

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

September 2, 1982

Public Assistance Manual
Transmittal Letter #33

PROPERTY OF
NEW JERSEY STATE LIBRARY
SEP 7 - 1982
185 W. State St.
TRENTON, N.J.

TO: Holders of the Manual

Subject: Revision to the Public Assistance Manual

Attached is a revision to the Public Assistance Manual which increases the amount friends and relatives may contribute to the cost of funeral and burial expenses of deceased recipients of AFDC. The amount of the agency payment itself is not changed.

NOTE:

- 1) Transmittal letters numbered 31 and 32 have been reserved for portions of the Public Assistance Manual which will be forthcoming.
- 2) The dates (April 1981 or later only) at the bottom of revised pages denote either the latest adoption, readoption, or effective operational date of the material, pursuant to publication/republication in the New Jersey Register.

Conversion Chart

Section Designation(s)		Cross-Reference(s)	
<u>N.J.A.C.</u>	<u>Existing Manual Section(s)</u>	<u>N.J.A.C.</u>	<u>Existing Manual Section(s)</u>
		10:81-7.24-7.29	7530-7580

INSTRUCTIONS FOR FILING:

Remove and Destroy:

Subchapter 7
pages 17-18

Insert in Place Thereof:

Subchapter 7
page 17 dated 9/7/82
page 18 dated 4/75

Sincerely yours,

Original etc.
G. Thomas Riti, Director
Division of Public Welfare

gm
5/12

GTR:HMD:CMP

Attachment

NJ/KAS
I5/F3
C.2

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

Public Assistance Manual
Transmittal Letter #32

SEP 24 1982

TO: Holders of the Manual

Subject: Revisions to the Public Assistance Manual

Attached are revisions to the Public Assistance Manual mandated by the Omnibus Budget Reconciliation Act of 1981.

NOTE:

- 1) Effective with this letter, a date will be stamped on top of each transmittal to represent the date of distribution.
- 2) The dates (April 1981 or later only) at the bottom of revised pages denote either the latest adoption, readoption, or effective operational date of the material, pursuant to publication/republication in the New Jersey Register.

Conversion Chart

Section Designation(s)		Cross-Reference(s)	
<u>N.J.A.C.</u>	<u>Existing Manual Section(s)</u>	<u>N.J.A.C.</u>	<u>Existing Manual Section(s)</u>
10:81-1.10-1.11(a)3	1190-1213	ASH 10:82-3.2(b)6	311.7
1.12-1.13(a)	1220-1310 ✓	Subchapter 8	8000
2.2(a)6-2.3(b)1ii	2116-2221.2	10:81-1.4	1130
		10:81-1.3	1120
		10:81-3.12(b)	3260

Section Designation(s)		Cross-Reference(s)	
N.J.A.C.	Existing Manual Section(s)	N.J.A.C.	Existing Manual Section(s)
10:81-			
2.3(b)2-2.4(d)	2222-2330 ✓	10:81-4.6	4510
2.8(a)3i-(a)6i	2541.31-2541.61 ✓	10:81-3	3000
2.8(a)7-(b)1v	2541.7-2542.15 ✓	10:81-2.6	2500
2.9-2.12	2550-2580	10:81-3.35	3800
2.13-2.15(c)	2600-2730	10:81-7.1	7100
2.15(d)-2.17(e)	2740-2920	10:81-8.13	8440
2.17(d)-(e)	2930-2940	10:81-7.15	7300
(f)-(i)	2960-2980	10:81-3.2 through 3.7	3100
2.18(a)-(a)3	2950-2953	ASH 10:82-1.9	130
3.4(b)-3.5(b)5i	3123-3132.1	ASH 10:82-2.10	214
3.6-3.8(b)2	3140-3211.1a	ASH 10:82-1.5	123
3.8(c)-(e)2i	3212-3214.2a	10:81-3.29	3530
3.9-(a)4	3220-3221.4	ASH 10:82-1.7(b)2	125.2(b)
3.9(a)5-(a)5ii(4)	3224-3224.4	ASH 10:82-3	300
3.9(b)-(c)2	3222-3223.2	Sections 35-36	3800
3.10-3.11(a)	3230-3241	10:81-7.9	7230
3.18(a)-(b)2ii(2)	3400-3411.22(b)	10:81-3.14	3280
3.18(b)2ii(2)-(d)1	3411.22(b)-3412.11a	10:81-3.4(a)2	3122
3.18(c)-(g)2i	3412.2-3415.21	ASH 10:82-2.9	213
3.18(g)2ii-(g)6ii	3415.22-3416.1	10:81-3.12	3250
3.18(h)-(i)4	3417-3418.2	10:81-4.6	4510
3.18(i)4i-(j)2i	3418.21-3419.21	ASH 10:82-2.3	203
		ASH 10:82-1.5	123
		ASH 10:82-2.13	230
		10:81-2.8	2540
		ASH 10:82-2.5	205
		ASH 10:82-2.11-12	221-222

Section Designation(s)		Cross-Reference(s)	
<u>N.J.A.C.</u>	<u>Existing Manual Section(s)</u>	<u>N.J.A.C.</u>	<u>Existing Manual Section(s)</u>
3.18(k)-(k)2	Replaces 3450		
3.18(1)-(1)7	3420-3421.7		
3.18(1)71-(1)9	3421.7-3423		
(1)10-(1)1011	New		
3.18(m)-(m)111(3)	3430-3432.21		
3.18(m)2-(m)5	3433-3436		
3.19(a)-(d)	3440-3443		
3.21	3510		
3.22(a)-(c)	3511-3512		
3.22(d)-(e)	3513-3514		
3.23(a)-(b)	3515		
3.24	3516		
3.41(e)-3.46(a)11	3955-3961.1	10:81-7.1(k)6iv(1)	7113.25
3.46(a)2-(b)1	3961.2-3962.1	Section 38(b)	3922
		(b)2	3962.2
4.1 4.2(a)	4100-4240	10:81-4.5	4500
(e)	4211		
4.3(a)-(e)	4300-4340	10:81-1.3	1120
5.9(1)-5.10(d)	5342-5354	10:81-3.35	3800
5.11-5.13	5400-5520	10:81-7.1	7100
6.1-6.3(a)	6100-6121	10:81-4.8(d)	4534
6.3(b)-6.4	6122-6130		
8.16(d)-8.18	8523-8530		
8.19(a)-(c)	8550-8552.3		
8.20(a)-(c)	8560-8563		
8.21(a)-(c)	8600-8630		
8.22(a)-(c)	8540-8541.2		
(d)	New		
8.23(a)-(d)1	8542-8542.3		
8.23(d)2-(e)11	8542.3-8542.41		
8.24(a)-(e)	8543-8543.4	Chapter 82	ASH
8.25(a)-(d)	8544-8544.3	ASH 10:82-1.7	125

INSTRUCTIONS FOR FILING:

Remove and Destroy:

✓ Chapter 1000
pages 3-4

✓ Chapter 2000
pages 3-4

✓ pages 9-15

✓ Chapter 3000
pages 3-8

✓ pages 23-30

✓ pages 31-38

✓ pages 61-62

✓ Chapter 4000
pages 1-2

✓ Chapter 5000
pages 7-8

✓ Chapter 6000
pages 1-2

Insert in Place Thereof:

✓ Subchapter 1
page 3 dated 12/31/81
page 4 dated 1/78

✓ Subchapter 2
page 3 dated 10/79
page 4 dated 12/31/81

✓ page 9 dated 1/78
page 10 dated 12/31/81
page 11 dated 1/78
page 12 dated 10/79
page 13 dated 1/78
pages 14-15 dated 12/31/81

Subchapter 3
page 3 dated 12/31/81
page 4 dated 10/79
pages 5-6 dated 4/80
page 7 dated 12/31/81
page 8 dated 8/79

pages 23-26 dated 12/31/81
page 27 dated 1/78
pages 28-30 dated 12/31/81

page 31 dated 10/79
pages 32-34 dated 12/31/81
page 35 dated 1/78
pages 36-38 dated 1/80

page 61 dated 12/31/81
page 62 dated 4/80

Subchapter 4
page 1 dated 1/78
page 2 dated 12/31/81

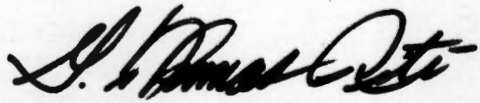
Subchapter 5
page 7 dated 12/31/81
page 8 dated 10/79

Subchapter 6
page 1 dated 12/31/81
page 2 dated 10/79

✓ Chapter 8000
pages 15-21

Subchapter 8		
page	15	dated 5/78
page	16	dated 8/79
pages	17-18	dated 5/80
pages	19-20	dated 12/31/81
page	21	dated 8/79
page	22	dated 12/31/81
page	23	dated 8/79

Sincerely yours,



G. Thomas Riti, Director
Division of Public Welfare

GTR:HMD:MMp

Attachment

jm
4/25/83

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

Public Assistance Manual
Transmittal Letter #31

NEW JERSEY STATE

SEP - 1982

185 W. State St.
Trenton, N. J.

TO: Holders of the Manual

Subject: Revisions to the Public Assistance Manual

Attached are revisions to the Public Assistance Manual. Briefly summarized, the revisions deal with the following:

10:81-1.14(a)-(h)

Minimum requirements for minutes of meetings of county welfare boards, where such boards exist. Also, the preparation, retention, transmittal of copies, and secured handling of minutes of "closed" or "executive" sessions of the boards. (Effective with Circular Letter No. 82-5-6.)

10:81-7.26(f)-(f)2

Information about a change in the Social Security program concerning individuals eligible to receive Social Security Lump Sum Death Benefits. (Effective with Circular Letter No. 82-3-14.)

NJ/KAS
I 5/F3
C.1

Conversion Chart

Section Designation(s)		Cross-Reference(s)	
N.J.A.C.	Existing Manual Section(s)	N.J.A.C.	Existing Manual Section(s)
10:81-1.14(a)-(h)	New		
10:81-7.26(e)	7554		
(f)-(f)2	Replaces 7555		
(g)-(g)3	7556-7556.3		
10:81-7.27(a)-(b)3	7560-7562c		
10:81-7.28	7570	10:81-7.26(d)	7553
10:81-8.2(d)-(d)4	8113-8113.4		
10:81-8.3(a)-(b)	8120-8121		

ad
9-15-82

Section Designation(s)		Cross-Reference(s)	
<u>N.J.A.C.</u>	<u>Existing Manual Section(s)</u>	<u>N.J.A.C.</u>	<u>Existing Manual Section(s)</u>
10:81-8.4	8130 (Deleted)		
10:81-8.5(a)-(b)	8140-8141		

INSTRUCTIONS FOR FILING:

Insert:

/ Subchapter 1
pages 7-9 dated 5/17/82

Remove and Destroy:

Chapter 7000
pages 23-26

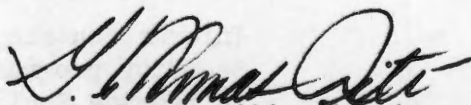
Chapter 8000
pages 3-4

Insert in Place Thereof:

/ Subchapter 7
pages 23-24 dated 4/5/82
pages 25-26 dated 6/79

/ Subchapter 8
page 3 dated 4/75
page 4 dated 4/5/82

Sincerely yours,


G. Thomas Riti, Director
Division of Public Welfare

GTR:HMD:MMp

Attachment

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

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MAY 24 1982
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Trenton, N. J.

Public Assistance Manual
Transmittal Letter #30

To: Holders of the Manual

Subject: Revision to the Public Assistance Manual

Attached is a revision to the Public Assistance Manual dealing with the maximum amounts county welfare agencies may pay for funerals and burials of children. This revision was previously issued with Circular Letter No. 81-11-2.

Conversion Chart

Section Designation(s)		Cross-Reference(s)	
<u>N.J.A.C.</u>	<u>Existing Manual Section(s)</u>	<u>N.J.A.C.</u>	<u>Existing Manual Section(s)</u>
10:81-7.20(c)3ii-7.22(a)1	7452-7511.1		
10:81-7.22(a)2-7.23	7511.2-7520	10:81-3.41	3950

INSTRUCTIONS FOR FILING:

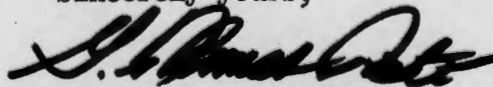
Remove and Destroy

Chapter 7000
pages 17-18

Insert in Place Thereof:

Subchapter 7
page 17 dated 11/16/81
page 18 dated 4/75

Sincerely yours,

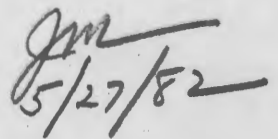


G. Thomas Riti, Director
Division of Public Welfare

GTR:HMD:MMp

Attachment

NJ/KA8
I 5/F3
C.1


5/27/82

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

Public Assistance Manual
Transmittal Letter #29

TO: Holders of the Manual

Subject: Revisions to the Public Assistance Manual

The attached revision to the Public Assistance Manual deals with the notice that shall accompany an AFDC payment based on earnings projection. This revision was previously issued with Circular Letter No. 81-7-2.

You will observe that the attached material employs a numbering system which differs from that used heretofore. This new numbering pattern is necessary since regulations adopted by the State Office of Administrative Law (OAL), the office now entrusted with the obligation to oversee departmental compliance with the Administrative Procedure Act, require that all regulatory material appear in the New Jersey Administrative Code (N.J.A.C.) format. Henceforth, all issued manual pages will appear in that format.

In order to enable you to use such new manual material with optimum accuracy, until the entire PAM is converted to N.J.A.C., a table of N.J.A.C. citations keyed to existing manual sections will be included in each transmitting letter. This conversion chart, consisting of four columns, will identify the following:

Column 1	the N.J.A.C.;
Column 2	the existing manual section;
Column 3	any cross-references expressed as N.J.A.C. but found in existing format elsewhere in the appropriate manual;
Column 4	cross-references in existing manual format.

NJ/KD8
IS/F3
C.2

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

185
FEB 1 1981
N. State St.

NEW JERSEY STATE LIBRARY

Public Assistance Manual
Transmittal Letter #27

TO: Holders of the Manual

Subject: Revisions to the Public Assistance Manual

Attached are revisions to the Public Assistance Manual which eliminate the cross-reference to former Section 303 of the Assistance Standards Handbook. These revisions were previously issued with Circular Letter No. 80-10-5.

INSTRUCTIONS FOR FILING:

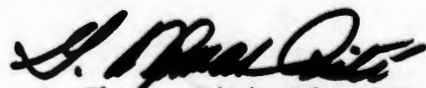
Remove and Destroy:

Chapter 3000
pages 53-54

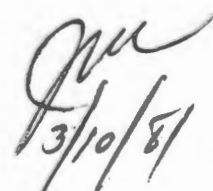
Insert in Place Thereof:

Chapter 3000
pages 53-54 dated 11/80

Sincerely yours,



G. Thomas Riti, Director
Division of Public Welfare



GTR:MPD:MMA

Attachment

NJ/KAS
IS/F42
C.1

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

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OCT 20 1980

185 W. State St
Trenton N.J.

Public Assistance Manual
Transmittal Letter #26

TO: Holders of the Manual
Subject: Revisions to the Public Assistance Manual

Attached are revised pages of the Public Assistance Manual which deal with material to be forwarded from one CWA to another when cases are transferred and eliminate the requirement that CWAs submit notification of receipt of a subpoena for information and/or records. These revisions became effective with the issuance of Circular Letter No. 80-7-9.

INSTRUCTIONS FOR FILING:

Remove and Destroy:

Chapter 3000
pages 39-40A

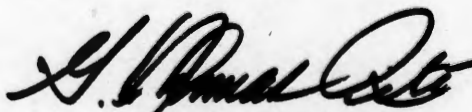
Chapter 7000
pages 27-28

Insert in Place Thereof:

Chapter 3000 ✓
page 39 dated 1/78 ✓
pages 40-40A dated 8/80 ✓
page 40B dated 2/80 ✓

Chapter 7000 ✓
page 27 dated 4/75 ✓
page 28 dated 8/80 ✓

Sincerely yours,



G. Thomas Riti, Director
Division of Public Welfare

10/25/80
gmr

NJ/KAR
IS/FH
C.1

GTR:MMD:MMc

Attachments

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

August 11, 1980

Public Assistance Manual
Transmittal Letter #25

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185 W. State St.
Trenton, N.J.

TO: Holders of the Manual

Subject: Revisions to the Public Assistance Manual

Attached are revised sections of the Public Assistance Manual concerning payment of burial and funeral costs. These regulations became effective with the issuance of Circular Letter No. 80-6-8.

INSTRUCTIONS FOR FILING:

Remove and Destroy:

Chapter 7000
pages 17-24

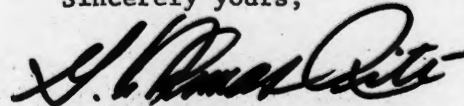
Appendix C
Form PA-11

Insert in Place Thereof:

Chapter 7000
page 17 dated 7/80
page 18 dated 4/75
page 19 dated 6/79
pages 20-23 dated 7/80
page 24 dated 6/79

Appendix C
Form PA-11 dated 7/80
Form PA-11B dated 7/80

Sincerely yours,



G. Thomas Riti, Director
Division of Public Welfare

GTR:MMD:Mma

Attachment

cd
8/7/80

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

July 23, 1980

Public Assistance Manual
Transmittal Letter #24

NEW JERSEY STATE LIBRARY
AUG 7 1980
185 W. State St.
Trenton, N.J.

TO: Holders of the Manual

Subject: Revisions to the Public Assistance Manual

Attached is a revised page of the Public Assistance Manual (Section 3333.1) which deals with the ways "continued absence from the home" may be established. This revision became effective with the issuance of Circular Letter No. 80-5-9. Also, included is a revision to Section 8563 relevant to the exemption of sheltered workshop earnings from Medicaid reimbursement. This revision became effective with the issuance of Circular Letter No. 80-5-2.

INSTRUCTIONS FOR FILING:

Remove and Destroy:

Chapter 3000
pages 17-18

Chapter 8000
pages 19-20

Insert in Place Thereof:

Chapter 3000
page 17 dated 6/80
page 18 dated 1/78

Chapter 8000
page 19 dated 5/78
pages 20-21 dated 5/80

Pen and Ink Corrections:

In the last paragraph of Section 7631.4, page 29 of Chapter 7000, cross out the following wording:

"and forwarded immediately to the Division of Public Welfare."

Sincerely yours,

Audrey H. Massiah

Audrey H. Massiah, Acting Director
Division of Public Welfare

AHM:MD:MMA

Attachment

cd
8/7/80

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

July 4, 1980

Public Assistance Manual
Transmittal Letter #23

PROPERTY OF
NEW JERSEY STATE LIBRARY

AUG 7 1980
185 W. State St.
Trenton, N. J.

TO: Holders of the Manual

Subject: Revisions to the Public Assistance Manual

Attached are revised sections of the Public Assistance Manual which incorporate material issued with Circular Letter Nos. 78-11-9 and 80-4-4 relevant to reimbursement of interim AFDC -N segment payments extended to SSI applicants. Also included are revisions which clarify residence requirements, assignment of support rights and procedures relative to the routing of Form PA-10G. The latter revisions became effective with the issuance of Circular Letter No. 80-4-4.

INSTRUCTIONS FOR FILING:

Remove and Destroy:

Chapter 2000
pages 7-8

Chapter 3000
pages 5-6

pages 21-22

pages 35-36

pages 53-54

pages 57-58

page 61

Insert in Place Thereof:

Chapter 2000
page 7 dated 4/80 ✓
page 8 dated 10/79 ✓

Chapter 3000
page 5 dated 1/78 ✓
page 6 dated 4/80 ✓

page 21 dated 10/79 ✓
page 22 dated 4/80 ✓

page 35 dated 1/78 ✓
page 36 dated 4/80 ✓

page 53 dated 5/79 ✓
page 54 dated 4/80 ✓

pages 57-58A dated 4/80 ✓

pages 61-63 dated 4/80 ✓

NJ/KAS
IS/F3
C.2

ad
8/7/80

INSTRUCTIONS FOR FILING:

Remove and Destroy:

Chapter 8000
pages 15-16

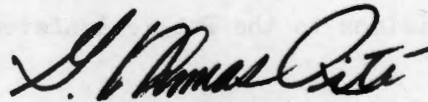
Appendix D
pages 1-4

Insert in Place Thereof:

Chapter 8000
page 15 dated 5/78 ✓
page 16 dated 4/80 ✓

Appendix D
page 1 dated 4/80 ✓
page 2 dated 10/79 ✓
page 3-4 dated 4/80 ✓

Sincerely yours,



G. Thomas Riti, Director
Division of Public Welfare

GTR:MMD:MMm

Attachments

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

May 21, 1980

Public Assistance Manual
Transmittal Letter #22

TO: Holders of the Manual

Subject: Revisions to the Public Assistance Manual

Attached are revised sections of the Public Assistance Manual concerning the determination of presumptive eligibility; temporary absence from the home by a parent, parent-person or child; procedures regarding recovery of assistance granted on behalf of a child pending settlement of a claim; and procedures concerning the retention and destruction of case records. These regulations became effective with the issuance of Circular Letter No. 80-3-2, dated March 6, 1980. Revisions to Sections 3524 and 7110 regarding procedures to be followed in the transfer of cases from agency to agency became effective with the issuance of Circular Letter No. 80-1-13, dated January 29, 1980.

*NJ/KAS
IS/F3
C.2*
INSTRUCTIONS FOR FILING:

Remove and Destroy:

Chapter 3000
pages 1-4

Insert in Place Thereof:

Chapter 3000
page 1 dated 7/78
pages 2-2A dated 4/80 ✓
page 3 dated 11/79
page 4 dated 10/79

*cal
6/28/80*

INSTRUCTIONS FOR FILING:

Remove and Destroy:

pages 39-42

pages 45-48

pages 55-56

pages 59-60

Chapter 7000

pages 1-4

pages 9-14

Insert in Place Thereof:

page 39 dated 1/78
pages 40-41 dated 2/80
page 42 dated 1/78

page 45 dated 1/78
pages 46-47 dated 4/80
page 48 Reserved

page 55 dated 4/80
page 56 dated 5/79

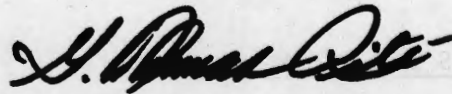
page 59 dated 5/79
page 60 dated 3/80

Chapter 7000

page 1 dated 10/79
pages 2-2A dated 2/80
page 3 dated 10/79
page 4 dated 2/80

page 9 dated 10/79
pages 10-13 dated 5/80
page 14 dated 4/75

Sincerely yours,



G. Thomas Riti, Director
Division of Public Welfare

GTR:MMD:MMA

Attachments

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

March 14, 1980

Public Assistance Manual
Transmittal Letter #21

TO: Holders of the Manual

SUBJECT: Revisions to the Public Assistance Manual

Attached are recently revised sections of the Public Assistance Manual. These revisions incorporate into the manual existing policy previously issued by Circular Letter. Included in these revisions are:

- 1) Sections 1000, 2532.2 and 3800 - A statement of principles in providing assistance and services with courtesy and respect, the eligibility of an applicant for AFDC-F or -N benefits pending a determination of incapacity and provisions that any parents of a child under 21 will be evaluated as LRRs.
- 2) Section 3130 - Disregard of RSDI benefits received by an eligible child who is a full time student.
- 3) Section 8541.1 - Medicaid coverage for a child born to a family on extended Medicaid benefits.

Also included are revisions concerning:

- NJ/KAS
IS/F42
C-2
- 1) Reference to and deletion of several forms used in the AFDC program effective October 1, 1979.
 - 2) Sections 3514, 3516 and 7113.25 - Clarification of administrative policy regarding exceptions to timely notice with respect to clients who move permanently out of state without notifying the CWA in advance.
 - 3) Section 5130 - Clarification of redetermination time intervals effective immediately.

INSTRUCTIONS FOR FILING:

Remove and Destroy:

✓ Chapter 1000
pages 1-2

✓ Chapter 2000
pages 3-4

✓ pages 5-15

✓ Chapter 3000
pages 3-4

✓ pages 13-14

✓ pages 20A-28

✓ pages 31-34

✓ pages 37-38

✓ pages 43-44

✓ pages 49-50

✓ Chapter 4000
pages 11-15

Insert in Place Thereof:

Chapter 1000
pages 1-2 dated 12/79

Chapter 2000
page 3 dated 10/79
page 4 dated 9/79
page 5 dated 10/79
page 6 dated 12/79
page 7 dated 1/78
page 8-8A dated 10/79
page 9 dated 1/78
page 10 dated 10/79
page 11 dated 1/78
page 12 dated 10/79
page 13 dated 1/78
pages 14-15 dated 10/79

Chapter 3000
page 3 dated 11/79
page 4 dated 10/79
page 13 dated 1/78
page 14 dated 10/79
pages 20A-25 dated 10/79
page 26 dated 1/78
page 27 dated 10/79
page 28 dated 1/78
page 31 dated 1/78
pages 32-34 dated 10/79
page 37 dated 1/78
page 38 dated 1/80
page 43 dated 1/78
page 44 dated 10/79
page 49 dated 12/79
page 50 dated 1/78

Chapter 4000
page 11 dated 4/75
page 12 dated 10/79
page 13 dated 1/78
pages 14-15 dated 10/79

INSTRUCTIONS FOR FILING:

Remove and Destroy:

✓ Chapter 5000
✓ pages 1-8

✓ Chapter 6000
pages 1-2

✓ Chapter 7000
pages 1-6

✓ pages 9-10

✓ pages 15-16
✓ pages 33-34

✓ Chapter 8000
✓ pages 5-6

✓ pages 11-12
✓ pages 15-18

✓ Glossary of Terms
pages 13-14

Insert in Place Thereof:

Chapter 5000
pages 1-2 dated 11/79
page 3 dated 1/78
page 4 dated 10/79
page 5 dated 1/78
page 6 dated 10/79
page 7 dated 1/78
page 8 dated 10/79

Chapter 6000
pages 1-2 dated 10/79

Chapter 7000
page 1 dated 10/79
page 2 dated 4/75
pages 3-4 dated 10/79
page 5 dated 1/80
page 6 dated 1/78
page 9 dated 10/79
page 10 dated 4/75
pages 15-16 dated 10/79
page 33 dated 10/79
page 34 dated 4/75

Chapter 8000
page 5 dated 4/75
page 6 dated 10/79
pages 11-12 dated 10/79
page 15 dated 5/78
page 16 dated 11/79
page 17 dated 11/79
page 18 dated 8/79

Glossary of Terms
page 13 dated 3/79
page 14 dated 10/79

INSTRUCTIONS FOR FILING:

Remove and Destroy:

Appendix D
pages 1-2

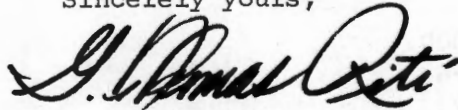
pages 23-24

pages 29-30

Insert in Place Thereof:

Appendix D
page 1 dated 9/77
page 2 dated 10/79
page 23 dated 9/77
page 24 dated 10/79
page 29 dated 10/79
page 30 dated 9/77

Sincerely yours,



G. Thomas Riti, Director
Division of Public Welfare

GTR:MMD:SRm

Attachments

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

PROPERTY OF
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185 W. State Street
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October 8, 1979

Public Assistance Manual
Transmittal Letter #20

TO: Holders of the Manual

Subject: Revisions to the Public Assistance Manual

Attached are recently revised sections of the Public Assistance Manual. The most significant changes are in Sections 3224 and 8540 dealing with Medicaid Special coverage on behalf of an unborn child. These revisions became effective with the issuance of Circular Letter No. 79-7-4, dated July 11, 1979. Also included are revisions concerning nondiscrimination because of handicap, client's rights and incorporation of revised forms. The effective date for these revisions is September 1, 1979.

INSTRUCTIONS FOR FILING:

Remove and Destroy:

Chapter 1000
pages 1-2

Chapter 2000
pages 1-4

Chapter 3000
pages 7-8

Chapter 7000
pages 29-32

Chapter 8000
pages 15-18

Insert in Place Thereof:

Chapter 1000
pages 1-2 dated 9/79

Chapter 2000
page 1 dated 1/78
pages 2-4A dated 9/79

Chapter 3000
pages 7-8 dated 8/79

Chapter 7000
page 29 dated 1/78
pages 30-32 dated 9/79

Chapter 8000
page 15 dated 5/78
pages 16-18C dated 8/79

Sincerely yours,

G. Thomas Riti

G. Thomas Riti, Director
Division of Public Welfare.

NJ/KAB

IS/F4

C.2

GTR:MMD:MMs

Attachments

cd
10/29/79

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

August 16, 1979

Public Assistance Manual
Transmittal Letter #19

PROPERTY OF
NEW JERSEY STATE LIBRARY
AUG 20 1979
100 W. State Street
Trenton, N. J.

TO: Holders of the Manual

SUBJECT: Revisions to the Public Assistance Manual

Attached are revised pages of the Public Assistance Manual which clarify the items to be included and excluded in the computation of total burial and funeral costs, simplify procedures for submittal of Form PA-11 and identify the benefit amounts available for burial costs in cases of certain deceased veterans through the Veterans Administration. These regulations became effective with the issuance of Circular Letter No. 79-5-7, dated May 18, 1979.

INSTRUCTIONS FOR FILING:

Remove and Destroy:

Chapter 7000
pages 19-26

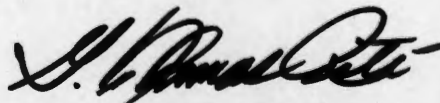
Appendix C
Form PA-11

Insert in Place Thereof:

Chapter 7000
pages 19-26 (dated 6/79)

Appendix C
Form PA-11 (Rev. 4/79)

Sincerely yours,



G. Thomas Riti, Director
Division of Public Welfare

GTR:MMD:MMe

Attachments

gm
8/22/79

NJ/KA 8
IS/F3
C.2

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

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100 W. State Street
Trenton, N. J.

June 25, 1979

Public Assistance Manual
Transmittal Letter #18

TO: Holders of the Manual

Subject: Revisions to the Public Assistance Manual

Attached are revised pages of the Public Assistance Manual concerning good cause for refusing to cooperate in the establishment of paternity and obtaining support. The regulations clarify the conditions under which an AFDC applicant/recipient may refuse to cooperate with a CSP unit without incurring a penalty. These regulations became effective with the issuance of Circular Letter No. 79-5-2, dated May 8, 1979. Also, included is the revised Glossary of Terms and a new list of acronyms. The Glossary of Terms and list of acronyms become effective immediately.

INSTRUCTIONS FOR FILING:

Remove and Destroy:

Glossary of Terms

Appendix D
pages 7-8
pages 19-20

Insert in Place Thereof:

Glossary of Terms, dated 3/79 ✓

Acronyms, dated 3/79 ✓

Appendix D
pages 7-14 dated 5/79 ✓
page 19 dated 9/77 ✓
page 20 dated 5/79 ✓

Pen and Ink Corrections:

Please make corrections in the following pages of Appendix D:

pages 9 thru 25 (which begin with Section 240) are to be renumbered as pages 15 thru 31, respectively.

NJ/KAP
IS/F4
C.2

Sincerely yours,

G. Thomas Riti, *GTR*
G. Thomas Riti, Director
Division of Public Welfare

GTR:MMD:MMe

Attachments

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

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STATE LIBRARY

JUN 20 1979

June 1, 1979

100 N. 3rd Street
Trenton, N. J.

Public Assistance Manual
Transmittal Letter #17

TO: Holders of the Manual
SUBJECT: Revision to the Public Assistance Manual

Attached are revised pages of the Public Assistance Manual concerning resources and repayments. These regulations became effective with the issuance of Circular Letter No. 79-3-8 dated March 26, 1979.

INSTRUCTIONS FOR FILING:

Remove and Destroy:

Chapter 3000
pages 53-55

Insert in Place Thereof:

Chapter 3000
pages 53-61 dated 5/79

Sincerely yours,



G. Thomas Riti, Director
Division of Public Welfare

GTR:MMDMe

Attachments



NJ/KAP
IS/F4 *ln*
c.1

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

February 15, 1979

Public Assistance Manual
Transmittal Letter #16

PROPERTY OF
STATE LIBRARY
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Old State Street
Trenton, N. J.

TO: Holders of the Manual

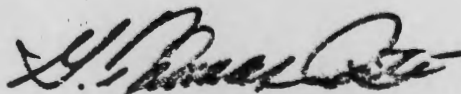
Subject: Collection Agreement Between the Division of Public Welfare
and the Division of Medical Assistance and Health Services

Attached are pages of the Public Assistance Manual containing the Agreement for Coordination of Collection Activity between DPW and DMAHS. Although this agreement appears in Appendix B of PAM it applies to all collection activity in which both Divisions are involved, including but not limited to, the Medicaid Only program. This revision became effective as of October 24, 1978 with the issuance of Informational Transmittal No. 108.

INSTRUCTIONS FOR FILING:

These pages are to be inserted in Appendix B in numerical sequence beginning with page 19.

Sincerely yours,



G. Thomas Riti, Director
Division of Public Welfare

GTR:MMDEa

Attachments

Jm
3/12/79

NJ/KAR
F3
F5/F#3
C.1

DO NOT CIRCULATE

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton, 08625

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Trenton, N. J.

October 25, 1978

Public Assistance Manual
Transmittal Letter #15

TO: Holders of the Manual

SUBJECT: Revised Table of Contents and Index of the Public Assistance Manual

Enclosed are the revised Table of Contents and Index of the Public Assistance Manual.

INSTRUCTIONS FOR FILING:

Remove and destroy the existing Table of Contents and Index; insert the attached new material accordingly.

Sincerely yours,



G. Thomas Riti, Director
Division of Public Welfare

GTR:MDMa

Attachments

NJ/KAS
IS/F#2
C.1

gm
11/27/78

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

August 1, 1978

Public Assistance Manual
Transmittal Letter #14

PROPERTY OF
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SEP - 6 1978

185 W. State Street
Trenton, N. J.

TO: Holders of the Manual

SUBJECT: Revisions to the Public Assistance Manual

Attached are revised pages of the Public Assistance Manual concerning the availability of medical assistance for an unborn child and the inclusion in the AFDC-N program of 18 to 21 year old dependent individuals, who are attending school. These regulations became effective with the issuance of Circular Letters 78-6-1 dated June 5, 1978 and 78-5-13 dated May 30, 1978, respectively.

INSTRUCTIONS FOR FILING:

Remove and Destroy:

Chapter 2000
pages 5-6 ✓
page 15 ✓

Chapter 3000
pages 1-2
pages 5-12

Chapter 8000
pages 13-18

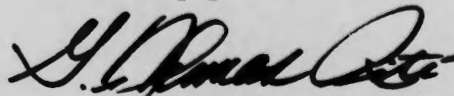
Insert in Place Thereof:

Chapter 2000
page 5 dated 7/78 ✓
page 6 dated 1/78 ✓
page 15 dated 7/78 ✓

Chapter 3000
page 1 dated 7/78 ✓
page 2 dated 4/75 ✓
page 5 dated 1/78 ✓
pages 6-8A dated 5/78 ✓
page 9 dated 7/78 ✓
page 10 dated 1/78 ✓
pages 11-12 dated 7/78 ✓

Chapter 8000
page 13 dated 4/75 ✓
pages 14-20 dated 5/78 ✓

Sincerely yours,



G. Thomas Riti, Director
Division of Public Welfare

GTR:MDMe

Attachments

Handwritten initials and date
9/7/78

Handwritten notes:
NJ/KAS
I5/14 F3
C3

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

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MAY 1 1978

Public Assistance Manual
Transmittal Letter #13

TO: Holders of the Manual

SUBJECT: Revisions to Appendix D of the Public Assistance Manual

Attached are recently revised pages to Appendix D of the Public Assistance Manual relevant to the 15% incentive payments to CWAs for CSP collections. These revisions become effective immediately.

INSTRUCTIONS FOR FILING:

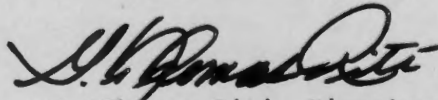
Remove and Destroy:

Appendix D
pages 9-10

Insert in Place Thereof:

Appendix D
pages 9-10 dated 4/78

Sincerely yours,



G. Thomas Riti, Director
Division of Public Welfare

NJ/KAB
I 5/F3
C.

GTR:MHMe

Attachments

gm
6/30/78

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

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Trenton, N.J.

January 17, 1978

Public Assistance Manual
Transmittal Letter #12

TO: Holders of the Manual

SUBJECT: Revisions to the Public Assistance Manual

Attached are revised sections of the Public Assistance Manual relevant to Senate Bill No. 1612 which established the three segment AFDC program. Also included are the following regulations which were adopted in recent months: revised WIN registration procedures; child abuse to be reported; lawful and unlawful strikes; clients to be advised of their rights pending a fair hearing; independent medical assessments; revised time frame for certain facets of the Fair Hearing process; monthly synopsis of fair hearing decisions; and use of Forms PA-33 and PA-34 during fraud investigations.

All regulations not already implemented by circular letter shall be effective immediately.

INSTRUCTION FOR FILING:

Remove and Destroy:

Chapter 1000
pages 3-6

Chapter 2000
pages 1-11

Chapter 3000
pages 1-20

pages 23-55

Insert in Place Thereof:

Chapter 1000
pages 3-6 dated 1/78 ✓

Chapter 2000
pages 1-15 dated 1/78 ✓

Chapter 3000
page 1 dated 1/78 ✓
page 2 dated 4/75 ✓
pages 3-20A dated 1/78 ✓
pages 23-55 dated 1/78 ✓

CTF
2/25/78

NE/KA 8
IS/K3
C-1

INSTRUCTIONS FOR FILING: (continued)

Remove and Destroy:

Chapter 4000
pages 1-8

pages 11-15

Chapter 5000
pages 1-8

Chapter 6000
pages 3-12

Chapter 7000
pages 1-2

pages 5-6

pages 17-20

pages 27-30

pages 36-39

Chapter 8000
pages 15-16B

Insert in Place Thereof:

Chapter 4000
page 1 dated 1/78 ✓
page 2 dated 4/75 ✓
pages 3-5 dated 1/78 ✓
pages 6-7 dated 4/75 ✓
page 8 dated 1/78 ✓
page 11 dated 4/75 ✓
pages 12-15 dated 1/78 ✓

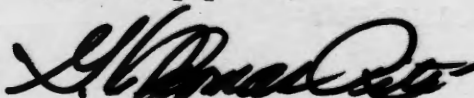
Chapter 5000
pages 1-8 dated 1/78 ✓

Chapter 6000
pages 3-12 dated 1/78 ✓

Chapter 7000
page 1 dated 1/78 ✓
page 2 dated 4/75 ✓
page 5 dated 4/75 ✓
page 6 dated 1/78 ✓
page 17 dated 1/78 ✓
page 18 dated 4/75 ✓
page 19 dated 1/78 ✓
page 20 dated 4/75 ✓
page 27 dated 4/75 ✓
pages 28-29 dated 1/78 ✓
page 30 dated 4/75 ✓
page 36 dated 3/77 ✓
pages 37-39 dated 1/78 ✓

Chapter 8000
page 15 dated 4/75 ✓
pages 16-16B dated 1/78 ✓

Sincerely yours,



G. Thomas Riti, Director
Division of Public Welfare

GTR:MHMb

Attachments

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

October 12, 1977

Public Assistance Manual
Transmittal Letter #11

TO: Holders of the Manual

SUBJECT: Revisions to the Public Assistance Manual

Attached is a recently revised page of the Public Assistance Manual authorizing the county welfare agency to designate a temporary payee during the pendency of a fair hearing where the issue involves a protective payee. This revision became effective September 1, 1977.

INSTRUCTION FOR FILING:

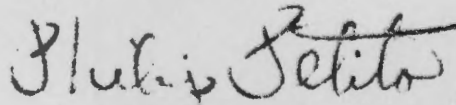
Remove and Destroy:

Chapter 4000
pages 9-10

Insert in Place Thereof:

Chapter 4000
page 9 dated 4/75
page 10 dated 9/77

Sincerely yours,



Philip Petito, Acting Director
Division of Public Welfare

PP:MHMB

Attachment

JP
11/15/77

C. 1

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

October 12, 1977

Public Assistance Manual
Transmittal Letter #10

TO: Holders of the Manual

SUBJECT: Revised Appendix D of the Public Assistance Manual

Enclosed is the new Public Assistance Manual Appendix D containing revised Child Support and Paternity program regulations effective September 1, 1977.

INSTRUCTIONS FOR FILING:

Remove and destroy the existing Appendix D; insert the attached new material.

Sincerely yours,

Philip Petito

Philip Petito, Acting Director
Division of Public Welfare

PP:MHHb

Attachment

NJ/KA 8
IS/F 3
1975
G.1

mu
11/15/77

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

July 29, 1977

Public Assistance Manual
Transmittal Letter #9

TO: Holders of the Manual

SUBJECT: Revisions to the Public Assistance Manual

Attached is a recently revised page of the Public Assistance Manual relevant to reports of court testimony by county welfare agency employees. The revision was effective June 1, 1977.

Section 3290 relevant to non-contributing persons in the household became obsolete effective July 1, 1977. This is in compliance with Senate Bill No. 1612 establishing the Federal AFDC-U program and complies with new federal regulations eliminating the household size in determining budget payments. Revised pages will be forwarded as soon as revisions have been completed.

Attached also are PA-22, Employment for AFDC-F Families, and PA-45s (Spanish), Warning and Waiver of Rights. PA-45s which was inadvertently not included with Transmittal Letter #8 is to be used in accordance with instructions in PAM, Section 7333.3. Both the PA-22 and the PA-45s forms are to be inserted in Appendix C.

INSTRUCTIONS FOR FILING:

Remove and Destroy.

Chapter 7000 ✓
pages 29-30

Appendix C
Form PA-22 (6/76) ✓

Insert in Place Thereof:

Chapter 7000
page 29 dated 6/77 ✓
page 30 dated 4/75

Appendix C
Form PA-22 (6/77) ✓
Form PA-45s (3/77)

Sincerely yours,

G. Thomas Riti
G. Thomas Riti, Director
Division of Public Welfare

GTR:MHs

Attachments

8/18/77
C.1

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

May 24, 1977

Public Assistance Manual
Transmittal Letter #8

TO: Holders of the Manual

SUBJECT: Revisions Relevant to the Public Assistance Manual

Attached is a recently revised page of the Public Assistance Manual containing a regulation which stipulates that comments relevant to a hearing officer's report must be received by the State Division no later than 10 working days after the mailing date of the hearing officer's report.

Attached also is Form PA-45s (Spanish), Warning and Waiver of Rights, which is to be used in accordance with the instructions contained in Section 7833.3. This form is to be filed in Appendix C.

Effective Date: June 1, 1977

INSTRUCTIONS FOR FILING:

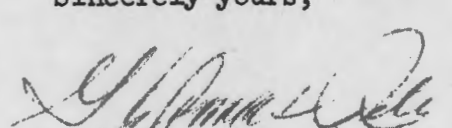
Remove and Destroy:

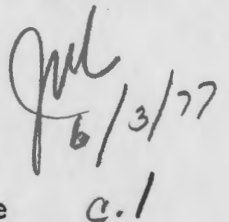
Chapter 6000
pages 7-8

Insert in Place Thereof:

Chapter 6000
page 7 dated 10/75
page 8 dated 6/77

Sincerely yours,


G. Thomas Riti, Director
Division of Public Welfare


6/3/77
c.1

GTR:MMs

Attachments

State of New Jersey
Department of Human Services
Division of Public Welfare

February 28, 1977

Public Assistance Manual
Transmittal Letter #7

TO: Holders of the Manual

Subject: Revisions Relevant to Fraudulent Receipt of Assistance

The attached pages included recently adopted revisions to Section 7800 of the Public Assistance Manual, Fraudulent Receipt of Assistance. These revisions become effective March 1, 1977 and include appropriate statutory authority for fraud investigation of public assistance cases, provisions for the protection of client rights during such investigations, and a revised reporting procedure.

Attached also is Form PA-45, Warning and Waiver of Rights, which is to be used in accordance with the instructions contained in Section 7833.3. A Spanish translation will be available shortly.

INSTRUCTIONS FOR FILING:

Remove and Destroy:
Chapter 7000
pages 35-39

Insert in Place Thereof:
Chapter 7000
pages 35-39 dated 3/77

Insert in Appendix C:
Form PA-45 dated 3/77
in appropriate sequence

EFFECTIVE DATE:

March 1, 1977

JRM
3/3/77

Sincerely yours,

G. Thomas Riti

G. Thomas Riti, Director
Division of Public Welfare

GTR:Hs

Attachments

State of New Jersey
Department of Human Services
Division of Public Welfare
Trenton 08625

February 7, 1977

Public Assistance Manual
Transmittal Letter #6

TO: Holders of the Manual

SUBJECT: Revisions to the Public Assistance Manual

Attached are recently revised pages of the Public Assistance Manual containing regulations which concern applications for assistance by pregnant women and use of Form PA-24 to request information from the Division of Unemployment and Disability Insurance. These revisions became effective January 1, 1977.

INSTRUCTIONS FOR FILING:

Remove and Destroy:

Chapter 2000 ✓
pages 1-2 ✓

Chapter 3000 ✓
pages 5-6 ✓

Chapter 8000 ✓
pages 7-8 ✓

Insert in Place Thereof:

Chapter 2000
page 1 dated 4/75 ✓
page 2 dated 1/77 ✓

Chapter 3000
page 5 dated 1/77 ✓
page 6 dated 4/75 ✓

Chapter 8000 ✓
pages 7-8 dated 1/77 ✓

PEN AND INK CORRECTIONS:

The Transmittal Letter # on new pages dated 1/77 is incorrect. Please strike out the transmittal letter number on all pages dated 1/77 and write in #6. ✓

Sincerely yours,

G. Thomas Riti
G. Thomas Riti, Director
Division of Public Welfare

GTR:Hs

Attachments

State of New Jersey
Department of Institutions and Agencies
Division of Public Welfare
Trenton 08625

June 25, 1976

Public Assistance Manual
Transmittal Letter #5

TO: Holders of the Manual

SUBJECT: Form XX Revised as Form PA-22

Effective immediately, Form PA-22, Federal Criteria For Determining Eligibility of Intact AFDC Families, replaces and supersedes Form XX heretofore in Appendix C.

Detailed instructions for completion of Form PA-22 are attached. Since this form is single sided, county welfare agencies will be responsible for its reproduction in needed quantities.

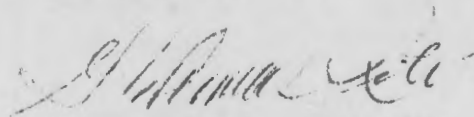
INSTRUCTIONS FOR FILING:

Insert Form PA-22 in place of Form XX in Appendix C of the Public Assistance Manual.

PEN AND INK CORRECTIONS

In Section 3420.5 (final paragraph), Section 8541.2 and Appendix C listing of forms, page 2 - change "Form XX" to Form PA-22.

