N.J.A.C. 10:90-9.3.

2. If at the time of application, it is not possible to complete the IV-D interview due to extraordinary circumstances, the following procedures shall apply:

i. When the WFNJ/TANF applicant is applying for multiple benefits, for example, WFNJ, Medicaid and

food stamps, the CWA shall determine if the IV-D interview and work registration requirement can be completed on the day of initial contact with the agency. Where the IV-D interview and/or work requirement cannot be completed on the day of application, the applicant shall be afforded the opportunity to file the application for food stamps and Medicaid if appropriate, that day. At a minimum, the applicant shall provide his or her name and signature, as well as the date of filing, on the application. The applicant shall also complete the questions on the application which are relevant in determining whether the household is entitled to food stamp expedited service and all questions relevant to determining Medicaid eligibility. In addition, the applicant shall be provided with an appointment to return to the agency to comply with the IV-D interview and/or the work registration requirement.

ii. When the WFNJ/TANF applicant is applying for multiple benefits, for example WFNJ, Medicaid and food stamps, and fails to cooperate with the CWA/CSU, the application process shall continue for food stamps and Medicaid for any eligible children and any applicant who meets the Medicaid exception requirement in accordance with N.J.A.C. 10:90-16.3(f)1.

iii. In cases of immediate need, where the IV-D interview and/or work registration requirement cannot be completed on the day of application, the application process is to continue and immediate need determined, with the WFNJ/TANF applicant being provided an appointment to return to the CWA to comply with the IV-D interview and/or the work registration requirement.

iv. All child support activities shall be coordinated with the WFNJ/TANF applicant's/recipient's work activities as delineated in the individual responsibility plan (IRP) and/or the emergency assistance service plan.

v. A WFNJ/GA applicant's lack of cooperation with the child support requirement shall not delay a referral to the CWA to apply for the Food Stamp program or the Medicaid program for those individuals who meet the exception requirement in accordance with N.J.A.C. 10:90-16.3(f)1 or the processing of such application, if applicable.

vi. All child support activities shall be coordinated with the WFNJ/GA applicant's/recipient's work activities as delineated in the IRP and/or the emergency assistance service plan.

vii. In cases of immediate need, where the affidavit of cooperation and/or work registration requirement cannot be completed on the day of application, the application process is to continue and immediate need determined with the WFNJ/GA applicant being provided an appointment to return to the municipal or county agency to complete the affidavit of cooperation and/or the work registration requirement.

(b) WFNJ/TANF applicants, as a condition of eligibility for WFNJ, automatically assign to the CWA all rights to support from the children's non-custodial parent(s) or any other support to which the eligible children, or the applicant when he or she is included in the eligible unit, may be entitled (see N.J.A.C. 10:110-6.1). An assignment of rights is also required for DYFS cases under Section 471(a)17 of the Social Security Act and as a condition of Medicaid under 42 C.F.R. 433.146.

(c) Title IV-D services with regard to paternity determinations and support collections shall be available to the Division of Youth and Family Services (DYFS) upon application and referral on behalf of the child(ren) for whom services are requested.

(d) Child support and paternity regulations contained in this subchapter are not required for the Refugee Resettlement Program (RRP). Although CWAs will not receive incentive payments for amounts collected for individuals in this program, there is no bar to providing child support services to this population.

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

Rewrote (a); recodified former (a)2 as (b); added new (c); recodified former (b) as (d); deleted former (c) and (d).  
Amended by R.2000 d.347, effective August 21, 2000.  
See: 32 N.J.R. 2031(a), 32 N.J.R. 3070(a).

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

Rewrote the section.

### 10:90-16.3 Cooperation in good faith in establishing paternity and support

(a) The cooperation requirement herein is applicable pursuant to the Work First New Jersey Act, P.L. 1997, c.14.

(b) Applicants/recipients of WFNJ/TANF are required to cooperate in good faith as defined at N.J.A.C. 10:90-16.4 with the CWA/CSU unit to establish parentage and establish, modify and enforce child support orders, subject to good cause exceptions as set forth at N.J.A.C. 10:90-16.5.

(c) Cooperation in good faith for WFNJ/TANF applicants/recipients shall include, but is not limited to, providing the CWA/CSU with information related to the non-custodial parent as specified at N.J.A.C. 10:90-16.4(b) and (c). The CWA/CSU shall conduct an investigation based upon the information provided in an effort to identify and locate non-custodial parents, establish parentage and establish, modify and/or enforce child support orders. If an applicant/recipient of WFNJ/TANF fails to cooperate by not providing the necessary information as outlined at N.J.A.C. 10:90-16.4(b) and fails to make a good faith effort as outlined at N.J.A.C. 10:90-16.4(c), or fails to meet the criteria for continuing cooperation as outlined at N.J.A.C. 10:90-16.4(e), and good cause for failure to cooperate is not established, the CWA/CSU shall notify the WFNJ/TANF applicant/recipient that a determination of non-cooperation shall be made unless he or she takes certain specified actions to cooperate.

(d) A WFNJ/GA applicant/recipient shall be required to cooperate in good faith with the child support requirements by identifying his or her children and their respective custodial parent(s) and by providing the custodial parents address, date of birth and social security number or by providing all of the requested information he or she reasonably can through the completion and the signing of the affidavit of cooperation.

1. If an applicant/recipient refuses to provide information or sign the affidavit of cooperation, a determination of non-cooperation with the WFNJ/GA agency shall be made. See N.J.A.C. 10:90-16.2(a)2v regarding eligibility for other programs.

(e) An applicant/recipient of Medicaid benefits shall be required to cooperate in good faith in obtaining a child support order and medical support to which members of the eligible unit are entitled (see N.J.A.C. 10:90-16.4).

(f) Once a determination of non-cooperation is made, the WFNJ/TANF applicant/recipient and the children in the assistance unit shall be ineligible for cash benefits under WFNJ and the applicant/recipient shall be ineligible for Medicaid. The exception to this Medicaid ineligibility requirement is listed in (f)1 below. The applicant/recipient shall have the opportunity to challenge a determination of non-cooperation by requesting a fair hearing.

1. The exception to this Medicaid ineligibility requirement is that Medicaid does not sanction pregnant women and children. If a client is pregnant at the time a determination of non-cooperation with child support is made, Medicaid eligibility shall continue until pregnancy and the 60 day post-partum eligibility period are concluded.

(g) WFNJ applicants/recipients shall be required to cooperate fully with the CWA/CSU by:

1. Appearing at the appropriate child support agency, as necessary, to provide oral or written information, additional information or documentary evidence relevant to obtaining support health care coverage, which is known to, possessed by, or reasonably obtainable by the applicant/recipient and to provide information to establish parentage and establish, modify and/or enforce a child support order. A WFNJ/GA individual will have his or her case reviewed for appropriate action;

2. Appearing as a witness at judicial or administrative hearings necessary to obtain a support order(s);

3. Appearing for and submitting appropriate samples for scheduled genetic tests, along with the respective child(ren) of the alleged father, to determine paternity;

4. Providing information, or attesting to the lack of information, under penalty of perjury;

5. Permitting the CWA/CSU to obtain pertinent information not otherwise obtainable from third parties, as appropriate; and