Sincerely yours,


G. Thomas Riti, Director
Division of Public Welfare

GTR:Hs

Attachment

NJ/KA 8
IS/F3
1975
C.1

State of New Jersey
Department of Institutions and Agencies
Division of Public Welfare
Trenton 08625

May 27, 1976

Public Assistance Manual
Transmittal Letter #4

TO: Holders of the Manual

SUBJECT: Revisions to the Public Assistance Manual

Attached are recently revised sections of the Public Assistance Manual, which include regulations concerning employment and training requirements in WIN and non-WIN counties, emergency fair hearings, new Medicaid provisions, and others as listed below:

<u>Section</u>		<u>Effective Date</u>
1220	Work Incentive Program	3/1/76
2540	WIN registration in AFDC (new procedures with respect to referrals)	3/1/76
3410	AFDC (WIN counties)	3/1/76
3430	AFDC (Non-WIN counties)	3/1/76
5341	Registration for WIN program in AFDC (Redetermination)	3/1/76
6600	Emergency Fair Hearings	6/15/76
7430	Lost or Stolen Assistance Checks	6/1/76
7910.2	Reporting of federal felonies to federal authorities	6/1/76
8540	Persons eligible for medical assistance	4/1/76

INSTRUCTIONS FOR FILING:

REMOVE AND DESTROY:

Chapter 1000
page 3 - 4

INSERT IN PLACE THEREOF:

Chapter 1000
pages 3 dated 4/75 ✓
4 dated 3/76 ✓

NJ/KAB
IS/F3
1975
G. 1

JRM
6/4/76

REMOVE AND DESTROY:

Chapter 2000
pages 5 - 6, 7 - 8

Chapter 3000
pages 23 through 32

Chapter 5000
pages 5 - 6

Chapter 6000
- - -

Chapter 7000
pages 15 - 16
pages 37 - 38

Chapter 8000
pages 15 - 16

INSERT IN PLACE THEREOF:

Chapter 2000
pages 5 dated 4/75
6 through 7B dated 3/76
8 dated 4/75

Chapter 3000
pages 23 through 31 dated 3/76
32 dated 4/75

Chapter 5000
pages 5 dated 4/75
6 dated 3/76

Chapter 6000
pages 13 - 14 dated 6/76

Chapter 7000
page 15 dated 6/76
page 16 dated 4/75
pages 37 through 39 dated 6/76

Chapter 8000
pages 15 dated 4/75
16 through 16B dated 3/76

PEN AND INK CORRECTIONS

Page Date

Please make the following corrections on the new material:

Chapter 8000
Pages 16, 16A, 16B

Insert at bottom right corner
of page: Page Date 3/76

Transmittal Letter #

In bottom left corner of the following pages, change Transmittal Letter #2 to #4:

Page 4, Chapter 1000
Page 6 through 7B, Chapter 2000
Page 23 through 31, Chapter 3000
Page 6, Chapter 5000

Sincerely yours,

G. Thomas Riti
G. Thomas Riti, Director
Division of Public Welfare

State of New Jersey
Department of Institutions and Agencies
Division of Public Welfare
Trenton 08625

January 6, 1976

Public Assistance Manual
Transmittal Letter #3

TO: Holders of the Manual

SUBJECT: Revisions to the Public Assistance Manual

The attached pages include revised Sections 6323, 6324, 6325, 6326 and 6331 regarding responsibility for fair hearing decisions. These revisions were proposed in the August 1975 issue of the New Jersey Register, were adopted in September, and became effective October 1, 1975.

INSTRUCTIONS FOR FILING:

REMOVE AND DESTROY:

Chapter 6000
pages 7, 8

INSERT IN PLACE THEREOF:

Chapter 6000
pages 7, 8, dated 10/75

EFFECTIVE DATE:

October 1, 1975

Sincerely yours,



G. Thomas Riti, Director
Division of Public Welfare

GTR:Hm

Attachment

NJ/KA 8
I 5/E3
1975
C.1


1/12/76

State of New Jersey
Department of Institutions and Agencies
Division of Public Welfare
Trenton 08625

July 8, 1975

Public Assistance Manual
Transmittal Letter #2

TO: Holders of the Manual

Enclosed is Appendix D to the Public Assistance Manual. This new appendix contains regulations for the Child Support and Paternity Program as contained in provisions of P.L. 93-647.

While this material has been published to be effective on July 1, 1975, last minute action by the U. S. Congress has delayed the effective date until August 1, 1975. Therefore, regulations which mandate the signing of Form PA-10G and provision of Social Security numbers as conditions of eligibility, as well as Sections 240 and 250, cannot be implemented until August 1.

Effective Date: August 1, 1975

Instructions:

Insert Appendix D (11 pages) in the back of Public Assistance Manual, following the sample forms attached to Appendix C.

Sincerely yours,

G. Thomas Riti
G. Thomas Riti, Director
Division of Public Welfare

GTR:MPHm

Enclosure

State of New Jersey
Department of Institutions and Agencies
Division of Public Welfare
Trenton 08625

April 10, 1975

Public Assistance Manual
Transmittal Letter #1

TO: Holders of the Manual

Enclosed is the new Public Assistance Manual which replaces all income maintenance aspects of the Manual of Administration and the Manual of Administration for Assistance to the Families of the Working Poor (AFWP).

Effective Date:

The effective date for the Public Assistance Manual, including all pages dated 4/75, is May 1, 1975.

Sample Forms - Most sample forms related to income maintenance activities in AFDC and AFWP are attached to Appendix C. The following are being revised and will be sent to all manual holders as soon as available:

Application forms PA-1J, PA-1K, PA-1L, and PA-1M

PA-5 Examining Physician's Report

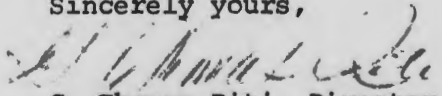
PA-6 Medical-Social Information Report

New Pamphlet - Form PA-197, Your Rights and Responsibilities, is a summary of rights and responsibilities relating to public assistance and will be given to the client during the initial contact (Section 2112). We expect this pamphlet to be available July 1, 1975.

Instructions:

This letter and all subsequent transmittals should be filed with the Public Assistance Manual in a loose-leaf binder.

Sincerely yours,


G. Thomas Riti, Director
Division of Public Welfare

GTR:MPHg

Enclosure

NS/KAB
IS/F3
1975

STATE OF NEW JERSEY
DEPARTMENT OF INSTITUTIONS AND AGENCIES
DIVISION OF PUBLIC WELFARE

DO NOT CIRCULATE

PUBLIC ASSISTANCE MANUAL

APRIL 1975

FORMS

Related to Income Maintenance (AFDC and AFWP)

FSP-901 PA	Application for Participation in Food Stamp Program
IM-2	Referral to Vocational Rehabilitation
PA-1C	Public Assistance Inquiry
PA-1J	Application and Affidavit for Aid to Families with Dependent Children (AFDC, CRA and MA)
PA-1K	Application and Affidavit for Continuation of Public Assistance (AFDC, MA & CRA)
PA-1L	Application and Affidavit for Assistance to the Families of the Working Poor (AFWP)
PA-1M	Application and Affidavit for Continuation of Assistance to the Families of the Working Poor (AFWP)
PA-2	Resource Referral
PA-2D	Summary Report
PA-3A	Worksheet and Authorization for Public Assistance
PA-3B	Evaluation of Capacity of Legally Responsible Relatives to Support
PA-5	Examining Physician's Report
PA-5A	Report of Eye Examination
PA-6	Medical-Social Information Report
PA-6A	Interim Medical-Social Report
PA-7	Report of Findings by Psychiatric Diagnostic Groups
PA-8	Record of Action: Medical Eligibility Factor
PA-10D	Agreement to Repay
PA-10F	Authorization to Remit Support Payments to CWB
PA-11	Request for Payment of Burial and Funeral Expenses
PA-11A	Authorization for Payment by CWB to Funeral Director
PA-12	Referral by State Mental Institution to Public Assistance Agency
PA-13	Referral for Rehabilitation Services
PA-14	Inter-Agency Referral
PA-15	Notice of Intention to Reduce Assistance Payment
PA-16	Notice of Intention to Suspend or Terminate Assistance
PA-17	Affidavit of Desertion
PA-17A	Notice to County Prosecutor of Alleged Desertion
PA-17B	Notice to State Correctional Institutional (AFDC Case)
PA-17C	Notice of County Welfare Board Action on Aid to Families with Dependent Children Case

PUBLIC ASSISTANCE MANUAL

PA-19	Verification and Resource Document (VRD)
PA-21A	Request from Public Assistance Agency (AFDC Program only)
PA-21B	Request to the U.S. Internal Revenue Service for Information Concerning Deserting AFDC Parents
PA-47	Fair Hearing Monitoring System
PA-51	Important Reminder of Your Obligation to Report Changes
PA-400	WIN Registration Record
PA-401	WIN Case Review Document
PA-402	IM Activity Summary Work Sheet
PA-405	AFDC Payment Reduction Record
PA-406	AFDC Reduction Tally Sheet
PA-407	WIN Monthly Program Activity Summary
PA-850A	Notice of Status of Continuing Payments Following Request for a Fair Hearing
PA-850B	Notice of Status of Continuing Payments Pending Fair Hearing Decision
PA-910	An Important Reminder to Families Applying for AFWP
*PA-192	Information About AFDC in New Jersey
*PA-195	Information About Assistance to the Families of the Working Poor
*PA-196	Information About Complaints and Fair Hearings
*PA-197	Your Rights and Responsibilities
SSA-1610	Social Security - Public Assistance Agency Information Request and Report
WD-1A	Obligation of Vendors under the Civil Rights Act of 1964
WD-1B	A Statement Concerning Obligation of Personnel and Public Welfare Agency under the Civil Rights Act of 1964
WD-1C	Statement Concerning Non-Discrimination in Programs of Public Assistance and Welfare Services
WP-125	General Basic Medical Examination (WIN)
SUPERSEDED	Chart for Optional Use of CWB in Determining Eligibility for Potent- tial Federal Matching
PA-22	

* Available at county welfare boards.

**REQUEST FROM PUBLIC ASSISTANCE AGENCY
(ADC PROGRAM ONLY)**

**SOCIAL SECURITY ADMINISTRATION
BUREAU OF DATA PROCESSING AND
ACCOUNTS
BALTIMORE, MARYLAND 21235**

A child of the individual identified herein whose whereabouts are unknown is eligible for aid to families with dependent children. Please furnish the address of the latest employer who reported wages for him, if earnings have been reported for a period after the date shown in item 7 as the date of the last known address. This information is not otherwise available and is necessary for use in the administration of Title IV of the Social Security Act. Such information will not be disclosed except for this purpose.

Signature of Requesting Individual

(Title)

(Date)

(Name and address of agency to which information will be sent)

1. -----
(Name of Parent)
2. -----
(Social Security Account Number)
3. -----
(Date of Birth) Month Day Year
4. -----
(Place of Birth) City County State
5. -----
(Father's Name)
6. -----
(Mother's Maiden Name)
7. -----
(Last Known Address and Date of Same)

Social Security Administration Report

EIN

M.B. & Unit No.

Est. No.

Last Qtr.

Name and Address of Employer

EIN

M.B. & Unit No.

Name and Address of Employer

Remarks:

Clerk No. ----- Date -----



STATE OF NEW JERSEY
Department of Institutions and Agencies
Division of Medical Assistance and Health Services

Form PA-1C
Rev. 4/74

PUBLIC ASSISTANCE INQUIRY

Referral for: ☐ SSI ☐ MAA ☐ Medicaid Only ☐ ADC ☐ AFWP

TO:

FROM:

(SSA / DO)

(County Welfare Board)

Hospital

Date

1. Name _____
(Last) (First) (Middle)

Sex ☐ Male ☐ Female

2. Social Security Account Number _____

3. Date of Admission _____ Birth Date _____

4. Diagnosis _____

5. Prognosis _____
(For DA or AB application in SSI or Incapacity in ADC)

6. Referring Physician _____

7. Permanent Home Address _____ Phone _____

8. Address from which admitted _____ Phone _____

9. Marital Status: Married ☐ Single ☐ Divorced ☐ Separated ☐ Widowed ☐ Unknown ☐
(Check one)

10. Spouse: Name _____ Age _____ Phone _____

Address _____

11. Minor Children (First Names and Ages): _____

12. Next of Kin (if other than Spouse or Children) _____

Address _____ Phone _____

13. Monthly Income of Patient _____ Source _____

14. Monthly Income of Family Members _____

15. Hospital Insurance: Blue Cross ☐ I.D. No. _____ Medicare ☐ H.I.C. No. _____

Other ☐ Carrier Name _____ Policy No. _____

16. Employer's Name _____ Address _____

17. Name of Spouse's Employer _____ Address _____

18. What inquiries have been made regarding financial responsibility for the hospital bill?

What were the results? _____

19. Does patient, patient's authorized agent, or relatives know that an inquiry is being made for the previously checked program? _____

20. Whereabouts:

Is client still in hospital? Yes ☐ No ☐

If YES, anticipated address upon discharge _____

If NO, date of discharge _____

Present address if known _____

21. Other Comments: _____

22. The above patient is being cared for in the hospital since _____ on a ward service or general service
Date
basis as to professional and other personal services and I believe that such a patient may be eligible for the previously checked program.

Signature _____ Title _____ Date _____

23. Signature of Patient or Relative: _____ Date _____

PLEASE READ CAREFULLY BEFORE SIGNING

I understand that I must furnish certain information to the SSA/DO or the County Welfare Board to establish eligibility and extent of need for Supplemental Security Income Benefits or public assistance, and that the appropriate agency will help to secure this information and verify it. I will supply complete and accurate information, within my knowledge, to representatives of the SSA/DO or the County Welfare Board. I hereby authorize and direct my relatives, physician, hospital, employers, bankers, and any other person having information concerning the persons named above to furnish complete details to the appropriate agency investigating my application for such assistance. I understand that the information obtained will be used only in connection with the application for or receipt of assistance.

"I further authorize the Social Security Administration to release benefit information and entitlement dates to the hospital whose name appears on the reverse of this form. I understand the hospital will only use this information for purposes of establishing my eligibility to Medicaid".

Signature _____ Relationship _____ Date _____

IF NOT SIGNED BY PATIENT, EXPLAIN WHY _____

NOTICE TO THE SSA/DO OR CWB INITIALLY RECEIVING THIS INQUIRY. WHEN IT IS NECESSARY TO REFER THE APPLICANT TO ANOTHER PUBLIC ASSISTANCE AGENCY, INCLUDE AT LEAST A COPY OF THIS PA-1C FORM.

2000. THE APPLICATION PROCESS

This chapter describes briefly the steps followed by the Income Maintenance (IM) worker in determining an applicant's eligibility to receive public assistance. The method of determining eligibility must be consistent with the objective of assisting all eligible persons to qualify. (Detailed information regarding eligibility factors is in Chapter 3000 and the Assistance Standards Handbook.)

The application process begins with an individual's initial contact with the agency and ends with a decision by the county welfare agency (CWA) as to eligibility for Aid to Families with Dependent Children (AFDC). Both the applicant and the IM worker have an affirmative responsibility in verifying and documenting eligibility.

2010. Initial contact may be an inquiry, a referral or an application:

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

Referral - a request from a public or private agency or individual for assistance on behalf of another individual. All referrals must be recorded with appropriate facts, and the disposition noted. (See Section 7120.)

Application - a written request for public assistance by natural or adoptive parent(s), parent-person(s), parent-minor, or responsible person acting on his/her behalf.

2020. There are four types of application:

New application - a written request for assistance by an individual who has never previously applied under that program in any county in the State.

Reapplication - a written request for assistance by an individual who has previously applied for, but never received, assistance under that program in any county in the State.

Reopened application - a written request for assistance by an individual who has previously received assistance under that program in any county in the State.

2020. continued

Transfer application - a written request for assistance from an individual who is presently receiving assistance under the same program in another county in the State. (See Section 3524.)

2100. PURPOSE AND SCOPE OF FIRST CONTACT

2110. Responsibility of the agency during the initial contact shall include but not be limited to:

- 2111. Determining and explaining the programs (services and assistance) which are appropriate and for which the client may be eligible. Informing the client how and where to apply. (See Section 1220 and Chapter 8000.)
- 2112. Advising individual of general requirements of the application process, e.g., the necessity of contacting certain relatives and of certain other collateral contacts with an explanation of the right of the applicant to confidentiality and to be primary source of information. The application form includes a blanket consent statement. The client should be informed that he/she is consenting to have the CWA contact others by signing this form. (See also Sections 1110, 1140 and 1150.) The applicant is also required to sign a waiver allowing the CWA to obtain State income tax information. The IM worker must specifically advise each applicant that by signing the waiver he/she is granting such an authorization. In addition to such oral explanations, the individual shall be provided with the pamphlet, Your Rights and Responsibilities (Form PA-197).
- 2113. Advising individual that Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination in determining eligibility for public assistance and furnishing him/her with a copy of PA-197, Your Rights and Responsibilities. (See Section 7700.)
- 2114. Determining whether the individual does indeed wish to apply with full understanding of the need to verify essential eligibility factors and the requirement for a personal interview.
- 2115. Informing individual of availability of the Food Stamp (FS) Program to recipients of assistance and to certain non-public assistance households, specifying the requirements for qualification and assisting the individual to apply if he/she so chooses and it is appropriate. (See Section 2210.)

4350. Reports to State Division

Reporting new and reopened cases for which initial payments are authorized by the director is accomplished by established procedures.

4400. CHANGES IN NEED WHILE ASSISTANCE IS BEING RECEIVED

When a change in the circumstances of the recipient results in an authorized adjustment upward or downward in the amount of the assistance payment, the effective date of such adjustment shall be as of the first day of the next regular payment period following the date the change in circumstances was reported to or identified by the CWA, subject to timely notice (see Section 7110). Additional payment(s) supplementing the last regular payment may be issued during the current payment period for any of the reasons listed in Assistance Standards Handbook, Section 252.2.

4500. PAYEE IN AFDC

Payees in AFDC are classified as follows:

Designated payee - Person signing the application to whom the check is issued (see Section 4510).

Temporary payee - Person designated temporarily by CWA to receive assistance payment, usually in an emergency situation (see Section 4520).

Protective payee - Person authorized by CWA to receive and administer assistance payments on behalf of an eligible family (see Section 4540).

Representative payee - Person appointed by the Court to receive and administer assistance payments on behalf of an eligible family (see Section 4550).

Additionally, payments may be made directly to vendors. (See "vendor payment" in glossary.)

The number of AFDC-C recipients for whom protective or vendor payments may be made during any month is limited to 10% of the total number of other AFDC-C recipients in the State during that month.

4510. Designated Payee

A person who is a signatory to the application will be the designated payee. (See Section 2221.) However, no person under official commitment in a mental institution, who has been adjudicated mentally incompetent, or whom the CWA has determined is an alleged incompetent may be a designated payee.

Whenever there is more than one person signing the application, the worker shall discuss with the applicants who the designated payee should be. The family should be encouraged to continue their normal pattern for management of income.

4520. Temporary Payee in an Emergency Situation

4521. In emergency situations that deprive the child of the care of the relative through whom he/she has been receiving aid, a person shall be designated to receive payments for a temporary period necessary to make and carry out plans for the child's continuing care and support. If such person qualifies as a parent-person, a new application will be taken in his/her name and such person will be a temporary payee only until the application is approved. This designation should be accomplished without interruption of the grant or action on a new application. (See also Assistance Standards Handbook, Section 530.3e.)

4521.1 Designation of a temporary payee is subject to the following conditions:

- a. The child is a recipient of AFDC at the time the emergency occurs.
- b. If the emergency is not of limited duration, active planning is being carried out for the continuing care of the child by the Social Service Unit, another agency or responsible individual.
- c. A permanent arrangement is established within two calendar months following the month in which the emergency occurs.

4522. Child Placed Temporarily in Institution for Sheltered Care

In such emergency situation (Section 4521 above), when there is no parent substitute available and the child must be placed temporarily in an institution for sheltered care, the temporary payee shall be the superintendent or other chief executive officer of the institution. Payments made pursuant to this paragraph are not subject to Federal matching. (See also Assistance Standards Handbook, Section 530.3e.)

4522. continued

In these situations, the following policy and procedure shall be followed:

- 4522.1 The initial period of such institutional placement shall not exceed thirty days.
- 4522.2 A prompt referral shall be made to Social Service Unit.
- 4522.3 The Social Service Unit will give priority consideration to such a referral to effect an adequate foster home placement by the Division of Youth and Family Services within the thirty-day period following placement in institutional shelter care.
- 4522.4 If the Division of Youth and Family Services determines that adequate foster home placement cannot be made within that initial thirty-day period, a written request shall be made to the county welfare agency to continue the child in institutional care, with payment through AFDC-C for a continued period which shall not exceed thirty days. Concurrently a copy of this request shall be sent to the institution caring for the child. The county welfare agency will then be authorized to continue AFDC-C for institutional shelter care up to a maximum of sixty days from the initiation of the institutional placement.
- 4522.5 If, during the sixty-day period, there appears a newly developed resource whereby care of a child may be continued through AFDC-C, the referral to the Division of Youth and Family Services shall be withdrawn.
- 4522.6 In the absence of an adequate foster home placement, supervisory and financial responsibility for the child shall be assumed by the Division of Youth and Family Services after sixty days following initiation of the institutional shelter placement.

4523. Change of Parent-Person (Transfer)

When a new permanent plan is necessary and a qualified parent-person in another county is willing to provide care on a continuing basis, normal procedure calls for "transfer" of responsibility to the receiving county (see Sections 3524.2 and 3524.3).

4523. continued

Such transfer will be effected without interruption in aid. If it is necessary to provide assistance for the child's maintenance pending referral to and acceptance of responsibility by the receiving county, the qualified parent-person may be treated as a "temporary payee". It will be incumbent upon the receiving county to accept responsibility within the two months limitation. Timely and adequate notice (see Section 7100) is required.

4524. Reporting Temporary Change

When a temporary change in payee is made, it shall be reported to the Division of Public Welfare. In this situation there is no change in case status or case name.

4530. Permanent Change in Payee

4531. When Care Arrangement is Unchanged

When it becomes necessary or is deemed advisable to change the payee from one to another qualified parent or parent-person who is already a member of the household but there is otherwise no change in the care arrangement for the eligible child, the case shall remain in active status under the same case number.

4532. When Qualified Parent or Parent-Person Changes

When the parent or parent-person under whose name the case is registered, and who has been payee, is no longer a member of the household, and another qualified parent or parent-person joins the household to care for the child, then the case shall be closed, and a new application shall be immediately accepted from the new qualified person(s). If the new situation includes two parents, the decision regarding which one shall be designated payee shall be made in accord with the policy in Section 4510. Such change in payee will be effected without interruption in aid. Timely and adequate notice (see Section 7100) is required, except when the change is temporary. (See Section 4520.)

The case action will be reported to the welfare board as for any new case closing and new application. Statistical accounting shall also follow the normal procedure.

4533. When Care Arrangement Changes

When the child has been placed in another home situation with a different qualified parent or parent-person, the case shall be closed and a new application shall be accepted, unless

2340. All AFDC-F and -N clients will be advised that their eligibility for these segments is based on the fact that there are two parents who are not incapacitated in the home and that, if a parent dies, becomes incapacitated or leaves the household, this fact should be brought to the attention of their IM worker so that an application for AFDC-C or referral to SSI can be considered.

2350. AFDC-C, -F and -N Allowance Schedules

Allowance standards for persons eligible under AFDC-C and -F segments appear in Schedule I, Part I of the Assistance Standards Handbook. Allowance standards for persons eligible under the AFDC-N segment appear in Schedule II, Part I of the Assistance Standards Handbook.

2400. FINANCIAL NEED

The IM worker shall determine financial eligibility (need) of the eligible family members by preparing Form PA-3A, Worksheet and Authorization for Public Assistance, or Form 105, if appropriate, in accordance with Chapter 200 of the Assistance Standards Handbook (ASH) and CODES Manual, respectively.

2500. ELIGIBILITY FACTORS OTHER THAN NEED

In verifying eligibility, the IM worker shall take whatever action is necessary to assure that all relevant documentation is promptly obtained. The IM worker will assist in obtaining verification documentation if the applicant wants help. The applicant will cooperate fully consistent with his/her rights including confidentiality and consent. (See Sections 1140, 1150.)

2510. Age

The IM worker shall explain to the applicant that children up to age 18 are eligible for AFDC, or to the age of 21 if regularly attending school, college or a vocational or training course.

2520. Relationship

2521. AFDC - the IM worker will explain to the applicant that in order to apply for AFDC, he/she must be either the natural or adoptive parent or eligible to serve as a parent-person of the eligible child(ren). (See Section 3241.1.) An applicant who is a parent-person has the option of applying either for the child(ren) and him/herself as a needy parent-person or for the child(ren) only. The advantages and disadvantages of each option shall be thoroughly discussed.

2522. AFDC-F and -N - the IM worker will explain that the child(ren) must be natural or adoptive to the two parents who are applying.

2523. If not eligible for AFDC-C, -F or -N, eligibility for SSI will be explored. (See also Section 3214.2.)

2530. Deprivation of Parental Support in AFDC-C

Deprivation under AFDC-C can result from death, incapacity or continued absence of one or both natural or adoptive parents.

2531. Death - the IM worker will inform applicant of the need to prove the death of the eligible child(ren)'s parent(s) and of the sources available for such documentation. (See Section 3120.)
2532. Incapacity - physical or mental incapacity of a parent shall be deemed to exist when both parents are in the home and one has a physical or mental defect, illness or impairment. The incapacity shall be supported by competent medical testimony and must be of such a nature as to reduce substantially or eliminate the parent's ability to support or care for the eligible child and be expected to last for at least 30 days.
- 2532.1 When immediate need is apparent and the applicant provides evidence of eligibility and of one of the following, a grant shall be issued, effective as of the date of application, if:
- 2532.11 the applicant is receiving benefits not due to age alone under the Supplemental Security Income program (SSI) administered by the Social Security Administration (SSA), and/or
- 2532.12 the applicant is receiving Disability Insurance benefits under the Federal RSDI program, or
- 2532.13 the applicant is receiving in-patient care in a medical facility and the attending physician indicates in writing that such care shall be required for at least 30 days.
- 2532.2 If the applicant claims to be in immediate need and none of the factors in 2532.1 exist, he/she shall be evaluated for AFDC-F or -N. (See ASH Section 127.)
- 2532.21 If the applicant has been receiving assistance under the AFDC-N segment and incapacity is subsequently established in accordance with the proper procedure and AFDC-C eligibility is approved, a retroactive payment shall be made to the date of the application for the dollar difference between the AFDC-N grant received and the appropriate amount of payment under AFDC-C. Such a retroactive grant shall not be considered as current income or resource. If the applicant has been receiving assistance under the AFDC-F segment, no grant adjustment is necessary.

2532.22 If the applicant has been receiving assistance under the AFDC-F or -N segment and incapacity is found not to exist, the CWA will so notify the applicant promptly of the denial of the application as to incapacity. (See Section 7112.) While the notice will show no grant change as a result of the denial, fair hearing rights nonetheless apply.

2532.3 To establish eligibility for persons not covered by Section 2532.1, see Section 3322.

2532.4 Where appropriate, the IM worker shall review with the applicant the desirability of applying for SSI. The I.M. worker shall explain to the applicant that if he/she decides to apply he/she will be required to sign Forms PA-30 and PA-30A and the CWA will be reimbursed for any AFDC-N payments made on his/her behalf from the initial SSI award. (See 3960 for an explanation of procedures.)

2533. Absence

Continued absence of the parent from the home constitutes deprivation of parental support or care. Absence will be considered continued when: it interrupts or terminates the parent's functioning as a provider of maintenance, physical care, or guidance for the child; and the known or indefinite duration of the absence precludes the parent's performance of his/her function in planning for the present support or care of the child. If these conditions exist, the parent may be absent for any reason, and he/she may have left only recently or sometime previously. (See Section 3333.)

2534. Absence in AFDC-F and -N

When continued absence as defined in Section 2533 exists, eligibility for AFDC-F or -N ceases. The family shall be evaluated for AFDC-C. (See Section 5330.)

2534.1 In situations where the parent is to be incarcerated, hospitalized, institutionalized or incapacitated for a period beyond 30 days, eligibility for AFDC-F or -N ceases. The remaining members of the family shall be evaluated for AFDC-C. (See Sections 3723 and 5330.)

2540. WIN Registration in AFDC-C and -F Segments (WIN Counties Only)

2541. The IM worker has responsibility for determining each AFDC-C and -F family member's need for registration for the WIN program. This will be done by completion of Form PA-401, Case Review Document, in accordance with criteria established in Section 3410. (See Appendix C for sample forms.) The exemptions as described in Section 3411.2 will be explained to each applicant.

- 2541.1 If an individual claims exemption due to incapacity, he/she shall be given Form PA-5, Examining Physician's Report, to be completed by a physician or licensed or certified psychologist of his/her choice and returned to the CWA for payment. The initial PA-401 form shall reflect that the individual is temporarily exempt.
- 2541.11 If the completed Form PA-5 indicates that the individual will be incapacitated for at least 90 days, the client shall be referred to the Division of Vocational Rehabilitation Services by means of Form PA-14, Referral for Services (see Section 3413).
- 2541.12 Upon receipt of a completed PA-5, PA-401 is to be completed identifying the category as "Supplement to Initial" and indicating only the new status of the individual previously reported in the temporary exempt category on the "Initial" PA-401. (See Sections 3411.1 and 3411.22 a, b, e.)
- 2541.2 Those individuals not exempt shall be informed that they must register for the WIN program. (See Section 3410 regarding WIN program and failure to register for WIN.)
- 2541.21 All nonexempt applicants shall be referred to ES immediately upon determination that they are in all other respects presumptively eligible for AFDC-C or -F benefits. While the initial presumptive eligibility (P.E.) check will be issued at the same time as the referral to ES, subsequent P.E. and regular assistance checks will be contingent upon evidence of the client's WIN registration or of "good cause" for failure to register.
- 2541.22 The IM worker shall immediately refer all individuals who wish to volunteer to ES/WIN for registration (see Section 3412.1).

- 2541.3 Referral for WIN registration is accomplished by the IM worker's completion of Part A of Form R-1, Inter-Agency Referral for WIN Registration, and the forwarding of a copy of the form to the ES/WIN. The IM worker shall provide the applicant with a copy of the form and (unless ES/WIN is colocated at welfare office) written information regarding the location where registration is to occur and the date on which he/she is to appear for WIN registration. A separate R-1 form shall be completed for each member of the eligible unit who is referred for registration.

SOCIAL SECURITY - PUBLIC ASSISTANCE AGENCY
INFORMATION REQUEST AND REPORT
FOLLOW INSTRUCTIONS ON BACK OF FORM SET

I. IDENTIFICATION INFORMATION

a. WAGE EARNER'S NAME	b. SEX ☐ MALE ☐ FEMALE	c. DATE OF BIRTH (Mo., Day, Year)	d. DATE OF DEATH (Mo., Day, Year)	e. SOCIAL SECURITY NO. (If unknown, see instructions)	f. CLAIM SYMBOL
-----------------------	--	--------------------------------------	--------------------------------------	--	-----------------

2. TO:

3. PUBLIC ASSISTANCE CLAIMANT

a. CLAIMANT'S NAME	
b. SOCIAL SECURITY NO.	
c. DATE OF BIRTH (Mo., Day, Year)	d. CASE NUMBER
e. ADDRESS	
f. TELEPHONE NO.	
g. RELATIONSHIP TO WAGE EARNER	

Fold for window envelope

4. WELFARE REQUEST - The information checked (✓) below is requested from SSA records for claimants in items 3 and 10.

- A. ☐ Confirm identification in items 1, 3 and 10.
- B. ☐ Type of benefit _____ Amount of Current benefit \$ _____ Effective (Mo., Yr.,) _____
- C. ☐ Are benefits being paid? _____ If not, reason _____
- D. ☐ Show type, amount and effective date of current benefit for each person listed in item 10 on reverse.
- E. ☐ Is claimant enrolled for SMIB? _____ . Effective date _____
- F. ☐ Other (Explain in remarks)

5. WELFARE REPORT - The information checked (✓) below either reports a change in welfare status which may affect Special Age 72 (Prouty) benefits or responds to SSA inquiry made in item 7.

- A. ☐ Approved to receive public Grant-in-aid money payment; first month paid (Mo., Yr.,) _____
- B. ☐ Grant-in-aid money payment being terminated; last month paid (Mo., Yr.,) Yr.,) _____
- C. ☐ Eligible under Title XIX for medical assistance only; effective date (Mo., Yr.,) _____
- D. ☐ Not Approved Under Grant-in aid titles E. ☐ Other (Explain in remarks (Over))

6. a. SIGNATURE OF PERSON PROVIDING INFORMATION	b. TITLE	d. DATE
	c. PHONE NUMBER	

7. SSA Request for Information from Public Assistance Agency

- A. ☐ Confirm claimant's status by completing applicable parts of item 5., above
- B. ☐ Other - (Explain in remarks (Over))

8. Initiating Agency Authorization

- A. ☐ Please return Form to:

Information requested will be used only to determine our claimant's eligibility and will not be disclosed to any other organization or individual.

FOR GENERAL ASSISTANCE CASES:

This agency has on file written authorization from the claimant to obtain this information. Applicable only if such authorization required.

b. SIGNATURE OF AUTHORIZED OFFICIAL

c. TITLE	d. DATE	e. PHONE NO.
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NAME AND ADDRESS OF AGENCY



**SOCIAL SECURITY-PUBLIC ASSISTANCE AGENCY
INFORMATION REQUEST AND REPORT**

GENERAL: The purpose of this form is to provide a uniform means of exchanging information between public assistance agencies and social security offices in situations which cannot be resolved by contacting the beneficiary or accommodated by BENDEX systems. It is not to be used in lieu of Forms SSA-1957 (Report of State Buy-in Problem) and SSA-1472 (Request for Latest Address). The following general instructions should be followed in completing the form.

- ITEM 1** -Give the indicated information about the wage earner on whose social security record the public assistance claimant is or may be entitled to benefits. If the social security number is not known show "UNK" in block (e) and attach a completed Form SS-5.
- ITEM 2** -The block should show the mailing address of the agency to whom the form is being sent. It is designed to fit a window envelope. Rubber stamps may be used.
- ITEM 3** -This item identifies the person about whom information is being requested or reported. Complete all blocks. If the person has a social security number, show it below the name on line (b). If the claimant and wage earner are the same person, show "same" in block (g). Use of block (d) is optional.
- ITEM 4** -The public assistance agency should use the check blocks to specify what information is being requested. Only the block or blocks which describe the information wanted should be checked. If block "F" is checked, be sure to state in item 9 precisely what is wanted. The social security office will confirm identity by using red pencil to insert missing information or to correct erroneous data. For other requests, SSA will insert its replies in the blanks provided.
- ITEM 5** -Only public assistance agencies should complete this item. It will be used only to *inform* SSA of a change in status which may affect the payment of Special Age 72 (Prouty) payments to the beneficiary/recipient or to *respond* to an SSA request for confirmation of public assistance status (item 7). Check block "A" if the person is receiving or has been approved for receipt of a public assistance money payment under Title I, X, XIV, XVI or Part A of Title IV of the Social Security Act. Show the first month in which the payment was or will be paid. Check block "B" if a money payment is to be terminated. Show the month in which the last money payment was or will be made. Check block "C" if the person is or will be eligible for medical assistance only, under Title XIX. Check block "D" in response to an SSA request when the claimant has not been approved for any Grant-in-aid program. Block "E" will be used only when completion of the preprinted lines does not furnish sufficiently detailed information.
- NOTE.**-SSA MUST be notified by Welfare when a Special Age 72 (Prouty) beneficiary is awarded a grant-in-aid money payment or when such grant is terminated.)
- ITEM 6** -This is completed by the agency *replying* to requests. The signature is needed to authenticate the *reply*.
- ITEM 7** -This item is for use by the social security office. It will either request confirmation of public assistance status (block "A" checked) or a detailed report or request in item 9.
- ITEM 8** -The agency *initiating* the form should *always* complete this item whether the information is being requested or reported. If the Form is to be returned, check block "A". The address block is designed to fit a window envelope. Rubber stamps may be used.
- ITEM 9** -Use this space to amplify or explain situations not fully covered elsewhere on this form. It should always be used when items 4F, 5E, or 7B are checked. If claimant is disabled, state here date disability began.
- ITEM 10** -The SSA office will complete this item **ONLY** when item 4D is checked. If the Public Assistance Office needs benefit data on this SS account for other member's of the claimant's family, list them here. Show name and date of birth, in Cols. 1 and 2, for each other person, and be sure to check item 4D on the front of the form. If this person's own SS number is known, show it under the name in the space provided in Col. 1. Be sure that item 4D on the front of the form has been checked. The SSA OFFICE will complete Cols. 3, 4, and 5 for each person or indicate that the person is not a beneficiary on this record.

REQUEST TO THE U. S. INTERNAL REVENUE SERVICE FOR
INFORMATION CONCERNING DESERTING ADC PARENTS

TO: Bureau of Business Services, Division of Public Welfare

FROM: _____ CWB

We have used without success all sources reasonably available to us in attempting to locate the deserting, noncontributing parent. This parent is currently under court order to contribute, or a petition has been filed for an order for support of his or her child or children. This parent's child or children are receiving assistance under the ADC program.

(1-3) Agency Code 0 3 1

(4-12) Social Security
Account Number _____
of Deserting Parent

(13-15) Project Code Number 7 1 9

(16-18) CWB NO. 0

(19-23) Case No. _____

Name of Deserting Parent _____
(52-76) Last Name (52-65) First Name (66-75) MI (76)

Name of Recipient _____
Last Name First Name MI

Date _____ Signature _____

INSTRUCTIONS

Form PA-21B is to be used by the county welfare boards to secure the assistance of the U. S. Internal Revenue Service in locating deserting ADC parents. This form will be used only: (1) when all reasonable efforts to locate the deserting parents have failed; (2) when there is an outstanding court order for support on which payment is not being made, or a petition for such an order has been filed; and (3) when the child or children are receiving Assistance for Dependent Children. For a discussion of the policy relating to this procedure, see Manual of Administration 2829.

Two copies of this form are needed. One copy is to be mailed daily to the Bureau of Business Services. The other copy is to be used as a tickler which will be set two months from the date of mailing. When the information is received from the State Bureau regarding the deserting parent, the tickler copy of Form PA-21B and the information shall be filed in the case record.

(1-3) Agency Code: The code number assigned to New Jersey is pre-printed on the form.

(4-12) Social Security Account Number: Enter the social security account number of the deserting parent.

(13-15) Project Code: The project code assigned by IRS is pre-printed on the form.

(16-18) CWB Number:

CWB Numbers

001 Atlantic	008 Gloucester	015 Ocean
002 Bergen	009 Hudson	016 Passaic
003 Burlington	010 Hunterdon	017 Salem
004 Camden	011 Mercer	018 Somerset
005 Cape May	012 Middlesex	019 Sussex
006 Cumberland	013 Monmouth	020 Union
007 Essex	014 Morris	021 Warren

(19-23) Case Number: Enter the number assigned to the case. Omit county and program designation. Precede the number by zeros, if necessary, to complete 5 digit number. For example, 1 2 3 4 would be entered as 0 1 2 3 4.

The County Welfare Board Director or his duly authorized representative will sign and date the form before it is mailed to the Bureau of Business Services.

IM ACTIVITY SUMMARY WORK SHEET

MONTH OF _____ PROJECT ID _____

DATE _____ PAGE _____ OF _____

	TALLY	TOTAL
1. CASE REVIEWS		
a. INITIAL		
b. REDETERMINATIONS		
2. REGISTRATIONS		
a. MANDATORY		
b. VOLUNTARY		
c. REFUSALS		
3. EXEMPTIONS		
a. TEMPORARY		
b. CHILD UNDER 16		
c. CHILD IN SCHOOL		
d. ILLNESS		
e. AGED		
f. INCAPACITATED		
g. REMOTE		
h. MOTHER OF CHILD UNDER 6		
i. REQUIRED IN HOME-ILLNESS		
j. OTHER ADULT MALE REG.		
4. DE-REGISTRATIONS		
a. EMPLOYED		
b. EXEMPT		
c. REFUSALS WITH PENALTY		
d. OTHER REASONS		
5. REFERRALS TO VR		
a. TOTAL		
b. SCREENED OUT		
c. ALREADY IN V.R.		
d. ACCEPTED BY V.R.		
e. NOT ACCEPTED BY V.R.		
f. PENDING INITIAL ACTION		
g. CLOSED - NOT REHABILITATED		
h. CLOSED - REHABILITATED		
7. DE-REGISTRATIONS OF MANDATORY REGISTRANTS		

AFDC PAYMENT REDUCTION RECORD

PART A (TO BE COMPLETED BY SAU)

SAU ADDRESS _____ NAME _____

SOCIAL SECURITY NUMBER _____

PROJECT ID _____ CASE NUMBER _____

TYPE OF PAYMENT REDUCTION

EMPLOYMENT _____
DATE _____

PENALTY

☐ SUSPENSE☐ WIN/PSE☐ REFUSAL TO
PARTICIPATE☐ WIN/JOP☐ JOB ENTRY

PLEASE DETERMINE THE AFDC PAYMENT REDUCTION AND AFDC STATUS FOR THE ABOVE NAMED PERSON.

SIGNATURE OF SAU WORKER_____
DATE

PART B (TO BE COMPLETED BY IM)

☐ EMPLOYMENT CANNOT BE VERIFIED

PAYMENT REDUCTION MONTH _____, 197 _____

	ASSISTANCE PAYMENT
MONTH PRECEDING AFDC PAYMENT REDUCTION	
MONTH FOLLOWING AFDC PAYMENT REDUCTION	
NET CHANGE	

☐ THE ABOVE NAMED PERSON WILL CONTINUE TO BE INCLUDED IN THE
ASSISTANCE PAYMENT.☐ THE ABOVE NAMED PERSON WILL NOT CONTINUE TO BE INCLUDED IN
THE ASSISTANCE PAYMENT._____
SIGNATURE OF IM WORKER_____
DATE

3000. ESTABLISHING PROGRAM ELIGIBILITY IN AFDC

This chapter presents in detail the program eligibility factors which must be considered in making determinations related to the AFDC-C, -F and -N segments. The following table outlines the differences between these segments.

Eligibility Criteria for
AFDC-C, -F and -N Segments

	AFDC-C	AFDC-F	AFDC-N
Financial Eligibility	see Assistance Standards Handbook	see Assistance Standards Handbook	see Assistance Standards Handbook
Eligible Persons	Children, Natural or adoptive parent(s), Spouse of natural or adoptive parent (step-parent), or Parent-person and spouse (unless any of these persons receives SSI).	Children, Natural or adoptive parents, (unless any of these persons receives SSI). Father must meet federal criteria for unemployment.	Children, Natural or adoptive parents, (unless any of these persons receives SSI).
Age	<u>Children</u> Birth to 18, or to 21 if in school, college, vocational, or technical training.	<u>Children</u> Birth to 18, or to 21 if in school, college, vocational, or technical training.	<u>Children</u> Birth to 18, or to 21 if in school, college, vocational, or technical training.
Status of Parents	Parent(s) of any age. Absence, death or incapacity of one (or both) parent(s).	Parent(s) of any age. Both natural or adoptive parents present and are not incapacitated.	Parent(s) of any age. Both natural or adoptive parents present and not incapacitated.
Work/Training	WIN registration unless exempt.	WIN registration unless exempt.	Participation of father and child 16 and over if not in school required unless good cause for refusal is established.
Residence	Living in New Jersey	Living in New Jersey	Living in New Jersey
Redetermination	Every 6 months	Every 3 months	Every 3 months
Child Support and Paternity	Must Comply	Not applicable	Not applicable
Agreement to Repay	Sign when member of eligible unit is party to suit or claim or potential resources are indicated.	Sign when member of eligible unit is party to suit or claim or potential resources are indicated.	Sign when member of eligible unit is party to suit or claim or potential resources are indicated.

3100. DOCUMENTATION AND RECORDING OF PROGRAM ELIGIBILITY REQUIREMENTS

Fundamental to the establishment of eligibility for public assistance is the documentation of eligibility requirements. Under certain conditions, presumptive eligibility may be recognized.

3110. Presumptive Eligibility

Presumptive eligibility shall be determined when, based on the applicant's written statement signed under oath, immediate need exists and other program requirements appear to be met (see PAM 2500 and ASH 202).

3111. Immediate Need

Immediate need shall be recognized when the available resources of an applicant are insufficient to meet current living expenses.

3112. Presumptive Eligibility (P.E.) Grant

When presumptive eligibility is determined in accordance with Section 3110, a grant of assistance shall be issued on the date of application and continued as necessary during completion and verification of the applicable eligibility requirements (see Section 4300). If a condition of immediate need develops during the verification process, a grant shall be issued as soon as immediate need is apparent in the same manner as if it had existed at the time of application.

3112.1 See Section 203 of the Assistance Standards Handbook for determination of the initial grant.

3113. Validation

The CWA must validate all applicable eligibility requirements within two months following the month in which assistance is initially granted. This shall be accomplished by reliance upon documentary (factual recorded information) or non-documentary (factual oral or written statements by reliable individuals possessing personal knowledge) sources of evidence. Failure of CWA to complete validation which is not due to lack of client cooperation shall not jeopardize the client's continued assistance.

3114. Client Cooperation

Applicants are usually able to help select the most likely sources for corroboration of essential eligibility information. If they are not willing to have the necessary inquiries made or to secure the required information from such sources themselves, it shall be explained that the county welfare agency will be unable to grant assistance. This choice and the consent form printed on the application which allows others to be contacted will be explicitly explained (see Sections 1110, 1140).

3120. Sources of Evidence

The client's statements regarding his/her eligibility are evidence. For purposes of public assistance, the client's statements must be consistent and certain facts must be documented. The applicant will be informed that the CWA needs to document the facts regarding certain eligibility criteria and that this process will include contacting collateral sources as necessary.

3121. Public records are preferred evidence and investigation of these sources shall be exhausted before other sources are used.

3122. Sources of collateral evidence to establish eligibility include but are not limited to the following:

Birth, death and marriage certificates, church records, immigration and naturalization papers, census records, school records, military service record, court records, employment records, records of public or private welfare agencies, voting records, medical records, personal records, and affidavits from knowledgeable persons.

3242. AFDC-F - The term "parent" refers to the natural or adoptive parents who have at least one eligible child residing with them who is under age 18 or under age 21 if in school, college, vocational or technical training.
3243. AFDC-N - The term "parent" in AFDC-N is used to refer to two adults of the opposite sex who have at least one eligible child residing with them who is under age 18 or under age 21 if in school, college, vocational or technical training. This child must be the natural child of both parents or the natural child of one and adopted by the other or a child adopted by both.
3250. Parent-Minor in AFDC-C, -F and -N
- Parent-minor refers to a parent under age 18. When application is made for AFDC-C by a parent who is under age 18 or for -F or -N where both parents are under age 18, the following action shall be taken in specific situations:
3251. When a parent-minor who is maintaining or establishing a separate home for the child(ren), i.e., in his/her own home or in the home of persons who would not qualify as parent-person, an application shall be accepted from such parent-minor.
3252. When a parent-minor and child(ren) are living in the home of one natural or adoptive parent of the parent-minor, or both natural or adoptive parents who are themselves eligible for AFDC-C or -F, or relatives who qualify as parent-persons of the parent-minor, there shall be a discussion with the parent-minor and the adult(s) as to whether it is desirable to have the parent-minor apply for assistance or whether the adult parent(s) should do so. The implications, options and consequences of each application shall be fully explored. The parent-minor shall make the decision.
3253. When the parent-minor and child(ren) are living in the home of both natural or adoptive parents (of the parent-minor) and the parents are not eligible for AFDC-C, then the application must be accepted from the parent-minor. This rule is made because in this situation the parent-minor, although perhaps a "needy child", is not a child "deprived of parental support or care"; hence, the parents cannot apply for AFDC for such a parent-minor.

3260. Circumstances Requiring Special Handling Which are not Conditions of Eligibility

3261. Mental Competency of Applicant

Any person who applies for assistance shall be presumed to be mentally competent unless there is professional diagnostic evidence to the contrary, or unless there is question regarding competency because of certain observable behavior or reactions (see also Section 4534).

3261.1 Criteria for alleged incompetency of applicant include:

3261.11 Inability or substantial difficulty in giving simple identifying information such as his/her correct name, address, names of members of his/her family, names of persons with whom he/she lives or has frequent association; (during the course of the interview references should be made to these previously directed questions and the consistency of the response noted); inability to report in a general way factual information about his/her economic status, his/her education, his/her employment history (if any), and his/her medical history.

3261.12 Insistence on relating irrelevant information in a way which appears genuinely unbalanced.

3261.2 If, after considering the client's response according to the above criteria, the CWA has reasonable doubt of his/her mental competency (alleged incompetency), the IM worker shall accept an application from him/her and when immediate need is apparent, issue grant. The case shall immediately be referred to the Social Service Unit to locate a protective payee.

3262. Child Abuse, Exploitation or Neglect

3262.1 If any of the following conditions appear to exist in the relationship between parent and child, the case shall immediately be referred to the Social Service Unit which shall contact the Division of Youth and Family Services (DYFS) for appropriate action. The CWA shall provide DYFS with pertinent information as appropriate and will cooperate in planning and implementing action in the best interest of the child. (See also Section 7900.)

- 3262.11 physical or sexual abuse or cruel treatment
- 3262.12 exploitation by prostitution or overwork, having the child beg or involving the child in illegal activities
- 3262.13 neglect as shown by apparent malnutrition or lack of supervision necessary for the health and safety of the child.

These conditions, of themselves, will not affect eligibility of the children to receive assistance.

- 3262.2 In the event of any indication that the death of a child resulted from abuse or neglect, such matter shall be reported immediately to DYFS.

3270. Age Requirements

- 3271. To be considered of eligible age, a child in AFDC must be under age 18, or under age 21 and a student regularly attending school, college or university or regularly attending a course of vocational or technical training leading to a certificate, diploma or degree designed to prepare him/her for gainful employment. See Assistance Standards Handbook Section 130 for definitions regarding school attendance.
 - 3271.1 When any school or course of training involves attendance during an academic year, a child shall be considered eligible during the summer months when he/she has been accepted for admission in the fall. He/she shall be considered eligible during regular vacation periods unless the educational program has been completed or unless there is verification that the child does not attend or is not acceptable to reenter the program.
- 3272. A child between 18 and 21 years of age residing with an AFDC-C or -F recipient family who, except for the lack of school attendance or participation in vocational or technical training, would be eligible for inclusion in the grant, continues to be eligible for "Medicaid Only" coverage unless he/she has net income exceeding his/her per capita share of the total family's adjusted allowance (including him/herself).

3273. In AFDC-N, a child aged 18 to 21 and not a student regularly attending school, college or a vocational or training course is not eligible for inclusion in the eligible unit. See Section 8543 for possible eligibility for "Medicaid Special".
3274. In all segments, when the year of birth can be determined but not the month, July 1 shall be designated to be the birth date. When the month can be determined but not the date, the child will be eligible until the end of that month.
3275. A recipient child cannot be included in the AFDC cash payment after the month in which he/she attains the age when he/she is no longer eligible. Furthermore, a child who attains such age on the first day of the month is not considered to be of eligible age during that month and is not eligible for inclusion in the grant for that month. Additionally, the family ceases to be eligible when the youngest child is no longer of eligible age.
3276. The county welfare agency shall establish and maintain appropriate administrative controls in all AFDC cases, identifying those members of the eligible unit who may be rendered ineligible because of age. Specifically in this regard, agency controls shall provide advance identification of children attaining age 18 and/or 21, as appropriate for possible referral for General Assistance. Parents approaching age 65 should be alerted to the Supplemental Security Income program.

3280. Noneligible Persons in the Household

When a noneligible individual is living in the household of an eligible unit, a monthly amount shall be recognized as the cost standard for that individual's share of household expenses. (See Section 204 of the ASH for budgeting procedures.)

3300. DEPRIVATION OF PARENTAL SUPPORT OR CARE (AFDC-C)

Terminology

The statutory definition of "dependent child" sets forth two eligibility factors: economic "need" and "deprivation of parental support or care." These two factors are not identical, and the law requires that both be demonstrated in each case.

"Need" refers to financial eligibility and is determined in accordance with provisions contained in the Assistance Standards Handbook.

"Deprivation" is the result of death, physical or mental incapacity, or continued absence from the home of a natural or adoptive parent.

- 4) Volume - volume is to be measured in cubic feet (one file drawer equals two cubic feet). Measurements should be rounded to the nearest cubic foot - do not use a measurement less than one cubic foot;
- 5) Retention Period - complete in accordance with 7272; and
- 6) Requested by - signature of CWA director or authorized agent.

(All other items will be completed by the appropriate State Agency.)

All copies of the completed Form ED-6 will be forwarded to the Bureau of Business Services for approval. The county welfare agency shall not destroy any records until such approval has been received by CWA in writing.

7274. When disposal is authorized, records must be destroyed in fact and should not be allowed to fall into unauthorized hands. Nonconfidential records may be sold for waste, providing that they will eventually be processed to destroy their identity. Confidential records must be destroyed by burning, shredding or pulping, and a responsible official shall supervise such disposal or accompany the records, if they have to be transported, to see that they are in fact totally destroyed.

7300. ISSUANCE OF PHOTO-IDENTIFICATION CARDS

7310. Photo I.D. cards will routinely be issued to each assistance payee. The purpose of the card and the meaning of all printed matter to appear on it shall be explained to the client. If the payee refuses to have a card made the problems of cashing checks will be explained. Issuance of a Photo I.D. card will not be a condition of receiving checks.

7320. Procedure

The county welfare agency will establish a procedure for completion of the All-Photo I.D. card that will ensure that the client need make only one visit to the agency for that purpose.

7330. Specifications

7331. Photo I.D. cards must contain the following:

- a. Name of the county welfare agency
- b. Color photograph of recipient
- c. Signature of recipient
- d. Case number and recipient's name
- e. The following statement:

"This card is issued by the _____
county welfare agency for the sole purpose of assisting
welfare recipients in negotiating welfare checks.

If this card should be found, please mail it to the:
_____ County Welfare Agency

_____.
All postage guaranteed."

7332. Any word, number or other symbol used to insure validity of the card shall not appear below the photograph.

7231. Original Source of Verification in Case Record

The preferred method of documentation is inclusion in the case record of the original document, or photocopy of such document verifying a factor of eligibility. (See Section 3100.)

7231.1 If the IM worker has reviewed but not obtained a copy of a document, a description of the document and its location must be included in the case record to facilitate review of the material, where necessary, by the Division of Public Welfare.

7232. Narrative Recording of Documentation

There will be instances where the limited space provided on the application (PA-1J) for verification will be insufficient to record all relevant facts. It will then be necessary to provide whatever further information is needed through narrative recording in the case record. When this occurs, the IM worker must indicate on the application that additional information is available in the case record.

7240. Maintenance and Custody of Case Records

All income maintenance record material relevant to each client or client group will be maintained in a folder, jacket, or envelope bearing the appropriate registration number, separate and apart from material relevant to social services.

All records shall be filed in a secure and fire-resistant room. A separate file shall be maintained for each program. The CWA director may further subclassify the case records in whatever manner is best suited to local administrative use and control, provided that all such classifications are cross-indexed so that it shall be possible to locate immediately the whole of any case record either by name or registration number.

7250. Movement of Case Records

7251. General Policy

No case record or official part of such record shall be removed from its designated filing cabinet without an identifying record of the person who has custody of it.

7252. Safekeeping

Any case record or official part that has been removed from its designated filing cabinet must be placed in some similar storage arrangement at the close of each business day.

7253. Authorization

No case record or official part shall be removed from the offices of the county welfare agency except at the specific authorization of the director.

7260. Transfer of Case Records

No case record or official part of such record shall be permanently removed from its designated filing cabinet unless and until it is transferred in its entirety to the custody of some other county welfare agency or it comes under the provisions of Section 7270.

7270. Retention and Destruction of Case Records

7271. Authorization

Each county welfare agency will retain all material normally kept in the "case folder" for the time periods indicated in Section 7272 below. At the expiration of such time period the CWA may, at its option, destroy records in accordance with Sections 7273 and 7274 below, continuing to retain those portions indicated. In permanent available archives the CWA will retain information showing the date and manner of destruction of each "case folder" destroyed.

7271.1 "Case folder" shall be construed to mean the entire set of income maintenance records related to eligibility determinations for one person or household in one program of assistance. Each such case folder may be reviewed as a single unit without reference to the fact that the person(s) involved may have received assistance or may be receiving assistance under another program.

7272. Retention Periods

7272.1 No Reimbursement Owing - In destroying records in this category, the agency should provide for the permanent retention of information by which to assure itself in the future of the absence of a claim and the reason(s) therefore.

CASE FOLDERS	RETENTION PERIOD
a. Cases denied or rejected without a grant of assistance	Three (3) years after the last official agency action or court action which influences the granting or recovery of assistance or the receipt of the final recovery payment, whichever is later.
b. Cases in which all assistance has been repaid in full	
c. Cases in which no repayment was ever due (Most AB, AFDC)	
d. Cases in which no further repayment is due (most AFWP, repaid fraud restitution, and other overpayments in all programs, repaid "suits and claims" matters in AFDC, fully paid assigned support rights)	
e. Cases in which a specific agency decision has resulted in abandonment of a claim(s)	

7272.2 Reimbursement Owing

In all instances of unresolved fraud or other overpayment matters, unresolved "suits and claims" matters, or open and unpaid assigned support rights, retain all records in each case until the matter(s) in question is resolved and the case falls into one of the groups listed below or in Section 7272.1 above; then retain accordingly.

In destroying records of cases in which reimbursement is owing, the agency must retain enough information in permanent archives to provide clear identification of debtors, to document the amounts, and to allow the taking of any legal or administrative action which may become necessary in the future by either the agency or by DMAHS.

7272.2 Reimbursement Owing (continued)

Retain records in cases which reimbursement is owing as follows:

CASE FOLDERS	RETENTION PERIOD
OAA, DA, MAA, Medicaid Only	
a. client still living	indefinite
b. client deceased (see note below)	
(1) probable recovery pending	indefinite
(2) all known or probable recovery completed or none possible	three (3) years after death or last official action, whichever is later

Note: In accordance with actuarial practice, persons not known to be deceased may be presumed dead at age 100 unless information to the contrary exists.

7273. Requests for destruction of case records will be submitted on State Form ED-6, Request and Authorization for Records Disposal, which may be obtained from the Bureau of Business Services, Division of Public Welfare. Form ED-6 will be completed as follows:

Request Number and Date - each county welfare agency shall assign its own number to each request and the date upon which it was submitted;

Authorization Number and Date - for use of the Bureau of Archives and History;

From - provide complete address of county welfare agency;

- 1) Item - number the items in sequence beginning with number 1;
- 2) Records Title and Description - indicate the number of case records by categorical program and provide sufficient information to show where they are in the Record Retention Schedule;
- 3) Inclusive Dates - indicate the inclusive dates to which the material applies (e.g., the earliest application was taken and the most recent year a case was closed);

3517. Notice of Termination, Reduction or Suspension

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 AFDC. A copy of any such notice shall be sent to any out-of-state agency with which there has been communication regarding the case.

3520. County Residence

3521. Residence in a county is not an eligibility requirement. A county of residence is necessary to identify which CWA 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.

3522. Wherever a family is living shall be considered that family's county residence. When a recipient family, or any member thereof, goes to another county or state for the purpose of a temporary visit, that county or state shall not become their residence unless Section 3524 applies.

3523. A care facility or a public or private institution of custodial, curative, or penal character shall not be considered an individual's customary residence. Upon leaving such facility, the individual retains the same residence status that he/she had prior to admission. If the family moved during that individual's absence from the home, the county residence shall be that of the family.

3524. Change of County Residence

Responsibility for case management and payment shall be transferred from one county to the other when a recipient family moves to another county.

A temporary visit by either the recipient family or any member thereof shall not be considered to be a change of county residence until that visit has continued for more than a three month period. (See Temporary Absence, Section 3700.)

3524.1 Whenever it is determined that a recipient family whose application has not been validated has changed or is planning to change its residence from one county to another, the CWA of origin shall continue assistance while completing the validation, subject to the time limits set forth in the application process, then transfer the case without delay to the receiving county in accordance with Section 3524.2 below.

3524.2 Whenever it is determined that a recipient family whose application has been validated is planning to change its residence from one county to another, it shall be the responsibility of the county welfare agency directors of the two counties concerned to effect the transfer without interruption of assistance.

The county of origin shall initiate and the receiving county shall, on request, immediately cooperate in accomplishing a full investigation of the circumstances surrounding the move. If the move is permanent, each county shall execute its respective responsibilities in accordance with Sections 3524.21 through 3524.24 below.

3524.21 The county of origin has the responsibility to:

- a. transfer, within five working days from the date it is notified of the actual move, a copy of pertinent case material to the receiving county. Such material shall include, at a minimum, a copy of the first application and the most recent PA-1J form; the most recent CODES 105A and B forms; Social Security numbers or copies of SS-5 forms; all birth verifications; and, where ongoing recoupment is involved, the amounts and net balances;
- b. forward promptly to the receiving county copies of any other material mutually identified as necessary for case administration;
- c. instruct the client to contact the receiving county immediately to arrange for filing an application to transfer assistance.

- 3524.22 The receiving county has, except as noted in Section 7111.3, the responsibility to:
- a. communicate with the client if case material is received prior to client contact and the client's new address is known. Such communication shall invite the client to make application to ensure receipt of uninterrupted assistance.
 - b. grant assistance (provided application to transfer has been made) for the next month if initial case material has been received before the 10th of the month;
 - c. grant assistance (provided application to transfer has been made) for the second month after the month of initial receipt of case records when such records are received on or after the 10th of the month;
 - d. notify immediately the county of origin of the date case records were received and the date assistance will be granted.
- 3524.23 The welfare of the clients shall not be adversely affected and their right to uninterrupted assistance, if in need, shall not be prejudiced by disagreement or other administrative difficulty between the counties. Any adverse change in grant resulting from transfer requires timely notice. (See Section 7111.3.) If the receiving county is unable to verify eligibility within prescribed time limits, as stated in 3524.22b or c, it must accept case responsibility in accordance with Section 3524.22 and grant assistance based on presumptive eligibility until such verification is completed (see Section 3110).
- 3524.24 When a reduction in grant results from the transfer, the receiving county shall send timely notice of such change to the client and a copy to the county of origin. The county responsible for the next assistance grant must issue that grant in a reduced

3524.24 Cont'd

amount unless a request for a fair hearing is received (see Section 7111.3). If the county of origin is responsible for the issuance of the reduced grant, such reduction shall be based on the copy of the adverse action notice and any other mutually developed information pertinent to the reduction.

3530. Verification of Residence

Verification of residence is necessary to ensure proper CWA chargeability for assistance payments. Due to the multiple-person nature of AFDC cases, the residence of dependent children will normally establish residence of a recipient family (see Temporary Absence Section 3700 and County Residence Section 3520). Under some circumstances, documentary evidence of residence may not be available.

3531. Some Sources of Evidence of Residence

The following are examples of sources of evidence of residence:

landlord's records and rent receipts,
public utility records and receipts,
personal property assessment records,
census records,
records of business or professional people
such as grocers, bankers, and physicians
with whom applicant has had frequent
contact,
telephone directories,
city directories if maintained on current basis,
postmarked letters addressed to applicant,
post office records,
school records,
records of social agencies, public or private,
employment records, or
affidavits of knowledgeable persons which support
other recorded evidence or knowledge of CWA.

3600. RELEASE FROM AN INSTITUTION

The procedures provided in this section have been established specifically to govern relationships between the CWA and the several State institutions. These procedures do not necessarily apply to relationships with local mental hospitals and other institutions. When a CWA develops other procedures to expedite release of persons from local institutions, it shall submit complete plan material to the Division of Public Welfare for approval prior to granting assistance to such persons.

For eligibility of persons in public or private hospitals, see Section 3731.

3610. Applicant or Recipient About to be Released

3611. Establishing a Home

A parent or parent-person who is about to be released from an institutional facility (medical, mental, or correctional) may apply for AFDC-C in order to establish a home for a dependent child upon such release.

When eligibility has been established, payment of an initial grant shall be made upon release from the institution, providing the parent and child will be living together within thirty days of the date of issuance except in circumstances identified in Section 3611.1. This application may be registered and processed up to two months before anticipated date of release.

3611.1 When an applicant parent is being released from an institution for the mentally ill or retarded, penal institution, or New Jersey Neuropsychiatric Institute, no initial payment shall be issued until the actual release, discharge, or parole is a matter of record and verified by the CWA, and the applicant is not adjudged or alleged to be mentally incompetent.

3612. Maintaining a Home

A parent or parent-person separated from a dependent child for a period no more than thirty days prior to application, who wishes to maintain an already established home for that child with whom such parent or parent-person customarily resides, may apply for and receive assistance while temporarily absent from the home. In this case, such parent or parent-person must indicate plans to return to the home within two months from the month in which assistance is initially granted. (See Temporary Absence from the Home, Section 3700.)

3613. Return to Recipient Home

In the case of the return to the home of a recipient family by a parent, parent-person, or spouse in AFDC-C or child of eligible age in any segment, no application for assistance is involved. For policy on adjustment of grant in such situations, see Section 252 in the Assistance Standards Handbook.

3614. Responsibility for Application

3614.1 If the individual will return to a home or plans to establish a home with a dependent child in the county receiving the inquiry and appears eligible for assistance, the CWA of that county shall register the application, assist in completion of the plan as necessary, complete the determination of eligibility and be responsible for assistance payments (see county responsibility, Section 3521).

3614.2 If the individual is to return to a home or desires to establish a home with a dependent child in another county, the CWA receiving the inquiry shall complete an application interview and assist the individual to complete an application form. All information which the applicant can supply shall be obtained and recorded on appropriate case record forms, which shall be forwarded to the county where the family currently resides or is planning to establish a home. The county receiving the application will process and register the application without delay.

3614.3 The Social Service Unit of the registering CWA shall assist the applicant to establish a home for the dependent child(ren).

3620. Planning and Procedure

3621. Responsibility for initial planning for the return of a patient to the community rests with the institutional authorities. When public assistance is necessary and the person appears eligible, the Bureau of Transitional Services will coordinate the application with the institutional authorities and with the appropriate CWA. The Bureau of Transitional Services under the Division of Mental Health and Hospitals will be responsible for reviewing such referrals to assure that all essential information is assembled, and for expediting the processing of an application by the appropriate county welfare agency for final determination of eligibility.

- 3621.1 The institution will routinely complete the following forms without charge (a stock supply of which will be provided to them by the Division of Public Welfare) and will forward copies to the Bureau of Transitional Services along with copies of staff notes pertinent to each case:

Form PA-12 Referral by State Mental
Institution to Public Assistance
Agency

Form PA-7 Report of Findings by
Psychiatric Diagnostic Group,
where appropriate.

(See Appendix C for forms.)

- 3621.2 Persons under the jurisdiction of Division of Mental Retardation, Bureau of Field Services, shall be referred by that Bureau directly to the appropriate CWA.

3622. Release from Veteran's Hospital

When a parent is about to be released from a Veteran's Hospital, the hospital will make referral in writing, with the knowledge and consent of the veteran, to include the following minimum information:

Identifying data

Anticipated date of discharge

Description of any known or tentative living arrangement following discharge

In addition, the hospital will complete, without charge, the following forms as appropriate (see Appendix C for sample forms):

PA-7 Report of Findings by Diagnostic Group;

Abstract of patient's hospital record, or in
absence of abstract;

PA-5 Examining Physician's Report;

PA-5A Report of Eye Examination.

Thereafter the county welfare agency shall arrange for an application interview and shall process the application as any other.

3623. Responsibility of Bureau of Transitional Services

The BTS area worker shall arrange with the social service staff of the institution for an interview with the applicant. If the patient decides to apply, the BTS worker shall assist in completing the application in accordance with Chapter 2000.

3623.1 The BTS worker is responsible for prompt investigation to determine initial eligibility, including inquiry regarding any funds held by the institution or other party in a personal account for the applicant. The BTS worker will discuss available services including assistance in locating a suitable living arrangement with the applicant. BTS will determine which CWA the case will be referred to and notify the institutional authorities of this decision. BTS shall transfer the completed referral forms to the designated CWA.

3624. Responsibility of CWA

The CWA will register cases transferred from BTS within one working day. The CWA will determine initial eligibility within 30 days and so inform in writing BTS which will coordinate discharge of the client. If the client is discharged in less than 30 days and has immediate need (see Section 1120) assistance will be granted immediately. If the applicant qualifies, the initial grant shall be issued by the CWA to coincide with the client's release from the institution, and the relationship between the recipient and the CWA will be conducted as in all other cases.

3625. A child of eligible age or a spouse of an AFDC-C recipient parent who is at home on extended visit or convalescent leave from a State institution is eligible for inclusion in the AFDC-C, -F or -N assistance payment, as appropriate.

3700. TEMPORARY ABSENCE OF A FAMILY MEMBER

Eligibility for AFDC may exist during the absence of a child, parent or parent-person from the home under the circumstances described in this section. When the absence is foreseeable, the CWA should make appropriate plans.

3710. Child in an Institution

When a child who would be otherwise eligible for AFDC is out of the home due to voluntary/involuntary placement in an institution, he/she shall be recognized as a member of the eligible unit so long as it is anticipated that he/she will return home within one year from the date of the placement.

See ASH 124.2 regarding adjustments to the grant for children who are absent from the home.

3711. A child whose placement is specified for a period longer than one year shall not be eligible during the entire period of placement. (See ASH 206 regarding visits home of seven or more days.)

3712. 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.

3713. In the case of a new application, eligibility of an institutionalized child shall be based on the specified length of the placement starting from the date the placement began.

3720. Parent in an Institution

(The Term "Parent" as Used in this Section Includes Both Parents and Parent-Persons)

3721. In AFDC-C, 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/her child(ren), eligibility shall continue so long as necessary to complete recovery but not to exceed three months. (Use of a temporary payee is not precluded; see Section 4520 of the Public Assistance Manual.)

3721.1 When it appears that the absence will continue for more than three months, the case will be reevaluated relative to the care and protection of the children and approval of the State office obtained for continued eligibility of the parent.

3721.2 See ASH 124.2 regarding appropriate adjustments to the grant.

3722. In AFDC-F and -N cases, when a parent is absent from the home due to one of the following conditions, the case shall be immediately reviewed for transfer to AFDC-C if;

- a. a parent is hospitalized and such condition will continue for at least 30 days; or
- b. a parent is committed to an institution and such absence will continue for at least 30 days.

3730. Absence for Reasons Other Than Institutional

3731. Children

The county welfare agency shall obtain approval from the State office to continue a child in the grant during any visit, vacation or temporary absence from the home for reasons other than institutional placement which will continue for more than 30 days.

3732. Parent or Parent-Person

Temporary absence of not more than 30 days for whatever reason will not affect eligibility provided that adequate care and supervision of the child(ren) has been arranged in advance. When necessary, arrangements will be made by the county welfare agency regarding issuance of the grant.

The county welfare agency shall obtain approval from the State office for continuing eligibility in unusual situations of temporary absence lasting more than 30 days.

3733. Family

When the entire family unit leaves the State for a temporary visit, the provisions of Section 3510 shall apply.

(Reserved)

3800. LEGALLY RESPONSIBLE RELATIVES (LRRs)

Certain relatives are legally considered responsible to provide support if financially able and may be a source of income for a public assistance applicant or recipient. The CWA will determine the capacity of LRRs to contribute to the support of public assistance applicants and recipients. (See Form PA-3B.)

The CWA director is authorized under specified circumstances to apply to the appropriate court for a support order. In cases where a court order appears to be the only means of insuring consistent and actual support, the applicant/recipient may elect to receive from the CWA the grant for which he/she is eligible and request the CWA to collect the support payments. (See Sections 3860 and 3863.) The applicant must be fully informed of these provisions and their implications.

The following chart identifies relatives who are recognized as legally responsible under AFDC and Medical Assistance (MA) programs:

LEGALLY RESPONSIBLE RELATIVE	Program	
	AFDC	MA
Spouse	X	X
Child under age 55	X	
Parent of a child under 21	X	X
Parent under age 55 of child 21 or over	X	

3810. All legally responsible relatives shall be contacted in completing the investigation.

3811. Regardless of where the relative lives, it is the responsibility of the income maintenance worker to obtain the necessary information by the most direct and practical method.

3812. Information on Capacity to Support

3812.1 The legally responsible relative shall be the primary source of the information required to evaluate his/her capacity to support.

3812.2 When the evidence submitted by the relative is inadequate or shows a discrepancy, or he/she is unable to submit evidence, he/she shall understand that it will be necessary for the agency to obtain verification directly from his/her employer, bank, etc.

3820. Frequency of Reevaluation of Capacity to Support

Legally responsible relatives shall be reevaluated at least once every six months. See Section 5350 regarding reevaluation and situations in which contact need not be made.

3830. Priority of Obligations

3831. A person's obligation to support those relatives for whom he/she is legally responsible takes precedence over voluntarily assumed obligations.

3832. Responsibility of a person for the support of his/her own minor children takes priority over any obligations for other relatives.

3840. Availability of Support

The eligible unit will not be eligible for assistance when the amount of the legally responsible relative's evaluated capacity to support equals or exceeds their adjusted allowance and this support is actually provided to the eligible unit.

3841. The LRR's contribution shall be considered available only when there is affirmative and persuasive evidence that such amount or its equivalent in goods or services is in fact provided to members of the eligible unit. (For details see Assistance Standards Handbook, Section 330.)

3842. When any LRR fails or refuses to provide any portion of his/her contribution the agency shall, within 30 days, take appropriate action in accordance with available procedure to compel contribution in the amount of the adjusted allowance or the evaluated capacity to support, whichever is less.
3843. Whenever the LRR fails or refuses to furnish information concerning his/her ability to support members of the eligible unit, it shall be deemed a failure or refusal to provide support as required by law.
- 3843.1 In such cases the agency shall take appropriate action within 30 days, in accordance with available procedure to secure judicial determination of the LRR's ability to support the eligible unit member(s). Until such determination is made, each LRR shall be considered a potential resource.
3844. For LRR in the home of the eligible unit see ASH Section 333.2e.]
3850. When it has been determined by judicial process that a child of an applicant for or recipient of assistance has been abandoned, deserted or not supported by the applicant or recipient during his/her minority, such person is legally excused and relieved of obligation and shall not be considered a legally responsible relative.
3860. Support Orders
3861. Legal Provisions
- 3861.1 The county welfare agency director has authority, after due investigation, to direct a legally responsible relative to pay toward the support of an applicant for or recipient of assistance.
- 3861.2 Upon failure of such relative to comply, the director shall so certify in writing to the county court or to the court of juvenile and domestic relations of the county; whereupon such court may, after hearing, "order and adjudge the able relative or other persons responsible for the support of such applicant to pay such sum or to deliver to the court or to the county welfare agency director such other pledge or guaranty as the circumstances may require in the discretion of the court for each such applicant."

- 3861.3 The county welfare agency may also bring appropriate action in a court of competent jurisdiction to recover any sum of money due for assistance given any person under this chapter against any person chargeable by law for the support of such persons.
- 3861.4 Where the relative from whom support is sought is a resident of another state and the county welfare agency is unsuccessful in securing information and/or voluntary contributions commensurate with the evaluated capacity to support, either by direct correspondence or through an appropriate public assistance agency, the procedures provided in the Uniform Reciprocal Enforcement of Support Act shall apply.
- 3861.5 When there is evidence that a relative is failing to comply with the order of the county welfare agency director, the director shall follow the legal procedure as provided in 3861.2 above. Where there is failure to comply with the order of a court, the county welfare agency shall consult with the probation department or with the court which placed the order.
- 3861.6 With respect to AFDC-C segment it must be recognized that the presence of a stepparent in the home does not relieve either natural parent of duty to support a child. □
- 3861.7 An order to support should not be sought against a reputed father of a child born out-of-wedlock until paternity has been judicially established.
3862. Inability to comply with order
- 3862.1 Where there is evidence that a relative is not able or no longer able to comply with the order of the director, there shall be prompt reevaluation of capacity to support, and the order shall be voided or the amount adjusted, as appropriate.
- 3862.2 Where such situation is found to exist in respect to a relative under court order to support, the terms of the order cannot be changed except by amendment by the court itself after review. The county welfare agency will assist in initiating amendment proceedings in such cases.

3863. Where the amount of support actually received, under court order and otherwise, exceeds the per capita share of the assistance grant for the individual for whose benefit it is paid, the client shall be informed of the right to choose whether to leave the eligible unit and have the benefit of all the income or to remain in the eligible unit. All consequences including those with regard to Medicaid shall be clearly and explicitly explained. This provision also applies to other legally designated income. (See Assistance Standards Handbook Section 244.)

3900. RESOURCES AND REPAYMENT

To the greatest extent possible, the resources of individuals and families will be used for their maintenance and support. The time and method of liquidation or disposal of such resources frequently influence the amount of public assistance necessary and are, therefore, subject to regulation. □

3910. Resources Defined

3911. Available resources are those which are in cash or in some other form which can be used to meet current needs of the eligible unit. They are treated as income. Treatment is covered in detail in ASH 400, Income.
3912. Exempt resources are those which are not subject to any requirement for liquidation and are not considered in determining an assistance grant. Exempt resources are discussed in detail in ASH 310.
3913. Potential resources are those resources which are neither exempt nor available to meet the current needs of the eligible unit. The liquidation or conversion of potential resources is a joint responsibility of the CWA and the parent(s) or other payee of assistance granted to the eligible unit.

3920. Liquidation of Potential Resources

3921. Responsibilities Regarding Liquidation

3921.1 CWA Responsibilities

The county welfare agency shall:

- 3921.11 At time of application or when existence of a resource becomes known to CWA, inform the parent(s) or other payee of assistance granted to the eligible unit of the obligations relative to a potential resource, the need for liquidation and repayment as applicable (see Section 3943).

3921.12 Develop with the parent(s) or other payee of assistance granted to the eligible unit a plan for liquidation and use of the proceeds.

3921.13 Assist in carrying out the plan. (See ASH 320 for time limitations.)

3921.2 Responsibilities of the Eligible Unit

Members of the eligible unit shall identify all resources and shall:

3921.21 Develop with the agency a plan for the liquidation of resources and repayment as applicable (see Section 3943).

3921.22 Consent to and take action as necessary to carry out the plan.

3922. Penalties

3922.1 When a resource (or a claim pursuant to Section 3942.2) is applicable to a parent and the parent fails or refuses to cooperate in its liquidation (or to sign an Agreement to Repay), the entire family will be ineligible for assistance.

3922.11 Exception: -N Segment Parent

When an -N segment parent(s) is required to sign Forms PA-30 and PA-30A in accordance with Section 3961 and fails or refuses to do so, only the parents are rendered ineligible thereby. Eligibility of the children is not affected by the refusal.

3922.2 When a resource (or a claim pursuant to Section 3942.2) is applicable to an otherwise eligible child and the parent(s) fails or refuses to cooperate in liquidation of the resource or to sign an Agreement to Repay when one is required, the child only will be found ineligible for assistance.

3923. Assignment or Transfer of Property

Applicants for AFDC must not have made a voluntary assignment or transfer of property within one year prior to the time of initial application for the purpose of qualifying for assistance.

- 3923.1 Whenever investigation indicates that a person applying for assistance has transferred or assigned any property, whether real or personal, within one year prior to the initial application, the motive and circumstances surrounding such transfer or assignment shall be evaluated, and a determination made as to whether such transfer or assignment was made for the purpose of qualifying for assistance.
- 3923.2 If it is determined that there was no intent to defraud the CWA and that the transfer or assignment of the property was a normal transaction for adequate consideration, such transfer or assignment shall not make the applicant ineligible.
- 3923.3 If the transfer or assignment is found to have been made without receipt of adequate consideration by the applicant but with no evidence of intent to qualify for assistance or to avoid repayment, it shall be recognized that the applicant may have legal rights to secure the return of the property or the payment of adequate consideration. The CWA will assist the client in reclaiming or gaining adequate compensation for such property. In the event that such claim is successful, this shall be considered as an actual or potential resource, and the applicant shall be expected to comply with the requirements governing such resources (see Section 320 in Assistance Standards Handbook).
- 3923.4 If it is determined that such transfer or assignment was made knowingly and willfully for the purpose of qualifying for assistance, a penalty of ineligibility will apply to the AFDC parent(s) who made the transfer unless and until appropriate legal or other action is initiated to retrieve the property itself or its equivalent value. Eligibility of children is not affected by such a transfer.

3923.5 Case Record

In any application where such question arises, the full facts shall be made a matter of record, including a clear statement of the basis for the final decision regarding eligibility or ineligibility.

3930. Liquidation of Debts, Claims, Interests, Settlements, and Trust Funds

Members of the eligible unit shall be required to take all necessary and reasonable action to avail the eligible unit of funds for support from others who owe or may owe money to the eligible unit or who are holding funds for any member of the eligible unit.

3931. The penalty for failure or refusal to take required action or to cooperate with the CWA in liquidation efforts shall be as stated in Section 3922.

3932. In situations customarily processed under contingent fee arrangements with private counsel, such as liability matters, the eligible unit shall be required to undertake action by that method or by an alternative method acceptable to the CWA.

3933. When a trust fund exists for a member of the eligible unit, the CWA shall determine whether or not the funds are currently accessible. If accessible, the funds represent an available resource and must be considered in determining eligibility.

3933.1 When a trust fund is not currently accessible and it exists at the time of application, the client must, as a condition of eligibility, make a bona fide presentation of a petition to the appropriate court for release of the funds for current and future support. The agency will assist the client if necessary.

3933.2 When a trust fund is not currently accessible and came into being during the term of the assistance case, the agency will present a petition to the appropriate court for release of funds for current and future support. The client must, as a condition of continuing eligibility, provide whatever cooperation may be necessary in the presentation of the petition.

3940. Repayment

3941. Improperly Granted Assistance

The CWA shall, in all circumstances, take appropriate action to recover all public assistance improperly granted, including any benefits which may have been improperly granted as Medical Assistance. The action taken shall be in accordance with the appropriate sections of this manual and any other applicable authority. (See Appendix B, Collection Agreement between DPW and DMAHS.)

3941.1 Recoveries of funds applicable to more than one CWA shall be divided according to the mutual agreement of the directors of the CWAs involved.

3942. Properly Granted Assistance

3942.1 Estate of Deceased Former Child Recipient

Assistance granted in the AFDC program and in the former AFWP program for a particular child may become a valid claim against the estate of such child if the child should die before reaching his/her twenty-first birthday. The CWA will take all necessary and proper action to enforce the claim. The CWA may, with State office approval, abandon the claim in whole or part upon a demonstration that collection would present an undue hardship to the survivors.

3942.2 Pending Claims or Interests

Repayment of assistance in the AFDC program (all segments) is required in certain cases in which assistance is granted while the recipient(s) awaits receipt of funds from some other source. See Section 3950 regarding repayment following liquidation.

3942.3 Retroactive SSI Payments

When assistance was granted under -N segment provisions during a period for which the recipient, either adult or child, is later found retroactively to have been eligible for SSI, the assistance granted for that person(s) for that period is duplicative and is thereby subject to repayment. See Section 3962 for procedures.

3942.4 AFWP Debt to the State

The "debt to the State" provision of the former Assistance to Families of the Working Poor program (AFWP) was repealed, effective July 1, 1977, with the rest of the enabling statute in that program. There is no longer any legal basis for actions for recovery under that provision; this includes "pending claims" even though members of a former AFWP household may have provided a written promise of repayment from the proceeds of a specific claim. Actions based on other statutes, such as fraud restitutions and certain overpayments must be maintained, however, regardless of when they were initiated.

3943. Agreement to Repay (Form PA-10D) Required

3943.1 The receipt by the CWA of a signed Agreement to Repay is required as a condition of eligibility whenever, and only whenever, there appears to be entitlement to a specifically identified payment other than public assistance to any persons for whom cash assistance in AFDC is being requested or granted, except as indicated in Section 3944.2. For this purpose, a parent's potential entitlement is considered to include potential entitlement by that parent's minor children who live in the same home even though the parent may not be included in the eligible unit. Applicable situations include but are not limited to:

- a. pending legal action (accidents, punitive damages, etc.)
- b. unfulfilled contracts
- c. debts
- d. legacies or inheritances in probate
- e. sale of real property not used as shelter for the eligible unit
- f. funds held in trust
- g. pending sale of exempt property as soon as the intention to sell is reduced to writing elsewhere, i.e., agreement of sale, realtor sales contract
- h. sale of nonexempt personal property
- i. equitable distribution of nonexempt resources in pending suits for divorce.

- 3943.2 The form must be signed by each person whose signature is required on the application for assistance even though that person may not be included in the eligible unit. It must identify the source, specifically and with particularity the member(s) of the eligible unit for whom the repayment is sought, and the reason for the pending payment and the date(s) of signing. An agency employee will witness each signature.
- 3943.3 See Section 3922 for penalties when an applicant/recipient fails or refuses to sign and deliver a completed Agreement to Repay as required.
3944. Agreement to Repay Not Required
- 3944.1 Assistance Other Than AFDC Money Payments
- Agreements to Repay are not to be used in the Medicaid Only and Medicaid Special programs.
- Parents or parent-persons who make application for AFDC in cases where the requirement is applicable but are not themselves eligible for AFDC money payments must sign and deliver the agreement on behalf of the AFDC recipient(s) specifically and particularly identified as the individuals for whom repayment is sought.

3944.2 Benefits Protected by Law

The Agreement to Repay is not to be used when the pending payment arises from potential entitlement to:

RSDI, SSI, Railroad Retirement, Veteran's Benefits, Workers' Compensation, Temporary Disability through the N.J. Department of Labor and Industry, or term life insurance.

3944.3 Assignment of Support (PA-10G)

The signing of an Agreement to Repay is not required when the pending payment arises from potential entitlement to payment of support from a relative and Assignment of Support (Form PA-10G) is applicable and has been signed and sent to the CSP unit of the agency.

3945. Action by CWA on Receipt of Agreement

Each CWA will establish administrative procedures for appropriate follow-up of pending matters and preparation for collection. Follow-up will include prompt communication with any person or agency acting in the matter for or in behalf of any member of the eligible unit, advising such persons or agencies of the CWA claim and the need for CWA approval before payments are made.

3950. Action by CWA Upon Liquidation

3951. Valid Agreement to Repay Exists

Upon liquidation of a resource for which a valid Agreement to Repay exists, regardless of whether or not the persons involved are receiving assistance at the time, the CWA will evaluate the situation. Upon a showing that, by release of the funds and only by release of the funds, the household can reasonably be expected to remain off the assistance rolls indefinitely, the CWA may, with approval of the State office, release the funds to the household. In all other instances the CWA will, subject to the special provisions below, pursue recovery of the lesser of the following amounts:

- (a) the amount of cash assistance granted in the AFDC program to or for the person(s) for whom the pending matter was applicable from the date of the accident or occurrence which gave rise to the settlement to the date of payment, regardless of the date of execution of the Agreement to Repay;

- b. the amount of money actually received after making allowance for costs and fees of collection, medical payments made as a result of the accident or occurrence giving rise to the client's recovery, identifiable future medical expenses properly due from the proceeds and, deducting at the discretion of the CWA, up to \$200.00 for miscellaneous related expenses (see ASH 311.10).

- (1) The amount of assistance paid on behalf of an individual shall be the difference between the actual grant(s) received and the amount which would have been granted to the family if the child had not been included in the eligible unit.

3952. Claims Arising from Sale of Exempt Resources (See ASH Section 310 for Exempt Resources)

3952.1 In the liquidation of an exempt resource, the CWA's claim dates from the applicant's earliest written statement of intention to liquidate (i.e., agreement of sale, realty sales agreement).

3952.2 The CWA will not require repayment from the proceeds of the sale of an exempt resource when the proceeds are promptly reinvested in another exempt resource of the same type. Funds designated by the client as being reserved for such reinvestment, including any interest accrued during the period, may be held for up to three months, provided the funds are held in escrow or are otherwise unavailable for daily living expenses. The three month period may be extended upon written approval of the State office.

3953. Overlapping Claims

The amount due under an Agreement to Repay is not diminished by obligations of other persons, i.e., an absent parent, to repay the same assistance to the CWA. In such an instance, the CWA will pursue all claims until the obligations are met in full but will not collect more than once for any assistance granted.

3954. Funds Placed in Trust

When any settlement or part of a settlement which would have been repayable is placed in trust, the CWA shall take the position that the Agreement to Repay represents a valid claim on such funds and will pursue that claim by petition to the appropriate court. (See Section 3933 for regulation regarding funds remaining in trust after repayment and/or funds in trust which are not subject to an Agreement to Repay.)

3962.2 When only a part of the family unit has been receiving assistance under the -N segment and the others having been receiving under -C or -F segment provisions, from the total granted in all segments during the period, deduct the federally matchable portion as computed in accordance with Table A (see Appendix C) and divide the remainder by the number of -N segment recipients in the eligible unit. The result is the amount repayable for each SSI eligible member.

3963. -C and -F Segments

Assistance granted under the AFDC-C or -F segment is not repayable from retroactive SSI awards even though the payments covered the same periods of time.

4552.32 continued

The Medical Review Team will review the material on the basis of functional incompetency as defined by law, and the resulting Record of Action shall represent the findings of a review by the State Division.

4553. Payment to a Representative Payee

Payments shall be made by check drawn to the order of

" _____, representative payee for
(Name of Representative Payee)

_____.
(Name of Recipient)

4554. Change of Representative Payee

4554.1 When a representative payee wishes to be released from his/her responsibilities, there must be application to the Court for such release.

4554.2 Upon such notice from a representative payee, CWA shall take prompt action to locate another person willing to be appointed. If the present representative payee is unable to continue in that capacity until released by the Court, CWA shall appoint a protective payee to receive assistance for the client until a new representative payee is appointed by the Court.

4560. Criteria for and Limitations on Appointments

4561. The major personal criterion for selection of a protective or representative payee is an interest in being of service to the recipient. Appropriate sources of recruitment include: the immediate family and other relatives and friends; a person previously appointed to act on behalf of the client by another state or federal benefit paying agency; and staff members of voluntary agencies.

4562. Under no circumstances shall a person be selected as a protective or representative payee who has him/herself been determined by professional diagnostic procedures to be mentally incompetent or "marginally competent."

4563. No person shall be appointed a protective or representative payee when such appointment would raise questions of conflict of interest. This exclusion from appointment includes:
- a. the IM worker for the particular recipient;
 - b. vendors of goods or services dealing directly with recipients such as landlords and grocers; and
 - c. banks, trust companies and similar corporate bodies functioning in a ministerial rather than a decision making role.
4564. No person shall be proposed for appointment, nor accept appointment, as a protective or representative payee who is in the employ of the CWA except in situations where such person has a close personal relationship with the client which makes him/her the most suitable person to serve as the client's representative. If an employee with such a relationship is so appointed, he/she shall not thereafter be involved in any agency decision relating to the client's payment or other official actions regarding the client.

4570. Payee in AFDC-F and -N

The payee shall be the parent(s) designated on the application form to receive assistance payments on behalf of the eligible family members. In companion cases, the payee can either be the father or mother.

4600. SUSPENDED GRANT

4610. When there is a substantial question of continuing eligibility to be resolved, the monthly grant may be suspended, with intent to reinstate, for a period of up to 3 months. When the determination is to reinstate, the grant shall be retroactive to the time of suspension, adjusted to meet the eligibility which existed during the period. No grant may be suspended without timely and adequate notice (see Section 7100, Form PA-15) and full fair hearing rights including continued unreduced assistance pending the fair hearing (see Section 6000).

Reinstatement from suspension requires adequate notice in accordance with Section 7113.25 h.

4610. continued

The monthly grant may also be suspended for up to 3 months when other income is available to meet a client's needs for a temporary period (see Assistance Standards Handbook, Section 442). This suspension may be renewed for a second three-month period if the CWA director deems it appropriate.

When the grant is under suspension, Medicaid is also suspended; however, the normal redetermination schedule will be followed. Eligibility for food stamps must be reevaluated due to change in income.

4700. EMERGENCY ASSISTANCE

The basic monthly assistance payment is intended for use in meeting the routine expenses of daily living. It is recognized, however, that there will be occasions when it becomes necessary for the county welfare agency to provide additional financial assistance for a brief period of time because of unusual circumstances as defined below which could neither be foreseen nor controlled by the recipient.

4710. Emergency Assistance is defined as:

a substantial loss of shelter, food, clothing or household furnishings by fire, flood or other natural disaster; or

an emergent situation over which the recipient had no control or opportunity to plan in advance and as a result a state of homelessness exists or is manifestly imminent.

4720. See Section 530 of the Assistance Standards Handbook for policy and procedures relative to authorization and issuance of emergency assistance payments. (See also Section 4520, Temporary Payee in an Emergency Situation.)

4800. RECOUPMENT OF OVERPAYMENTS

4810. Basis for Recoupment

4811. Overpayments may occur through administrative error; failure of a client to inform the county welfare agency of a change in income, resources, or circumstances; or when the client has received continued assistance at an unreduced level pending a fair hearing but has been found ineligible to receive such assistance by the fair hearing decision.

4811.1 When overpayment(s) results from willful withholding of information by the client, the county welfare agency may recoup such overpayment(s) from current assistance payments and from available income or resources as set forth in Assistance Standards Handbook, Section 251.2.

4811.2 Overpayment(s) due to any other reason except administrative error may be recouped only when the recipient has available income and resources which exceed the current assistance payment, such as disregarded or reserved income. (See Assistance Standards Handbook, Section 251.2.)

4811.3 Overpayment(s) due to administrative error are not subject to recoupment. However, this does not bar corrective action to be taken in accordance with the second paragraph of Section 4821 and instructions contained in "Your Rights and Responsibilities", (PA-197) and the affidavit on the PA-1J.

4812. Willful withholding of information means:

- a. either oral or written deliberate or intentional misstatements made by a recipient in response to oral or written questions from the CWA, including understatements of the amount of income or resources or omission of an entire category of income or resources; or
- b. when the CWA has clearly notified the recipient of the obligation to report such changes, a deliberate failure by the recipient to so report; or
- c. deliberate or intentional failure by the recipient to report receipt of a check in an amount which he/she knew represented an erroneous overpayment or to which the recipient had previously been informed that he/she would not be entitled.

4813. Any recoupment of overpayments other than for reason of willful withholding of information is limited to overpayments made during the 12 months preceding the month in which the overpayment was discovered.

4820. Periodic Notice to Client

4821. The client shall be informed periodically (at least once every 6 months) of his/her continuing obligation to furnish accurate and timely information to the CWA concerning changes in income, resources or other circumstances which may affect the amount of the grant. The applicant will receive, and have explained if necessary, a copy of the pamphlet "Your Rights and Responsibilities", (PA-197). This pamphlet will be given to the applicant at the time of application and at each redetermination if the recipient has not retained the copy previously provided. The client shall inform the CWA of any change as soon as possible but in no event later than two weeks after the change takes place. Failure of the client to so inform the CWA shall constitute willful withholding of information.

The notice (pamphlet) shall also instruct the client that, if an assistance check exceeds the amount of the payment received the previous month and no notice of change has been received, such check should not be cashed but the CWA should be contacted immediately so that corrective action can be taken.

The client, by signing the affidavit, agrees that he/she has received the pamphlet (PA-197), has been informed of his/her rights and obligations as stated in the pamphlet, and understands them.

5000. CONTINUING ELIGIBILITY

5010. The eligibility of each case shall be redetermined at regular intervals. This redetermination provides an opportunity to evaluate the total situation and enables the Income Maintenance worker to ascertain whether any adjustment in public assistance payments should be made.
5020. The requirement for regular periodic evaluation does not remove the requirement that a grant be adjusted as promptly as possible whenever the CWA knows of a change in the client's need or eligibility which should be reflected by a change in grant level or termination of assistance.
5030. The IM worker shall be alert to indications of change in need for financial assistance or change in circumstances which may affect the eligible unit's continuing eligibility or amount of payment and shall take appropriate action without delay. It shall be the agency's responsibility to review cases to assure that the client receives the full grant he/she is entitled to and that public funds are not granted illegally. Any adjustment shall be made as promptly as possible. (See Sections 4400, 7110.)

5100. REQUIREMENTS FOR PERIODIC REDETERMINATION

5110. In AFDC-C, the Federal requirement is that complete reinvestigations be done at least once every 6 months at which time the parent(s) shall execute a formal written application for continuation of assistance. If this is not done and the CWA is responsible, the right of the client to continued assistance shall not be jeopardized.
5120. In AFDC-F and -N, the redetermination of eligibility shall be undertaken every three months, in accordance with the regulations in Section 5110. In a companion case which includes a -C segment component, the three-month redetermination shall apply to the entire case.
5130. It is the responsibility of the CWA to maintain a control file to assure that redeterminations are undertaken and acted upon at intervals as prescribed by regulation. The redetermination time interval shall be contingent upon the month in which an initial or regular grant of assistance is issued, rather than on such factors as the date of application or final validation of eligibility. For example, an AFDC-C case receiving an initial grant in July shall have a redetermination completed prior to the January payment so that the effective date of the redetermination will be January 1.

5200. PROCESS OF REDETERMINATION

5210. Personal Interviews

Recipients shall be personally interviewed regarding the application for continuation of assistance. The IM worker shall assist the recipient in the completion of the continuation form, providing explanation as necessary. If the recipient cannot read, the contents of the form shall be read to him/her. Upon request, the client will be given a copy of his/her executed application form, with any attachments.

Signature requirements shall be the same as for initial application. (See Section 2220.) The contact shall focus on discussion of the eligibility factors which are subject to change and shall include information about any change in agency policy or procedure which affects the recipient's status or his/her assistance payment. There will also be a reevaluation of the family's need for social services. When the parent is represented by a protective payee or has a representative payee, such person shall also be interviewed. A summary report including all pertinent information shall be made for each contact with the parent(s), parent-person(s) or collateral sources.

5220. Redetermination of Financial Eligibility

In each redetermination, it is the responsibility of the IM worker to complete a new Form PA-3A or Form 105, as appropriate, in accordance with instructions provided in the Assistance Standards Handbook and CODES Manual, respectively.

5221. When there is a pending claim, as described in Section 3943.1, follow the appropriate procedure in Sections 3943, 3944 and 3945.

5230. Residence

Attention shall be given to any change in residence which may affect county responsibility. (See Section 3524.)

5240. Age and School Attendance

Eligibility in respect to age and school attendance must be evaluated for a child who is nearing the age beyond which he/she is no longer eligible. The eligibility of the family must be evaluated when the youngest child is nearing the age and school situation beyond which he/she will no longer be eligible. (See Section 3275.)

5250. Competency Status in AFDC

5251. The IM worker should be alert to the development of medical or mental problems which may affect the adequate functioning of the parent. Such evidence shall be submitted to the Medical Review Team for special review. (See Section 3322.)

5252. If it is the finding of the CWA that the parent or parent-person has demonstrated such inability to manage funds that payments are not being used in the best interest of the child(ren), third party payments will be initiated. (See Section 4534.) In such cases the client will be fully advised of his/her rights. (See Section 4546.)

5260. Institutional Status in AFDC

Upon the parent's(s') or parent-person's(s') admission to an institution, the IM worker should be alert to the initiation of "temporary payee" as provided in Section 4520.

5300. REVIEW OF OTHER ELIGIBILITY FACTORS SUBJECT TO CHANGE

5310. Requirements with Respect to Deprivation of Parental Support or Care in AFDC-C (See also Section 3300.)

Since eligibility in AFDC-C is based on the fact that the needy child has been deprived of parental support or care by reason of the death, continued absence from home, or mental or physical incapacity of a natural or adoptive parent, it is necessary to reevaluate these factors in determining continuing eligibility. A family may continue to be eligible for AFDC-C although the original reason for "deprivation" has changed. This may occur when an absent parent dies or, although returned to the home, is incapacitated. Such change in status shall be appropriately noted in the case record.

5311. Continued Absence of the Parent from the Home in AFDC-C

When eligibility is based on deprivation of parental support or care by reason of the continued absence of a parent, the evaluation of continued eligibility includes determination that the absence still exists and, if not, whether there is another basis for eligibility. See Section 3300 for information regarding this determination.

5312. Incapacity Status (natural or adoptive parent)

5312.1 General Policy and Procedure

- 5312.11 There shall be redetermination that "incapacity" exists in every case in which the eligibility of the family is based on the incapacity of a natural or adoptive parent.
- 5312.12 The review date will be designated for the CWA by Medical Review Team. "Incapacity" shall be considered as continuing until the Medical Review Team officially determines that such incapacity no longer exists. The IM worker shall prepare Form PA-6A, Interim Medical-Social Report, for the redetermination review. The CWA shall maintain controls on review dates so that any specific medical information or reports requested by the Medical Review Team may be obtained. In addition, the Bureau of Medical Affairs shall maintain a control file in order to ensure appropriate and timely reevaluation by the Medical Review Team. The Bureau of Medical Affairs will notify county welfare agencies one month in advance of cases scheduled for such review by means of Form PA-655. (See also Section 2532.)

In any case in which, subsequent to a finding of "Approved", the incapacitated parent becomes a beneficiary of Federal Disability Benefits or SSI benefits for reasons other than age, this of itself shall be considered conclusive proof of continuing incapacity, and the CWA shall disregard the "review date" for submittal to the Medical Review Team.

- 5312.13 It is the responsibility of the IM worker to submit the record to the Medical Review Team for special review if available evidence raises question of continuing incapacity during the interval between redetermination review dates. The special review shall be requested through use of Form PA-6A, Interim Medical-Social Report, together with all material previously submitted.

5312.2 "Incapacitated" Natural or Adoptive Parent Who Secures Employment

When, subsequent to a finding of "Approved" on the "incapacity" factor, CWA learns that the parent has obtained full-time employment at normal rate of pay for a job appropriate to his/her capacity, then incapacity no longer exists.

5312.3 When "Incapacitated" Natural or Adoptive Parent is
in Institution

5312.31 Follow-up on Release

In cases where AFDC-C has been granted on the basis that a natural or adoptive parent will be receiving care for a physical or mental illness in a public or private institution, it will be necessary for the IM worker to check periodically with the family, and in some cases with the institution, regarding the incapacitated parent's progress and discharge.

5312.32 Submittal to Medical Review Team

As soon as the date of discharge is known, or if the CWA learns that the parent has already been discharged to his/her home, the CWA shall submit the required record material to the Medical Review Team as appropriate to the situation; i.e., if official determination of incapacity had already been made, the previous record shall be submitted for review with a completed Form PA-6A; if the case had not been previously submitted, then a PA-6 giving current situation and Form PA-5, Examining Physician's Report, shall be submitted. Whenever practical, the PA-5 form should be prepared by a staff physician of the institution.

An abstract of the hospital record may be accepted in place of Form PA-5, when the parent is in the hospital or has been released within the past 3 months. The client's consent in writing for release of the information shall accompany the request.

5320. Marriage or Remarriage

In AFDC-C, when eligibility is based on the absence of one parent and the remaining parent marries or remarries, such marriage or remarriage does not in and of itself terminate eligibility but does require prompt redetermination of financial need in accordance with the Assistance Standards Handbook, Section 213.

5330. Special Conditions Relating to Parent(s) in AFDC-F and -N

5331. When a parent becomes absent from the home and continuous absence is established (PAM 2533), the AFDC-F or -N case shall be transferred to the AFDC-C segment. No interruption of assistance shall result if AFDC-C eligibility begins with the absence.

5332. When a parent becomes hospitalized, incapacitated, committed to a mental institution or incarcerated in a penal institution and the CWA has evidence that this condition will continue beyond 30 days, the case shall be transferred to the AFDC-C segment. No interruption of assistance shall result if AFDC-C eligibility begins with such aforementioned situation. (See Section 3300.)

5333. If eligible for AFDC-C during the current month, and the transfer was from the -N segment program, family members are entitled to a grant of assistance based on the additional dollar amount of the fixed family allowance for AFDC-C, less any applicable income deductions as set forth in the Assistance Standards Handbook.

5333.1 If the transfer is from the -F segment to the -C segment and there is a change or reduction in the grant allowance, an adjustment shall be made in the grant subject to adverse action notice requirements.

5340. Employment and Training

5341. Registration for WIN program in AFDC-C and -F (see Sections 2540 and 3410.)

5341.1 The IM worker shall reevaluate each eligible unit member's registration status through appropriate completion of Form PA-401. A check mark shall be placed in the appropriate box identifying it as a "replacement review" (see Section 2540).

5341.2 For persons who were previously exempt and now must register, the IM worker will complete and transmit to ES/WIN Part A of Form R-1 (see Section 2540). If a person was previously registered as a volunteer, a letter shall be sent by the CWA to such individual advising that he/she is now a mandatory WIN registrant and, as a result, is subject to appropriate WIN sanctions. The letter shall also state the reason for loss of exempt status.

5341.3 For persons who were previously required to register but are now exempt, the CWA shall send a letter advising that he/she is now a voluntary registrant and that he/she may withdraw such registration at any time without adversely affecting his/her assistance payments, provided WIN status does not change in a way which would again require WIN registration. The letter shall also state the reason for his/her change to voluntary status.

5341.4 Individuals now exempt due to incapacity must be referred by the IM worker to the Division of Vocational Rehabilitation Services, using Form PA-14 (see Section 3413).

5341.5 The letter notifying the client of a change in WIN status will be completed in triplicate: the original mailed to the client, copy #1 forwarded to the appropriate WIN sponsor (ES/WIN), and copy #2 attached to the WIN Registration Record (MA 5-95) located in the county welfare agency's central WIN file.

7000. OTHER AGENCY RESPONSIBILITIES

7100. NOTICE TO CLIENT OF COUNTY WELFARE AGENCY DECISION

The county welfare agency shall promptly notify the client in writing of any agency decision affecting that client. Where the decision relates to any action which may entitle client to a fair hearing (see Section 6111), the action may not be implemented until at least 10 days after mailing the notice. In all cases, adverse notices must be put into the mail on the date appearing on the notice. In addition to the specific items set forth below, all notices shall bear the name, address and phone number of the nearest legal services office where available. In the case of a client who cannot be located, notice shall be sent to his/her last known address.

The term "agency decision" refers to a decision made by the county welfare agency and includes any decision made by executive authority of the CWA director, as well as any decision made initially by the welfare agency, or any change made by formal board action with respect to a previous executive decision.

7110. Notice to Client

All notification of agency decisions shall state in clear, simple language the nature of the decision, the effective date of the decision and the accurate factual and legal basis for the decision. In adverse decisions, it shall include at least citation and title of all applicable regulations. (See Section 7113.21.) Additionally, notices shall include an explanation of the client's right to a conference, right to a fair hearing, and the circumstances under which assistance is continued if a fair hearing is requested. This notice shall include a sentence in Spanish cautioning the client that it relates to a change in his/her grant and if he/she does not understand the notice, he/she should contact the CWA. (See Appendix C for Form PA-15.)

Whenever a client is sent a notice in which he/she is advised that his/her application for assistance has been denied or that his/her grant is to be suspended, reduced or terminated, or a notice which otherwise adversely affects his/her financial and medical eligibility, there will be no change in the grant until 10 days after the notice is mailed except in situations described in 7113.24 and 7113.25.

7111. Approved Applications

7111.1 Initial Payment Issued

Written notification to an applicant for whom eligibility has been determined and to whom initial payment is being issued shall be sent not later than the date of issue of the initial check and may accompany such check. It shall include the following:

7111.1 continued

- a. a statement of the agency's determination regarding eligibility, the amount of assistance, manner of payment, and period which the payment is to cover;
- b. a statement that advance notification will be sent at least 10 calendar days prior to implementation of any adverse decision affecting future eligibility or amount of assistance;
- c. a reminder of the client's right to a fair hearing;
- d. a complete statement of the client's rights and responsibilities under the program for which he/she has been approved. (See Sections 2113, 2210.)

7111.2 Initial Payment Deferred

Written notification to an applicant who is determined to be eligible but for whom initial payment is not to be issued until a later date shall be provided in the same manner and contain the same information as stipulated in Section 7111.1. It shall also include the approximate date of the initial payment and the reason for deferring initial payment until that date.

7111.3 Change in County Residence

Notification to a recipient whose application has been approved following change of residence from another county shall include a statement that (1) the recipient has been found to be a resident of this county for purposes of assistance and (2) future determination of eligibility and future payments of assistance will be made by this county welfare agency rather than by the welfare agency of the county of previous residence.

There will be no change in amount of grant without timely and adequate notice. (See Section 7110.) It is the receiving county's responsibility to send adverse notice, when necessary, after determining the client's circumstances following the change in county residence (see also Section 3524.24). In the event of a request for a fair hearing within 15 days of the mailing of such notice, the county of origin will be notified and will be responsible for payment of the grant pending the fair hearing.

- 7111.31 Whenever the client is entitled to receive unreduced assistance pending the final hearing decision, the county of origin shall continue to grant assistance until the decision is rendered. The receiving county shall then immediately accept case responsibility and grant assistance for the next month, unless already issued by the county of origin.
- 7111.32 If the grant is reduced at the time of the hearing, it shall be the receiving county's responsibility to issue the next month's grant, unless already issued by the county of origin (see also Sections 3524.1 and 3524.2).

7112. Denials (Disposition Other Than Approvals or Withdrawals)

Notification to an applicant whose application has been denied for any reason other than death shall include:

- a. an explicit statement of the reason for ineligibility;
- b. a copy of the document entitled Fair Hearings in the Aid to Families with Dependent Children Program;
- c. advice concerning the family's right to reapply whenever they believe that their circumstances have changed such that the stated reasons for ineligibility no longer exist; and
- d. information about the food stamp program and other potentially available services.

7113. Adjustments in Grant

7113.1 Increases in Amount of Assistance Payment

Notification to a recipient whose grant has been or is being increased, whether for a specified or indefinite period, shall be sent not later than the date of issue of the appropriate check and may accompany such check. It shall include the following:

- a. a statement of the amounts of both previous and new grants except under provisions of 7113.3;
- b. an explanation of the reason for the increase;
- c. an identification of date and payment with which the increase will take effect; and
- d. an explanation of the period of time, whether specified (such as one or more months) or indefinite, during which the increased amount will apply.

7113.2 Notice of Intention to Reduce, Suspend, or Terminate Amount of Regular Assistance Payment or Benefits

Prior to any change in payment procedure, reduction, suspension, or termination of any regular amount of assistance (including service, vendor payments or Medicaid entitlement), recipients of assistance are entitled to:

7113.21 Timely and adequate notice in writing mailed not less than 10 calendar days before the date on which the individual would otherwise reasonably expect to receive the next regular payment, setting forth the specific reason(s) for the adjustment, the specific regulations supporting such action and the proposed effective date of adjustment which shall be not less than 10 calendar days from the mailing date of the notice. (See Section 7110.)

7113.22 A copy of Fair Hearings in the Aid to Families with Dependent Children Program.

7113.23 A statement that he/she may have the right to continued assistance at an unreduced level if he/she requests a fair hearing within 15 calendar days of the mailing date of the notice of intention.

7113.24 Timely Notice in Certain Cases of Probable Fraud

Seven days notice will be considered timely when, in the judgement of CWA director, there is substantiated evidence that client is receiving assistance through willful fraud. (See Section 7800.)

7113.25 Exception to Timely Notice

Timely notice may be dispensed with but adequate notice shall be sent not later than the date of action when:

- a. The agency has factual information confirming the death of a recipient or of the AFDC payee when there is no relative available to serve as new payee;
- b. The agency receives a clear written statement signed by a recipient that he/she no longer wishes assistance, or which gives information indicating a change in circumstances which requires termination or reduction of assistance, and the recipient has indicated, in writing, that he/she understands that this must be the consequence of the change in circumstances.

7400. OTHER OPERATIONAL PROCEDURES

7410. Agency Controls

Each CWA director shall establish operational procedures and appropriate controls for the staff which will expedite the processing of applications and ensure maximum compliance with policy and regulations.

7411. Control records shall include identification of pending cases upon which action must be taken within 30 days of application, and shall indicate any case about which decision has not been made within the 30 day limitation.

7412. Administrative controls may also be established for validation of presumptive eligibility cases; timely redeterminations; ages of eligible family members; application for a receipt of temporary income, such as Unemployment Insurance Benefits; court actions leading to additional income or resources; correspondence disclosing income or resources.

7420. Registration of Applications

7421. Official registration of an application shall include:

- a. entry in application register under appropriate classification (see Chapter 2000 for classifications).
- b. assignment of a registration number (see Section 2240).

7422. Registration shall be completed on the same day application is made; or if application is made outside the CWA office, registration shall be completed within 3 working days.

7430. Lost or Stolen Assistance Checks

The county welfare agency will issue a duplicate check within five working days of receipt of notification from the client that his or her assistance check has been lost or stolen, unless extraordinary circumstances are present and a longer period of time is approved by the Division of Public Welfare. The client shall complete an affidavit stating that he/she did not receive or endorse the check. The agency shall file a stop payment order with the bank.

7440. Worksheet and Authorization for Public Assistance, Form PA-3A or Form 105

The IM worker, in preparing Form PA-3A, Worksheet and Authorization for Public Assistance (3, 4 or 5 part snap-out), or Form 105, shall assure that the original is retained for the case record and appropriate copies are distributed to the Medicaid clerical unit for use in preparation of Form MAP-1 which is submitted to the Medicaid Status

7440. continued

File, and the CWA business office for appropriate fiscal activity.

7450. Separation of Income Maintenance and Social Services

Income maintenance includes responsibility for applications, determining eligibility and continuing eligibility, computation of budgets, authorization of assistance payments, and verification of eligibility factors.

Social Services are those activities directed toward informing applicants and recipients of available services, and assisting individuals and families by providing direct service, purchasing service or by referral to a community agency.

The function of providing financial assistance through income maintenance is conducted separately from the function of providing or arranging for social services. The two must be coordinated so that the client's interests may be effectively served. The IM worker with whom the client is in contact, must always be alert to possible need for a service referral. The units will share information adequately to fulfill these requirements.

7451. Interrelated Activities

Activities which involve both income maintenance and services include but are not limited to:

Protective payments (Section 4540)
Temporary payee arrangements (Section 4520)
Emergency assistance payments (Section 4700)
and Assistance Standards Handbook, Section 530)
Service payments (Assistance Standards Handbook,
Section 510)
WIN program
Vocational Rehabilitation Services
Protective Services

7452. The client will be as fully informed as possible at each contact by staff of each unit of the programs and services for which he/she may be eligible.

Some situations which would call for services include:

Change in circumstances possibly affecting
need for services or extent of entitlement
to service payments

7580. Notification to Parties in Interest

Upon the allowance, partial allowance, or disallowance of any claim notification in writing of any such action shall be sent to the claimant, funeral director, to the party or parties who contracted with the funeral director for his services, and to any other parties who were found to have contributed, to have promised to contribute, or to be obligated to contribute to the burial and funeral expenses of the decedent.

7600. SAFEGUARDING INFORMATION

7610. Federal Policy

The Federal Social Security Act requires that a State must provide safeguards which restrict the use or disclosure of information concerning applicants and recipients to purposes directly connected with the administration of public assistance.

7620. Basic Principles

No member, officer or employee of the county welfare agency shall produce or disclose any confidential information to any person, except as authorized below.

7621. Information considered confidential includes but is not limited to the following:

7621.1 Names and addresses, including lists;

7621.2 Information contained in application, reports of investigation, reports of medical examination, correspondence, and other records concerning the condition or circumstances of any person from whom, or about whom information is obtained, and including all such information whether or not it is recorded:

7621.3 Records of evaluation of such information.

7622. Disclosure of Information on Individuals

The CWA director is authorized to release, subject to the consent of the client, relevant and necessary information under the following circumstances:

7622.1 for clearances on applications and cases with social service agencies, banks, Bureau of Vital Statistics, insurance companies, etc.;

7622.2 to procure a service or benefit for the client;

7622.3 whenever the client waives confidentiality, but only to the extent authorized by the waiver.

7623. Release of Lists of Names or Addresses

The furnishing of any list of names or addresses or both, for purposes not directly involved in the administration of the lawful duties of the welfare agency, directly or indirectly, is specifically prohibited; but this shall not preclude furnishing information by list or otherwise to municipal departments of public welfare, or other municipal, State or federal agencies lawfully charged with the administration of public welfare functions or services, for the purpose of such administration only, and therefore restricted to the area or class served by such agency.

7630. Release of Information for Purposes Other Than the Administration of Public Assistance

7631. The release of any confidential information or records available to the county welfare agency or testimony as to confidential matters by any member of its staff in connection with any proceeding, including any judicial or quasi-judicial proceeding, for purposes not directly connected with the administration of public assistance shall be accomplished in the following manner.

7631.1 The person or records, or both, shall not appear or be produced except in response to a subpoena legally issued.

7631.2 No records shall be produced unless specifically called for by the subpoena.

7631.3 In case of subpoenaed records

Upon being called to testify or produce agency records concerning an AFDC-N recipient(s) before a judicial officer under whose authority the subpoena has been issued, the officer or employee of the county welfare agency, personally or through counsel as provided, shall make a statement substantially as follows:

"Under the direction of the Commissioner of the Department of Human Services as authorized by law, information concerning applicants and recipients of assistance must be restricted to purposes directly connected with the administration of assistance. The Commissioner has

advised that this includes a requirement of non-disclosure of such information in response to subpoena. If a disclosure is made of this information, either by personal testimony or by production of records, this is considered non-conformance with State requirements and may subject the county to loss of State financial participation in the assistance program."

Upon being called to testify or produce agency records concerning a recipient of AFDC-C or -F, CRA, or SSI before a judicial officer under whose authority the subpoena has been issued, the officer or employee of the county welfare agency personally or through counsel as provided, shall make a statement substantially as follows:

"Under the terms of the Federal Social Security Act, information concerning applicants and recipients of assistance must be restricted to purposes directly connected with the administration of assistance. The authorities of the Federal Government have advised that this includes a requirement of non-disclosure of such information in response to subpoena. If a disclosure is made of this information, either by personal testimony or by production of records, this is considered non-conformance with Federal requirements and may subject the State to loss of Federal financial participation in the assistance program."

In no instance is it intended that any officer or employee of the agency shall place him/herself in contempt of court through refusal to follow the orders of a court. However, the above action as appropriate shall be taken in all instances, and a report of the results shall be entered in the case record ~~and forwarded immediately to the Division of Public Welfare.~~

7640. Material Sent to Applicants or Recipients of Public Assistance

All material, including that enclosed in envelopes containing checks, must be directly related to the administration of the public assistance program and must not have political implications.

7650. Disclosure of Records or Information for Formal Proceedings

Pertinent information and records shall be released to the participants only, in the course of any fair hearing or in the course of any other formal proceeding provided for in Titles 30 and 44, New Jersey Statutes Annotated, and in the Federal Social Security Act.

7660. Release of Information for Statistical Purpose

Any statistical data or other information not including any names or personal information may be released.

7700. NONDISCRIMINATION IN PUBLIC ASSISTANCE PROGRAMS

Title VI of the Federal Civil Rights Act of 1964 (Public Law 88-352) and Section 504 of the Federal Rehabilitation Act of 1973 prohibit discrimination on the grounds of race, color, national origin, or handicap in the administration of any program for which federal funds are received. Strict compliance with the provisions of these Acts and any regulations based thereon is required as a condition of eligibility to receive federal funds for assistance programs administered through the county welfare agencies. These principles apply to all public assistance programs in New Jersey.

7710. Extent of Prohibited Discriminatory Practices

7711. These prohibited discriminatory practices extend to all county welfare agency offices.

7712. They extend to services purchased or otherwise obtained by the county welfare agency from other agencies, organizations, and institutions for beneficiaries of the program, and to the treatment of clients in facilities in which such services are provided.

7712.1 In case of medical emergencies, the county welfare agency is authorized to utilize the services of any medical institution for the duration of the emergency, even though such institution refuses or fails to comply with the requirements prohibiting discriminatory actions. Both the following conditions must exist:

- a. The emergency must be such that the immediate provision of services or other benefits to an individual is necessary to prevent his/her death or serious impairment of his/her health; and
- b. Such services or other benefits are not immediately available from any other medical institution.

7720. Procedures Affecting County Welfare Agencies

7721. Notification to Vendors

The CWA shall establish procedures to ensure that all vendors to whom payment is being made, other than medical services, will receive on an annual basis a copy of Form WD-1A, A Statement Concerning Obligations of Vendors (see sample form in Appendix C).

7721.1 A record of those vendors who have received this form, with the date of mailing, shall be maintained by the county welfare agency.

7722. Assurance of Compliance by Vendors

7722.1 All official invoice forms of the county welfare agency shall contain the following statement directly above the vendor's signature:

"Services are provided to all recipients without regard to race, color, national origin, sex, marital, parental or birth status, or handicap." ☐

7722.2 The county welfare agency, in the course of regular work activities, will seek information concerning compliance and will instruct staff to be alert to discover instances of discrimination on the part of physicians, dentists, optometrists, pharmacists, opticians, podiatrists, and other individual vendors in New Jersey, who receive payment for services directly from the county welfare agency or from the Division of Medical Assistance and Health Services on behalf of public assistance recipients.

7722.3 Any evidence of discrimination by the vendors described in 7722.2 above which comes to the attention of the county welfare agency shall be reported immediately to the Director, Division of Public Welfare.

7723. Information to Staff

The county welfare agency shall inform all staff members of their obligations in regard to Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. This shall be accomplished by: ☐

- a. furnishing each new employee a copy of Form WD-1B (see sample form in Appendix C);
- b. inclusion of all relevant material in any manuals or other documents developed by the county welfare agency for dissemination in the same manner as other agency policies; and
- c. discussion at orientation and training sessions.

7724. Information to Applicants

All persons seeking public assistance administered by the county welfare agency shall be informed of Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973. This shall be accomplished by the county welfare agency by attaching to the appropriate application form a copy of Form PA-197, Your Rights and Responsibilities (see sample forms in Appendix C). ☐

7725. Complaint Procedure

- 7725.1 All persons seeking or receiving public assistance shall be afforded an opportunity to file a complaint alleging discrimination on the grounds of race, color, national origin, or handicap. Such complaints may be filed directly with the Regional Director, U.S. Department of Health, Education and Welfare, Federal Building, 26 Federal Plaza, New York, New York 10007, or with the Director, Division of Public Welfare, Department of Human Services, P.O. Box 1627, Trenton, New Jersey 08625.
- 7725.2 In any instance where a complaint is filed with a State or local agency, it shall be forwarded immediately to the Director, Division of Public Welfare. The Director, Division of Public Welfare, upon receipt of any such complaint, will take whatever action he/she deems appropriate to the situation. This action may include, but is not limited to, the securing of reports from whatever sources may have knowledge pertinent to the situation; and referral to the Division on Civil Rights of the New Jersey Department of Law and Public Safety, for investigation, evaluation, and recommendations by that agency.
- 7725.3 The county welfare agencies shall afford full cooperation in the investigation of complaints of discrimination as may be requested by the Federal Department of Health, Education and Welfare; the Director, State Division of Public Welfare; the Director, State Division of Medical Assistance and Health Services; and the Division of Civil Rights, New Jersey Department of Law and Public Safety.
- 7725.4 The Director, Division of Public Welfare, shall be responsible for all final determinations as to whether or not the fact of discrimination has been established and all final decisions as to the disposition of the complaint. In arriving at such determinations, he/she shall take into consideration relevant decisions or actions on the part of a court or government agency.
- 7725.5 Each CWA shall comply with the decision of the Director, State Division of Public Welfare, on any complaint of discrimination, including the imposition of disciplinary action as found necessary and reasonable in the case of a staff member.

7726. Forms

It is the responsibility of the county welfare agency to reproduce sufficient quantities of the above-mentioned forms (i.e., WD-1A, A Statement Concerning Obligations of Vendors; WD-1B, A Statement Concerning Obligations of Personnel and Public Welfare Agencies) to meet its needs for continuing compliance with the requirements of this section. (See samples in Appendix C.)

7800. FRAUDULENT RECEIPT OF ASSISTANCE

7810. To protect the assistance agency and the public, it is essential to exercise appropriate controls against the commission of fraud.

A person is presumed innocent until convicted. Therefore, in any receiving case, except as provided in the following paragraph, assistance shall be continued to an eligible person, even though there is reason to suspect that fraud has been committed, while the facts are under review by the agency or the law enforcement authority.

Resolution of the question of possible fraud requires the cooperation of the recipient to protect his/her own interest; therefore, a recipient's failure or refusal to cooperate in the investigation would be grounds for suspending assistance pending resolution of the issue. (See Section 7113.24.) If during the investigation of an application for assistance, substantial evidence of fraud appears, disposition of the application shall be deferred pending resolution of the issue.

7820. Criteria for Identifying Cases of Possible Fraud

Fraud is defined as obtaining or attempting to obtain payments of assistance to which an individual is not entitled by means of willful misrepresentation or by intentional concealment of a relevant fact. There are three basic elements which must be established:

7821. The misrepresentation or concealment must have been deliberate and done knowingly. Fraud does not exist if the misrepresentation or concealment is the result of an unintentional act, a misunderstanding or mental incompetency. Distinction must also be made between intent to defraud by the individual and omission, neglect or error by the agency's representatives in securing and recording information.
7822. The misrepresentation or concealment must have been undertaken for the express purpose of receiving or obtaining benefit from or attempting to receive or obtain benefit from a payment of assistance to which the individual was not entitled.
7823. If the misrepresentation or concealment, or attempt to misrepresent or conceal a relevant fact, had been known to the county welfare agency, assistance would not have been granted or would have been granted in a lesser amount.

The evidence to establish these points must be factual and capable of being demonstrated in a court of law through the testimony of witnesses or by documentary evidence. Since fraud is subject to criminal action, it must be proved beyond a reasonable doubt.

8000. OTHER GOVERNMENTAL PROGRAMS

8100. RETIREMENT, SURVIVORS AND DISABILITY INSURANCE

Retirement, Survivors and Disability Insurance (RSDI) is a Federal program administered by the Social Security Administration (SSA) which provides protection to workers and their families against loss or stoppage of earnings resulting from retirement at age 62 or older, death and disability. The possibility of entitlement to Social Security benefits must be explored with every applicant and recipient.

Substantially all workers and self-employed persons, including military servicemen, are now protected by Social Security coverage or are under another governmental retirement system (Civil Service or Railroad Retirement).

Since Social Security benefits are an available resource, a recipient or applicant who has potential eligibility for such benefits, even at a "reduced" rate shall apply for them.

8110. Procedures for Filing Claims and Securing Information

The following procedures are to be observed by the county welfare board in respect to clients.

8111. Form SSA-1610

Form SSA-1610, Social Security - Public Assistance Agency Information Request and Report, printed and distributed by the Social Security Administration, is available from the State Division (See Appendix C)

8111.1 As a general rule, the Social Security Administration will not honor oral requests for information or other material. All requests must be made by using Form SSA-1610. Prepare the SSA-1610 only after all other sources of information have been explored and it has been determined that the required information is not available from any other source. Instructions for completion of Form SSA-1610 by welfare personnel are contained on the reverse of the third page of the snap out form. They should be followed carefully.

8111.2 Information in Item 5. on Form SSA-1610 is no longer necessary for county welfare board purposes since the Social Security Administration now has responsibility for the administration of public assistance benefits for all blind, disabled or aged individuals.

- 8111.3 Instructions regarding the use of the Form SSA-1610 must be followed strictly. Injudicious use will result in processing delays and in inadequate information being supplied.
- 8111.4 Form SSA-1610 will be completed in triplicate and two copies mailed to the appropriate District Office of the Social Security Administration, the third copy being retained on file until return of one copy by the District Office with the status report.
- 8111.5 Form SSA-1610 is not to be given to the individual to carry to a District Office except in instances when it appears that immediate filing of application is necessary because of a possible loss of retroactive benefits. Full retroactive benefits on a disability claim can be paid only if the application is filed not later than 18 months after the onset of disability. In an RSDI claim, a person may be entitled to benefits retroactively for as many as 12 months before the month in which his/her application was filed. He/she is entitled to benefits beginning with the first month in the retroactive period in which he/she met all the requirements for entitlement to benefits except for the filing of an application.

8112. Selection for Referral for Benefit

Form SSA-1610 will be used:

- a. As a referral for application for benefits by a widowed and/or a disabled individual under appropriate sections of the Social Security Act.
- b. As an inquiry to secure information as to RSDI benefit status where such information is not available from the recipient.
- c. As an inquiry form to secure or verify SSA account or claim numbers.
- d. As a correction form, to clarify information in SSA files about a recipient.

8142. Benefits Based upon Earnings Record of Father

In New Jersey an illegitimate child may be entitled to RSDI benefits based upon the earnings record of the natural father under any of the following circumstances:

- 8142.1 When the wage earner is the natural father and marries the mother and the child is thereby legitimated.
- 8142.2 When the wage earner has acknowledged in writing that the child is his. The acknowledgement need not be in any special form, but must identify the child in question and further identify such child as his own. Examples of an acceptable written statement include income tax return, a serviceman's application for allotment, a will, an application for insurance, or a letter.

The written statement should be signed by the wage earner, but an unsigned statement may have value if there is evidence that it was prepared by the wage earner.

- 8142.3 When the wage earner has been determined to be the father under the provisions of Revised Statutes, Title 9, Chapters 16 or 17, or he has been ordered to contribute to the support of the child on the basis of a determination that such child is his, at a point in time which is:
- a. not less than one year before the time he became entitled to retirement benefits or attained age 65, whichever is earlier; or
 - b. before the beginning of his most recent period of disability on which his claim for disability benefits is based; or
 - c. before his death.

The adjudication of paternity or order of support must identify the child in question and further identify such child as the son or daughter of the wage earner. The amount directed to be paid for the support of the child, or whether support payments are actually made, is immaterial.

- 8142.4 When there is satisfactory evidence of paternity and the natural father was living with or contributing to the support of the child as of the time:

8142.4 continued

- a. the natural father became entitled to retirement benefits or attained age 65, whichever is earlier; or
- b. the natural father's most recent period of disability began; or
- c. the natural father died.

Under the above conditions "satisfactory evidence of paternity" is the existence of a written acknowledgement, an adjudication of paternity or an order of support regardless of the time the action occurred.

8200. DIVISION OF EMPLOYMENT SERVICES

The Division of Employment Services within the State Department of Labor and Industry is responsible for the administration of the Unemployment Insurance and Temporary Disability Benefits programs, and for the operation of the State Employment Service.

The Division maintains local offices and provides itinerant services at necessary points, which vary from time to time with economic conditions, on specified days or during specified seasons of the year. The county welfare agency may obtain copies of a published list of the local and itinerant offices from the Division of Employment Services, John Fitch Plaza, Trenton, New Jersey 08625.

8210. Unemployment Insurance and Temporary Disability Benefits

8211. Eligibility for Benefits

It is essential that the county welfare agency staffs familiarize themselves with the general rules of eligibility for receipt of Unemployment Insurance and Temporary Disability Benefits, payment provisions and duration of weekly payments for persons who have been engaged in "covered" employment.

8212. Eligibility for Assistance in Relation to Benefits

8212.1 Refusal to Apply for Benefits

A person who appears to be eligible for either Unemployment Insurance or Temporary Disability Benefits and who refuses or neglects to apply for such benefits is ineligible to receive assistance.

8420. continued

Since the law provides for financial assistance to certain needy families through the AFDC program, applicants who appear to be eligible for AFDC must be referred to the appropriate county welfare agency. □

8430. Methods for Providing General Assistance

The local assistance board with the approval of its governing body is permitted to determine the method by which General Assistance shall be provided. Various methods are currently used by municipalities: cash in form of a check payable to the client and covering his/her total needs; a combination of cash payment to client and vendor payments for certain items; or voucher payments (relief orders) to both client and vendors.

8440. Referral by County Welfare Agency to Municipal Welfare Department

8441. When to Refer for General Assistance

It is the responsibility of the county welfare agency staff to inform clients and members of their immediate families of the availability of General Assistance, and where and how to apply, in the following situations:

- 8441.1 During an initial contact, the person does not file an application because it appears that he/she cannot qualify for a program administered by the county welfare agency but he/she states he/she is in economic need;
- 8441.2 A recipient becomes ineligible for continued assistance from the county welfare agency for some technical reason even though he/she continues to be in need. However, a recipient who becomes ineligible for such assistance because of refusal to comply with a program requirement is not eligible for General Assistance and shall not be referred to a municipal welfare department.
- 8441.3 Members of an applicant's or recipient's immediate family lack resources to meet their share of expenses in the household, are not themselves eligible for a program administered by the county welfare agency and cannot be included in the client's assistance budget.
- 8441.4 An individual or family is financially ineligible for a program administered by the county welfare agency but there is an indication that assistance may be required in meeting excessive costs of medical care.

8442. Method of Referral

8442.1 Direct referrals to municipal welfare departments shall be made by use of Form PA-14, Referral for Services (see Appendix C). The form is to be reproduced by the CWAs.

8442.2 If the person(s) being referred is a recipient of assistance or a member of such a client's immediate family, prepare Form PA-14 in triplicate. One copy shall be given to the client or person to present to the municipal welfare official in the municipality where he/she is currently living; one copy shall be mailed directly to the municipal welfare official; the third copy shall be retained for the county welfare agency files and follow-up control as necessary.

(Consult directory of local agencies issued by State Division to identify appropriate municipal welfare department or other official responsible for welfare.)

8442.3 When the person wishing to apply for General Assistance is other than a recipient or member of the immediate family, the county welfare agency shall instruct the person how and where to apply for General Assistance, but shall not make formal referral by use of Form PA-14.

8450. Responsibility of Municipal Welfare Department Receiving Referral

The municipal welfare department will complete the "tear sheet" portion of the PA-14 as appropriate to the situation and return it to the county welfare agency.

8500. MEDICAL ASSISTANCE (MEDICAID)

The New Jersey Medical Assistance and Health Services Program is a State Program with federal participation. It is designed to make payments to providers for medical care and services on behalf of certain individuals whose resources are determined to be inadequate to enable them to secure quality medical care at their own expense.

8510. Authorized Services

8511. Payments of Medical Assistance are authorized for the following health services:

8511. continued

Inpatient Hospital Services
Outpatient Hospital Services
Clinic Services
Laboratory and X-ray Services
Skilled Nursing Home Services
Physicians' Services
Certain Other Practitioners'
Services
Home Health Care Service
Dental Services
Pharmaceutical Services

Prosthetic Devices and Ap-
pliances; Medical Sup-
plies and Equipment
Whole Blood
Preventive and Rehabilita-
tive Services
Transportation for Medical
Care
Intermediate Care Facilities
Early Periodic Screening Di-
agnosis and Treatment
Family Planning

8512. In addition to the services listed above and subject to the limitations imposed by federal law, the medical assistance program may also include any other medical care and any other type of remedial care recognized under state law, specified by the Secretary of the Federal Department of Health, Education and Welfare, and approved by the Commissioner of the Department of Human Services.

8520. Administrative Organization

8521. Department of Human Services

The Department of Human Services is the administrative unit of State government which has the responsibility for the Medical Assistance Program and is designated under federal law as the "single state agency".

8522. Division of Medical Assistance and Health Services

The Division of Medical Assistance and Health Services is the administrative unit of the Department responsible for the general policies governing administration of Medical Assistance, and for effecting the issuance of rules, regulations and administrative bulletins to implement statutory provisions and to coordinate the administration of Medical Assistance with the public welfare program. The Division of Medical Assistance provides for the payment of claims, evaluates health services rendered under the program, maintains administrative liaison with the other Departmental divisions, and provides a professional medical and paramedical staff.

8523. Local Medical Assistance Units (LMAU)

The Division of Medical Assistance has local medical offices throughout the State. The role of these offices is to provide liaison with providers of health services; provide information about Medicaid to recipients and members of the community; and provide information about Medicaid to, and cooperate with, appropriate agencies in order to ensure maximum utilization of the services available through the Medicaid Program.

Any questions with respect to the policy, regulations or procedures of the Medicaid Program should be directed to the appropriate LMAU as listed below:

LOCAL MEDICAID OFFICES

Atlantic	1601 Atlantic Ave., 6th Fl. Atlantic City (609) 344-2861
Bergen	50 Main Street, 1st Fl. Hackensack (201) 488-5667
Burlington	Chesley & Alloway Bldg., 2nd Fl. Rt. 38 & Eayrestown Road Mt. Holly (609) 261-0448
Camden	530 Cooper Street, 2nd Fl. Camden (609) 365-3926
Cape May	1601 Atlantic Ave., 6th Fl. Atlantic City (609) 344-2861
Cumberland	501 Landis Ave. Vineland (609) 696-0521
Essex	155 Washington Street Newark (201) 648-2470
Gloucester	Southwood Shopping Center Woodbury (609) 845-7185
Hudson	880 Bergen Ave. Jersey City (201) 792-6390

Glossary of Terms

- adequate notice - notice to a client of county welfare agency (CWA) decision or action which must state the nature, effective date, factual and legal basis of the decision or action, and the right to a fair hearing.
- adjusted allowance - as used on Form PA-3A or Form 105; the balance remaining when total income of an eligible unit is subtracted from the unit's public assistance allowance.
- adjusted gross income - as used on Form PA-3A or Form 105; in self-employment, the net income as determined by subtracting the cost of producing the income from total gross earnings.
- adverse action - any action by a CWA resulting in denial of application for medical or financial assistance, suspension, reduction or termination of assistance, including eligibility and benefit level for participation in the Food Stamp Program. The term is also applicable to decisions pertaining to protective and restricted payments and denial of requests for special payments.
- AFDC - Aid to Families with Dependent Children.
- AFWP - Assistance to the Families of the Working Poor (State funded program in existence from 7/1/71 to 7/1/77).
- agency - Division of Public Welfare or county welfare agency, as appropriate.
- agency decision - a decision made by the CWA either by executive authority of the director or by the Board itself.
- Aid to Families with Dependent Children (AFDC-C, -F and -N) - AFDC-C - families with eligible children deprived of parental support or care by reason of death, continued absence, or physical or mental incapacity of one or both parents.

- AFDC-F - families with eligible children when both parents are in the home, are not incapacitated and the father meets the federal definition of unemployment.
 - AFDC-N - families with eligible children when both parents are in the home, are not incapacitated and there is insufficient income or other resources for support of the family (i.e., the old AFWP criteria).
- allowance
- the amount of money recognized in the Assistance Standards Handbook for a specific purpose.
- applicant
- parent or parent-person who applies for financial assistance and whose application has not been officially acted upon by the CWA.
- application process
- all activity performed by the Income Maintenance Section until there is an official disposition of the application; includes determination of basic eligibility and amount of financial assistance to be provided.
- approved application
- indicates applicant has been determined to be eligible for assistance.
- assistance payment
- the money amount authorized and issued by the county welfare agency.
- authorized representative
- an individual (or organization) whom a client designates orally or in writing to act on his/her behalf; or in cases of incompetency the person designated to act for the client.
- available resource
- a resource, usually cash, which can be used immediately to meet the needs of an eligible unit.
- boarder, roomer, roomer-boarder
- a person, other than a member of an eligible unit, whose acceptance in the household is a business arrangement based upon payment in cash for board, room, or room and board.
- BLO
- Bureau of Local Operations in the Division of Public Welfare.

- calculated earned income - amount of earned income remaining after applicable disregards and deductions have been subtracted from total gross earnings. This is the accountable amount to be used in determining the eligible unit's total income.
- capacity of a legally responsible relative to support - amount of contribution to be anticipated from an LRR.
- Carnegie unit - the credit given for the successful completion of one year's study in one subject in a secondary school. Four Carnegie units per year represents full time attendance.
- case record - the official file of forms, chronological narrative, correspondence and other documents pertinent to the application and eligibility of a client; constitutes a complete record which supports the decisions and actions of the CWA on a case.
- categorical assistance - Federal programs including Aid to Families with Dependent Children, Cuban and Indochinese Refugee Assistance.
- categorical program - a program established by the Federal Social Security Act for the purpose of enabling a state to furnish financial assistance to financially eligible individuals or families who meet specific eligibility requirements.
- CETA - Comprehensive Employment and Training Act of 1973.
- child of eligible age - a child under the age of 18; or between the ages of 18 and 21 and regularly attending school, college or a vocational or technical training course.
- client - all-inclusive term including an applicant or recipient of assistance.
- collateral investigations - contacts with individuals other than members of the applicant's immediate household made with the knowledge and consent of the applicant(s).

- county residence
- relates only to identification of the CWA charged by law with responsibility for the official receipt, registration and processing of applications, and for making payments to eligible persons; not an eligibility requirement and does not limit the opportunity for any person residing in New Jersey to qualify for assistance.
- CRA
- Cuban Refugee Assistance.
- Cuban Refugee Assistance Program (CRA)
- A federally-funded program for individuals who left Cuba on or after January 1, 1959 and who meet specified eligibility requirements.
- CWA
- county welfare agency.
- CWA Director
- County Welfare Agency Director or staff member to whom he/she has delegated specified responsibility.
- date of eligibility
(initial payment)
- for eligible applicant, the date of the application or as soon thereafter as there is evidence of financial need; or when verification of eligibility has been satisfactorily completed.
- day care center
- group care for children, usually between 2-5 years of age, which includes supervised educational work and play experiences under the direction of trained personnel. Day care centers that provide care for six or more children are required by law to be licensed and approved by the Division of Youth and Family Services (DYFS).
- deferred payment
- payment which is held because application is approved prior to date applicant becomes eligible or shows evidence of financial need; issuance must be within 3 calendar months following completion of investigation.
- denied application
- determination that, for a specific reason, the applicant is ineligible for assistance.
- dependent child
- an eligible child, living in New Jersey with a parent or other enumerated relative.

- deprivation - where death, incapacity or continued absence of one or both natural or adoptive parents causes the loss of parental support.
- desertion - denotes a wilful abandonment of duty in violation of a legal obligation; failure to provide support and maintenance or to perform other duties owed to the family members, thus depriving them of care.
- designated payee - person signing the application to whom the check will be issued.
- dismissed application - recognition that eligibility need not be considered further because the applicant moved to another state during the application process or cannot be located, or the application was registered in error.
- disregards - amount of earned income discounted in the AFDC programs according to federal and/or State regulations.
- Division of Employment Services (DES) - office within the State Department of Labor and Industry responsible for administration of Unemployment Insurance and Temporary Disability Benefits programs and for operation of the State Employment Service.
- Division of Public Welfare - office within the State Department of Human Services responsible for supervision of the administration of local assistance agencies.
- DYFS - Division of Youth and Family Services in the Department of Human Services.
- eligible medical institution - a facility or specified section thereof certified as an approved institution for the purpose of treating acute illness (private or general hospitals) or providing care for the chronically ill (nursing homes or intermediate care facilities).
- eligible unit - those family members who apply for and are eligible to receive public assistance.

- emancipated
- a child released from the duty to serve and obey his/her parent(s) and having the right to his/her earnings. Emancipation may be expressed or implied from the circumstances.
- emergency assistance
- a program of assistance and related services to welfare recipients for brief periods of time, necessitated by unusual circumstances which were neither foreseen nor controllable by the recipient.
- emergent situation
- a sudden and urgent occasion calling for immediate financial assistance when the occurrence is one over which the eligible unit had no control or opportunity to plan in advance.
- EPSDT
- Early and Periodic Screening, Diagnosis and Treatment. A program of early and periodic screening, diagnosis and treatment service to assure that all AFDC children are receiving adequate medical supervision.
- essential person
- when a particular member of a household is required to be in the home on a substantially continuous basis because of the (certified) mental or physical impairment of another member and no other appropriate individual of the household is available.
- exempt resource
- a resource which is not to be considered in computing extent of need and is not subject to liquidation.
- fair hearing
- formal procedure through which a public assistance client may protest an adverse action or decision of the CWA regarding eligibility, amount or manner of granting assistance.
- family day care
- care for any age child by a day care person usually in his/her own residence. This may also include before or after school care. If care is provided for more than 5 children (including the caretaker's own children) then the person is required to be licensed by DYFS.

- family planning
 - information, education and/or medical services provided to enable individuals (including minors who are sexually active) to limit their family size voluntarily or to space their children or to prevent or reduce the incidence of unwanted pregnancies.
- family size
 - in an LRR's household, those persons identified in Section 334.2 of the Assistance Standards Handbook (members of the eligible unit are not included).
- filiation proceedings
 - court action to establish paternity and responsibility for support of a child born out-of-wedlock.
- financially eligible
 - lacking sufficient income and/or resources to maintain the public assistance standard of living.
- Food Stamp Program
 - a program to increase the food purchasing power of low income households and thus improve the nutritional adequacy of the diets of such families; a joint responsibility of the U.S. Department of Agriculture and the Division of Public Welfare.
- Form PA-3A
 - worksheet and authorization for public assistance prepared for each eligible unit.
- Form 105
 - the computer input form utilized by the CWA in the determination of eligibility and to provide program information for AFDC, Food Stamps and Medicaid Only.
- formal board action
 - action taken at a regular or special meeting of the county welfare board.
- General Assistance
 - assistance provided by municipal welfare departments to those needy persons who are not eligible for any program administered by the CWA.
- gross earned income
 - total earnings of members of the eligible unit before applicable disregards and deductions are subtracted.
- head of household
 - the individual who is recognized by other members of the household as having primary responsibility for financial control and direction of the household.

- homelessness, state of
- when the physical health and safety of an eligible unit, through no fault of its members, is imperiled by a substantial loss of shelter.
- immediate need
- condition when a family's available resources, at the time of application or before eligibility is established, are less than the appropriate public assistance standard, and applicant is apparently eligible.
- incapacity
- physical or mental defect, illness or impairment, supported by competent medical testimony, of such a debilitating nature as to reduce substantially or eliminate the parent's ability to support or care for the otherwise eligible child, which is expected to last for at least 30 days.
- incompetent (alleged)
- a parent or parent-person evaluated by the CWA as inadequate to manage his/her own affairs, even though not officially identified as mentally incompetent.
- incompetent (certified)
- certified by a court of law as incompetent.
- Indochinese Refugee Program
- assistance provided to needy individuals who left Vietnam, Cambodia or Laos and entered into the United States on or after April 8, 1975.
- inquiry
- any request for information about assistance programs which is not a request for application.
- ISS
- Institutional Services Section of the Bureau of Local Operations (BLO).
- local agency
- county welfare agency.
- LRR
- legally responsible relative.
- MA
- Medical Assistance (Medicaid).
- MAA
- Medical Assistance for the Aged.
- mandatory payroll deductions
- Federal, State and city withholding taxes; Social Security; unemployment compensation taxes; and garnishments as verified by legal document in possession of the employer.

Medicaid

- a Federal/State program administered by Division of Medical Assistance and Health Services providing for payment of claims for and evaluation of health services; eligibility is limited to persons who are receiving or who are eligible to receive AFDC-C, -F or -N, CRA, IRP or SSI (medical needs of AFDC-N recipients are met solely from State funds).

Medicaid Only

- provision of medical assistance only to a family or individual eligible for a money payment who chooses to waive such payment, and to certain other persons who meet the SSI criteria for aged, blind or disabled but do not choose to apply for cash benefits.

Medicaid Special

- Medicaid coverage available to the following individuals on the basis of financial eligibility regardless of other program requirements (e.g., WIN, employment, training, CSP or school attendance): any dependent child under 21, an independent child under age 21.

Medical Assistance for the Aged (MAA)

- a State program for individuals 65 years of age or older who can normally maintain themselves, are not eligible for Medicaid, but who are in need of hospitalization, home health care or long-term care and are unable to meet such costs.

Medical Review Team (MRT)

- unit within the Bureau of Medical Affairs of the State Division, composed of a Medical Consultant and a Medical Social Worker, which is responsible for determinations of medical eligibility, based on information submitted by county welfare agencies.

money payment

- an assistance check paid to a recipient or his/her authorized payee.

monthly amount

- the amount of money required or provided for one month (computed on the basis of 30 days or 4 1/3 weeks).

monthly grant

- amount of money payment to be made each month to an eligible unit.

needy

- see "financially eligible".

- needy person - a person who lacks sufficient income and resources to maintain the public assistance level of living.
- new application - a written request for assistance under a specified program from an individual/family who has never previously requested assistance in any county in the State under that program.
- noneligible person - a person ineligible for county welfare assistance either due to excess resources, age, relationship or for incurring a penalty of ineligibility.
- official discharge
(from an institution) - legal discharge of a patient from the institution in which he/she has been confined.
- out-of-wedlock child - child born to a mother who is not married to the father of such child.
- ownership of real or personal property - as used in this Manual includes any and all rights, title or interest, legal or equitable, to such property.
- parent - refers to natural and/or adoptive parent(s) or to parent-person(s).
- parent-minor - a parent of a child or children who is him/herself under the age of 18.
- parent-person - certain relatives of a child who, in the absence of a natural or adoptive parent, assume parental responsibility (see Section 3241.1).
- payee - the person designated to receive assistance payments on behalf of the eligible members of a family.
- penalty of ineligibility - when a member(s) of an eligible unit has incurred a penalty for not complying with program requirement(s) and such member(s) is excluded from the eligible unit.
- pending application - general term for application, reapplication, reopened application, or transfer application prior to official disposition.

per capita	- an amount equal to one individual's share of the total (allowance, cost, income, etc.).
personal interview	- face-to-face discussion between individuals.
policy	- guidelines, limited by and consistent with law, which control CWA and Division of Public Welfare staff in carrying out public assistance programs.
potential resource	- a resource which, through liquidation, will provide cash for the use of the eligible unit or for reimbursement to the agency.
presumptive eligibility	- basis for granting assistance when applicant appears otherwise eligible and provides a written statement of eligibility signed under oath.
presumptive eligibility confirmed (PEC)	- verification by the welfare agency that the client(s) meets all eligibility requirements, either through official documentation or collateral sources, within a prescribed time period.
protective payee	- person authorized by CWA under certain conditions to receive and administer assistance payments on behalf of an eligible family.
protective payment	- assistance payment made to an individual other than the parent or parent-person, as designated by the CWA under certain conditions.
public assistance	- a resource created by law to protect and promote the welfare of the State and community by providing financial assistance to eligible persons.
public assistance allowance	- the money amount recognized in the Assistance Standards Handbook for the needs of an eligible unit, according to its size and applicable program.
reapplication	- a written request for assistance by an individual who has previously applied for, but never received, assistance under that program in any county in the State.

recipient	- the family unit of parent(s) or parent-person(s) and child(ren) of eligible age who have been found eligible for assistance; any individual who is an eligible member of such family.
recoupment	- procedure through which the agency is reimbursed for an overpayment to a client.
redetermination of eligibility	- investigation of all facts and circumstances relating to the recipient's application for continuation of assistance; decision as to whether recipient continues to be eligible.
referral	- request from an agency, institution, or individual on behalf of another individual who is interested in applying for financial assistance; or a request from the CWA to another agency.
registration	- action of the CWA in making an official record of and assigning a control number to an application.
rejected application	- inclusive term covering applications which have been denied, dismissed, or withdrawn.
relatives, legally responsible	- relatives held to be legally responsible by the laws of this State, as identified in Section 3800.
release without discharge	- arrangement under which a patient in an institution is, for a special purpose, permitted to reside outside the institution; includes extended visit and convalescent leave.
reopened application	- a written request for assistance by an individual who has previously received assistance under that program in any county in the State.
representative payee	- person appointed by the Court under certain conditions to receive and administer payments on behalf of an eligible family.

- request for local administrative review - any clear expression (oral or written, by letter or otherwise) by a client or his/her authorized representative that he/she wishes to present his/her case in a proceeding before the CWA director or his/her delegated representative. This is not to be confused with a request for a fair hearing.
- resident - a person who is living in the State for other than a temporary purpose and who has no intention of moving from the State.
- restricted payments - checks drawn to the order of a specified person and subject to some condition or restriction which prevents immediate and unconditional negotiation and use by the payee upon delivery; checks drawn to the order of a third person (not a vendor) and intended for use on behalf of the client.
- return to state of origin - designates the desire of a family who has resided in New Jersey for a relatively short period to return to the state from which it came.
- RSDI (Retirement, Survivors and Disability Insurance) - federal program administered by the Social Security Administration (SSA) which provides protection to workers and their families against loss or stoppage of earnings resulting from retirement at age 62 or older, death or disability.
- Social Security payment - RSDI benefit.
- spouse - husband or wife of a specified individual.
- SSA - Social Security Administration.
- SSI - Federal Supplemental Security Income Program, including State supplemental payments administered through this program for aged, blind or disabled of any age.
- State office - Division of Public Welfare in Trenton.
- suspended grant - 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.

temporary payee	- person designated temporarily by the CWA to receive assistance payment on behalf of an eligible family, usually in an emergency situation.
timely notice	- notice of CWA decision or action which if adverse (see adverse action) must be mailed to the client at least 10 days prior to the date when such decision or action will become effective. If such decision or action is not adverse, notice may be sent with the affected payment.
total income	- as used on Form PA-3A or Form 105; sum of all recognized income of the eligible unit, including unearned and calculated earned income.
transfer application	- a request for assistance for an individual who is presently receiving assistance under the same program in another county within the State.
undue hardship	- certain situations which, in the judgment of the county welfare agency, will result in unreasonable financial stress upon recipient families.
unrestricted payments	- 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.
validation (of presumptive eligibility)	- verification of eligibility factors within prescribed time period.
vendor payment	- a check 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.
withdrawn application	- an oral or written request by an applicant that the county welfare agency terminate its activity on his/her application.
Work Incentive Program (WIN)	- program designed to place in employment, or train for employment, appropriate recipients of the AFDC-C and -F program.

Worksheet and Authorization
for Public Assistance

- Form PA-3A, on which is recorded the computations relating to allowance, income, and monthly grant for an eligible unit and including the action recommended or approved by the county welfare agency.

ACRONYMS

AFDC	- Aid to Families with Dependent Children.
AFWP	- Assistance to the Families of the Working Poor (State funded program in existence from July 1, 1971 to July 1, 1977).
BBS	- Bureau of Business Services in the Division of Public Welfare.
BLO	- Bureau of Local Operations in the Division of Public Welfare.
BQC	- Bureau of Quality Control in the Division of Public Welfare.
BTS	- Bureau of Transitional Services.
CETA	- Comprehensive Employment and Training Act of 1973.
CODES	- Central Operation for Data Exchange and Services.
CRA	- Cuban Refugee Assistance.
CSP	- Child Support and Paternity Program.
CWA	- county welfare agency.
DPW	- Division of Public Welfare.
DVRS	- Division of Vocational and Rehabilitation Services.
DYFS	- Division of Youth and Family Services in the Department of Human Services.
EPSDT	- Early Periodic Screening, Diagnosis and Treatment.
FNS	- Food and Nutrition Service, U.S. Department of Agriculture.
FSP	- Food Stamp Program.
GA	- General Assistance.

ICS	- Integrity Control Section of the Bureau of Quality Control.
IM	- Income Maintenance.
IRP	- Indochinese Refugee Program.
ISS	- Institutional Services Section of the Bureau of Local Operations.
LMAU	- Local Medical Assistance Unit in the Division of Medical Assistance.
LRR	- legally responsible relative.
MA	- Medical Assistance (Medicaid).
MAA	- Medical Assistance for the Aged.
NJSES	- New Jersey State Employment Service, N.J. Department of Labor and Industry.
RSDI	- Retirement, Survivors and Disability Insurance (Social Security benefits).
SSA	- Social Security Administration.
SSI	- Federal Supplemental Security Income Program, including State supplemental payments administered through this program.
WIN	- Work Incentive Program.

THE APPLICATION PROCESS

10:81-2.8(a)3 (continued)

- i. If the client fails to appear as directed for registration and the ES/WIN worker is unable to contact the client within five working days from the date of referral, the case will be returned to the county welfare agency. The CWA will send a second referral letter to the client stating that failure to comply with this second appointment for registration will result in the initiation of appropriate adverse action unless he/she can demonstrate good cause for failing to register.
 - ii. ES/WIN will notify the CWA within five working days if the individual appeared at the WIN office but failed to complete all registration requirements. The client, therefore, is not registered for WIN.
4. Within three working days of ES/WIN's completion of the registration process, ES/WIN will notify the CWA in writing (via a completed Form MA 5-95, WIN Registration Record, and Part B of the R-1 form) that the individual has been registered for WIN. The CWA's copy of Form MA 5-95 shall be placed in the central WIN file, and Part B of the R-1 form placed in the client's case folder.
5. If, upon referral, ES/WIN believes an individual referred as a mandatory registrant should be exempt, ES/WIN shall state its reasons in writing to the CWA and request CWA review of the case. The decision of the CWA is binding upon the ES/WIN. If the CWA does not respond, in writing, within 30 calendar days after the initial request for review, ES/WIN shall deregister the person as exempt.
6. Within three days of final determination of eligibility for assistance payments, the CWA shall notify ES/WIN whether or not it approved or denied AFDC-C or -F eligibility for any client referred for registration, through procedures arranged at the local level.
 - i. If ES/WIN has not received a notification of grant approval or denial from the CWA within 30 calendar days of registration, ES/WIN liaison will contact the CWA/IM liaison to determine the disposition of the case.

THE APPLICATION PROCESS

10:81-2.8(a) (continued)

7. Functions of IM control: The IM control clerk shall:

- i. Keep a daily log of all referrals to ES/WIN, with exempt or non-exempt status of each individual indicated;
- ii. Match registrations to referrals when received;
- iii. Submit to the IM supervisor a list of all mandatory cases for which registration is not returned within eight working days; and
- iv. Send to ES/WIN a written request for information on each missing registration (copy of request will be placed in the case record).

(b) The CWA has the responsibility through the IM control clerk for ensuring that the parent who is the principal earner in AFDC-F and AFDC-C and -F companion cases is certified by the Separate Administrative Unit (SAU) within 30 days of receipt of assistance.]

1. Functions of the IM control clerk: The IM control clerk shall:

- i. Keep a daily log of all principal earners in AFDC-F and AFDC-C and -F companion cases referred to ES/WIN for registration;
- ii. Match the completed WIN Certification Record (MA 5-96) received from the SAU with the WIN Registration Record (MA 5-95) received from ES/WIN;
- iii. Attach the completed MA 5-96 to the MA 5-95 and place both forms in the central WIN file;
- iv. Submit to the IM Supervisor a list of all appropriate registrants for which a WIN Certification Record is not received within 30 days of the date for referral for WIN registration;
- v. Send to the local SAU a written request for information on each missing certification (copy of request will be placed in the case record).

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10:81-2.9 Employment in AFDC-N

The IM worker shall inform AFDC-N applicants that the condition of insufficient income or resources upon which eligibility is based cannot be the result of a voluntary termination of employment within the last 90 days, and further, that the father must agree to accept employment, better employment, or training for either unless he has good cause for refusal. When voluntary termination of employment causes ineligibility, neither the father nor the mother will be included in the eligible unit for a period of 90 days. However, eligibility may be considered for the children.

10:81-2.10 Residence law

The law requires that an applicant for or recipient of public assistance shall reside in New Jersey. Application should be made to CWA in county of residence even though temporary.

10:81-2.11 Support from relatives

- (a) The IM worker will explain to applicant that certain relatives must be contacted and evaluated to determine what capacity, if any, they have to contribute to the family's support. (See N.J.A.C. 10:81-3.35 for enumeration of relatives responsible in each program.) Payment will not be delayed pending evaluation of legally responsible relatives.
- (b) Applicants should be advised that their entitlement to assistance will not be jeopardized by the unwillingness of legally responsible relatives to provide support.

10:81-2.12 Repayment (all segments)

The IM worker shall determine from the applicant whether there is a pending claim against any individual, group or agency on behalf of any member of the eligible unit. If such a non-exempt claim does exist, applicant shall be advised that completion of Form PA-10D Agreement to Repay (see Appendix C for sample form) must be executed before a grant may be given.

THE APPLICATION PROCESS

10:81-2.13 Administrative action on application

- (a) The IM worker again will review all appropriate forms for completeness and accuracy, and give them to his/her supervisor. The supervisor will examine the forms for consistency of applicant's statements, completion of all necessary information and correct budgetary computations. If acceptable, the supervisor will indicate his/her approval by signing Form PA-3A or Form 105, as appropriate; if not acceptable, the forms will be returned to IM worker for correction.
- (b) For those CWAs still using the PA-3A, the following applies:
 - 1. Following the supervisor's approval, the director's approval shall be obtained and indicated on the PA-3A form.

10:81-2.14 Ratification by welfare agency

- (a) Immediate need: If immediate need is apparent and applicant provides evidence of eligibility, a grant will be issued on the director's approval and prior to the welfare agency ratification. (See N.J.A.C. 10:81-1.3.)
- (b) No immediate need: If immediate need is not apparent a grant will be issued as soon as eligibility is established with subsequent ratification by the welfare agency. (See N.J.A.C. 10:81-4.3(c).)

10:81-2.15 Notice and information to client (see also N.J.A.C. 10:81-7.1)

- (a) If immediate need is not apparent and a decision of approval or disapproval is not reached within 30 days of application, the CWA shall notify the applicant in writing of this fact and the reason for the delay. (See N.J.A.C. 10:81-4.3(c).) If the lack of decision is due to circumstances within the control and knowledge of the applicant, the welfare agency will remind the applicant of the steps he/she must take to enable the welfare agency to make a decision. (This notice shall include a sentence in Spanish cautioning the client that it relates to his/her eligibility for public assistance and if he/she does not understand the notice he/she should contact the CWA.)
- (b) When a decision is reached, the applicant shall be notified in writing of this decision (approved or disapproved). If the application is denied, the notice shall provide information regarding Food Stamp eligibility requirements for non-public assistance households and financial and medical assistance available through General Assistance. (See N.J.A.C. 10:81-8.13.)
- (c) Client will also be advised in writing that if he/she is dissatisfied with any action or inaction of the welfare agency, he/she may request a hearing. He/she shall be informed of the steps that are to be followed in making such a request.

10:81-2.15 (continued)

- (d) If the application is approved, the client will be advised in writing:
1. Of his/her obligation to report all relevant changes in circumstances e.g., family size, income, employment, etc.
 2. Of the use of the medical assistance stub included with the assistance check.
 3. That he/she may qualify for a number of additional services which the IM worker will describe briefly and explain where to apply for these services.
- (e) Upon request, the client will be given a copy of his/her executed application form, with any attachments.

10:81-2.16 Photo I.D. cards

Photo I.D. cards will be issued routinely to recipients but will in no case be a condition of issuing a check. (See N.J.A.C. 10:81-7.15.)

10:81-2.17 Verification

- (a) Verification of facts essential to eligibility is required in all segments of the AFDC program. (See N.J.A.C. 10:81-3.2 through 3.7.)
- (b) Validation of presumptive eligibility: In all cases where immediate need is apparent and a grant of assistance issued, the case must be validated within two months following the month in which assistance is initially granted. Validation means the verification of essential eligibility factors. Verification shall be appropriately documented in the case record.
1. The CWA shall try to verify all necessary information within the required time but shall not penalize the client if the CWA, through no fault of the client, is unable to obtain documentation.
- (c) Age and relationship of children: The CWA must verify the age of all children for whom application is made and their relationship to the natural or adoptive parent(s) or parent-person(s) with whom they live. (See N.J.A.C. 10:81-3.2 through 3.7.)

THE APPLICATION PROCESS

10:81-2.17 (continued)

(d) The CWA must verify the deprivation factor in AFDC.

1. The death of the parent(s) must be verified.
2. Incapacity must be validated through the medical review team's action expressed in Form PA-8.
3. Continued absence shall be verified in accordance with criteria in N.J.A.C. 10:81-3.

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(e) For AFDC-N cases, if the condition of insufficient income is the result of the applicant having left a job within 90 days of the date of application, the IM worker will verify with the employer that the termination was not voluntary or will ask the applicant to demonstrate good cause for leaving. (See N.J.A.C. 10:81-2.9 and 3.18(m).) The IM worker will also verify that the applicant has registered with the Division of Employment Services. If the client does not have evidence of having registered, registration Form NJES-511B (Job Service Self-Registration Application) shall be completed at initial application and Form NJES-1A for subsequent registration renewals and redeterminations (see N.J.A.C. 10:81-2.18).

(f) The IM worker must verify all income and resources. (See N.J.A.C. 10:81-3.5.)

(g) AFDC-C and -F: The CWA will verify attendance in a school, college, training or vocational program of AFDC-C and -F children between the ages of 16 and 18 for WIN registration purposes and between 18 and 21 for eligibility in the AFDC-C or -F segment. (See N.J.A.C. 10:82-1.9 and 2.10.)

(h) AFDC-N: The CWA will verify school attendance of children between ages 16 and 18 relevant to work registration and training programs (see N.J.A.C. 10:82-1.9) and between 18 and 21 for eligibility in the AFDC-N segment. (See N.J.A.C. 10:82-1.5 and 1.9.)

(i) The CWA will verify the client's county of residence, whether temporary or permanent. (See N.J.A.C. 10:81-3.29.)

THE APPLICATION PROCESS

10:81-2.18 State Employment Service Registration (AFDC)

- (a) The following AFDC applicants/recipients are required to register with the State Employment Service: AFDC-F principal earners exempt from WIN registration due to remoteness, including all principal earners in non-WIN counties; all AFDC-N fathers; appropriate AFDC-C applicants/recipients residing in non-WIN counties (see N.J.A.C. 10:81-3.19); and AFDC children (residing in non-WIN counties) who are 16 to 18 years old who are not attending school and are not employed.
1. Form NJES-511B (Job Service Self-Registration Application) must be completed for the initial registration of appropriate AFDC clients and Form NJES-1A for renewals.
 - i. Submittal of Forms NJES-511B and NJES-1A to the local ES office will constitute verification of work registration and renewals, respectively.
 - ii. Applicants and/or recipients currently receiving unemployment benefits are not required to complete the registration form. However, upon termination of such benefits, such individuals must be registered through Form NJES-511B.
 - iii. Employment registration shall be renewed every 90 days through Form NJES-1A.
 - iv. Form NJES-1A will also be used by the Job Service office to notify the CWA of action taken with regard to active registrants (e.g., refusal to cooperate in job referrals). The CWA will be required to then complete and return the yellow copy of the NJES-1A form indicating current status.
 2. The client will be required to complete NJES-511B in duplicate; one copy shall be retained in the client's case record and the other transmitted to the Job Service office.
 3. Where an AFDC recipient is terminated from assistance and subsequently reapplies after the Job Service office has been notified of the termination through Form NJES-1A, a new NJES-511B must be completed.

10:81-3.4 (continued)

- (b) Only evidence to corroborate facts essential to eligibility shall be sought. In determining the relative validity of the above sources of evidence, the agency should bear in mind the type and source of the document.
- (c) Affidavits shall be used only when other sources have failed or have produced inconclusive data. Documentation obtained in this manner shall be taken under oath from a person who has factual knowledge of the relevant circumstances. The affidavit shall show the circumstances under which this person has known the applicant as well as the factual basis of his/her statements relating to the applicable eligibility requirements.
- (d) While it is usually desirable to obtain evidence in written form, personal inspection of records by the agency personnel, where permission can be secured, is an acceptable practice and is often quicker and simpler. (Also see section 6 of this subchapter.)

10:81-3.5 Verification of income and resources

- (a) All recipients of public assistance must meet the criteria for financial need. These are delineated in the Assistance Standards Handbook.
- (b) Earned and unearned income:
 - 1. Earned income: The IM worker will verify, either through examination of paystubs or with the client's employer, the amount of gross earned income.
 - 2. Unearned income: All unearned income must be verified by examination of benefit check or by contact with the company or agency granting such benefit. (If it is necessary to contact Social Security, use Form SSA-1610.)
 - 3. RSDI benefits received by an eligible child between 18 and 21 years of age, who is a full-time student, shall be totally disregarded as income or resource in determining either initial or continuing eligibility. (See N.J.A.C. 10:82-1.7(b)2.)
 - 4. Previous sources of support shall be explored with the applicant.
 - 5. Resources: All resources must be evaluated and, where appropriate, a plan for their liquidation must be developed and carried out. (See N.J.A.C. 10:82-3.)
 - i. Legally responsible relatives must be contacted for evaluation of their capacity to support. (See sections 35 and 36 of this subchapter.)

10:81-3.6 Recording of documentation

All information, whether written or oral, including sources from which obtained and methods of documentation, shall be recorded on Form PA-1J, Application and Affidavit for AFDC, MA, CRA, IRP and Food Stamps and included in the case record. (See N.J.A.C. 10:81-7.9 for documentation procedure.)

10:81-3.7 Issuance of summons or subpoena

- (a) When all other means of determining facts and circumstances concerning an application for assistance have been exhausted, the county welfare agency director may:
 - 1. Issue a subpoena to a third party in the State who has necessary and relevant information and require that pertinent records and other documents be produced for examination;
 - 2. Administer oaths for the purpose of such examinations.
- (b) Action for contempt of court may be initiated when such person fails to obey a subpoena issued by the county welfare agency director or to testify to facts and circumstances pertinent to the application for assistance.
- (c) The refusal of such person to cooperate will not disqualify applicant.

10:81-3.8 Applicant in all segments

- (a) The eligible unit shall be comprised of those family members who apply for and are eligible to receive public assistance. It shall include one or more eligible children unless such child is a recipient of SSI.
- (b) When a recipient of SSI payments is a family member, he/she shall not be included in the eligible unit.
 - 1. When all eligibility factors are present in a two-person family, the individual not receiving SSI benefits shall comprise an eligible unit of one; this applies to a parent as well as to a child; thus the only eligible individual may be the parent or parent-person, and the appropriate payment will be for that individual only.
 - 2. There may be cases in which the recipient count will be one or two adults and no children depending on whether one or both parents are present in the eligible unit.

ESTABLISHING PROGRAM ELIGIBILITY IN AFDC

10:81-3.8 (continued)

- (c) An individual who incurs a penalty of ineligibility shall not be included in the eligible unit and his/her needs shall not be taken into account in determining the family's need for assistance. (See N.J.A.C. 10:81-3.14 regarding income of a noneligible parent.)
- (d) Child in AFDC: The term child in AFDC shall be understood to refer to one or more eligible children residing in the home of the applicant parent(s).
1. Relationship of the child(ren) to the parent or parent-person applying for AFDC-C or the child(ren) to the natural or adoptive parents applying for AFDC-F or -N shall be established by use of documentary or nondocumentary sources of evidence. Some examples of these types of evidence are given in N.J.A.C. 10:81-3.4(a)2.
- (e) Potential eligibility for other programs are:
1. The CWA shall explore potential eligibility for AFDC-C or -F before determining eligibility for AFDC-N.
 2. When applicant family members, including a disabled or blind child, appear to be eligible for other programs (e.g., Supplemental Security Income), the advantages and disadvantages of each program shall be explained to the applicant. He/she shall have the right to decide under which program(s) he/she wishes to apply. In the event an applicant parent(s) is found to be eligible for another program of assistance, such parent(s) may nevertheless apply for AFDC-C, -F or -N as appropriate, for the eligible child(ren) only.
 - i. In the event the parent applies for SSI, the CWA will be allowed to obtain reimbursement of AFDC-N payments made to applicants or their dependents who are subsequently determined eligible for SSI benefits. The amount subject to reimbursement will be only the individual's per capita share of the adjusted AFDC-N allowance. (See N.J.A.C. 10:81-3.46.)

ESTABLISHING PROGRAM ELIGIBILITY IN AFDC

10:81-3.9 Applicant in AFDC-C and -F

(a) AFDC-C: The term applicant in AFDC-C refers to the parent(s) or parent-person(s) who makes an affirmative decision to apply for financial assistance or, when the applicant is incapacitated or alleged incompetent, someone acting responsibly for him/her (see N.J.A.C. 10:81-2.3(b)1) in order to maintain and provide for one or more dependent children of eligible age who are in his/her care and custody. It shall also include the stepparent when the natural or adoptive parent designates the stepparent as an individual whose presence in the home is essential to his/her well being and elects that such person shall be included (see N.J.A.C. 10:82-2.9.)

1. When the applicant applying for AFDC-C based on continued absence of a natural or adoptive parent is him/herself a natural or adoptive parent, he/she must apply for him/herself and child of eligible age, unless such parent is an SSI recipient in which case he/she may apply for the eligible children only. A parent need not apply for all eligible children. (See N.J.A.C. 10:81-3.8.)
2. When the applicant in AFDC-C is a parent-person, he/she has the option of applying for him/herself and at least one child of eligible age or only for one or more children in his/her care and custody.
3. In all AFDC-C cases, an application must be signed by the adult member(s) or parent-minor (see N.J.A.C. 10:81-3.12) of the unit for which assistance is claimed. The designated payee may only be a person who has signed the application. (See N.J.A.C. 10:81-2.3(b) and 4.6.)
4. When the AFDC-C child(ren) lives with a parent-person(s), the application shall be executed by the parent-person who will be the designated payee.
5. Application during pregnancy (all segments): Upon presentation of documented medical evidence of pregnancy, which shall include the estimated date of conception and delivery, a pregnant woman may make application for medical assistance on behalf of her unborn child and for AFDC following the child's birth. One application form will be prepared to cover both requests.
 - i. A pregnant woman under age 21 who meets the criteria established in N.J.A.C. 10:81-8.23 would be eligible for prenatal care in her own right.
 - ii. The regulations below extend medical assistance (Medicaid Special) on behalf of the unborn child to women age 21 and over and to expectant mothers under age 21 who are not eligible in their own right for Medicaid Special (see N.J.A.C. 10:81-8.23(e)). Persons in either age group may make application for AFDC pending the anticipated birth of the child.

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10:81-3.9(a)5ii (continued)

- (1) The CWA will register the application immediately and determine eligibility for medical assistance until the birth of the child (see N.J.A.C. 10:81-8.23). Postnatal care for the mother is not covered unless eligibility for AFDC (and Medicaid) is established in accordance with the appropriate regulations or unless the woman is eligible for Medicaid Special in her own right.
 - (2) Within 30 days prior to the expected delivery date, the CWA will make a determination regarding eligibility for AFDC, including the evaluation of LRRs. The client will be required to sign Form PA-10G, Assignment of Support Rights, as a condition of eligibility for AFDC. If eligibility is established, money payments will begin following the birth of the child provided the client affirms that she desires assistance and intends to retain care and custody of the child. (See N.J.A.C. 10:82-2.3 regarding initial grants.)
 - (3) Eligibility for AFDC following the birth of the child is based on the requirements and standard for AFDC-C, -F or -N, whichever is applicable.
 - (4) After the birth of the child, the mother may be eligible for AFDC but decline a money payment. In such instances, mother and child are eligible for Medicaid Only.
- (b) AFDC-F: The term applicant in AFDC-F refers to natural or adoptive parents, not incapacitated, both of whom shall be required to execute the formal written application unless one such parent is not available for reasons beyond the family's control. This parent shall be required to sign as promptly as he/she is available for such purpose.
- (c) Citizenship and alienage - AFDC-C and F: To be eligible for AFDC-C or -F, an individual must be either a citizen of the United States or otherwise permanently residing in the U.S. under color of law, including any alien who is lawfully present in the United States as a result of the application of Section 207(c), Section 203(a)(7) (prior to April 1, 1980), Section 208, and Section 212(d)(5) of the Immigration and Nationality Act.
1. Each AFDC-C and -F applicant shall be asked if he/she is a U.S. citizen or has been legally admitted. When the applicant or other person for whom the application is being made is an alien, his/her legal status must be verified either through evidence provided by the applicant or with the U.S. Immigration Service.
 2. Assistance through the AFDC-C and -F segments shall not be granted to an illegal alien or to aliens admitted as students or visitors.

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10:81-3.10 Applicant in AFDC-N

- (a) The term applicant in AFDC-N refers to natural or adoptive parents, not incapacitated, both of whom shall be required to execute the formal written application unless one such parent is not available to sign the application for reasons beyond the family's control. This parent shall be required to sign as promptly as he/she is available for such purpose. (See N.J.A.C. 10:82-1.5 and 2.13 relevant to companion cases.)

1. Citizenship and alienage: Applicants for AFDC-N need not be citizens or lawfully admitted aliens.

10:81-3.11 Parent in AFDC-C, -F and -N segments

- (a) AFDC-C: In AFDC-C the term "parent" shall refer to the natural and/or adoptive parent(s) or parent-person(s).

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10:81-3.18 Employment and training requirements

- (a) Each individual so required by law must register for manpower services, training and/or employment.
- (b) AFDC-C and -F segments (WIN Counties): County welfare agencies, as agents of the U.S. Department of Labor in those geographical areas designated as WIN counties, are responsible, through the income maintenance staff, for determining who is required to register for WIN by completing Form PA-401, WIN Case Review Document (see Appendix C for sample form).
1. When an individual claims exemption under incapacity or illness but further verification is necessary (e.g., a medical or psychological examination), the individual's needs may be included in AFDC-C or the needs of the entire eligible unit included in the AFDC-F payment while the exemption status is being verified. Verification of the exemption shall be made as expeditiously as possible, but may not take longer than 30 days. If such verification is not provided within 30 days, the individual shall be required to register unless there is legitimate delay in obtaining a medical appointment. In such instance, the 30 day limit may be extended to 45 days.
 2. Those who are exempt include:
 - i. Children under age 16; or between 16 and 18, enrolled or accepted for enrollment as full-time students for the next school term in an elementary, secondary, or vocational or technical school; or under age 19 and attending full-time, a secondary school or the equivalent level of a vocational or technical school, and expected to complete the program of the school before reaching age 19.
 - ii. Persons who are:
 - (1) Ill: When determined on the basis of medical evidence or on some other sound basis that the illness or injury is serious enough to temporarily prevent entry into employment or training. Reasons for exemption on a temporary basis include observation of a cast on a broken limb, or information of scheduled surgery, recuperation from surgery, or other instances where the condition will be of limited duration. This exemption will not exceed 90 days. Minor ailments and injuries, i.e., colds, broken fingers, rashes, etc., do not normally exempt the individual under this criterion. However, where the condition appears to be serious enough for exemption, such exemption shall be reviewed every 30 days;
 - (2) Incapacitated: When verified that a physical or mental impairment as determined by a physician or licensed/certified psychologist or by the Bureau of Medical Affairs, either by

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10:81-3.18(b)2ii(2) (continued)

itself or in conjunction with age, prevents the individual from engaging in employment and/or training, and such incapacity is expected to exist for a continuing period of at least six months. (See N.J.A.C. 10:81-2.8 and 3.18(e).)

(A) Uncomplicated pregnancy of itself shall not be considered incapacitating; however, any claim to complications shall be verified in writing by a physician or licensed or certified psychologist by use of Form PA-5, Examining Physician's Report.

(3) 65 years of age or older;

(4) Remote: When commuting time from home to the project site is greater than one hour each way, exclusive of the time necessary to transport children to and from a child care facility;

(5) Required in the home: When verification is obtained that a physical or mental impairment, as determined by a physician or licensed or certified psychologist, of another member of the household requires the individual's presence in the home on a substantially continuous basis, and no other appropriate member of the household is available;

(6) The parent or other caretaker relative of a child under six years of age who personally provides care for the child with only very brief and infrequent absences from the child;

(7) The parent or other caretaker of a child who is deprived of parental support or care by reasons of the death, continued absence from the home, or physical or mental incapacity of a parent, if another adult relative in the home is registered and has not refused to participate in the program or to accept employment without good cause;

(c) Fair hearings: An individual who is dissatisfied with a determination that he/she must register may request a fair hearing (see N.J.A.C. 10:81-6).

(d) Voluntary registration: The IM worker shall inform all appropriate exempt AFDC-C and -F applicants of their right to voluntarily register for the WIN program and their right to withdraw such registration at any time without loss of assistance payments.

1. "Appropriate" refers to individuals who are exempt but who could benefit from WIN services.

10:81-3.18 (continued)

- (e) Individuals who have been determined to be exempt from registration on the basis of incapacity shall be referred to the Division of Vocational Rehabilitation Services. Form PA-14, Referral for Services, shall be used for this purpose. Acceptance of referral for such services is optional with the individual and shall not affect a recipient's entitlement to benefits.
1. AFDC-C: Any individual who fails to register as required shall be deleted from the eligible unit in accordance with N.J.A.C. 10:82-2.5 (see N.J.A.C. 10:81-2.8). However, at any subsequent time, the individual in question may decide to register. Upon notification from ES/WIN that the registration process has been completed, such person's needs shall be immediately reconsidered in the assistance payment.
 2. AFDC-F: When the principal earner fails or refuses to register as required, the entire family will be rendered ineligible to receive AFDC-F until such time notification is received from ES/WIN that the registration process has been completed (see N.J.A.C. 10:81-3.18(g)). Under these circumstances the family will not be eligible for AFDC-N.
 3. Appeals resulting from refusal to register will be handled according to established procedures for fair hearings (see N.J.A.C. 10:81-6).
- (f) Failure to report for appraisal interview: When a mandatory registrant fails to appear for a second scheduled appraisal interview and a determination of "without good cause" has been established, such registrant shall be deregistered by ES/WIN. The CWA shall be notified of the individual's failure to participate. (Sixty-day counselling is not applicable in such situations.)
- (g) Refusal to participate: The determination of refusal/failure to participate is the responsibility of ES/WIN and shall be binding upon the CWA.
1. When a mandatory WIN registrant is determined to have refused to participate in the WIN program, AFDC-C or -F payments shall be in the form of protective or vendor payments, including the needs of the registrant, so long as the individual is accepting 60-day counselling. He/she shall not be deregistered while accepting such counselling.
 2. A mandatory WIN registrant who is deregistered for refusal without good cause to participate in WIN shall be subject to the following sanctions:
 - i. If the individual is the parent or parent-person receiving AFDC-C, he/she will be deleted from the eligible unit and assistance in the form of protective payments will be provided.

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10:81-3.18(g)2 (continued)

- ii. If the individual is the principal earner in an AFDC-F case, the entire AFDC-F family will be rendered ineligible for assistance without considering eligibility for AFDC-N.
 - iii. If the individual is the only dependent child in the AFDC-C or -F segment, assistance for the family shall be terminated.
 - iv. If the individual is one of several dependent children in the family or the mother in the AFDC-F segment case determined to be nonexempt from WIN, his/her needs will not be counted in the eligible unit.
- 3. Individuals who are deregistered on the basis of a "without good cause" determination may, upon application and an indication to WIN project staff of a willingness to participate, again register for WIN after 90 days have elapsed since deregistration. Such individuals who are again deregistered following a "without good cause" finding, shall not be registered or reaccepted into the WIN program unless satisfactory evidence is given of willingness to participate and six months have elapsed since the effective date of the latest deregistration.
 - 4. If an individual registered on a voluntary basis discontinues participation in the WIN program, he/she and his/her family are not subject to any of the above sanctions.
 - 5. In the event an individual who has been certified to the WIN program refuses to accept employment which is offered to him/her by an employer, either directly or through the employment service, the determination as to whether or not the offer is bona fide and whether or not there is good cause to refuse the offer will be made by ES/WIN after providing the individual opportunity for a hearing. The ES/WIN determination shall be binding upon the CWA.
 - 6. If an individual becomes exempt after refusing to participate in the WIN program, the sanctions as specified in (g)2 above shall be discontinued and assistance shall be provided accordingly.
 - i. In AFDC-C cases the individual's needs shall be immediately reinstated in the grant.
 - ii. In AFDC-F cases, the entire family unit, upon reapplication, shall be considered eligible for AFDC-F assistance provided no other changes in circumstances have occurred which would otherwise render the family ineligible for such assistance.

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10:81-3.18 (continued)

(h) ES/WIN is responsible for all WIN deregistrations.

1. ES/WIN will initiate and complete all deregistrations relating to failure to report for appraisal interviews, refusal to participate in the WIN program and general disciplinary problems. ES/WIN will notify the CWA through completion of a WIN status Change Notice, Form MA 5-97, within three working days of deregistration. Upon receipt of Form MA 5-97 indicating that the client has been deregistered, the IM worker will initiate, if required, appropriate action to delete the individual from the AFDC-C eligible unit in accordance with N.J.A.C. 10:82-2.5 (see (f) and (g) above) and in the AFDC-F cases to render the entire family ineligible for AFDC-F. Additionally, Form MA 5-97 shall be attached to Form MA 5-95, WIN Registration Record, and both forms placed in the client's case folder. Note that failure of the father to report for the appraisal interview, to participate in the WIN program and general disciplinary problems precludes eligibility for AFDC-N.
 2. The IM worker will initiate deregistration by the completion and transmittal of Part A of Form DR-1 to ES/WIN within five working days of any of the following actions:
 - i. Case is closed;
 - ii. Applicant is determined ineligible or application for assistance is withdrawn subsequent to registration for WIN;
 - iii. WIN status changes from mandatory to exempt and, upon notification, the individual requests that he/she be deregistered.
- (i) WIN Employment and Grant Reduction Record: The WIN Employment and Grant Reduction Record is to be completed when:
1. A WIN registrant acquires or terminates full or part-time employment;
 2. A registrant's AFDC-C or -F grant is reduced as a result of an increase in earned income;
 3. An individual's AFDC-C or -F grant is reduced as a result of the imposition of a WIN sanction or the refusal by an AFDC-C or -F recipient, subsequent to case validation, to register for WIN.
 4. The IM worker shall send the original of this form to ES/WIN within three working days of the change in the registrant's status or grant as cited above; a copy shall be placed in the client's case record.

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10:81-3.18(i)4 (continued)

- i. When the WIN Employment and Grant Reduction Record is precipitated by the receipt from the ES/WIN of a WIN Status Change Notice (MA 5-97) advising that a WIN registrant has obtained employment, the reason for the grant reduction may be obtained from the attached MA 5-97 form. Please note that, if upon receipt of Form 5-97 from ES/WIN a previous WIN Employment and Grant Reduction Record was completed and transmitted for the employment indicated on the MA 5-97, it is not necessary to complete another WIN Employment and Grant Reduction Record.
- (j) Payment of child care for ex-WIN children: When provision of child care through the WIN program will cease due to the client's obtaining employment, a Letter of Notification, Form DYFS 7-39, shall be issued by the DYFS/SAU 45 days prior to such action. Upon receipt of the notification, the CWA shall adjust the client's grant to reflect the costs of child care, effective as of the date the client assumes responsibility for payment of such child care. Such costs shall be deducted in accordance with N.J.A.C. 10:82-2.11 and 2.12.
 1. If the costs of the child care arranged by the DYFS/SAU are in excess of the rates authorized in N.J.A.C. 10:82-5.3, the CWA may make other less costly but adequate child care arrangements. If no other such child care can be located, the actual total cost of child care incident to employment shall be allowed.
 - i. When limited earnings preclude full payment of child care costs by a former active WIN participant, such costs in excess of available earned income may be made as an additional payment from the CWA's administrative/services account.
 2. The CWAs shall confirm the client's grant adjustment by completing Form DYFS 7-40, Child Care Action Notice. The effective date of such adjustment will be the day following date indicated on the DYFS 7-39 form.
 - i. The DYFS/SAU copy of Form DYFS 7-40 must be received in that office no later than 20 days prior to the client's assumption of responsibility for child care payments.
- (k) AFDC benefits shall not be payable for any month in which any caretaker relative with whom the child is living, is on the last day of such month, participating in a strike. Additionally, no individual's needs shall be included in determining the amount of AFDC payable for any month to a family if, on the last day of the month, such individual is participating in a strike.

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10:81-3.18(k) (continued)

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.

(1) To qualify for AFDC-F, the following criteria must be met:

1. The principal earner has been unemployed for at least 30 days prior to the receipt of public assistance.
 - i. Unemployed is defined as:
 - (1) Not working at all;
 - (2) Working less than 100 hours a month;
 - (3) Participating in work which exceeds the 100 hour per month standard but is intermittent and the excess is of a temporary nature, as evidenced by the fact that the principal earner was under the 100 hours standard for the two prior months and is expected to be under the standard during the next month.
2. The principal earner has not, without good cause, within such 30 day period prior to the receipt of public assistance, refused a bona fide offer of employment or training for employment;
3. Voluntarily terminated employment within the last 30 days;
4. Refused to register with the WIN program (WIN counties), unless exempt;
5. Refused to register with the Division of Employment Services (non-WIN counties), unless exempt according to (b)2 above;
6. Refuses to apply for or accept unemployment compensation for which applicant qualifies;
7. The principal earner has (a) six or more quarters of work* (see subparagraph i) within any 13 calendar quarter period ending within one year prior to the application for such aid, or (b) within such one year period, received unemployment compensation under an unemployment compensation law of a State of the United States, or was qualified** (see subparagraph ii) for such compensation under the State's unemployment compensation law.

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10:81-3.18(1)7 (continued)

- i. A "quarter of work" with respect to any individual means a period (of three consecutive calendar months ending on March 31, June 30, September 30, or December 31) in which he or she received earned income of not less than \$50, or in which he or she participated in a community work and training program under Section 409 of the Economic Opportunity Act or any other work and training program subject to the limitations in such Section 409 (Title V projects), or Work Incentive program established under Part C of Title IV of the Social Security Act.
 - ii. An individual shall be deemed "qualified" for unemployment compensation under the State's unemployment compensation law if he or she would have been eligible to receive such benefits upon filing application, or he or she performed work not covered by such law which, if it had been covered, would (together with any covered work he or she performed) have made him or her eligible to receive such benefits upon filing application.
8. When a family unit is found ineligible for AFDC-F because the applicant or recipient principal earner refuses to register for the WIN program (unless exempt because of remoteness or residing in a non-WIN county), or refuses to register with the Division of Employment Services, the entire family will be rendered ineligible for assistance under any segment.
 - i. The applicant shall also be informed that refusal to apply for or accept unemployment compensation for which he or she qualifies will render the entire family ineligible for assistance.
 9. A chart, Form PA-22, for the use of CWA in determining eligibility for AFDC-F may be found in Appendix C. The chart may be reproduced by each CWA.
 10. The "principal earner" is whichever parent earned the greater amount of income in the 24-month period immediately preceding the month of application for AFDC-F and this designation shall apply for each consecutive month for which the family receives AFDC-F.
 - i. When either parent can qualify as the principal earner because both parents earned an identical amount of income in such 24-month period, the principal earner shall be whichever parent earned the greater amount of income in the most recent consecutive six-month period of such 24-month period.
 - ii. If both parents earned an identical amount of income in such six-month period, the CWA shall designate which parent shall be the principal earner.

10:81-3.18 (continued)

(m) Rules concerning AFDC-N are as follows:

1. Every available training and employment resource must be used, including prompt referral of the father to the State Employment Service (see N.J.A.C. 10:81-2.18).
 - i. The father shall register with the State Employment Service and shall also cooperate with efforts of the State Employment Service and the CWA in actively seeking employment. Refusal of the father to register with the Division of Employment Services, or refusal without good cause to accept employment, better employment, or training for employment or better employment will render both parents ineligible to receive assistance. The father shall be given an opportunity to explain (show "good cause") why such an offer was not accepted.
 - ii. If financial eligibility is the result of voluntary cessation of employment within 90 days prior to the date of application or at any time during receipt of assistance, the following shall apply:
 - (1) Applicants: If financial eligibility is the result of voluntary cessation of employment (including cessation of employment due to inappropriate work habits) by either of the applicant parents, regardless of reason, within 90 days prior to the date of application, neither of the parents shall be included in the eligible unit. This penalty shall extend for a period of 90 days beginning with the date of the termination of employment. However, eligibility shall be considered for the children.
 - (A) At the end of the penalty period, the parents may be granted assistance so long as eligibility continues to exist.
 - (2) Recipients: If an employed father voluntarily ceases employment for whatever reason without good cause, both parents shall be deleted from the eligible unit. Refusal of an unemployed father to accept a job or training without good cause will likewise result in both parents being deleted from the eligible unit.
 - (3) Both parents will remain ineligible for a period of 90 days, or a lesser period if the father returns to his former employment, accepts an equal or better job or enters training program, approved by the CWA, for employment or better employment.

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10:81-3.18(m) (continued)

2. To determine refusal without good cause, the CWA must establish the following factors:
 - i. A definite offer of training or of employment was made at wages meeting an applicable minimum wage requirement;
 - ii. The father is physically able to engage in such training or employment;
 - iii. The father is able to get to or from the particular job or training; and
 - iv. Working or training conditions are not a risk to health and safety.
3. In the case of offers of employment or training made through the public employment or manpower agencies or the CWA, initial determination whether there was good cause to refuse will be made by that office or agency, subject to review and final determination by the CWA.
4. In an AFDC-N case, if the mother expresses interest in training or employment programs, the worker will provide all available information on related resources and/or services.
5. AFDC-N children who are 16 to 18 years old who are not attending school and are not employed shall be required to register with the State Employment Service and all available resources for training and employment shall be offered to them. (See N.J.A.C. 10:82-2.5 for penalty of ineligibility for refusal to cooperate.)

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10:81-3.19 AFDC-C and -F (Non-WIN Counties)

- (a) In those geographical areas designated as non-WIN counties, registration for WIN shall not be considered as an eligibility requirement nor will the IM worker complete Form PA-401, WIN Case Review Document. See N.J.A.C. 10:81-3.18(b) for verification of employment for those applicants/recipients who are required to register with the State Employment Service.
- (b) In non-WIN counties, the AFDC-C recipient shall cooperate with efforts of the CWA and/or State Employment Service in actively seeking employment and shall be required to accept employment or training when suitable opportunity can be identified as available, unless the CWA determines that the individual is exempt according to the criteria as set forth in N.J.A.C. 10:81-3.18(b)2.
1. Failure or refusal without good cause to seek, accept or retain employment or training shall be cause to delete such individual from the eligible unit, in accordance with N.J.A.C. 10:82-2.5. "Good cause" shall be determined without reference to sex of the individual, on the basis of N.J.A.C. 10:81-3.18(m)2.
 - i. The penalty for failure or refusal without good cause shall continue until such time as the individual demonstrates willingness to cooperate as stated.
- (c) For AFDC-F cases in non-WIN counties, the principal earner shall register with the State Employment Service. The principal earner shall also cooperate with efforts of the State Employment Service and the CWA in actively seeking employment and shall be required to accept employment or training when a suitable opportunity can be identified as available, unless the CWA determines that the individual is exempt according to the criteria set forth in N.J.A.C. 10:81-3.18(b)2.
1. Failure of the principal earner to register with the State Employment Service or refusal without good cause (see N.J.A.C. 10:81-3.18(m)2) to seek, accept or retain employment or training shall render the entire family ineligible for assistance under the AFDC-F. In such cases eligibility for AFDC-N will not be considered.
 - i. The penalty for failure or refusal without good cause shall continue until such time as the principal earner demonstrates willingness to cooperate.
- (d) AFDC-C and -F children who are not exempt from registration shall be required to register with the State Employment Service and all available resources for training and employment shall be offered to them. (See N.J.A.C. 10:82-2.5 for penalty of ineligibility for refusal to cooperate.)

10:81-3.20 (Reserved)

10:81-3.21 Residence requirements

The law requires that an applicant for or recipient of 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/she is currently unemployed.

ESTABLISHING PROGRAM ELIGIBILITY FOR AFDC

10:81-3.22 Temporary absence from State

- (a) The law provides that, by special resolution, the county welfare agency may, with the approval of the State Division of Public Welfare, continue assistance payments to recipients who move from the State under specified conditions. A recipient family may leave the State for up to a one month period with no resultant effect upon eligibility or payment. If absence from the State shall exceed or is anticipated to exceed the one month period, the family must immediately notify the county welfare agency in order to request continuation of assistance for a three-month period following the month of departure, or any portion thereof. Such notice of intent to temporarily leave the State and request to continue receipt of assistance should be given to the CWA as far in advance of a planned absence as possible. Approval of such continuation of assistance may be granted by the CWA quarterly for a period not to exceed one year. Authorization for extension of assistance beyond one year requires both approval of the Board by special resolution and of the State Division.
- (b) Upon establishment of the fact that the recipient family still considers its permanent residence to be New Jersey and that it plans to return thereto, continuation of assistance may be granted for the following reason(s):
1. Ill health;
 2. Inability to travel of one or more members;
 3. Mental or physical welfare;
 4. Family responsibility (e.g., settling affairs of deceased).
- (c) Assistance shall not be automatically continued without inquiry with respect to a recipient family which leaves New Jersey when there has been no information provided to the agency establishing that the absence is purely temporary. All recipient families shall be advised that it is their responsibility to notify the CWA personally or in writing and arrange in advance, so far as possible, for any plan to leave New Jersey for any period in excess of one month if they wish assistance to be continued during absence from the State. The decision whether or not to leave New Jersey, whether it be for permanent removal or temporary absence, shall rest with the recipient family and does not require official approval or disapproval by the agency. The amount of assistance will be based upon the same factors used when in New Jersey.

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10:81-3.22 (continued)

- (d) Whenever a recipient family wishes to leave New Jersey either to establish a permanent place of abode or for a temporary visit, they 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 they may continue to be eligible during a temporary absence.
- (e) If a recipient family has left the State without notifying the agency of the nature, purpose and expected duration of such absence, the CWA will make every effort to inform the family in writing of the information required to prevent suspension of assistance. This notice shall include a sentence in Spanish cautioning the client that inaction may jeopardize continued public assistance and that if they do not understand it they should get help. Upon receipt of such information from the recipient family or a collateral source, assistance may be continued if deemed necessary by the CWA, and any suspended payments forwarded to the recipient family. Payments shall not be made, however, until the CWA has determined that the recipient has not abandoned State residency, in accordance with N.J.A.C. 10:81-3.24.

10:81-3.23 Management of out-of-State case records

- (a) The CWA shall maintain an up-to-date record of all cases of recipients approved to receive assistance while out of the State.
- (b) There shall be monthly supervisory review of the status of these cases to assure that no payments are issued beyond the period for which approval has been given, unless and until extension of continued assistance is approved, and that payments are terminated when and if eligibility ceases.

10:81-3.24 Abandonment of State residence

Assistance payment shall not be made to recipients who abandon State residence by both terminating any actual place of abode in New Jersey and establishing an actual place of abode in another state with apparent intent to remain permanently absent from New Jersey. Abandonment shall also encompass situations of prolonged absence from New Jersey for an indefinite period for purpose other than temporary visit, and shall be reason for termination of eligibility. Under circumstances delineated above, timely notice need not be provided to the recipient, in accordance with N.J.A.C. 10:81-7.1(k)6iv(1).

10:81-3.41 (continued)

(e) Rules when valid Agreement to Repay does not exist are:

1. Upon liquidation of a resource for which a valid Agreement to Repay does not exist solely by reason of the applicant/client's withholding of information about the matter, the CWA shall pursue collection activity as in this section, indicating to those concerned, including the courts, that except for the client's withholding of information, a valid agreement would have existed or the assistance would not have been granted.
2. In any instance in which an Agreement to Repay would have been applicable but closure of the case precluded delivery of the agreement, the CWA will determine the amount of assistance which would have been repayable under a properly executed Agreement to Repay. Based on the feasibility of collection action, it will then take such action as is appropriate.
3. Upon liquidation of a resource for which a valid agreement does not exist for any reason other than withholding of information by the client, i.e., administrative error, the CWA shall not pursue any claim but will nonetheless reevaluate current eligibility.

10:81-3.42 (Reserved)

10:81-3.43 (Reserved)

10:81-3.44 (Reserved)

10:81-3.45 (Reserved)

10:81-3.46 Repayments from retroactive SSI awards -N segment only

- (a) Preliminary action: When an applicant for or a recipient of AFDC-N has filed an application for SSI or an application has been filed on his/her behalf, the CWA will require as a condition of eligibility or continued eligibility that Forms PA-30 and PA-30A be signed and submitted to the CWA by the same person(s) who signed the SSI application(s). (For penalty see section 38(b) of this subchapter.)
1. The CWA will, within 24 hours, send the original of the PA-30, also signed by the director or his/her designate, to the Social Security District Office (SSA/DO) in which the SSI application was filed.
 - i. The SSA/DO will advise the CWA of its action relative to the PA-30 form. In the absence of such advice, the CWA will follow-up in writing every 30 days, attaching a photocopy of the PA-30 to each follow-up letter. Form SSA-1610 will not serve for this purpose.

ESTABLISHING PROGRAM ELIGIBILITY FOR AFDC

10:81-3.46(a) (continued)

2. Action following approval of SSI application: Upon receipt of information that an SSI application has been approved, the CWA will promptly adjust the size of the eligibility unit and amount of the AFDC grant.
 - i. When Form PA-30 has been promptly and properly filed with the SSA/DO, the retroactive initial check will be sent to the CWA, accompanied by Form SSA-8125. (See Appendix C for sample form and instructions.) From the proceeds of the check, the CWA will accept reimbursement as computed according to the provisions of subsection (b)2 of this section. It will then remit the balance to the client with completed Form PA-31 within 10 days of receipt of the SSI check. The CWA will also complete the Form SSA-8125 which accompanied the check and send it within 30 days to the SSA Regional Office.
 - ii. In any case in which the retroactive SSI check is sent directly to the client, the CWA will compute the reimbursement due in accordance with subsection (b)2 of this section and will seek repayment from the client on the basis of the PA-30A agreement.
- (b) Computing amount of reimbursement due: The amount of retroactive SSI payment subject to reimbursement to the CWA is the per capita share of the -N segment grant attributable to the needs of the SSI eligible person(s) from the first of the first month of SSI eligibility to the end of the last month in which the needs of the person(s) were included in the -N segment payment. Emergency assistance and Medical Assistance are not repayable under this section.
 1. When the entire eligible unit has been receiving assistance under the -N segment, divide the amount of assistance granted during the pending period by the number of persons in the unit. The result is the amount repayable for each SSI eligible member.

SUBCHAPTER 4. METHODS OF PAYMENT FOR ASSISTANCE10:81-4.1 Responsibility for assistance payments

- (a) The Division of Public Welfare has responsibility for establishing the conditions under which, and the procedures by which, all grants of assistance are to be made, in accordance with Federal and State law and regulations.
- (b) The CWA is responsible for approving all grants of assistance, including initial, continuing, and adjusted payments.
- (c) The CWA director has specific authority to issue payments prior to formal welfare board action. All payments so authorized by the director are subject to ratification, revision, or termination by the board. Therefore, in exercising his/her authority, the director has a special responsibility to expedite further investigation, if any is required; to have the formal record of the case completed; and to present the case to the welfare board at its next subsequent meeting for action thereon.

10:81-4.2 Federal participation in AFDC-C and -F

- (a) Federal participation is limited to unrestricted money payments to the eligible recipient parent(s) or parent-person(s), the authorized protective payee, representative payee or temporary payee.
- (b) To qualify for Federal matching, a money payment must meet the following conditions:
 - 1. The check must be drawn to the order of and delivered to the recipient or his/her authorized payee (see N.J.A.C. 10:81-4.5).
 - 2. Payments must be made without direction of any kind as a condition of receiving the payment.
 - 3. A restriction may be found to attach to an entire assistance payment or only to part of the payment. If the restricted portion or portions are definitely distinguishable from the remaining unrestricted matchable payment, the unrestricted portion may be counted in the claim for Federal matching.
- (c) An explanation, oral or written, to the recipient as to how the amount of his/her payment is determined is not considered restrictive but such explanation must not state nor imply that the recipient must pay for a specific item of goods or service.
- (d) Endorsement of a check by a person to whom the recipient has given a duly authorized power of attorney does not alter the unrestricted character of the payment.

10:81-4.2 (continued)

- (e) Criteria used for determining Federal matching in the AFDC-F segment is based upon the principal earner of the family meeting the employment requirements as set forth in Federal regulation.

10:81-4.3 Initial payment

- (a) When immediate need is apparent and the applicant provides evidence of eligibility by a written statement signed under oath, the CWA director shall issue a grant based on presumptive eligibility, as of the date of application and shall then proceed with the validation. This shall also be the case when immediate need arises before completion of the investigation. (See N.J.A.C. 10:81-1.3.)
- (b) Authorization shall be by personal signature of the director or deputy director, which signature may be typescript or facsimile signature if initialed by an authorized member of staff.
1. When client has received an initial payment for a partial month as provided in the Assistance Standards Handbook, he/she shall continue to receive payments until final validation has been made or until he/she has been determined to be ineligible.
 2. Once final validation has been completed, the client shall continue to receive assistance for each month so long as no finding of ineligibility has been made.
- (c) A decision regarding eligibility must be made within 30 days of application. If immediate need develops during the verification process and there is no evidence of ineligibility, a grant will be issued immediately.
- (d) If the completed investigation shows the applicant to have been ineligible for reasons other than need, the county welfare agency shall not be obliged, in the absence of fraud or misrepresentation, to take action for the recovery of any assistance granted pending completion of such investigation.
1. If CWA has demonstrated a reasonable attempt at validation within the requisite period of time but has been unsuccessful in completing the investigation despite such attempt, Federal participation only will be withheld; State matching for assistance payments will continue to be available whether or not the case is found to be eligible.
- (e) Formal board action: When an initial payment is authorized by the CWA director prior to approval of the welfare board, the application shall be presented for formal action at the next regular or special meeting of the board.

10:81-8.20 Eligible medical institutions for purposes of reimbursement

- (a) Institutions in New Jersey: For purposes of reimbursement, an "eligible medical institution" in New Jersey is a total facility, or a designated part thereof, which meets the standards as set forth by the Division of Medical Assistance and Health Services. These include the following:
1. Hospital - general or special;
 2. Skilled nursing home;
 3. Public psychiatric or tuberculosis hospital;
 4. Certified section of State operated institution for the mentally retarded;
 5. Intermediate care facility.
- (b) Institutions outside New Jersey: An "eligible medical institution" outside New Jersey is a public or voluntary medical institution which is licensed, certified or approved by the proper authority of the jurisdiction in which the institution is located, so that the costs of care and services provided therein may be paid. Evidence of such license, certification or approval shall be obtained from the Department of Welfare or similar authority of the jurisdiction.
- (c) Exemption of institutionalized individual's wages from income available for payment to the facility: An amount of \$25.00 plus the gross amount of additional income derived from work that is considered essential toward satisfying the individual's developmental need to achieve a certain degree of independence shall be exempt from income available for payment to the facility. The combined total exemption may not exceed the individual's pro rata share of the appropriate AFDC allowance standard.

10:81-8.21 Function of Division of Vocational Rehabilitation Services (DVRs)

- (a) The function of the Division of Vocational Rehabilitation Services Commission is to provide services to needy, disabled and handicapped residents of the State, other than those visually handicapped, in order that such individuals will be afforded the opportunity to reach the highest possible level of independent functioning through the cure, correction or amelioration of their disabling condition.
- (b) In order to promote effective interagency cooperation, the Division of Public Welfare and the Division of Vocational Rehabilitation Services have formulated an "Agreement of Cooperation" and a "Supplementary Statement to the Agreement of Cooperation". See Appendix B for copies of these documents.
- (c) When a client of the county welfare agency is receiving services or training through DVRs, it is essential that the county welfare agency carefully review the financial factors involved. The "Agreement" and "Supplement" clearly delineate the respective responsibilities of the public assistance agency and DVRs related to the allowances and expenses associated with a program of rehabilitation. The county welfare agency should assure itself that there is no duplication of funds, goods or services provided a client by DVRs. In addition, it must also avoid making payment for any expenses related to a rehabilitation program which are properly those of DVRs.

10:81-8.22 Persons eligible for medical assistance

- (a) AFDC Recipients: All children and their parents or needy parent-persons who are eligible for AFDC money payments (-C, -F and -N segments) are eligible for Medicaid benefits. If an eligible unit chooses not to receive a money payment, members are eligible for Medicaid Only. Medicaid coverage commences with the date that eligibility is established.
- (b) Extension of Medicaid benefits: When an AFDC-C or -F family loses eligibility for money payment due to increased earnings from or increased hours of employment, Medicaid eligibility continues for a period of four months beginning with the date of termination if the following exist:
1. Such family was eligible for at least three of the six months immediately preceding the month of termination, and
 2. So long as a member of the family remains employed.
- Note: This extension also applies when increased earnings are due to new employment. New members added to the eligible unit during the four month extension period are not included under the extended coverage with the exception of a child born to the family during the four month extension period.
- (c) Retroactive benefits: AFDC applicants may be eligible for retroactive Medicaid benefits; such determinations are made by DMAHS. The IM worker will ask if the family has unpaid medical bills from the previous three months and will provide the applicant with appropriate forms.
- (d) AFDC eligible units which receive no AFDC payments solely because the amount payable would be less than \$10.00, are eligible for Medicaid benefits.

10:81-8.23 Individuals under age 21; Medicaid Special

- (a) An individual under age 21, whether or not he/she lives with his/her parents, may be eligible for Medicaid Special even though he/she is not eligible for AFDC and Medicaid coverage under that program. Financial eligibility for Medicaid Special is established when in accordance with the provisions of chapter 82 and the provisions below, a grant would otherwise be payable (including amounts below \$10.00).
- (b) Living with parents: When the individual lives in the same household as his/her natural or adoptive parent, financial eligibility will in all cases include the parent's income and resources. If applicable, the deemed income of the stepparent shall be included. For this determination, the eligible unit includes the applicant, his/her parents and their dependent children.
- (c) Not living with parents: When an individual does not live with his/her natural or adoptive parents, eligibility shall be determined for an eligible unit of one, considering only the individual's income and resources. (See N.J.A.C. 10:81-8.24(c) regarding LRRs.)
1. If the individual is married and living with his/her spouse, they shall be considered an eligible unit of two and all income and resources of both parties shall be considered.
 - i. Medicaid coverage is not extended to a spouse age 21 or older although his/her income must be considered. If the spouse is under 21, both will be included.
 2. College students: College attendance is generally construed as a temporary absence from the home and students are considered to be living with their parents even if away from home during the school year. Procedures for those students under age 21 who claim permanent residence elsewhere are given in section 25 of this subchapter.
- (d) Rules concerning pregnant women age 21 and over are:
1. Medicaid Special may be provided on behalf of an unborn child when the pregnant mother is age 21 or over and is financially eligible for AFDC-C or -F, regardless of other program requirements (see N.J.A.C. 10:81-3.9(a)5).

10:81-8.23(d) (continued)

2. Eligibility is determined for an eligible unit of two (woman and unborn child) based on her income and available resources only, or, if she is married and living with her spouse, on an eligible unit of three (woman, spouse and unborn child) including income and available resources of both spouses. Medicaid coverage does not include the spouse even though his income is included in the eligibility determination.
 - i. A pregnant woman with other dependent children should be assisted in making immediate application for AFDC. If she is found ineligible for AFDC, the CWA shall determine eligibility for Medicaid Special on behalf of her unborn child. The eligible unit shall consist of the woman, her spouse if present, any dependent child(ren) and the unborn child. All income and resources shall be applied to the appropriate AFDC-C or -F standard but only the woman and the unborn child may be eligible for Medicaid coverage.
 - (1) Coverage under Medicaid Special begins with the medical determination of pregnancy and ends, for the mother, with the delivery of the child (coverage includes expenses of delivery). At birth, the child may remain eligible for Medicaid Special in accordance with subsection (b) of this section; he/she will keep the same case number.
 - (2) Medical documentation of pregnancy will include the estimated date of conception and delivery date. Cost of the examination to determine pregnancy may be made from the administrative account. The allowable rate of payment for the examination by a specialist in obstetrics and gynecology is \$21.00 plus \$3.00 for the pregnancy test.
 - (3) See N.J.A.C. 10:81-3.9(a)5ii(2) regarding pending application for AFDC prior to birth of the child.
- (e) Pregnancy under age 21: A pregnant woman under age 21 who is eligible for Medicaid Special in her own right as provided in subsections (b) and (c) of this section is covered for medical care during pregnancy.
 1. If the woman is not covered under those provisions, she may be eligible on behalf of her unborn child as provided in subsection (d) of this section. In that event, eligibility is determined for an eligible unit of two (or three if a spouse is present), and the parents of the expectant mother are evaluated as LRRs (see N.J.A.C. 10:81-8.24(c)).
 - i. See N.J.A.C. 10:81-3.9(a)5ii(2) regarding pending application for AFDC prior to birth of the child.

10:81-8.24 Determination of eligibility; Medicaid Special

- (a) All appropriate regulations in the Assistance Standards Handbook regarding income shall apply in determining financial eligibility. Requirements related to the WIN program, employment or training, school attendance of a child, and the Child Support and Paternity program are not applicable.
- (b) Income calculations: Earned income shall be calculated in accordance with AFDC-C and -F procedures found in Chapter 82.
- (c) LRRs: Legally responsible relatives of persons receiving medical assistance only are spouse for spouse and parent for a child under 21 years of age. For purposes of Medicaid Special, contributions of the parents are always considered available to their children under age 21 when they live in the same household. When the eligible individual does not live in the same household, however, only those contributions actually received shall be counted as income. (See also N.J.A.C. 10:81-3.35.)
- (d) Citizenship: Medicaid Special is available only for U.S. citizens or lawfully admitted aliens (see N.J.A.C. 10:81-3.9(c)).
- (e) Limitations: Eligibility for Medicaid Special does not include eligibility for burial expenses nor does the four month extension of Medicaid benefits apply.

10:81-8.25 College students and Medicaid Special

- (a) A student's permanent residence is considered to be with his/her parents even though he/she is temporarily absent to attend college. A student shall be determined "not living with parents" (N.J.A.C. 10:81-8.23(c)) only when the CWA has verified that all of the following conditions exist:
1. The student lives apart from his/her parents for reasons other than convenience of attending school;
 2. His/her parents do not provide one-half or more of his/her support; and
 3. His/her parents did not claim the student as an exemption on their most recent Federal income tax return or they affirm that the student will not be claimed on their next return.
- (b) Period of eligibility: Eligibility shall be determined on a semester basis inclusive of vacations during such semester. When a student is not actually attending college classes during other periods, such as summer vacations or other breaks of one month or more, a separate eligibility determination shall be required based on current circumstances.
- (c) Determinations of income: Income from all sources shall be applied in determining eligibility of college students not living with parents, except that educational loans and grants shall be treated in accordance with N.J.A.C. 10:82-1.7. All earnings of the student shall be considered for purposes of Medicaid Special (see N.J.A.C. 10:81-8.24(b)). Resources such as bank accounts, certificates of deposit, stocks and bonds shall be counted as available income. Contributions from LRRs are treated as stated in N.J.A.C. 10:81-8.24(c).
- (d) Other eligibility factors: See N.J.A.C. 10:81-8.24 for other factors relating to eligibility.

10:81-1.10 No duplication of assistance

Financial assistance for maintenance requirements or other needs shall not be authorized through public assistance when, during the same period, such needs are actually being provided by any other source. Supplementary programs such as Medicaid and Food Stamps are not considered as duplication. (See N.J.A.C. 10:82-3.2(b)6 for other exceptions.)

10:81-1.11 Income maintenance programs

(a) This manual describes policy for the income maintenance programs which are:

1. Aid to Families with Dependent Children, which is composed of three segments:
 - i. AFDC-C, through which financial assistance is provided for children and their natural or adoptive parents or certain designated relatives with whom they are living, when they are financially eligible and there is death, absence, or incapacity of one or both parents.
 - ii. AFDC-F, through which financial assistance is provided to families with children when both parents are in the home, neither is incapacitated and the principal earner meets the Federal definition of unemployment.
 - iii. AFDC-N, through which financial assistance is provided to families with children when both parents are in the home and are not incapacitated but have inadequate income or resources for support of the family.
2. Cuban Refugee Assistance, through which financial assistance is provided to individuals who left Cuba on or after January 1, 1959 and who meet specified eligibility requirements.
3. Indochinese Refugee Program (IRP), through which financial assistance is provided to individuals who left Vietnam, Cambodia or Laos and entered into the United States on or after April 8, 1975, and who meet specified eligibility requirements.

10:81-1.12 Other programs

(a) Other related assistance programs include (also see subchapter 8):

1. Food Stamp Program, through which food coupons are issued to certain persons who are in economic need. This program is a joint responsibility of the U.S. Department of Agriculture and the Division of Public Welfare, with the purpose of increasing the food purchasing power of low income households and the nutritional adequacy of their diets. (The Food Stamp Manual provides detailed information.)
2. General Assistance, the program under which financial and medical aid is provided by municipal departments of welfare to persons not eligible for or receiving aid through other public assistance programs. (The General Assistance Manual provides detailed information.)
3. Medical Assistance for the Aged, a State program for individuals 65 years of age or older who can normally maintain themselves, are not eligible for Medicaid, but who are in need of hospitalization, home health care or long-term care and are unable to meet such costs. (The Medical Assistance for the Aged Manual provides detailed information.)
4. Medical Assistance (Medicaid), which is provided through the Division of Medical Assistance and Health Services to persons who are eligible to receive public assistance or Supplemental Security Income (SSI) and to certain other individuals. This benefit is available whether or not the client(s) chooses to receive a money payment (Medicaid Only).
5. Work Incentive Program (WIN), a joint responsibility of the State Department of Labor and Industry and the Divisions of Public Welfare and Youth and Family Services for the purpose of training and/or placing in employment appropriate AFDC-C and -F recipients.
6. Division of Youth and Family Services, supportive and protective services for eligible children, families and individuals provided through the Division of Youth and Family Services.

(b) The Social Security Administration, U.S. Department of Health, Education and Welfare, administers the Supplemental Security Income (SSI) Program, under which persons who are 65 years of age or older or who are blind or disabled (including children) may receive financial assistance and be eligible for supportive services through the county welfare agency.

(c) Other governmental programs providing assistance to needy families or individuals are described in subchapter 8 of this chapter.

10:81-1.13 Issuance of manual

(a) Rules concerning assignment and responsibility are:

Appendix A. CUBAN REFUGEE PROGRAM

The Federal assistance program for Cuban Refugees was authorized because the Miami area, which has the largest concentration of Cuban refugees in the country, is considered an impacted area. The program includes aid to public schools in Miami, health services, employment service, resettlement, welfare services to unaccompanied children and financial assistance.

Federal funds made available to meet the economic needs of Cubans who are resettled from Miami area by approved voluntary agencies are administered by established public welfare agencies of states which have agreed to participate in the program.

The State's plan for the comparable assistance program will be followed in receiving applications, determining eligibility, establishing the method and frequency of payments, visits and redeterminations of eligibility, conducting fair hearings and providing social services. The standards used in determining the amount of the assistance grant will be in keeping with those used by the agency for the applicable program, except that registration and participation in the WIN program is not required. All Cuban refugee families which meet the criteria of the Assistance to Families of the Working Poor program are to be budgeted in accordance with standards of that program. (See Assistance Standards Handbook 116.)

Schedule III on page 19 of this appendix will be used in budgeting certain individuals who are not eligible for assistance in accordance with AFDC or AFWP standards. When individuals appear to be eligible for Supplemental Security Income (SSI), the benefits of that program shall be explained and appropriate action taken (see also Section 3270).

100. Determination of Eligibility

101. Definition of Eligibility

By Federal definition an individual may be considered to be a Cuban refugee for purposes of the Cuban Refugee program if:

- a. he/she is a national of Cuba or resided in Cuba for five years prior to departure; and
- b. he/she came from Cuba to the United States in any manner other than entering with an immigration visa requiring an affidavit of support; and
- c. he/she is registered at the Cuban Refugee Emergency Center, Miami, Florida, and has a registration card issued by the Center (CREC B-8); and
- d. he/she has been resettled by an approved agency, or has been "self-resettled" (see Section 104).

102. Cuban Entering the United States with Affidavit of Support

Cubans who enter the U.S. through another country with an immigration visa requiring an affidavit of support are not eligible for assistance under the Cuban Refugee program. Visas are issued only to those persons for whom an affidavit of support has been given by sponsors in this country, who may be organizations as well as individuals.

However, Cubans who flee other countries and enter the U.S. with non-immigrant visas or Cubans who manage to cross U.S. borders without any visa, and are subsequently "paroled" on indefinite stay by the Immigration Service, may be eligible for assistance under the program when they are registered at the Cuban Refugee Emergency Center.

Although an affidavit of support is, by Federal regulation, a disqualification for assistance under the Cuban Refugee program, it does not disqualify needy Cubans for public assistance, including General Assistance. However, it should be considered as a resource, and inquiry made as to the ability of the person or agency giving the affidavit to provide for the needs of the applicant.

This policy applies to reopened as well as new applications. When reopening a case, determine whether any member of the family came with an affidavit of support. When date of departure from Cuba and date of arrival in this country are not in the original application, they shall be obtained.

Refugees entering the country on the basis of an affidavit of support may be registered at the refugee center solely for purposes of resettlement and transportation. However, the registration cards of such refugees are now being stamped "not eligible for financial assistance under the Cuban Refugee program at point of resettlement" or "transportation only".

103. Registration

103.1 Initial Clearance of Registration at Cuban Refugee Emergency Center

When a Cuban refugee requests assistance, the county welfare board shall register an application and clear with the Division by sending Clearance Form PA-50 or by telephoning when immediate need exists. (See Form PA-50 at the end of this Appendix A). The case number and the following information shall be given:

- a. Names and birth dates of all members of the family unit, giving the head of the family first, as it appears on the card;

In Cuba, it is customary for a male, regardless of his marital status, and a single female to use the following pattern for their names,

(First Name)	(Middle Name)	(Last Name)
Baptismal Name	Paternal Family Name	Maternal Family Name
(Carmen)	(Rodriguez)	(Rivera)

A married female uses the following pattern,

(First Name)	(Middle Name)	(Last Name)
Baptismal Name	Paternal Family Name	Husband's Paternal Name
(Carmen)	(Rodriguez)	(de Garcia)
		(belonging to)

To conform to our system of family names, use the last name of a married woman and the middle name of the father or child as the last name;

- b. Center file number on registration card, alien registration number;
- c. Resettlement agency;
- d. Resettlement date or date arrived from Miami;
- e. Resettlement address or place;
- f. Date left Cuba;
- g. Date arrived Miami;
- h. Present address;
- i. If living with relative, the name and relationship;

If applicant is not registered and the relative is, give the latter's Center file number, agency and date of resettlement;

- j. Contact with resettling agency and/or sponsor;

k. Other pertinent information

Since the Division now gives immediate clearance when the refugee applies within 30 days of the date of his registration at the Cuban Refugee Center, it is essential that date of registration and number be accurately given by the county welfare board.

103.2 Request for Registration of Unregistered Family Member

103.21 Persons who may be added to the registration

When a resettled Cuban refugee is receiving or applying for assistance, certain family members who are not registered at the Center may be added to his/her registration.

When refugees marry after they have been registered at the Center as single persons, the wife should be added to the husband's registration.

103.22 Summary

When an unregistered refugee is to be added to the registration of a recipient family, send to the Division a summary including the following information:

- a. Case name, number and center file number;
- b. Full name, birth date and birthplace of a person to be registered;
- c. Date and place of entry to U.S.;
- d. Date of departure from Cuba or other country of birth;
- e. Family composition with full name of head of household if not given in a.;
- f. Relationship to head of household;
- g. Marital status: date and place of marriage, prior separation or divorce (if previously married, name of ex-spouse, Center file number when applicable);

- h. Immigration status and alien registration number;
- i. Educational level; occupation.

In the case of an infant born to a receiving family, only items a. and b. of the summary are required.

103.23 Notice to the County Welfare Board of Registration

The county welfare board will be notified by the Division of the addition to the registration.

104. Resettlement

104.1 By Approved Agency

- 104.11 The voluntary agencies engaged in resettlement (see below) will make resettlements on a planned basis so that the refugee will have a sponsor who will be responsible for his/her reception and for help in finding housing, obtaining employment, and adjusting to his new surroundings. A transition allowance is made by the Federal government to assist in this initial adjustment (see Section 140.). As far as possible sponsors also will assist resettled refugees in securing necessary furniture and housekeeping equipment and in maintaining themselves until income from employment or other sources is available to meet their needs.
- 104.12 It is assumed that there will be some resources available through sponsors and resettlement agencies, but they will differ in their ability to furnish assistance. They must be considered resources and as such must be contacted and the findings recorded in the case record. If total support is not available from such source, then resettled Cuban refugees are eligible for assistance through the Cuban Refugee program to the extent that need is established.
- 104.13 The registration card issued by the Center usually has the initials of the agency involved and the date of and destination for resettlement. If not, this information should be secured from the refugee.
- 104.14 Approved voluntary agencies and their nearest offices are:
 - a. Catholic Relief Services of the National Catholic Welfare Conference. Use local Catholic Charities

104.14-a. (continued)

- when available, or Catholic Relief Services Resettlement Division, 350 5th Avenue, New York City, telephone 212-594-9300;
- b. Church World Services, Immigration Services Department, 475 Riverside Drive, New York City, telephone 212-870-2061;
 - c. International Rescue Committee, 386 Park Avenue South, New York City, telephone 212-679-0010;
 - d. United Hebrew Immigration Aid Services, Inc., 425 Lafayette Street, New York City, telephone 212-674-6800;
 - e. National Committee for Resettlement of Foreign Physicians, Inc., 345 E. 46th Street, New York City, telephone 212-687-0520.

104.2 Self-Resettled

Subject to approval of the resettlement as indicated below, assistance may be authorized for needy Cuban refugees who are "self-resettled" (i.e., not resettled through one of the designated agencies listed above) provided they are registered with the Cuban Refugee Center in Miami. The following information shall be sent to the Division by the county welfare board on Form PA-50 or summary:

- 104.21 Center file number on registration card, alien registration number;
- 104.22 Date left Cuba;
- 104.23 Date and place of arrival in U.S.;
- 104.24 Place(s) of self-resettlement, date of arrival and reason for going there;
- 104.25 Assistance received, place(s), dates;
- 104.26 Reason for this application.

Refer to Section 131. when immediate assistance is indicated pending clearance.

104.3 Moved from Place of Previous Resettlement

When the refugee has moved to New Jersey from a place of previous resettlement in another state, the following alternate procedure shall be followed:

104.31 When a refugee who was resettled to the New York City area moves to New Jersey and applies for financial assistance under the Cuban Refugee program, in order to avoid duplication of assistance, the county welfare board shall determine whether the move to New Jersey was effected with the knowledge of the sponsoring agency or the public assistance agency. When the move was so approved, the county welfare board shall report this information when calling the Division for clearance.

When the move was made without a contact with the resettlement agency or public assistance agency, a summary shall be submitted as provided in 104.32 below.

104.32 Resettled out of the New York City area

When the refugee moves to New Jersey from a place of resettlement outside the New York City area, a summary shall be submitted to the Division including: normal clearance information on such refugee, information as to the reason for moving to New Jersey and leaving the place of resettlement, and information as available, concerning the assistance given and plans made by the resettling agency at place of resettlement.

104.4 The county welfare board shall not authorize the return of any refugee to Florida.

105. Eligibility of Family Unit

One case should include all needy eligible persons of any relationship living together as a family. The case name should be that of the normal head of the family.

Only registered and cleared members of the eligible unit are to be included in the assistance grant. If an unregistered member is to be added to the registration of a recipient refugee (see Section 103.2), he/she may be included in the family assistance unit after such addition.

106. Status of Head of Household Determines Eligibility of Family

When a Cuban refugee is married to a U.S. citizen or a citizen of another country, the nationality of the male spouse determines the eligibility of the family. Thus, a Cuban refugee woman who marries a U.S. citizen, or is married to a Cuban refugee who becomes a citizen, and the children born of the marriage, are ineligible for assistance under the Cuban Refugee program. The eligibility of children of a former marriage should be cleared with the Division.

Conversely, when the head of the household is a Cuban refugee, the family including a non-Cuban spouse, is eligible for assistance under the program.

By Federal policy, this is in accordance with the principle that a married woman becomes the dependent of her husband while they are married and living together.

This policy applies in affidavit cases also. (See Section 102.). When the head of a household has entered the country with an affidavit of support, the family (spouse and children) of the refugee becomes ineligible for assistance under the Cuban Refugee program. This policy applies even when a spouse and child(ren) may have been previously registered at the Center and eligible for such assistance but are later joined by the head of the household who has entered the country under an affidavit of support.

107. Cuban Refugee who Becomes U.S. Citizen Ineligible

A policy statement has been issued by the Federal agency with respect to the termination of eligibility status of Cubans who have become naturalized citizens; by Federal definition, the term "Cuban refugee" includes only individuals who are aliens.

Therefore, in new and reopened applications, and in periodic re-determinations of eligibility, attention shall be given to identifying refugees who have been in the country for five or more years in order to assure that refugees who have become citizens are not assisted under the Cuban Refugee program. (See Section 190. for Permanent Resident Status.)

108. Special Eligibility Factors

108.1 Eligibility of Child Placed with Non-Relative

A child placed by his/her parents in the care and custody of a family or individual not related to him/her may, if he/she is registered in the Refugee Center and resettled by one of the authorized voluntary agencies, receive assistance under the Cuban Refugee program in one of the following ways:

- 108.11 When the head of the family or the individual is eligible, the child should be included in the eligible unit.
- 108.12 When the head of the family or the individual is not him/herself eligible, he/she may be payee for the child.

108.2 Eligibility of Unaccompanied Child Aged 19

A child receiving care under the Federal Children's Bureau program for unaccompanied Cuban refugee children (see Section 171.) is automatically cut off from this program when he/she reaches his/her 19th birthday and must apply under the Cuban Refugee program if in need. Although relatively few youths have been affected by this policy thus far, it now appears that a number of Cuban parents may not be able to reach this country before their children become 19. These youths may need a variety of social services to help them become responsible, self-directing and self-sustaining members of the community.

108.21 Responsibility of Supervising Agency

- a. When such a youth is in foster care or a children's institution with no immediate prospect of placement with his/her parents or relatives, and he/she is not able to support him/herself, the supervising agency (public or private) may initiate plans for an application for financial assistance through the Cuban Refugee program.
- b. The supervising agency should provide the county welfare board with all information necessary for processing the application and cooperate in continuing services, other than financial, as may be indicated. The children's agency will know the youth, his/her interests and abilities, and can be of help to the county welfare board in arriving at the plan which will be most appropriate for his/her needs. Whenever possible, the plan should enable him/her to continue satisfactory living arrangements.

108.22 Responsibility of the County Welfare Board

- a. Procedure shall be the same as for any applicant under the Cuban Refugee program. However, in clearing with the Division, the county welfare board shall submit information which verifies the youth's registration as an unaccompanied child, as provided by the supervising agency. This will be accepted as clearance of eligibility.
- b. Assistance may be continued for a 19 year old youth to complete high school or the semester in college during which he becomes 19. There can be no assistance given for college attendance beyond that semester. Effort should be made to secure scholarships that include subsistence, possibly through service organizations, community agencies or the supervising agency. Federal loans up to \$500 a semester are available through the college or university.

108.3 Eligibility of Registered Unaccompanied Child Joining Eligible Parents

When a registered unaccompanied child joins his/her parents who are applying for or receiving assistance under the Cuban Refugee program, he/she is eligible to be included in their grant when verification of his/her registration is received and reported to the Division.

The request to have his/her name added to the parents' registration shall include his/her birth date, unaccompanied child registration number, date of coming from Cuba, date and place of placement in foster home or institution, date he/she came to parents, and date the parents' eligibility was cleared.

109. Request for Social Information about Cuban Refugee Relatives in Florida

- 109.1 All inter-agency inquiries for social information about Cuban refugees and their relatives who are or were living in Dade County, Florida, are to be addressed to:

State of Florida
Department of Health and Rehabilitative Services
Division of Family Services
U. S. Cuban Refugee Assistance Program
127 N.W. - 2nd Street
Miami, Florida 33128

- 109.2 All similar inquiries for any other location in Florida are to be referred to:

State of Florida
Department of Health and Rehabilitative Services
Division of Family Services
P.O. Box 2050
Jacksonville, Florida 32203

110. Need

The county welfare board should consult with sponsors and/or the resettling agency as to possibility of any contributions when developing an assistance plan. The initial "transition allowance" (see Section 140.) is to be considered an "available resource" only to the extent that it may reduce the need for additional financial assistance in becoming established in a new community. Need shall otherwise be determined according to the standards and budgeting methods provided in the Financial Assistance Manual, and in accordance with the appropriate assistance program and the applicable budgeting procedure.

120. Granting Assistance

121. Initial Grant of Assistance

After clearance, an initial grant shall be issued as promptly as possible when there is immediate need of assistance.

122. Continuing Assistance

Subsequent to the initial grant, the procedures established in the Public Assistance Manual shall be observed for continuing payments of assistance and redetermination of eligibility.

123. Medical Care

Medical care available to Cuban refugees should be consistent with medical care available to other needy persons of the community in which the refugees are living. Where needy persons receive care without cost through community resources, such as clinics, efforts should be made to secure such care for Cuban refugees.

Medical care shall be provided according to the policy and procedure for other assistance.

123. (continued)

Claims for health services for all persons receiving assistance under the Cuban Refugee program should be processed and paid in the same manner, and at the same rates, as those established for the New Jersey Health Services program (Medicaid).

130. Related Services

Referral and information about other services available in the community should be offered to eligible Cuban refugees without regard to eligibility for financial assistance.

131. Referral on Delayed Clearance

131.1 When there will be a delay in clearance through the Division, and immediate need is indicated, the agency resettling and/or the sponsor should be contacted to determine each one's ability to support the refugee until clearance is received.

131.2 If there is no other resource, including assistance through the county welfare board, to meet immediate need, referral shall be made to the municipal welfare department for General Assistance using Form PA-14 and noting thereon that referral is due to delayed clearance of eligibility for Cuban Refugee program.

132. Refugees not Eligible for Federal Program

132.1 Refugees who are determined to be ineligible for the Cuban Refugee program because they do not meet the eligibility requirements and who are in need, may have eligibility for the ADC or AFWP program. If so, an application for the appropriate program shall be taken. When there is no eligibility for either of these programs, the case shall be referred to the municipal welfare department for assistance by use of the PA-14, giving the reason for referral.

140. Transition Allowances

When refugees are resettled, experience has demonstrated that it usually takes them from 45 to 60 days to find housing, obtain employment, and receive the first pay check. During this period there may be unusual expenses such as temporary living arrangements and restaurant meals until low cost housing can be located for someone without furniture and household equipment. In order to facilitate the resettlement of refugees, a transition allowance amounting to \$100 for a family and \$60 for a single person is made to refugees who are living in Miami and receiving financial assistance from the Florida Department of Public Welfare at the time of resettlement or to refugees who are resettled directly from the Miami Airport or from Brownsville, Texas, immediately upon arrival in the United States. These refugees will receive only one transition allowance through the Cuban Refugee program.

Checks for the transition allowance are issued by the Miami Cuban Refugee Assistance office and sent by registered mail to the address designated by the refugee. From three to five days may elapse after resettlement from Miami or Brownsville before the check is mailed.

When the refugee has not received this check within ten days after resettlement, the worker should learn whether or not his/her present address is that to which he/she was resettled. When the resettlement address is not his/her present address, he/she should be assisted, if necessary, in notifying the Cuban Refugee Assistance office that he/she changed his/her address and the check did not reach him/her. The county welfare board should not write to Miami for verification that the check has been sent.

In some instances refugees have had difficulty finding a bank or store willing to cash the check and may need assistance with this. The refugee's registration card and passport or immigration card should serve as identification for this purpose.

150. Records and Forms

A separate record shall be established for each individual or family receiving assistance or services. For continuing cases, all changes in the status of each case and the dates on which changes occurred should be recorded.

151. Registration of Application by the County Welfare Board

The application shall be registered as stated in Section 2240. of this Manual. The registration number shall be the county designated letter followed by R or CR, as preferred, for Cuban Refugee program, and the next open number, beginning with 1.

152. Registration Card PA-49

The registration card, Form PA-49, shall be completed, including the title, "Cuban Refugee Program", and Refugee registration file number typed at the top of the card; names and birth dates of family members included in the application shall also be listed.

153. Recording

With the exception of Form PA-10, all forms for the applicable assistance programs shall be used and shall have the refugee's Center file number above the county welfare board's registration number. The recording outline in use by the county welfare board for other assistance programs may be used if the following information is included either in the forms or narrative:

153.1 Data substantiating need and eligibility;

153.2 Assistance or service given;

153.3 Service plan, including:

- a. Education of each member of family and ability to speak and understand English;
- b. Employment history and special skills;
- c. Agency efforts to assist in finding employment;
- d. Impediments to self-support;
- e. Family strengths;
- f. Health of family members.

154. Disposition of Case Records

Since the Cuban Refugee program is Federally financed, the case records are considered to be Federal records and, therefore, cannot be disposed of in the same manner that counties dispose of case records for inactive public assistance cases. The disposition of Federal records is under the jurisdiction of the National Archives and Records Service which has ruled that Cuban Refugee case records must be available for research and related purposes. Accordingly, Cuban Refugee case records for closed cases must be retained by the county until a Federal audit is completed.

160. Financing and Accounting

161. Financing the Program

The cost of the Cuban Refugee program will be met from Federal funds on the basis of Federal reimbursement to states for financial assistance expenditures with respect to Cuban refugees under the conditions provided herein.

162. Accounting and Control

A separate account will be maintained for this program in order that the transactions may be readily segregated from those of other programs. The account will reflect all disbursements of this program. Monthly statistics will be submitted to State Division.

170. Special Services for Children

171. Definition of "Unaccompanied Child"

When a Cuban child enters the United States with his/her parents, or in the company of relatives or friends with whom he/she will make his/her home, or pursuant to a plan to live with relatives or friends, such child may be supported by assistance through the Cuban Refugee program if all other elements of eligibility exist. When a Cuban child under the age of 19 enters the United States under any other circumstances, he/she is known as an "unaccompanied child."

A special program is provided under the supervision of the Federal Community Services Administration whereby funds are available for the foster care placement of unaccompanied Cuban children. This program is administered in cooperation with voluntary or public welfare agencies, referred to as "sponsoring agencies." Foster care placement may be made in family homes or in congregate living arrangements. In all such cases the child must be registered with the Florida Department of Public Welfare as an unaccompanied child.

There may be occasions where, for a variety of reasons, an alternative plan must be made for a Cuban child under the age of 19 who has been supported by assistance through the Cuban Refugee program. When such alternative plan requires foster care placement, either in a family home or congregate living, such child may also be considered an "unaccompanied child." In such situations, the foster care placement may be effected through a voluntary or public child welfare agency with the cost of foster care being paid through funds provided by the Community Services Administration.

171. (continued)

The county welfare boards will normally not be concerned with any child who enters the United States as an unaccompanied child. However, county welfare boards who have been providing assistance under the Cuban Refugee program may be required to effect foster care plans for children whose change in circumstances necessitate this alternative. Such action by the county welfare boards should be accomplished through referral as indicated below.

172. Referral to Sponsoring Agencies

Whenever a county welfare board is involved in effecting a foster care plan for a Cuban child, inquiries should be made as to whether such child had previously received service from a voluntary agency as a sponsoring agency. If such a sponsoring agency can be identified, reference should be made to that agency to effect the foster care plan.

173. Referral to the Division of Youth and Family Services

The Division of Youth and Family Services does not act as a sponsoring agency, but is a referral resource for Cuban children under 19 who have been receiving assistance under the Cuban Refugee program but for whom a foster care plan must be effected. Reference to DYFS Services should only be made when

173.1 no previous sponsoring agency can be identified; or

173.2 when a sponsoring agency, upon referral, has indicated its inability to assume responsibility for effecting a foster care plan.

When referral to the Division of Youth and Family Services is deemed necessary, such action shall be implemented by the Social Service Unit.

180. Cuban Refugee Enlistees in Armed Forces - Eligibility for Q Allotments

181. Under a special enlistment program, some Cuban refugees are permitted to enlist in the U.S. Armed Forces, and their dependents are eligible under certain conditions to receive the quarters (Q) allotment. Information available to date indicates the majority of enlistees are in Grades E-1, E-2, E-3, and their dependents will receive the allotment automatically.

182. Conditions for Allotment Eligibility

- 182.1 If the wife, or children, of the serviceman is in the United States, and documentary evidence of the relationship (certificates of marriage or birth) is available, a Q allotment will be paid in the usual manner.
- 182.2 If the serviceman is unable to present proof because the documents were left in Cuba, the military authorities may accept a sworn statement from the enlistee. However, in these cases the allotment is paid to the serviceman on behalf of his dependents.
- 182.3 Enlistees who have dependent parents residing in the United States may also apply for Q allotments. Determination of dependency will be made under the usual procedure for such dependents.

183. Allotments as a Resource

In any instance when Cuban refugees apply for assistance to the county welfare board and it is learned that a husband or son is serving in the U.S. Armed Forces, there will need to be exploration of whether or not an allotment is being received, or is pending, or is a potential resource. Supplemental assistance may be given if the allotment is insufficient to meet the determined need.

Where any question arises in relation to an allotment, the applicant should be immediately referred to the appropriate Red Cross Chapter for advice and guidance. The county welfare board and the Red Cross Chapters should mutually arrange for a simple referral and notification procedure.

184. Red Cross Responsibility

The Red Cross will provide the same services to families of Cuban refugee enlistees as it does to families of other servicemen.

The Red Cross will expect the county welfare board to provide financial assistance to any persons eligible for Cuban refugee assistance. If the enlistee's dependents are not eligible for assistance because not registered in Miami, the Red Cross will provide financial assistance pending clearance of the allotment claim.

190. Permanent Resident Status

191. Change in Status from Parolee to Permanent Resident

When the United States severed diplomatic and consular relations with Cuba on January 3, 1961, it was no longer possible for Cubans coming directly to this country from Cuba to enter as permanent residents on immigrant visas. Since that date, except for those who enter from another country by visa, Cubans enter the United States as parolees under Section 212 (d) (5) of the Immigration and Nationality Act. A parolee is prohibited by law from applying for U. S. citizenship. He/she must first adjust his/her status to that of a lawful permanent resident of the United States.

The 1966 amendments to the Immigration and Nationality Act (Public Law 89-732) included provisions which permit Cuban refugees, their spouses and children, who have been physically present in the U. S. for at least 2 years, to apply for permanent resident status, thus removing them from "parole status" and making it possible for them to become naturalized citizens when other citizenship requirements have been met. Status as permanent residents also enables Cuban refugees to qualify for licensing or certification in professions or trades and will assist them in meeting residency requirements for Medicare, Title XVIII, Part B.

Attainment of permanent resident status does not affect their eligibility for assistance under the Cuban refugee program.

The Immigration and Naturalization Service of the United States Department of Justice is responsible for carrying out this law. Completed applications will be returned to the local Immigration and Naturalization Service offices which will notify the applicant of his adjustment. Applicant may appeal to the Department of Justice, Washington, D.C., if he/she is not satisfied with the action.

192. Change in Identification Card

Every Cuban refugee admitted to the United States as a parolee, irrespective of age, receives a white Form I-94 from the United States Immigration and Naturalization Service for identification. Those parolees who change their status to permanent residents surrender the white Form I-94 for a green identification card, Form I-151.

When a Cuban having permanent resident status becomes a naturalized citizen, he/she is no longer eligible for assistance under the Cuban Refugee program (see Section 107.).

SCHEDULE III
Public Assistance Allowances
for use with
Certain Cuban Refugee Individuals
who are not
eligible under AFDC or AFWP standards

Number in Household	Eligible Unit	
	1	2
1	178.	
2	122.	244.
3	110.	220.
4	98.	196.
5	90.	180.
6	85.	170.
7	72.	145.
8	69.	139.
9	66.	133.
10	64.	127.
11	62.	125.
12	61.	123.
13	60.	120.
14	59.	118.
15	58.	116.

CLEARANCE FORM FOR CUBAN REFUGEE PROGRAM
(See Instructions on Reverse Side)

PREVIOUS REGISTRATION _____ TRANSFER FROM _____ CASE # _____

COUNTY _____ CASEWORKER _____ DATE _____

(The following information should be taken from the Registration card given to the client by the Refugee Center in Miami)

CASE NAME _____ DATE _____ ALIEN
REGISTRATION # _____

(First) (Last) (2nd Last) _____

Other Persons in the Home _____ Relationship to
Head of Household _____

Center File No. (CF#) _____ Date Registered at
Miami Center _____

If Applicable: 2nd Country _____ Date and Port of
Entry to U.S. _____

Resettled by _____ Date of Resettlement _____ State of
Resettlement _____

Resettled to N.J. by _____ Self-Resettled ☐ Yes ☐ No Date _____

Present Address _____

Attach Summary if Necessary

FOR STATE OFFICE USE ONLY:

Not on N.J. list: Sent to Miami - - Letter _____ Telegram _____

Received from Miami - - Letter _____ Telegram _____ Approved _____ Disapproved _____

On N.J. list: Approval given _____ Letter sent to County Welfare Board _____

1. Previous registration: if applicable, enter the case number which identifies the family unit.
2. Transfer from: enter the case number from the County of origin.
3. Case #: enter your County's Registration number.
4. County: County of residence.
5. Caseworker: self-explanatory.
6. Date: self-explanatory
7. Case Name: enter the name of applicant person who is considered the head of the household. Enter this name in the following order - first or baptismal name, last or paternal surname, 2nd last or maternal surname.
8. Date of birth: self-explanatory.
9. Alien Registration number: enter the eight digit number preceded by "A" found on the Registration card.
10. Persons in the home: enter the name of all persons who are considered members of the family unit.
11. Relationship to the head of the household: self-explanatory.
12. Center file number: enter CF# which identifies client at the Cuban Refugee Center.
13. Date registered at Miami Center: self-explanatory.
14. 2nd Country: if applicable, enter the name of the country other than Cuba from which client, or some member of the family unit, gained admittance into the U.S.
15. Date and Port of entry to U.S.: enter the date and port of entry into U.S. from above named 2nd country.
16. Resettled by: enter the initials of the resettling agency (USCC, CWS, IRC, HIAS).
17. Date of resettlement: enter date on which client first left Miami to be resettled.
18. State of resettlement: enter the name of the state to which client resettled when he first left Miami.
19. Resettled to N.J. by: enter the initials of the resettling agency.
20. Self-Resettled: to be used if client resettles himself to N.J.
21. Date: enter date of resettlement to N.J.
22. Present address: self-explanatory.
23. Attach summary if necessary: to be done in all cases in which additional information is necessary to identify the client. It should be done if after resettlement there is a death of a family member, divorce, marriage, etc. Summary should be sent for any family member who entered U.S. from a 2nd country.

AGREEMENT OF COOPERATION
Between
The Division of Vocational Rehabilitation Services
Department of Labor and Industry
and
The Divisions of Public Welfare and Youth and Family Services
Department of Institutions and Agencies

PURPOSE

It shall be the joint and common purpose of the three agencies to work together to improve and coordinate the services within the function of each agency to the end that all needy, disabled and handicapped persons who are present in the State and who may benefit in terms of employability shall be afforded the opportunity to reach the highest possible level of self-dependence through the cure, correction or amelioration of their disabling conditions.

In order to achieve this common purpose the New Jersey Division of Vocational Rehabilitation Services and the Divisions of Public Welfare and Youth and Family Services agree to:

1. Clearly identify the specific responsibilities of each agency in respect to providing to eligible persons maintenance costs, social and related services, so that there is at all times a mutual understanding in planning for the utilization of services for the individual clients, and in order that there shall be no duplication of the assistance, goods or services to be provided.
2. Mutually recognize and give full consideration to the standards established by each agency for the determination of financial and service needs of clients, and each agency to make copies of such standards available to the other.
3. Jointly develop procedures for inter-agency referral and follow-up of clients applying for assistance or services.
4. Provide for the initial and continuing exchange of information pertinent to the planning for and progress of an individual client, through written reports, exchange of case record material, including all medical reports, and joint case conferences between agency staff members.
5. Develop and carry out plans for joint staff training to equip staff with knowledge and increased understanding of the functions, policy and procedures of the three agencies in achieving the common goal of rehabilitation of disabled, needy persons.
6. Protect the rights of the individual clients and the mutual interest of the respective agencies by adherence to the principle of confidentiality of information by:

- a. Securing the written consent of the client prior to the release of any information for publication.
 - b. Review and approval by the agencies of any publicity releases, involving identification of clients known to the agencies, prior to release for publication.
 - c. Securing the written consent of the client prior to the release of any case information to the other agencies.
7. Advise and confer with each other when contemplated or accomplished changes in the policy, procedure or laws governing the respective programs have direct or indirect bearing on the provision of assistance or services to disabled needy persons, or on the eligibility of persons for the services of any of the agencies.
 8. The designation by each agency of one or more State staff member(s) who shall be responsible for maintaining a close working relationship among the agencies and shall have responsibility for the continuing review and evaluation of the effectiveness of the operation of this cooperative agreement.

AGENCY FUNCTIONS - GENERAL UNDERSTANDING

Division of Vocational Rehabilitation Services

By law the Division of Vocational Rehabilitation Services (DVRS) is responsible for providing vocational rehabilitation services to any physically or mentally handicapped individual, excepting blind persons under the care of the State Commission for the Blind and Visually Impaired, the deaf persons under the care of the Marie H. Katzenbach School for the Deaf, and persons, who in the judgment of the DVRS, are not feasible for vocational rehabilitation services. The law defines a "handicapped individual" as

"....any individual (1) who has a physical or mental disability, and (2) who has a substantial handicap to employment, and (3) who is expected to benefit in terms of employability from the provision of vocational rehabilitation services or for whom an extended evaluation of rehabilitation is necessary for the purpose of determining whether he may benefit in terms of employability from the provision of rehabilitation services."

"Employability refers to a determination that the provision of vocational services is likely to enable an individual to enter employment consistent with his capacities and abilities in the competitive labor market; practice of a profession; self-employment; homemaking; farm or family work (including work for which payment is in kind rather than in cash); sheltered employment; and home bound employment or other gainful work."

The law authorizes the DVRS "To cooperate with and utilize the services of the State agency or agencies administering the State's Public Assistance program.... and other public and private agencies providing services related to vocational rehabilitation...."

The DVRS is responsible for determination of the eligibility of persons for vocational rehabilitation and of the nature and scope of the rehabilitation services to be provided; and such responsibility will not be delegated to any other agency or individual.

Division of Public Welfare

The Division of Public Welfare, through its administering units, is responsible for the determination of the eligibility of persons for public assistance; and such responsibility will not be delegated to any other agency or individual not of the staffs of the Division of Welfare or its administering units.

The Division of Public Welfare (DPW) has been designated as the Departmental unit charged with the administrative supervision of the several public assistance programs, including Medical Assistance for the Aged, Medicaid Only, Assistance to Families with Dependent Children, Assistance to Families of the Working Poor, Cuban Refugee Assistance, General Assistance, and other related public assistance programs and services.

The Division of Youth and Family Services

The Division of Youth and Family Services (DYFS) has been designated as the Departmental unit charged with the administrative supervision of public welfare service programs including those related to Supplemental Security Income, Medical Assistance to the Aged, Medicaid Only, Assistance to Families with Dependent Children, Assistance to Families of the Working Poor, Cuban Refugee Assistance, and for the child welfare programs.

The Division of Youth and Family Services is responsible for directly supervising and assuring that proper program implementation is carried out by the State, County, and Municipal Units charged with service delivery, and for seeing that all human services are available, accessible, and provided with reasonable promptness to all eligible persons needing them and on an equitable basis.

CLIENTS RIGHT OF APPEAL AND HEARING

Division of Vocational Rehabilitation Services

By law any individual applying for or receiving vocational rehabilitation services who is aggrieved by any action or inaction of the DVRS is entitled to a hearing by the DVRS in accordance with regulations established by the DVRS.

Division of Public Welfare

The laws governing Assistance for Families with Dependent Children, Medical Assistance for the Aged, Medicaid Only, Assistance to Families of the Working Poor and Cuban Refugee Assistance provide that any applicant for or recipient of assistance who is dissatisfied with the decision made by or the inaction of the administering agency has the right of appeal and fair hearing. Specific regulations have been established to carry out the Department's responsibility in this area.

In General Assistance, State regulations charge the local assistance boards with responsibility for review and action on written complaints submitted to them by dissatisfied applicants and recipients.

Division of Youth and Family Services

Provision has been made for a system of appeals and fair hearings, and for the presentation of grievances, with respect to the service programs for families and children, and for the aged, blind, or disabled whereby applicants or recipients can appeal, among others:

1. denial or exclusion from a service
2. failure to take account of recipients choice of service
3. determination that the individual must participate in the service program.

The Division of Vocational Rehabilitation Services, of the Department of Labor and Industry, the Division of Public Welfare and the Division of Youth and Family Services of the Department of Institutions and Agencies, having revised this agreement and the necessary supplementary instructions covering operational details of policy and procedure filed as part of the original agreement executed June 1956, and such revision having been mutually agreed upon and approved, are filed as part of this agreement.

It is further agreed by the Division of Vocational Rehabilitation Services, of the Department of Labor and Industry, the Divisions of Public Welfare and Youth and Family Services of the Department of Institutions and Agencies, that this cooperative agreement and any jointly developed or mutually agreed upon written instructions on specific policy and procedure, are subject to joint review for revision or amendment upon the request of any of the agencies.

STATEMENT OF NON-DISCRIMINATION

Pursuant to Title VI of the Civil Rights Act of 1964, no person in the United States will be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the programs of the Division of Vocational Rehabilitation Services, Public Welfare, and Youth and Family Services of the State of New Jersey on the grounds of race, color, or national origin.

Date: 9/16/74

(legal signature)

Arthur J. Sinclair
Director, Division of Vocational
Rehabilitation Services
New Jersey Department of Labor and
Industry

Date: 9/20/74

(legal signature)

G. Thomas Riti
Director, Division of Public Welfare
New Jersey Department of Institutions
and Agencies

Date: 10/7/74

(legal signature)

James G. Kagen
Director, Division of Youth and
Family Services
New Jersey Department of Institutions
and Agencies

SUPPLEMENTARY STATEMENT
To
AGREEMENT OF COOPERATION
Between

The Division of Vocational Rehabilitation Services
Department of Labor and Industry
And
The Divisions of Public Welfare and Youth and Family Services
Department of Institutions and Agencies

INTRODUCTION

The common objective of vocational rehabilitation and public welfare is to help disabled clients to reach the highest possible level of self-help and economic independence. By working together, public welfare and rehabilitation agencies can increase their effectiveness in serving clients.

The effectiveness of interagency cooperation depends largely on the people who do the agencies' work. To work together constructively they must know each other, must have general knowledge of the basic functions of the respective agencies, and must have instructions regarding the policy and procedures agreed upon by the several agencies to correlate assistance and services.

This statement sets forth the operational detail of policy and procedure necessary to provide effective joint service to needy disabled clients in fulfillment of the terms of the Agreement of Cooperation, and shall be mandatory upon the several agencies.

DEFINITION OF TERMS

As used in this statement the following terms shall be understood to mean:

DVRS - Division of Vocational Rehabilitation Services

Counselor - A rehabilitation Counselor of the DVRS

Public Welfare Agency - District offices of the Division of Youth and Family Services (DYFS), County Welfare Boards (CWB), Department of Municipal Welfare (DMW).

Staff Member - An official representative of the public Welfare agency.

Client - A general term referring to an applicant for or recipient of financial assistance or service from the public welfare agency of the DVRS.

A. PROVISIONS TO ASSURE NO DUPLICATION OF ASSISTANCE AND SERVICES

In order to assure that there shall be no duplication of funds, goods or services in providing for the maintenance and medical care needs of public welfare clients who are accepted for rehabilitation services by the DVRS, it shall be understood that:

1. Determination of Financial Eligibility (Economic Need)

Eligibility for public assistance in respect to financial need will be determined by the standards provided by the Division of Public Welfare.

Eligibility for Supplemental Security Income (SSI) will be determined by the standards provided by the Social Security Administration.

Determination that an individual, who is accepted for rehabilitation services by the DVRS is eligible to have the costs of such services defrayed by the DVRS shall be based upon the section of the Manual of Policies and Procedures of the New Jersey Division of Vocational Rehabilitation Services dealing with determination of economic needs.

2. Determination of Service Eligibility

Eligibility for public welfare services for families and children and for the aged, blind and disabled will be determined by standards provided by the Division of Youth and Family Services, based upon the New Jersey State Social Service Plan.

3. Allocation of Responsibility for Costs

The allocation of responsibility for costs as between the DVRS and the public welfare agency shall be based on the following general principles:

Public welfare will provide funds for basic essentials of living to persons who qualify under State or Federal standards, and the DVRS will provide for all other costs essential to the rehabilitation plan of individuals under State rehabilitation policies.

It is necessary, however, to particularize responsibility in relation to certain specific situations and conditions.

4. Responsibility for Costs (Other Than Medical)

A. Client Continues to Live in Customary Shelter Arrangement

When a client continues to live in his customary shelter arrange-

Responsibility for Costs (continued)

ment (i.e., own or rented home, with relatives, or in a boarding home arrangement) while receiving rehabilitation services from the DVRS, responsibility for costs shall be as follows:

- 1) The public welfare agency or Social Security Administration (SSI) shall provide for all items of maintenance (basic requirements) for which the client is eligible by agency standards, and any authorized special service needs not directly resulting from the costs of rehabilitation services.
- 2) When a client must leave his home to go to treatment or training facilities, medical or vocational examinations, counseling interviews, etc., the DVRS shall be responsible for any transportation costs and any other special requirements that arise solely because of the nature of the rehabilitation program for the particular client (e.g., restaurant meals while attending school or training center).

B. Client Placed in Institutional Facility by the DVRS

When, as part of the rehabilitation program, the DVRS arranges for the client to be an inpatient or resident trainee in a medical or special rehabilitation facility for treatment and/or training.

- 1) The DVRS shall be responsible, whether through its own services or through cooperative arrangements with other agencies, for all costs of client's board, care, medical services and training, and any necessary transportation costs to the facility upon admission and from the facility upon discharge.
- 2) The public welfare agency shall provide for personal incidentals, clothing, and any other authorized special service needs for which the client is eligible under Agency regulations while living away from his customary home for a temporary period.

C. Mutual Determination of Responsibility Necessary

In respect to the situations described in A and B, the individual responsibilities of the agencies concerned must be mutually determined in each case because of the variety of arrangements which will occur. Clients may have special needs in certain circumstances in which agency responsibility must be specifically determined.

A written statement covering the determination of responsibility for all basic and special needs shall be prepared by each agency and filed in the case record.

5. Responsibility for Medical Care Costs

a. Diagnosis and Physical Restoration

The DVRS shall be responsible for all costs related to medical and vocational evaluation incident to determination of eligibility for vocational rehabilitation, and all indicated physical restorative measures, including medical treatment, prosthetics, appliances, etc., in accordance with regulations of the DVRS.

It is understood that in discharging such responsibility the DVRS will rely on and take into account the extent to which such costs may be paid by the Medicaid program or other health insurance programs for which the individual has eligibility.

b. Temporary and Acute Illness or Condition

When, subsequent to acceptance for rehabilitation services, a client becomes ill or develops a condition requiring medical care in addition to the services necessary to the rehabilitation program, the DVRS shall evaluate the effect of the illness on client's rehabilitation program. If the DVRS decides that the illness or condition is transitory and that the program may be continued, then responsibility for the additional medical care shall be assumed as follows:

- 1) When the public welfare agency (CWB and/or SSA/DO, DYFS/DO) is making allowances for any maintenance needs, then the costs of medical care shall be met in accordance with such client's eligibility under the Medicaid Program.
- 2) When the Municipal Welfare Department is making allowances for maintenance needs through the General Assistance program, then the costs of medical care may be met by that agency.
- 3) If the client requires such care for more than 30 days the DVRS shall re-evaluate the situation and decide whether:
 - a. The client should continue in active status on the rehabilitation program, or
 - b. The program should be temporarily suspended and the public welfare agency requested to assume total responsibility during convalescence of the client, or
 - c. The rehabilitation services should be terminated and the case closed.

B. REFERRAL PROCEDURES

Clients will be referred by DVRS and the appropriate public welfare agency so that the service program of each agency is made available to meet the clients' service needs. The client should be involved in the service plan prior to the referral. An interpretation of the resources of the receiving agency, and assistance, as necessary, in the arrangement for services should be provided to the client.

If the client does not communicate with the receiving agency by the indicated date on the referral forms (PA 13, PA 14, IM 2), where practical, it is incumbent upon that agency to provide outreach activities to the client, in an effort to bring about a personal contact.

In the event these efforts are not successful, the referring agency should be so notified by the return of the bottom half of the forms.

1) Public Welfare Referrals to DVRS

a. Source of Referrals to DVRS by Program

In general, the public welfare agency currently providing assistance or services will be responsible for referrals to the DVRS. It is necessary, however, to specifically allocate responsibility to cover situations where the client is known concurrently to more than one public welfare agency. The following procedures shall be observed:

1) General Assistance

The municipal welfare departments will be responsible for referral of disabled GA clients to the DVRS for consideration of eligibility for rehabilitation services.

2) Programs of the Bureau of Family Services of the Division of Youth and Family Services

The DYFS will refer to the DVRS, disabled children and parents who are under protective services, care or guardianship programs and who may be eligible for services from the DVRS.

3) Medicaid Only Cases

a) The county welfare boards shall be responsible for referral of appropriate applicants for or recipients of Medicaid Only regardless of whether Medicaid Only is granted, denied or the application withdrawn.

- b) In any case in which an applicant being referred to the DVRS is one who has been referred to a county welfare board for Medicaid Only by another public welfare agency, the county welfare board shall transmit a copy of Form PA-13 to such agency as notice of the referral to the DVRS.

c) Explanation of County Welfare Board Procedure

In Medicaid Only applications the county welfare board must (in addition to establishing need, residence, etc.) submit to the Division of Public Welfare, Bureau of Medical Affairs, medical and social information for determination that the applicant is permanently and totally disabled. The Bureau of Medical Affairs makes this determination, makes recommendations regarding medical care, social problems, and for referrals to the DVRS and other community resources.

The findings and recommendations of the Bureau of Medical Affairs must be received by the county welfare board before official action is taken to grant or deny Medicaid Only (except for situation described in e. below).

There may be an occasional case in which the county welfare board questions the advisability of referral for rehabilitation services when recommended by the Bureau of Medical Affairs. When this occurs the welfare board will consult the Bureau of Medical Affairs prior to referral. Conversely, if this Bureau has not recommended referral for rehabilitation services for a client, the county welfare board may itself decide that referral is in order on the basis of staff opinion.

d) Cases Reviewed by Bureau of Medical Affairs

In making referrals to the DVRS the county welfare board shall indicate on Form PA-13 under MAJOR DISABILITY whether the case has been "approved" or "disapproved" by the Bureau of Medical Affairs.

e) Cases Not Reviewed by Bureau of Medical Affairs

There will be some persons applying for Medicaid Only whom the county welfare board wishes to refer for consideration for rehabilitation services whose applications have not been submitted to the Bureau of Medical Affairs.

e) continued

Such referrals will be limited to applications which are withdrawn, or in which it has been determined that the client is ineligible for reasons other than the disability or blindness factor (e.g., not in economic need, etc.) prior to submission of the record to the State Bureau of Medical Affairs.

In any such case the county welfare board shall note on the reverse of Form PA-13 that the disability or blindness factor has not been evaluated by the Bureau of Medical Affairs, and the reason for the withdrawal or denial of the application.

4) Assistance to Families with Dependent Children

- a) The county welfare boards will be responsible for referral of all parents of children over 16 years of age who are exempt from WIN Registration because they have been determined to be incapacitated, whether or not they may elect to volunteer for WIN.
- b) The CWB may refer other incapacitated AFDC clients as appropriate.

5) Medical Assistance to the Aged and Cuban Refugee Program

The county welfare boards will refer to the DVRS certain CRA or MAA clients who appear to have potentiality for rehabilitation, or who have previously been known to the DVRS and need further services, or who it is believed should be recommended for service.

b. Interpretation to Client

All voluntary and mandatory referrals to the DVRS by the public welfare agency should be discussed with the client prior to referral. He/she should be offered necessary assistance in follow-up arrangements. He/she shall be informed in general terms of the opportunities available through DVRS.

The client shall be given DVRS' information pamphlet(s) as part of his/her preparation for the referral. A supply of these pamphlets are available from the DVRS.

c. Method of Referral (Form PA-13 or IM-2)

Referrals of public welfare clients other than recipients of AFDC to the DVRS shall be made by use of Form PA-13 - "Referral for Rehabilitation Services," accompanied by completed Form DVR-5 - "Application for Vocational Rehabilitation Services."

All recipients under the AFDC program who are exempt from registration because they have been determined to be incapacitated, whether or not they elect to volunteer for WIN, should be made on the IM-2 - "IM Referral to Vocational Rehabilitation."

c. (continued)

The PA-13 form is available on order from the Bureau of State Use.
The DVR-5 form is available from the local offices of the DVRs.
The IM-2 form is duplicated by the County Welfare Board.

d. Where to Refer

Form PA-13, IM-2 and DVR-5 shall be sent to the District Office
of the DVRs serving the area in which the client lives.

2) Acknowledgement of Referrals by DVRs; Application

Upon receipt of Form PA-13 or IM-2 the DVRs will complete the acknowledgment section, detach and return it to the referring agency.

The District Supervisor or his designee shall have the referral application recorded. If the client does not communicate with DVRs within the specified time, the counselor will provide the necessary outreach activities to the referred client, in an effort to bring about a personal contact. If these efforts are not successful, the counselor will inform the appropriate public welfare staff member for appropriate action keeping the referral in pending status.

3. DVRs Referrals to Public Welfare Agencies

There will be instances in which disabled persons will apply to the DVRs direct, or be referred by agencies or institutions other than public welfare agencies, and appear to be in need of public assistance or welfare services.

a. Method of Referral (Form PA-14)

Referrals by the DVRs to public welfare agencies shall be made by use of Form PA-14, Inter-Agency Referral (Available on order from the Bureau of State Use).

b. Referrals to County Welfare Boards

If the person appears to be in need of funds for maintenance or services for himself/herself and/or dependents, including child care, and appears to be eligible for a form of public assistance administered by the CWB, a referral shall be made by DVRs.

c. Referral to Municipal Welfare Department or Social Security District Office

If the person appears to be in need of funds for maintenance for himself/herself and/or spouse (no minor children at home) and there does not appear to be any possibility whatever of eligibility for any form of financial assistance from the CWB, he/she shall be instructed how to apply to a municipal welfare department for General Assistance or to the Social Security District Office for Supplemental Security Income.

- d. Referral to District Office of the Division of Youth and Family Services

In the event that the person applying to the DVRS appears to be in need of services, including child care, for minor children in his or her care and there does not appear to be eligibility for County Welfare Board administered program, referral shall be made to the appropriate District Office of DYFS, for services and payment of services that are needed.

4. Acknowledgement of Referrals by Public Welfare Agencies

Upon receipt of Form PA-14 from the DVRS, the public welfare agency shall complete the acknowledgement section, detach and return it to the referring agency.

If the public welfare agency is unable to make contact with the client by the indicated date, the tear sheet portion of Form PA-14 shall be completed as appropriate and returned to the District Office of the DVRS which sent the referral.

- C. FOLLOW-UP AND EXCHANGE OF INFORMATION

1. Agency Relationships Following Referral to DVRS

- a. General Explanation

Following registration and acknowledgement of a referral from a public welfare agency on PA-13 or IM-2, an assignment to a Rehabilitation Counselor, the DVRS' working relationship will be with the agency(s) currently providing assistance or services to the client.

- b. Counselor-Agency Consultation

- 1) Initial

Following assignment, the Counselor will promptly arrange for consultation with a staff member of the referring agency prior to his initial interview with the client.

Consultation will cover:

- a) The client's social situation.
- b) His/her attitude toward his/her disability and the referral for rehabilitation services.
- c) Review of pertinent medical and social information in the case record and request for copies of selected reports.

- d) Clear understanding of the responsibility each is to carry if the client is accepted for rehabilitation.

The Counselor and staff member should consider whether a joint interview with the client in the office or home is indicated or advisable either initially or at a later date. It provides an opportunity to clarify for the client the functions of the involved agencies and in helping him/her understand the extent of his/her responsibility.

- 2) Follow-up

The Counselor and staff member will consult with each other freely and as frequently as necessary throughout the period of joint service to the client to assure that the most effective methods are being used, for continuous mutual evaluation of the client's progress and for consideration of change of plan when indicated.

- c. Notification and Reports

- 1) DVRS to Referral Agency

There shall be free sharing of the information on file with the DVRS and the referral agencies upon the request of either.

Accepted Cases

In accepted cases the notification shall include:

- 1) The beginning date of responsibility for services.
- 2) The specific items of maintenance, medical and other service costs for which the DVRS accepts responsibility.
- 3) A brief statement of the plan for treatment and/or training for the client; and the approximate length of time necessary to complete the plan.

Rejected Cases

In rejected cases the notification shall

- 1) explain the basis for rejection;
- 2) recommend other available sources of services which might be used to help the client with his/her problem; and
- 3) include any medical findings or recommendations pertinent to the client's continuing medical (including psychiatric) care.

3) continued

Notification on rejected cases shall be sent to the Agency currently providing assistance or services, and to any agency with which there is a pending application for assistance or services, and to the Agency which initiated the referral if not referred by either of the aforementioned.

Upon receipt of notification of rejection of an applicant for vocational rehabilitation services, should any of the aforementioned agencies have pertinent information to further support the applicant's claim of eligibility for such services, that agency representative should immediately confer with the appropriate representative of the DVRS.

Case Closings

Any change in case status including

- 1) cases closed without completion of program, and summary statement of the reasons therefore, and
- 2) cases closed at completion of program and evaluation of the client's adjustment, and specific data on job placement, etc.

(In accord with the policy of the DVRS, the case will not be closed following job placement for at least 30 days.)

Open (Active Cases)

In open (currently active) cases the DVRS shall forward to the referral agency, two copies of a progress report, at not less than six-month intervals, covering

- 1) How the rehabilitation program is progressing.
- 2) Any program modification which has been necessary.
- 3) An estimate of approximate date of completion of program.
- 4) Request for consultation with agency personnel for joint evaluation and further planning as indicated.

Job Placement Report

When a job placement is made by the DVRS or obtained by the client, the Bureau of Medical Affairs will then determine medical eligibility for continued financial assistance. The Bureau will evaluate whether the employment is a "useful occupation" and whether the recipient is capable of "substantially gainful

employment" in accordance with the criteria set forth in the Public Assistance Manual. When a recipient has been determined capable of unlimited employment, public assistance payment may continue for one month beyond the month in which such determination is made.

2) Welfare Agency to DVRS

Throughout the period that the two agencies are jointly working with the client the public welfare agency shall keep the DVRS informed by written notice of

- a) receipt of referral from DVRS (by returning tear sheet on Form PA-14); and
- b) decision on eligibility for public assistance or services when determination is made subsequent to return of tear sheet on Form PA-14, changes in case status, and reports on active cases;
- c) any change in policy, procedure or allowances which affect the case;
- d) any significant change in client's social situation which affects the rehabilitation plan.

D. STATE LIAISON REPRESENTATIVES AND AGREEMENT EVALUATION COMMITTEE

The State Divisions of Vocational Rehabilitation Services, Public Welfare and Youth and Family Services have appointed liaison representatives who have responsibility for clarification of policies and procedures, and review of case decision disagreements between a District office of the DVRS and a public welfare agency.

The Agreement Evaluation Committee will have responsibility for continuing review and evaluation of the effectiveness of the joint policies and procedures and for recommending changes to the state agency executives when necessary. This Committee will be comprised of the State Liaison Representatives and at least one additional representative from a District Office of the DVRS, a District Office of DYFS, and a County Welfare Board.

E. PROGRAM FOR JOINT ORIENTATION AND STAFF TRAINING

Purpose

Activities shall be specifically planned to bring together at both the State and local level, the staff of the DVRS and of the several public welfare agencies for the purpose of increasing the understanding of the functions, goals and methods of the agencies in working together effectively to achieve the rehabilitation of disabled needy persons.

Content

The focus of such activities shall be on the basic philosophy and concept of using the services of public agencies to protect, conserve and develop human resources by recognizing the potential capacity of all individuals however handicapped.

Specific help should be given on effective methods of joint planning by staff and of working with handicapped persons. It is recommended that medical and medical-social work personnel be called on to provide staff with some insight into the effect of disease and disability on personality, the attitudes and reactions which may be considered normal in these persons, and how to help such a client focus on his/her residual strengths rather than on his/her incapacities.

Opportunity should be provided for staff to learn about the services available in related fields such as, employment counseling, homemaker service, public health services, psychology, and the various State affiliates of national health groups, etc.

Except in its initial sessions the time devoted to joint staff training should not be used to instruct staff on specifics of the inter-agency procedures already provided in written form. Responsibility for instruction in this area should rest with the individual agencies. Questions and problems arising in local agencies should be referred to the respective State agencies, which, when necessary or advisable, will refer them to the appointed liaison representatives for discussion and recommended action.

Responsibility for Planning Joint Orientation and Training

Planning joint orientation and training activities shall be the responsibility of the welfare liaison in the DVRS, the Chief Training Officer of the DPW, the Administrator of the Staff Development and Training Unit of the DYFS, and any other appropriate agency, i.e., Division of Medical Assistance and Health Services.

In addition, on a local level, supervisory representatives of the agencies may arrange for joint training sessions subject to the approval of the above respective Division representatives.

A G R E E M E N T

for coordination of collection activity

B E T W E E N

N. J. DIVISION OF PUBLIC WELFARE

herein referred to as DPW

and

N. J. DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

herein referred to as DMAHS

(for purposes of brevity the words County Welfare Agency, Division of Public Welfare and Division of Medical Assistance and Health Services are abbreviated herein as CWA, DPW and DMAHS respectively.)

Purpose

The purpose of this agreement is to define areas of responsibility and establish basic principles and procedures in those collection activities in which both of the respective Divisions may be involved. It is intended that maximum conservation of public funds be effected without duplication of effort. This agreement shall apply to any situation where a recovery may be effected.

It is recognized that certain situations will fall into more than one of the following categories. Any such matter will be processed in accordance with the provisions of the first occurring applicable category.

Provisions by CategoryI. INCORRECTLY GRANTED ASSISTANCE (Cash and/or Medical Assistance)A. General Procedure1. Incorrect Determinations of Eligibility

In instances involving an incorrect determination of eligibility for Medical Assistance by a CWA, whether or not in combination with cash assistance, the CWA will ascertain from DMAHS the amount of Medical Assistance incorrectly granted and will process the entire matter in accordance with the regulations applicable to instances of incorrectly granted cash assistance alone, invoking collection

and/or judicial review as appropriate. (See applicable regulations in DPW's Public Assistance Manual.)

B. Distribution of Collection Proceeds

1. Medical Assistance in combination with cash assistance.

When collection occurs in a case involving both cash assistance and Medical Assistance, the CWA will, in the absence of court instruction to the contrary, apply the net proceeds, after deducting identifiable costs of collection, such as filing fees and advertising costs but not including such costs as CWA staff time, supplies, counsel fees or overhead, first to the repayment of cash assistance and will then remit any balance to DMAHS.

2. Medical Assistance Only

When any CWA recovers funds on account of Medical Assistance improperly granted, the CWA will, in the absence of court instruction to the contrary, reimburse itself for those cash expenses directly related to the recovery such as court filing fees and advertising costs but not including costs such as CWA staff time, supplies, counsel fees or overhead. In addition, the CWA will retain 10% of the gross amount of the recovery up to \$250.00. The CWA will remit the remaining proceeds to DMAHS. It is understood that the amount of the \$250.00 limitation shall be subject to separate renegotiation. Any change will be effective upon appropriate amendment to this agreement.

II. THIRD PARTY LIABILITY CLAIMS

A. Sharing of Information

Whenever either a CWA or DMAHS learns of a situation in any case in which the other may have a claim it will notify the other.

B. Collection of Claims

Unless individual case circumstances intervene, the first claim after settlement or judgment is for any payments by DMAHS arising from the occurrence. The next claim is that which the CWA may exert in accordance with an agreement to repay or similar document. The DMAHS and the CWA will, insofar as their controls allow, maintain priority of payment in the above order.

III. LIQUIDATION OF POTENTIAL RESOURCES

A. General Procedure

The CWA will participate in the liquidation of potential resources

according to the program requirements under which eligibility has been established, regardless of whether or not cash assistance is being granted. Notification of the potential resource to be liquidated shall be forwarded to DMAHS enabling them to seek a voluntary contribution for funds expended. Sale of real property to which title is held by a CWA is subject to DPW approval in all instances regardless of the proposed distribution of the proceeds.

B. Distribution of Proceeds

1. CWA/DMAHS Jurisdiction

All funds arising from the liquidation of resources and which, by action of law, regulation, or agreement with the owner, fall under the jurisdiction of either a CWA or DMAHS for distribution will, insofar as possible, be allocated as follows:

- a) Proceeds will be first applied to the cash costs of liquidation, such as advertising costs and filing fees but not including costs such as CWA staff time, supplies, counsel fees or overhead.
- b) Proceeds will be next applied to any claims superior to that of the CWA (i.e., taxes).
- c) Proceeds will be next applied to any funds owing to and collectible by the CWA.
- d) Any residue remaining after the above payments are allocated would, in the absence of circumstances to the contrary, be the property of the client and thereby subject to the provision of B. 2. below.

2. Client Jurisdiction

All funds properly belonging to a client free of any agency claim are to be remitted to the client as promptly as possible or otherwise disbursed at the client's instruction. The CWA will promptly reevaluate eligibility following such distribution, taking into consideration any voluntary repayment to DMAHS.

IV. RECOVERY FROM ESTATES OF DECEASED CLIENTS

NOTE: Information for CWA

Recovery of that Medical Assistance which was correctly granted after an individual attains the age of 65 is authorized from the estate of the individual provided that the individual left no surviving spouse, surviving child who is under age 21, or surviving child who is blind or permanently and totally disabled.

A. Joint Recoveries

The CWA will normally undertake recovery activity as agent for DMAHS for any case in which the CWA is or will be undertaking activities on its own account. However, in those cases where the recovery of Medical Assistance is possible and where the entire CWA claim is for burial expenses only, DMAHS will initiate recovery activity inclusive of CWA burial costs. DMAHS may, in certain cases, assume direct jurisdiction in recovery of its claim concurrent with CWA activity. DMAHS will make sure that the CWA is aware of its activity in such cases. Compromise settlements of cash assistance are subject to DPW approval. Compromise settlements of Medical Assistance are subject to DMAHS approval.

B. CWA Recoveries and Distribution

From the proceeds of liquidation, the CWA will first recover the amount necessary to satisfy its own claim (including cost of liquidation and the claims of other New Jersey CWAs). The CWA will recover funds from the clearing account in the order in which the funds were received in the clearing account. If any part of any remaining surplus had been received from the proceeds of assigned life insurance for which there was a named beneficiary other than the client's estate, that surplus or the policy benefit, whichever is less, is the property of the beneficiary and should be so directed.

All other surplus funds are a part of (or the entire) client's estate and are payable to the legally designated representative of the estate. If the representative of the estate is unknown or if no representative has been appointed and there are no known next of kin, the CWA will forward to the DMAHS an amount not to exceed the amount of the proper Medical Assistance claim as determined by communication with the Chief, Bureau of Utilization Control, DMAHS. Any remaining funds will escheat to the State of New Jersey.

When there are known next of kin, the CWA will request the next of kin to file to be appointed administrator if the amount to be disbursed is greater than the claim of DMAHS. If the claim of DMAHS will equal or exceed the estate, the CWA will request the next of kin to sign a consent to transfer his/her rights to DMAHS and, upon receipt of such signed consent, the CWA will forward the funds to DMAHS.

When next of kin will not sign a consent to transfer his/her right to DMAHS and will not file to become the administrator, the CWA may, at its option, arrange for someone to file to become administrator or the CWA may refer the information to DMAHS for action.

In any question or dispute among two or more claimants on surplus funds, the CWA will withhold payment pending resolution by mutual consent of all claimants or by court order.

C. DMAHS Recoveries and Distribution

The DMAHS will undertake recovery activity in Medical Assistance payment cases in which no CWA will be submitting a claim. However, information from the CWA eligibility record is necessary to such DMAHS activity. Promptly, upon receipt of information by the CWA from any source, about the death of a "Medicaid Only" or SSI recipient who was age 65 or over at the time he/she received Medical Assistance, the CWA will communicate with DMAHS, supplying such material as may be required. The CWA will respond to inquiries from DMAHS for information which DMAHS may need in pursuit of recovery.

In cases in which DMAHS is acting for a CWA in collection of burial expenses, DMAHS will accord payment of the burial claim priority over its own recovery.

V. VOLUNTARY PAYMENTS

The CWA may, at any time accept an offer of voluntary repayment, either on its own behalf or on behalf of DMAHS, up to but not in excess of the amount of assistance granted. To any inquiry as to amount granted, the CWA will supply the appropriate information, identifying the respective amounts granted by the CWA and DMAHS. In the absence of instruction from the payer, the CWA will reimburse cash assistance first and then remit any balance to DMAHS.

Effective Date

This agreement shall become effective upon the promulgation of appropriate regulations.

/S/ _____ 10/17/78
G. Thomas Riti, Director DATE
N. J. Division of Public Welfare

/S/ _____ 3/15/78
Thomas M. Russo, Acting Director DATE
N. J. Division of Medical Assistance
and Health Services

1311. The director of the county welfare agency shall assign copies of this Manual to administrative staff and all other Income Maintenance staff members working with applicants and recipients and to Social Services staff as appropriate and shall ensure that each staff member is thoroughly familiar with its contents and applies the required policy and procedures consistently.
1312. The Division of Public Welfare shall issue revisions and changes to this Manual as necessary. It is the responsibility of each holder of the Manual to maintain its accuracy by inserting new material and removing obsolete pages promptly.

One administrative copy of obsolete material related to this manual shall be kept by the county welfare agency.

1320. Availability to the Public

This Manual is a public document. It is extremely important that all copies in use be absolutely accurate and up-to-date. It is available as follows:

1321. Copies are available in the State office of the Division of Public Welfare and in each county welfare agency office for examination or review during regular office hours on regular work days.
1322. Specific policy material necessary for an applicant or recipient or his/her representative to determine whether a hearing shall be requested or to prepare for a hearing shall be provided to such persons without charge. (See Section 7110.)
1323. All public and university libraries which have agreed to keep the Manual up-to-date will have a copy available under their regulations.
1324. Each legal services office will be furnished with a copy of this Manual.
1325. Welfare, Social Service and other non-profit organizations will be furnished with a copy of this Manual at no cost by an official written request to the Division of Public Welfare.

1326. A current up-to-date copy of the Manual or any part of it is available from the Division of Public Welfare at the cost of printing and mailing to anyone who requests it in writing.
1327. All supplementary State policy directives will routinely be sent to those who have been supplied with the Manual. A mailing list will be maintained by the Division.

1000. PUBLIC ASSISTANCE IN NEW JERSEY

1100. PRINCIPLES

The community recognizes that the security and welfare of each individual are essential to the security and welfare of the community as a whole. Therefore, it has established, among others, programs of social service and public assistance.

Supplementary services under private auspices are also available in the community. To the greatest extent possible clients should be informed of these services as additional resources, not in lieu of public programs.

Public assistance and social services programs are administered within the framework of Federal and State law and regulations in accordance with equitable and objective standards. Policy is limited by law and is effective only as it is consistent with law.

Such assistance and services shall be rendered to all eligible individuals and families in an atmosphere of mutual respect between agency employees and the people they serve. Agencies shall ensure that assistance and services are:

- a. extended in a manner and environment which increases a person's sense of importance, dignity and self-esteem.
- b. designed and administered to respect the human and civil rights of persons applying for or receiving assistance.
- c. provided in the least restrictive, most appropriate setting.

This manual sets forth the policies and procedures necessary to the orderly and equitable provision of public assistance on a statewide basis. It is binding on the county welfare agencies and enforceable by the Division of Public Welfare. Questions of interpretation will be resolved by the Division of Public Welfare.

1110. Opportunity and Decision to Apply

Any person who believes he/she and his/her children are eligible for public assistance must be given the opportunity to apply without delay. Applicants will be informed about the eligibility requirements and their rights and obligations in applying for and receiving assistance. See also Section 2112. The decision to apply rests with the applicant. The applicant has the right to withdraw the application before eligibility or ineligibility has been determined.

1120. Presumptive Eligibility in Cases of Immediate Need

When immediate need is apparent and applicant provides evidence of eligibility by a written statement signed under oath, the director of the county welfare agency shall issue a grant effective as of the date of application. (Immediate need is defined in the Glossary.)

1130. Prompt Disposition by County Welfare Agency

County welfare agency staff shall move with all reasonable speed in accepting, processing and recommending action on applications for assistance. If applicant is eligible, payment shall be issued as soon as need is apparent. The agency's standards of promptness for acting on applications or redetermining eligibility shall not be a basis for delay in granting aid. (See Section 1120.)

1140. Primary Source of Information

Applicants and recipients are in all instances the primary source of information about themselves and their families. It is the responsibility of the agency to determine eligibility and, as necessary, to secure verification from secondary sources. Such verification information shall be limited to those facts which are essential to establish eligibility and shall be obtained only with the consent of the client. It will be explained to the client that verification is necessary and lack of consent to obtain it will make processing of the application impossible. (See Sections 1150 and 2112.)

1150. Confidential Nature of Information

Information about applicants or recipients will be used or disclosed only for purposes directly connected with the administration of public assistance and related services which cannot be offered without such information. (See Section 7600.)

1160. Nondiscrimination

There shall be no discrimination on grounds of race, color, religion, sex, national origin, marital, parental or birth status, or handicap by State or local agencies in the administration of any public assistance program. (See Section 7700.)

1170. Appeal from County Welfare Agency Procedures

A client shall have the right to appeal any action or inaction of the county welfare agency affecting him/her or his/her family. (See Section 6000.)

1180. Adherence to Law and Regulations

There must be strict adherence to Federal and State law and regulations. Requirements other than those established pursuant to Federal and State law and regulations shall not be imposed as a condition of receiving assistance.

**AUTHORIZATION TO REMIT SUPPORT PAYMENTS TO
COUNTY WELFARE BOARD**

I, _____, of _____,
(Name) (Address)
in consideration of receiving assistance for myself and my children in accordance with New Jersey
Revised Statutes, Title 44, Chapter 10, 4 (a) do hereby promise to repay the County Welfare Board, to
the extent of any assistance so granted, from the source hereinafter stated. For the purpose of repay-
ment of such assistance the _____ County Probation Department is hereby authorized to
pay directly to the _____ County Welfare Board, during the period I receive assistance,
all funds which are anticipated by virtue of an order of support against _____
(Name)
entered by the _____
(Name of Court)

I have been informed by _____, a representative of the County Welfare Board, that by signing this authorization I will hereafter receive on a regular basis, the full amount of public assistance to which I may be entitled, without any deduction of the amount which the Court has ordered my _____ to pay to the Probation Department. I have signed this authorization relying on such information.

(Witness) (Signature of Client)

(Date) (Name of Client) (Print or Type)

TO: _____ PROBATION DEPARTMENT

FROM: _____ COUNTY WELFARE BOARD

PROBATION
DEPARTMENT NUMBER _____

COUNTY WELFARE BOARD
CASE NUMBER _____

MAKE TWO COPIES

Original: Probation Department
Carbon: Case Record

REFERRAL BY STATE MENTAL INSTITUTION TO PUBLIC ASSISTANCE AGENCY

From: _____
(Identify State Institution)

Date _____

To: _____
(Identify Public Assistance Agency)

The following patient may require public assistance to complete a plan to live in the community. The patient is

- ☐ eligible for discharge and is being referred for _____;
(Categorical program)
- ☐ eligible for ☐ Convalescent Leave ☐ Extended Visit and is being referred
- a. ☐ for General Assistance
- b. ☐ as member of _____ family.
(Categorical program)

The patient has been informed of this referral and is prepared to participate in an interview.

Name: _____ Sex: _____ Marital status: _____ File No.: _____

Birthdate & place: _____ Source of data: _____

Admission date: _____ Status: ☐ Voluntary ☐ Involuntary

Place of abode at time of admission: Municipality _____ County _____

☐ County charge of _____ County;
or☐ State charge admitted from _____ County.

Currently under care:

☐ Still in institution☐ Family care _____
(Address)☐ With relative _____
(Name, relationship and address)☐ Other _____
(Describe arrangement and give address)

List known relatives and other interested persons:

<u>Name</u>	<u>Relationship</u>	<u>Address</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Known resources:	<u>Amount</u>	<u>Period</u>	<u>Source</u>
Income: Pension	\$_____ per _____	_____	_____
Annuity	\$_____ per _____	_____	_____
OASDI	\$_____ per _____	_____	XXXX
Relative	\$_____ per _____	_____	_____
Other	\$_____ per _____	_____	_____

Assets: Property (Location and type): _____

Insurance: _____

Personal account: _____

Other: _____

Attached is a completed copy of Form PA7, Report of Findings by Psychiatric Diagnostic Group, and hospital abstract and/or summary.

Please telephone _____ and ask for _____
(Telephone no. & extension) (Caseworker's name)
to arrange appointment.

Remarks:

Signed _____
Director of Social Services

DATE _____

INTER-AGENCY REFERRAL

FORM PA-14 (REV. 7/73)SU

To: _____ CASE No. _____ (IF ASSIGNED)

FROM: _____

MR. ☐ MRS. ☐ MISS. ☐ _____

NOW RESIDING AT _____

HAS APPLIED TO THIS AGENCY FOR: ☐ FINANCIAL ASSISTANCE ☐ ADVICE OR SERVICE (SPECIFY) _____IS RECEIVING: ☐ FINANCIAL ASSISTANCE IN THE AMOUNT OF \$ _____ FOR _____ (PERIOD COVERED)☐ SERVICE, OTHER THAN FINANCIAL ASSISTANCE, FROM THIS AGENCY (SPECIFY) _____

THE REFERRED PERSON IS INTERESTED IN THE PROGRAM(S) OF YOUR AGENCY AND INFORMS US

☐ HE PLANS TO CALL AT YOUR OFFICE, IN PERSON, ON OR BEFORE _____ (DATE)☐ HE IS UNABLE TO CALL, IN PERSON, AT YOUR OFFICE.REPLY REQUESTED: NO ☐ YES ☐

INFORMATION KNOWN TO THIS AGENCY WILL BE MADE AVAILABLE TO YOU UPON REQUEST.

REMARKS: _____

NAME AND TITLE OF AGENCY REPRESENTATIVE: _____

(REFERRING AGENCY COMPLETES FORM ABOVE THIS LINE.)

(REPLYING AGENCY COMPLETES BELOW THIS LINE WHEN DISPOSITION OF APPLICATION IS KNOWN)

To: _____ DATE _____ YOUR CASE NO. _____ (IF ASSIGNED)

FROM: _____ CASE NO. _____ (IF ASSIGNED)

RE: MR. ☐ MRS. ☐ MISS. ☐ _____PRESENT STATUS: ☐ ELIGIBLE AS OF _____ INELIGIBLE AS OF _____ GIVE REASON UNDER "REMARKS" BELOW.

REMARKS: _____

DATE: _____

(NAME AND TITLE OF AGENCY REPRESENTATIVE)

(REPLYING AGENCY COMPLETES FORM BELOW THIS LINE WHEN APPLICATION IS REGISTERED BUT DISPOSITION IS NOT KNOWN)

To: _____ DATE: _____ YOUR CASE NO. _____ (IF ASSIGNED)

FROM: _____ CASE NO. _____ (IF ASSIGNED)

RE: MR. ☐ MRS. ☐ MISS. ☐ _____

APPLICATION:

☐ CLIENT DID NOT CONTACT AGENCY. ☐ NO APPLICATION FILED. GIVE REASON UNDER "REMARKS" BELOW.☐ APPLICATION FILED _____ (DATE) SPECIFY TYPE OF PUBLIC ASSISTANCE OR SERVICE REQUESTED UNDER "REMARKS" BELOW.

REMARKS: _____

DATE: _____

(NAME AND TITLE OF AGENCY REPRESENTATIVE)

INSTRUCTIONS: IF UPON RECEIPT OF REFERRAL DISPOSITION IS NOT KNOWN, RECEIVING AGENCY SHALL COMPLETE SECTION "A" AND RETURN WITHIN 10 DAYS. IF UPON RECEIPT OF REFERRAL DISPOSITION IS KNOWN, OR WHEN AT SOME FUTURE TIME ARRIVED AT, RECEIVING AGENCY SHALL COMPLETE SECTION "B" AND RETURN WITHIN 10 DAYS.

SECTION

"B"

SECTION

"A"

_____ COUNTY WELFARE BOARD

CASE NO. _____

AFFIDAVIT OF DESERTION

COUNTY OF _____: STATE OF NEW JERSEY:

I, _____, being duly sworn according to law say
that:

1. I reside at _____

2. I am applying for Assistance for Dependent Children (N.J.S.A. 44:10) through the County Welfare Board and the need for such assistance has been caused wholly or in part by reason of the desertion of the following named child(ren).

Name of Child(ren)	Birth Date	Name of Child(ren)	Birth Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3. The name and relationship of the person(s) who deserted are:

4. The desertion began on _____

while said child(ren) were living at _____
(Address)

and occurred under the following circumstances: _____

5. Since such desertion I have made continued and diligent efforts to locate the person(s) who deserted the child(ren) and have been unsuccessful except as stated in paragraphs 6 and 7.

6. I have no information which would possibly indicate the present whereabouts of such person(s) except: (If none, insert word "None").

7. Such person(s) has not written to me nor visited me; we have not visited nor have we talked to each other directly or indirectly; nor have I been in any way in communication with said person(s) since the desertion except as follows: (If none, insert word "None").

8. I know that I must give complete and truthful information to representatives of the Welfare Board and law enforcement officers who question me concerning the desertion of the child(ren). I have supplied all facts known to me to date. I know it is my duty to report immediately to the County Welfare Board any additional information that may become known to me, and I hereby declare that I will do so.

9. I will at any time testify in court concerning the facts of the desertion of the child(ren).

10. I know that a deliberate misstatement of facts in this affidavit is a misdemeanor punishable by fine or imprisonment or both, under the provisions of N.J.S.A. 2A: 111-2 and 3 and N.J.S.A. 44: 7-32 and I make this statement for the purpose of obtaining financial assistance from the County Welfare Board.

11. I have read this affidavit and fully understand what I have stated in it. It has been explained to me by a representative of the Welfare Board. I also understand that this affidavit will be brought to the attention of the law enforcement authorities for use in legal action which may lead to arrest of the person(s) who deserted the child(ren).

(Signature)

Subscribed and Sworn to before me

this day of , 19

Title of Representative of Agency

(This affidavit is taken under authority of N.J.S.A. 44: 7-9)

County Welfare Board

In the matter of

Case No._____
Case Name

NOTICE TO
COUNTY PROSECUTOR
OF
ALLEGED DESERTION

1. In compliance with the requirements of Section 402(a) (10) of the Federal Social Security Act and the requirements of N.J.R.S. 44:10-3(e), you are hereby notified that payment under the program of Assistance for Dependent Children has been furnished on _____ to _____,
(Date of Payment) (Name)

Address

on behalf of the following child (children):

NamesDate of Birth

2. The child (children) appear(s) to have been deserted or abandoned by:

NameRelationshipLast Known
AddressDate

3. An affidavit executed by _____, giving testimony relating to such desertion, is annexed hereto.

4. The county welfare board is continuing to explore the possibility of reconciliation, or support through agency service or civil action, and will submit further information in the event of criminal prosecution.

Date _____

_____, Director
County Welfare Board

NOTICE TO STATE CORRECTIONAL INSTITUTION (ADC CASE)

TO: Institutional Parole Officer

(Name of Institution)

Name of Inmate _____

ADC Registration No. _____

ADC Case Name _____

FROM: _____ County Welfare Board

Address _____

ADDRESS _____

1. The family of the above inmate has received Assistance for Dependent Children
 applied for
 since
 on _____ The family is composed of:

2.	Name	Age	Relationship to Inmate	Name	Age	Relationship to Inmate

(If more space is needed, use reverse side with notation here.)

3. ☐ Inmate was living with family when sentenced.
☐ Inmate was not living with family when sentenced. Explain:

4. Other Significant Facts:

To assist us in determining eligibility and planning for this family, please complete tear sheet and return promptly.

Date _____

(Caseworker)

(Tear Sheet)

TO: _____ County Welfare Board

ADC Registration No. _____

ADC Case Name _____

ADDRESS _____

Institution No. _____

Inmate _____

Date Sentenced: _____

Length of Sentence: _____

Offense: _____

Date of Eligibility for Parole Consideration: _____

Remarks:

Date _____

(Signature and Title)

Registration No. _____

G. STATUS WITH OTHER AGENCIES: Report results of referrals to and current status with other public or private health and/or welfare agencies; e. g., Rehabilitation Commission, Bureau of Children's Services, Cancer, TB, NJSES, Veterans Administration, etc. Attach any reports which are available. (Refer to Section J of Form PA-6.)

H. SOCIAL EVALUATION AND PLAN: Include any specific social information requested on last Record of Action and not reported in other sections. Describe any changes in client's daily activities, appearance, behavior and attitude since last report, noting particularly any change in interest about possible employment. If client is normally the homemaker, have there been changes in functions performed? Include any other pertinent developments, any change in plan or new plan under consideration.

I. OTHER SIGNIFICANT COMMENTS:

Date _____

(Caseworker - Please Print)

(Supervisor - Please Print)

APPLICATION FOR PARTICIPATION IN THE FOOD STAMP PROGRAM (PA)

1. Name of Head of Household _____ Case No. _____ Date _____
2. Address _____
3. Are cooking facilities available in the home? ☐ Yes ☐ No
If "No", is an authorized meal delivery service available and do you expect to use it? ☐ Yes ☐ No
4. Do you wish to have your Food Coupons purchased for you by someone **other** than yourself or your spouse?
☐ Yes ☐ No If "yes", explain reason and give that person's name and address.
- _____
- _____

5. My shelter costs are:

- (a) Rent or mortgage payment \$ _____ per _____ (e) Homeowners or Fire Insurance
(if not included in (a) \$ _____ per _____)
- (b) Heat \$ _____ per _____ (f) Taxes (if not included in (a) \$ _____ per _____)
- (c) Electricity \$ _____ per _____ (g) Telephone \$ _____ per month.
- (d) Water \$ _____ per _____ (h) Other payment for \$ _____ per _____
(Reason _____)

6. My medical costs which are **not** paid by Medicaid are:

Blue Cross / Blue Shield \$ _____ per _____

Other health insurance \$ _____ per _____ (Company _____)

Travel for medical care (explain) _____

7. I have the following unusual expenses (include payments arising from natural disasters or medical or funeral bills on back):

I certify that the above answers are true to the best of my knowledge and belief. I understand that my making of a false statement or improper possession or use of food coupons may result in a violation of Federal Law.

Head of household or spouse _____

Authorized Representative (if applicable) _____

Statement on Fair Hearings

Fair hearings are available in the Food Stamp Program on the same basis as for the assistance program for which you have applied. A detailed statement about fair hearings is a part of that application. You may request a fair hearing in your assistance case, your Food Stamp case or both at the same time, but you may not request separate hearings in each case when both hearings would be based on the same situation or set of facts. Failure to use Authorization to Purchase cards for three (3) consecutive months constitutes voluntary withdrawal from the Food Stamp Program. A closing for this reason is not subject to Fair Hearing.

Statement on Variable Purchase Option

You are not required to purchase the full amount of your coupon allotment in order to participate in the Food Stamp Program. If you wish to purchase fewer coupons in any month, please discuss the matter with a staff member at the Welfare Board or Food Stamp Office. If you choose to purchase fewer coupons, your purchase requirement (price) will be lower, but you will receive less bonus or "free coupons".

Statement on Nondiscrimination

Standards for participation in the Food Stamp Program are the same for everyone without regard to race, color, religious creed, national origin or political beliefs.

IM REFERRAL TO VOCATIONAL REHABILITATION

IM-2

(10/73)

PART I TO BE COMPLETED BY REFERRAL AGENCY

NAME _____ DATE OF REFERRAL _____
LAST FIRST M.I.
ADDRESS _____ CASE NUMBER _____
NUMBER STREET APT. NO.
CITY STATE ZIP CODE SOC. SEC. NO. _____
BIRTHDATE _____ SEX _____ RACE _____ TELEPHONE _____ WIN VOLUNTEER ☐
DESCRIPTION OF INCAPACITY AS DETERMINED _____

(INCAPACITY DECISION AND ANY CURRENT MEDICAL REPORTS SHOULD BE ENCLOSED)

REFERRAL AGENCY _____ SIGNED _____
REFERRAL WORKER

PART II TO BE COMPLETED BY VOCATIONAL REHABILITATION

DATE RECEIVED FROM IM _____ DATE ACTION TAKEN _____

ACTION TAKEN

1. ☐ SCREENED OUT (NOT PLACED INTO STATUS 00)
2. ☐ ALREADY IN ACTIVE VR CASELOAD (ALREADY IN STATUS 10 TO 24)
3. ☐ ACCEPTED FOR VR SERVICES (PLACED INTO STATUS 10)
4. ☐ NOT ACCEPTED FOR VR SERVICES (CLOSED IN STATUS 08)

REASON FOR NOT ACCEPTING CASE: (COMPLETE ONLY IF CODE 4 ABOVE IS CHECKED) _____

VR AGENCY _____ COUNSELOR _____

PART III TO BE COMPLETED BY VOCATIONAL REHABILITATION

DATE OF CLOSURE _____

FINAL ACTION TAKEN

1. ☐ CLOSED NOT REHABILITATED: (CLOSED IN STATUS 28 OR 30)

REASON FOR NOT REHABILITATING CASE: _____

2. ☐ REHABILITATED: (CLOSED IN STATUS 26)

NAME OF EMPLOYER _____ WEEKLY EARNINGS \$ _____

VR AGENCY _____ COUNSELOR _____

IM-2

FORM PA-3A
(REV. 7/74)

STATUS: NA[] RA[] RO[] TR[] CA[] OTHER[]

ELIGIBLE UNIT

RECIPIENT COUNT		
	ADC	AFWP
ADULTS		
CHILDREN		

HEALTH CARRIER POLICY NO. DATE ELIG. FOR MED. ASST.

[illegible]

PART IV — RECOMMENDATION AND DECISION

- A-PART A N-NONE
B-PART B
C-PART A & B

*INCLUDES MEXICAN, CUBAN, PUERTO RICAN, ETC.

PUBLIC ASSISTANCE ALLOWANCE

ADJUSTED ALLOWANCE

MONTHLY GRANT FOR PERSONS. \$

6. AMOUNT OF INITIAL GRANT FOR _____ PERSONS

1

REASON FOR ACTION:

[] By CWB ACTION DATE

CWB DIRECTOR'S SIGNATURE

PART V — DETERMINATION OF CALCULATED EARNED INCOME FROM EMPLOYMENT			MONTHLY	
		INITIAL ELIGIBILITY (ADC ONLY)	DETERMINA- TION OF GRANT	
ALL PROGRAMS EXCEPT AFWP				
1. GROSS EARNINGS				
2. IF SELF EMPLOYED, ENTER COST OF PRODUCING INCOME				
3. ADJUSTED GROSS EARNINGS (1 MINUS 2)				
4. DISREGARD (IDENTIFY)				
5. SUB-TOTAL (3 MINUS 4)				
6. OTHER DEDUCTIONS:				
MANDATORY PAYROLL DEDUCTIONS				
EXPENSES OF EMPLOYMENT				
COST OF CHILD CARE				
OTHER (IDENTIFY)				
TOTAL OTHER DEDUCTIONS				
7. CALCULATED EARNED INCOME				
AFWP PROGRAM ONLY				
1. GROSS EARNINGS				
2. IF SELF EMPLOYED, ENTER COST OF EARNING INCOME HERE				
3. ADJUSTED GROSS EARNINGS (1 MINUS 2)				
4. INITIAL DISREGARD				
5. SUB-TOTAL (3 MINUS 4)				
6. DISREGARD (1/3 OF 5)				
7. CALCULATED EARNED INCOME				

PART VI — DETERMINATION OF INITIAL ELIGIBILITY (ADC AND AFWP ONLY)			
I N C O M E		P U B L I C A S S I S T A N C E A L L O W A N C E	
RSDI		SCHEDULE I	
CALCULATED EARNED INCOME		SCHEDULE II	
OTHER INCOME			
(IDENTIFY)		TOTAL ALLOWANCE	
		MINUS TOTAL INCOME	
		ADJUSTED ALLOWANCE	
TOTAL INCOME			

PART VIII — COMMENTS:

PART VII — VENDOR PAYMENTS - CHECK R (RECURRING) OR N (NON-RECURRING)					
DATE	PURPOSE	R	N	VENDOR	AMOUNT

EVALUATION OF CAPACITY OF LEGALLY RESPONSIBLE RELATIVES TO SUPPORT

A. Case Number _____ Client's Name _____ Name of Legally Responsible Relative _____ Relationship _____	B. LRR'S ADDRESS (1) _____ (2) _____ (3) _____ (4) _____
---	---

C. MARITAL STATUS AND INCOMES		(1)	(2)	(3)	(4)
Single					
Married but no separate income					
Married and both husband and wife have incomes					
Married and both husband and wife are LRR's of the client					

D. SOURCE OF LRR'S INCOME	(1)	(2)	(3)	(4)
Recipient of public assistance				
Dependent on another person				
Pension benefits, etc. (identify)				
Employed				
Self-employed				

E. ORDERS OF SUPPORT: LRR is under court order of support?

(1)	(2)	(3)	(4)
(a) YES ☐ NO ☐ ;	YES ☐ NO ☐ ;	YES ☐ NO ☐ ;	YES ☐ NO ☐

(b) IF "YES", COMPLETE:

	(1)	(2)	(3)	(4)
Month and year ordered				
Monthly amount of support order	\$	\$	\$	\$
Availability-amount	\$	\$	\$	\$
If other person, identify name and relationship				

F. TYPE OF CONTACT:

(1) ☐ Letter ☐ Visit ☐ Tel.	(2) ☐ Letter ☐ Visit ☐ Tel.	(3) ☐ Letter ☐ Visit ☐ Tel.	(4) ☐ Letter ☐ Visit ☐ Tel.
--	--	--	--

DATE:

Mo. Yr.	Mo. Yr.	Mo. Yr.	Mo. Yr.
---------	---------	---------	---------

G. (a) NO CONTACT

	(1)	(2)	(3)	(4)
☐	☐	☐	☐	☐

(b) **REASON FOR NO CONTACT**

(1) _____

(2) _____

(3) _____

(4) _____

H. LRR'S PLACE OF EMPLOYMENT:

PA-3B (Rev. 9/89)

- (1) _____
 (2) _____
 (3) _____
 (4) _____

I. INCOME OF LRR:

		(1)	(2)	(3)	(4)
Evaluation date (mo./yr.)					
Method used to verify income of LRR:	Pay Stubs				
	Income Tax				
	Other (identify)				

J. EVALUATION:

	(1)	(2)	(3)	(4)
a) Month and year				
b) Schedule used				
c) LRR family size				
d) Monthly income	\$	\$	\$	\$
Less deductions for				
e) extraordinary expenses	\$	\$	\$	\$
f) Adjusted income	\$	\$	\$	\$
Capacity to support				
g) (from schedule)				
Less monetary value of				
h) current support contributions	\$	\$	\$	\$
i) Amount considered available	\$	\$	\$	\$

K. OTHER COMMENTS:

L. CASEWORKER'S SIGNATURE:

- (1) _____
 (2) _____

- (3) _____
 (4) _____

REPORT OF EYE EXAMINATION

County Welfare Board

Name _____ Sex _____ Case No. _____
Race _____

Address _____
(Street and number) (Municipality) (County) (State)

1. Date of birth _____ (1a) Age at onset of blindness: Right eye _____ Left eye _____

2. **DIAGNOSIS:** (If primary eye condition or etiological factor is not the same for both eyes, divide space and indicate each separately.)

3. Eye affection primarily responsible for impairment of vision _____

4. Complicating or secondary eye conditions, if any _____

5. Etiology of eye affection primarily responsible for impairment of vision _____

6. If etiology is trauma or poisoning, specify destructive object or poison, also activity in which patient was engaged at time of occurrence _____

7. Is there history of similar eye condition in other members of family? _____

8. Describe the appearance of eyes, including fundi _____

9. CENTRAL VISION:

Without Glasses
Distance (20') (Near 14")

With Present Glasses
Distance (20') (Near 14")

Maximum Correction
With Glasses Giving
Distance (20') (Near 14")

Use Snellen notation in recording vision as 20/200, 10/200, etc. Use AMA reading card in determining near vision.

R.E. _____

L.E. _____

10. If vision is limited to light perception, does patient have light projection?

R.E. _____ L.E. _____

11. PERIPHERAL VISION:

Is there any limitation in the field of vision?

R.E. _____ L.E. _____

Attach field chart if available, noting radius of perimeter, size of test object, and illumination.

If so, what is widest diameter (in degrees) of remaining visual field?

R.E. _____ L.E. _____

12. PROGNOSIS: _____

13. Has Wassermann test been taken? _____ Date _____ Place _____ Findings _____

14. Is there any likelihood that vision could be improved by operation or treatment? _____

15. Recommendations—Primary and secondary eye conditions _____

16. Recommendations—Etiological factor _____

17. Remarks: (When should patient be reexamined?) _____

Date of examination _____

(Examiner's Signature)

Date of report _____

(Address of Examiner)

REEXAMINATIONS

Form PA-5A
(Rev. 5/70)

[illegible]

INTERIM MEDICAL - SOCIAL REPORT

_____ County Welfare Board

Registration No. _____

Related Nos. _____

A. CLIENT BEING EVALUATED

1. Name _____
(Last) (First) (Middle)

2. Birth date _____
(Mo.) (Day) (Yr.)

3. Current Address _____
(Street) (Municipality)

B. CURRENT CASE STATUS: This report submitted for

1. ☐ Redetermination of Medical Eligibility Factor(s): ☐ Permanent and Total Disability
☐ Incapacity in ADC

☐ Special Review: ☐ Required
☐ Requested by CWB
☐ Other (Identify) _____

2. ☐ Reapplication ☐ Reopened Application _____
Registration Date

3. Explanation of Case Status: When checked for Redetermination of medical eligibility factor(s), no entry is required here except that, if previous Record of Action stated client was "not competent" please state what method of payment is in effect. When checked for **Special Review**, explain purpose of submittal and use following sections as necessary to present existing situation. When checked as **Reapplication** or **Reopened Application**, give date and reason for last denial or closing.

C. CURRENT SHELTER ARRANGEMENT: Describe any changes in shelter arrangement or family membership since last report. Give age and relationship to client of any new members. If arrangement is entirely different, give description to include the appropriate details as in Section C 1 or 2 of Form PA-6.

Registration No. _____

D. **ECONOMIC STATUS:** Explain pertinent changes in client's or family's sources of support, including current status of any application for statutory benefits, settlement of suits or claims, etc. (Refer to Section E of Form PA-6)

E. **EMPLOYMENT:** Give details of any employment (including sheltered workshop type) experience since last report. Include kind of work, full or part-time, dates, rate of pay, reason for leaving, etc.

F. **MEDICAL SERVICES:** Give summary of continuing or additional medical services since last report. Include periods of hospital or other institutional care, diagnoses, clinics attended, and frequency of physician's services. Report CWB efforts in locating medical and related services; and client's cooperation or failure to use available recommended services or treatment. (Refer to 2234.6g). If specific medical reports were requested on last Record of Action, please attach.

I N D E X

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236.1 Maintenance of CSP Effort

The deletion of the AFDC parent or parent-person from the eligible unit shall not be construed as a bar to continuing effort by the CSP Unit to establish paternity or obtain support for the AFDC children.

237. CSP Interaction

237.1 Review of CSP Unit

Prior to a final determination of good cause for refusing to cooperate, the Income Maintenance Unit will provide the CSP Unit an opportunity to review and comment on the findings and will consider recommendations from that unit. Additionally, the CSP Unit may participate in any fair hearing resulting from a good cause determination.

237.2 Notice to CSP Unit

If the CSP referral form has already been routed to the CSP Unit, the IM worker shall promptly notify the CSP Unit that good cause has been claimed. The worker shall also report promptly to the CSP Unit as soon as a determination in the good cause claim has been made and shall advise whether or not child support enforcement may proceed without the participation of the parent or parent-person (see Section 238).

238. Enforcement Without Parent's Cooperation

When the CWA makes a determination that good cause for refusal to cooperate exists, it will also determine whether or not child support enforcement and/or establishment of paternity can proceed without risk of harm to the child or parent with whom he/she lives if the enforcement or collection activities do not involve their participation. This decision, with the basis for the determination, will be recorded in the case record.

238.1 CSP Recommendation

The CSP Unit will be given the opportunity to review the proposed determination and will be notified promptly regarding the decision.

238.2 Notification of Client

The client will be notified that child support enforcement or establishment of paternity will proceed without the client's cooperation. The

client may choose to withdraw his/her application or have the case closed. The client must also be advised of his/her rights to appeal this decision in accordance with PAM 7110.

239. Record Keeping

The CWA shall maintain records of activities relative to good cause claims and shall make them available for review by federal or State staff upon request. At a minimum the CWA shall complete, on a monthly basis, Form PA-48, Monthly Summary of Good Cause Claims, and accumulate these summaries for each calendar quarter. The accumulated reports shall be submitted to the Bureau of Local Operations no later than the 15th of the month following the report quarter.

WELFARE BOARD MINUTES

10:81-1.14 Welfare board minutes

- (a) The county welfare board in each county in which a welfare board exists shall maintain in permanent archives formal minutes of the proceedings of all regular and special meetings.
- (b) Purpose: The maintenance of minutes is legally and administratively essential to:
1. Serve as the official and permanent record of all action duly authorized by the board and of all policy decisions, whether of general or special nature, established by the board for the governing of staff operations;
 2. Establish the validity of executive acts of the director and ministerial acts of staff members in carrying out the board's authorization and policies;
 3. Provide an official medium for monthly reporting to the State office of those actions of which the State office must be apprised in order to accomplish its functions and for which no other reporting medium is prescribed.
- (c) Preparation, attest, maintenance:
1. The Director of Welfare, as the legally designated clerk of the county welfare board where such board exists, shall:
 - i. Prepare the Minutes or supervise and direct their preparation; and
 - ii. Attest by personal signature to the official character and correctness of the Minutes; and
 - iii. Provide for and supervise the retention of one official copy in the permanent archives of the agency; and
 - iv. Provide for and supervise the retention of attachments to the Minutes as directed elsewhere in this section.
- (d) General requirements/content: Subject to the requirements of this section, the Minutes may be prepared in whatever style and form the director of welfare, with the approval of the board, may determine. They shall include as a minimum the following:
1. Time and place of meeting.
 2. Roll call: Identification of members in attendance and establishment of a legal quorum. Also, identification of guests of the board; counsel, if present; staff members; consultants; persons with specific business with the board; and others in attendance who may voluntarily identify themselves, including representatives of interest groups with identification of the groups when voluntarily supplied.

WELFARE BOARD MINUTES

10:81-1.14(d) (continued)

3. Sunshine Law compliance: A statement in a form prescribed by counsel as required under the Sunshine Law (Open Public Meetings Act).
4. Previous Minutes: Approval or correction of Minutes of the previous meeting.
5. Disposition of cases: Statement of authorization and/or ratification of the director's action in all case determination. Individual case identification is required only for those cases in which the welfare board is called upon to make a special individual determination.
6. Fund requisitions: Authorization for the secretary-treasurer to requisition from the State and county treasurers specified amounts of funds for assistance and administration.
7. Disbursements: Approvals and authorizations for payments from the various accounts maintained by the agency.
8. Communications: Record of receipt and disposition, where appropriate, by the board of all communications addressed specifically to the board or otherwise requiring board attention.
9. Personnel transactions: Statement of authorization and/or ratification of the director's action in all personnel transactions. Identification of individuals or positions is required only for those transactions in which the welfare board is called upon to make special individual determinations. All personnel transactions are subject to final approval by the Division of Public Welfare.
10. Asset and recovery transactions: Record of transactions authorized and intermediate decisions and instructions for executive guidance developed by the board in matters of claims, assets, and recoveries.
11. Staff reports: Record of receipt of regular or special staff reports and of actions taken.
12. Reports of special projects, grants or programs with approvals of expenditures and of decisions made as appropriate.
13. Policy decisions: Record of discussions and decisions on all matters of general or special policy considered by the board and not covered elsewhere in the Minutes, including transactions requiring individual authorization, intermediate decisions, and instructions for executive guidance.
14. Adjournment with announcement, if appropriate, of time and place of next meeting.

WELFARE BOARD MINUTES

10:81-1.14 (continued)

- (e) Attachments: Copies of any reports, schedules, correspondence or other documentary material which may be necessary to an understanding of the Minutes are to be attached to those copies of the Minutes transmitted to the State office and at the instruction of the board to the individual board members and to such others as may be designated by the board. The attachments need not be maintained as a part of the permanent archives of the agency but if not so maintained, shall be maintained in such a way as to be accessible to those reviewing the Minutes. They shall be retained for such periods as may be directed by the board but not less than three years or such longer periods as may be directed in writing by the State office.
- (f) Transmittal to State office: A copy of the complete Minutes with attachments of each regular and special meeting of the board shall be transmitted to the Chief, Bureau of Management Services, Division of Public Welfare on or before the fifth working day of the month following the close of business for that month. Such submittal and subsequent review by State staff does not in any way mean that the contents of the Minutes are approved by the State office.
- (g) Optional segregation: Each county welfare board may, at its option and by instruction to the welfare director as clerk of the board, maintain the Minutes of its closed meetings separately from those of its open meetings. When so maintained, both parts comprise the Minutes of a meeting subject to permanent retention but only the open meeting portion need be supplied on request (and payment when appropriate) to persons other than board members and the State office. The attachments should be similarly separated.
- (h) When separated (and appropriately marked) copies of Minutes arrive in the State office, the portion relating to the executive and closed meeting sessions which often deals with confidential matters that should not be a matter of general knowledge and the attachments thereto are subject to restricted circulation on a "need to know" basis. Those portions of the Minutes dealing with executive or closed sessions should be submitted separately to the Personnel Officer, Division of Public Welfare and will be maintained exclusively by the Office of Personnel. The portion relating to the open meeting (and the closed meeting as well for Minutes which are not separated) are circulated throughout the State office.

THE APPLICATION PROCESS

10:81-2.2(a) (continued)

6. Taking the application without delay (see N.J.A.C. 10:81-1.4). When immediate need is apparent, immediate assistance shall be given under presumptive eligibility. (See also N.J.A.C. 10:81-1.3.)
7. Advising a pregnant woman that she may make application for assistance up to 60 days before the expected birth date of her child.

10:81-2.3 Completion of forms

- (a) The applicant will be fully assisted by the IM worker or by any person of his/her choice in completing the Application and Affidavit for AFDC, MA, CRA, IRP and Food Stamps (PA-1J). The applicant will also be given the pamphlets "Your Rights and Responsibilities" (PA-197) and "Fair Hearing in the Aid to Families with Dependent Children Program" (PA-196). The client's obligation to report changes, as stated in "Your Rights and Responsibilities", will be carefully explained by the IM worker.
- (b) Signature(s) and date of application are required. The application (Form PA-1J) requires three signatures of the applicant(s). In addition to the first page and the affidavit, the applicant(s), with the exception of non-needy parent-persons who do not request assistance for themselves, must sign a release which authorizes the county welfare agency to obtain State income tax information (see (b)lii below).
 1. In AFDC-C- a written application and the authorization to obtain State income tax information is to be signed under oath by the applicant himself/herself or, when the applicant is incapacitated or alleged incompetent (N.J.A.C. 10:81-3.12(b)), by someone acting responsibly for him/her. (See N.J.A.C. 10:81-3.9 and 4.6.)
 - i. When both parents are in the home, both will be required to sign the application and the authorization to obtain State income tax information except that if a parent is unavailable to sign the application and the authorization to obtain State income tax information for reasons beyond the family's control, one signature will suffice. In that event, the non-signatory parent shall be required to annex his/her signatures as promptly as he/she is available for such purposes.
 - ii. A non-needy parent-person who does not make application for AFDC for himself/herself is required to sign the application but is not required to sign the authorization to obtain State income tax information. This exception does not apply to natural or adoptive parents.

THE APPLICATION PROCESS

10:81-2.3(b) (continued)

2. In AFDC-F and -N, a written application and the authorization to obtain State income tax information shall be completed and signed by both parents. If one parent is unavailable to sign the application, see (b)1i above.
- (c) Income maintenance worker reviews application: The IM worker will look over the application to make sure it is complete and to check any apparent discrepancy or confusion in the information provided by the applicant with him/her, arriving at a resolution if possible in order to process the application.
- (d) Registration and case number assignment: The application will be registered immediately and a number assigned in the series designed for the applicable program. A reapplication or reopened application will be reassigned its previous number if within the same county.

10:81-2.4 Eligibility for Aid to Families with Dependent Children (AFDC) (see also N.J.A.C. 10:81-3)

- (a) Eligibility for AFDC is based upon certain criteria such as age, relationship, residence in the State and upon other criteria relevant to each segment. (See N.J.A.C. 10:81-2.6.)
- (b) AFDC-C segment: Eligibility for the AFDC-C segment is based on financial need and deprivation of parental support and care because of incapacity, absence or death of one or both parents.
- (c) AFDC-F segment: Eligibility for the AFDC-F segment is based on financial need when both parents are in the home, neither is incapacitated and the parent who is the principal earner meets the Federal definition of unemployment.
- (d) AFDC-N segment: Eligibility for the AFDC-N segment must be determined when both parents are present in the home, are not incapacitated, there is insufficient income or other resources for support of the family and family does not meet the federal criteria for the AFDC-F segment. (See N.J.A.C. 10:81-3.8(e) and 3.10.)

7900. REPORTING CRIMINAL OFFENSES TO LAW ENFORCEMENT AUTHORITIES

Investigation of new applications or investigations for redetermination of eligibility may indicate to the county welfare agency that a crime may have been committed. Allegations of the suspected commission of a crime may also be made known to the CWA through various other sources, e.g., phone calls, written communications, verbal communications from individuals, etc. In such instances, the CWA may be under a legal obligation to report the situation to the appropriate law enforcement agency.

7910. Nature of Offenses Which Must be Reported

7911. To Local Authorities

7911.1 Arson, manslaughter, murder or any crimes which constitute high misdemeanors such as atrocious assault and battery, carnal abuse, incest or rape. (Refer to legal counsel for additional information identifying high misdemeanors.)

7911.2 In order to afford protection to children, certain other crimes and abuses must also be reported to the proper authorities. (See Section 3262.)

7912. To Federal Authorities

Knowledge of the actual commission of a federal felony unless disclosure of such information is prohibited by law (see Section 7600). (Refer to legal counsel for identification of federal felonies.)

7920. Procedures

When the county welfare agency becomes aware of facts that would indicate that one of the above mentioned crimes has been or may have been committed or receives a direct allegation in any form, written, verbal or anonymous, that such a crime has been committed, it shall proceed as follows:

7921. The director shall personally, and in collaboration with counsel, review whatever facts and circumstances are immediately available in order to determine whether there is suspicion that a crime was committed.

7922. If the director is satisfied that there is evidence to support an investigation as to whether a crime has been committed, he/she shall, after consultation with counsel, report the matter to the county prosecutor, or to a local police department or to the State Police if so directed by the Office of the Prosecutor. If such matter involves suspected child abuse or neglect, it shall also be reported to the Social Service Unit which shall contact the Division of Youth and Family Services. (See Section 3262.)
7923. When a decision has been made to report the alleged or suspected commission of the crime, such report shall be made in written form to the appropriate law enforcement agency. Where a direct allegation charging commission of a crime has been made by an identified person, such person shall be advised of his/her responsibility to report this information to the proper authorities. In these instances, the report of the county welfare agency shall include a statement that the individual originally making the allegation had been informed of his/her responsibility to report this information to the appropriate law enforcement agency.
7924. The county welfare agency shall cooperate fully with any subsequent investigation initiated by the law enforcement agency within the limits of the policy and regulations of the Division of Public Welfare. A county welfare agency staff member may sign a written complaint only upon a written request from the law enforcement agency and provided his/her information of the facts to be stated in such complaint is based upon his/her own personal knowledge and belief. (See also Section 1150.)

10:81-8.2 (continued)

(d) District office procedures:

1. Pending claims: When the Form SSA-1610 referral is in respect to an application for benefits or benefit status information, the district office will, if the claim is pending, acknowledge receipt of the referral by returning one copy, retaining the second copy for completion when the claim is adjudicated.
2. New applications: If the district office has no record of a prior claim or recent inquiry, the referral will initiate processing a claim. If the client is obviously ineligible for benefits, the district office will fill in the necessary information on the SSA-1610 and return both copies to the county welfare board. If the client appears to be entitled to RSDI benefits, the district office will develop the claim, and send a copy of the request form to the county welfare board that a claim is being developed. When the case is adjudicated by the district office, the original request form will be completed and returned to the county welfare board.
3. Client failing to file: If the client is apparently entitled and does not file a claim, the district office will return both copies of SSA-1610 to the county welfare board with a full statement of why a claim has not been filed. In such cases the worker shall interview the client to ascertain why he/she failed to keep the appointment, interpret the provisions and possible benefits, and assist him/her if necessary, in filing his application. Continued refusal to apply for benefits renders an individual ineligible for assistance.
4. Follow-ups and re-referrals: In cases where the district office has not sent a "status report" to the county welfare board within 60 days for regular retirement or survivors cases or within 120 days for disability benefit cases, a follow-up referral may be sent by resubmitting one copy of the form with sufficient information to identify the original request. It is also possible that cases previously adjudicated as not eligible may subsequently be determined as insured.

10:81-8.3 Release of information by welfare boards

- (a) When the Social Security Administration requests information to assist in determining an applicant's eligibility for any benefits, the county welfare board is authorized to release such information from its records.
- (b) Medical information: Medical information when requested, exact copies of reports, abstracts of hospital or clinic records, etc. shall be provided since this information will be used by professional medical personnel in determining disability status for disability benefits.

10:81-8.4 (Reserved)

10:81-8.5 Entitlement of illegitimate child

- (a) An illegitimate child may be entitled to RSDI benefits based on the earnings record of the natural mother or natural father subject to the following conditions and proofs.
- (b) Benefits based upon earnings record of mother: In New Jersey an illegitimate child has the requisite status for entitlement to RSDI benefits based upon the earnings record of the mother without meeting any special requirements beyond proof of the relationship.

RESOURCE REFERRAL

____ COUNTY WELFARE BOARD DATE _____

TO: Resource Unit

FROM: Income Maintenance Unit

The following Case(s)

Prepared by: _____

Case Name _____ Case No. _____

Comp. Case _____ Case No. _____

is (are) referred to you for attention in the area(s) indicated.

- ☐ Possible fraud case
- ☐ Possible recovery from
- ☐ Compensation case, accident case or other litigation against _____ by reason of _____
- ☐ Disposal of real property at _____
- ☐ Disposal of personal property () at _____
- ☐ Client is heir to estate of _____
- ☐ Other _____
- ☐ Client's action for support by:
- ☐ Establishment of paternity for _____ born _____
- ☐ Desertion action against _____
- ☐ Non-support action against _____
- ☐ IRR action against _____
- ☐ Other _____

(Income Maintenance Worker: Complete above in duplicate for appropriate cases. On reverse side provide a brief statement of the circumstances and any action already taken. Attach relevant documents and copies of correspondence. Route both copies through your supervisor to the Resources Unit.)

(Resources Unit: Complete acknowledgement on duplicate copy, add any special instructions or questions for Income Maintenance Section, return duplicate to the Income Maintenance Worker.)

TO: Income Maintenance Section

Acknowledgement is made of the above referral. We will notify you of results. Please be guided by any instructions or questions noted below.

FROM: Resources Unit

Date: _____

By: _____

8212.2 Assistance Pending Receipt of Benefits; Continued Assistance

In determination of eligibility for assistance, or continued assistance, Unemployment Insurance and Temporary Disability Benefits shall be considered as a resource in accordance with the provisions of Section 324.4 of the Assistance Standards Handbook.

8213. Verification of Status of Claim

8213.1 Unemployment Insurance

Claims for Unemployment Insurance Benefits are filed at the appropriate local office of the State Employment Service.

It should be possible for the agency to secure from the client all the necessary information about his/her eligibility for and the receipt of unemployment insurance benefits.

When a client cannot provide the information and fails in his/her efforts to secure it himself/herself, or there is reason to believe that the client is furnishing inaccurate or incomplete information, the agency shall request the necessary data from the Division of Unemployment and Disability Insurance by submitting Form PA-24 to the central office of the Division. Routine requests for such information shall not be made.

8213.2 Temporary Disability Benefits

Unlike claimants for Unemployment Insurance benefits, persons who have filed for Temporary Disability are not provided with proof of application for benefits. However, they receive an Entitlement Statement from Disability Insurance Service.

It is the responsibility of the client to notify the agency of the status of his/her claim for benefits. The agency shall inquire from him/her whether he/she is covered under private plan or State plan. If the client has not notified the agency of action on his/her claim prior to issuance of the second assistance payment, the agency shall make further inquiry of him/her before releasing the payment.

8213.2 continued

If the client still has not received payment, or notice of ineligibility for benefits for a claim made under the Private Plan, a direct inquiry in writing shall be sent to the employer. If filed under the State Plan, inquiry shall be made to the Division of Unemployment and Disability Insurance, through use of Form PA-24. In such instances assistance shall be continued until receipt of a reply, and further appropriate action taken when the reply is received.

8220. State Employment Service

8221. Types of Service Available

8221.1 Employment Information and Registration Service

The local offices of the State Employment Service have information about many local job opportunities.

8221.2 Placement Service

An important two-fold function of the New Jersey State Employment Service is to help unemployed persons who register for work to find a job suitable to their training and experience, and at the same time to help employers to fill job openings by referring persons who appear to meet the qualifications of specific jobs.

8221.3 Employment Counselling and Testing Services

An additional service offered by the New Jersey State Employment Service is that of counselling with persons and testing for occupational skills of persons with disabilities or other problems which affect employability.

8221.4 Unemployment Insurance Claimants Automatically Registered

Persons who have filed claim for Unemployment Insurance Benefits are automatically registered for employment. Registration for these persons is continued by the New Jersey State Employment Service until the person secures employment or until the end of the benefit payment period. If the person has not secured employment by the end of his/her benefit payment period, it is necessary for him/her to renew registration for employment in order to continue to receive referrals for job openings for which he/she may be qualified.

8222. Verification of Registration Available from Recipient

The recipient(s) who registers for employment is given a card (Form NJES 506) showing the date of his/her registration. The agency shall ask the recipient(s) to show this card as verification that he/she has registered for employment and record the number thereof.

8300. VETERANS ADMINISTRATION

The Veterans Administration operates the Federal program of benefit payments and health and welfare services to veterans and to certain of their dependents or survivors. To be eligible for these benefits and services the veteran, serving in either war or peacetime service, must have been released with other than a dishonorable discharge.

8310. Exploration of Veterans Benefits Condition of Eligibility for Public Assistance

Veterans benefits are a resource for a number of public assistance clients, and shall be carefully explored in the process of determining need.

In the case of a person who is a veteran (or a dependent or survivor of a veteran) and presumptively eligible for any form of veterans benefits, it shall be required as a condition of eligibility for public assistance that application for such benefits be made and fully processed.

8320. Information Concerning Eligibility for Benefits and Services

The details of all benefits and services are clearly outlined in a Fact Sheet entitled "Federal Benefits for Veterans and Dependents" issued by the Veterans Administration.

The New Jersey Bureau of Veterans Services, Department of Institutions and Agencies, maintains service offices to which persons seeking information or wishing to file for Veterans benefits or services may be referred.

The county welfare board also receives a publication of the Bureau of Veterans Services which provides information about changes in the law, interpretation and advice to Veterans on various aspects of the Veterans Administration operations, and activities of interest to New Jersey's veterans.

8400. MUNICIPAL WELFARE DEPARTMENTS (GENERAL ASSISTANCE)

8410. Administrative Structure

In New Jersey the administration of General Assistance is a municipal responsibility. The term "municipality" includes city, borough, township, town and village. It is the legal responsibility of the municipal governing body to appoint a local assistance board, which in turn is responsible for appointing a director of welfare as its chief executive officer in the administration of General Assistance.

The Division of Public Welfare is the State agency responsible for the supervision of the General Assistance program and for the administration of State Aid to municipalities for public assistance.

The law provides for State Aid, under certain conditions, to reimburse a municipality for 75% of assistance expenditures. Municipalities receiving State Aid assume the obligation to administer General Assistance in accordance with the regulations and standards issued by the State Division of Public Welfare.

8420. "Need" Only Eligibility Requirement in General Assistance

Economic need is the only eligibility requirement for General Assistance. According to law every needy person residing in this State, who is not otherwise provided for under the law of the State, is entitled to receive General Assistance.

OTHER GOVERNMENTAL PROGRAMS

10:81-8.16(d) (continued)

Hunterdon	79 Main Street Flemington (201) 782-1130
Mercer	1424 S. Broad Street Trenton (609) 292-7315
Middlesex	75 Paterson Street New Brunswick (201) 246-0653
Monmouth	1200 Memorial Drive Asbury Park (201) 775-5700
Morris	4 Court Street Morristown (201) 267-1700
Ocean	1861 Hooper Ave. Toms River (201) 255-6226
Passaic	100 Hamilton Plaza Paterson (201) 523-2800
Salem	Southwood Shopping Center Woodbury (609) 845-7185
Somerset	79 Main Street Flemington (201) 782-1130
Sussex	4 Court Street Morristown (201) 267-1700
Union	333 N. Broad Street Elizabeth (201) 355-8860
Warren	79 Main Street Flemington (201) 782-1130

10:81-8.17 Manner of payment

Payments of authorized health services will be made by the Division of Medical Assistance and Health Services or as provided in existing contracts with the Hospital Service Plan of New Jersey and the Prudential Insurance Company of America.

10:81-8.18 (reserved)

10:81-8.19 Certification relative to eligibility

- (a) Initial eligibility: When eligibility for Medical Assistance has been determined, the county welfare agency will immediately provide the client with Form MAP-16, Temporary Identification and Validation of Eligibility, and will complete and process a Medical Status File Transaction, Form MAP-1, within ten working days from date of such determination.
- (b) Continuing eligibility for medical assistance:
1. Validation: Each month the county welfare agency will issue to each person or family currently eligible for Medical Assistance a validation of such eligibility. The validation shall be issued at the time of the monthly assistance payment, shall be in a form approved by the Division of Medical Assistance and Health Services, and shall be valid for the period covered by the assistance payment.
 2. Redetermination of eligibility: Eligibility of any person for Medical Assistance shall be redetermined at such intervals and in such manner as prescribed for the program upon which such person's eligibility for Medical Assistance is based.
 3. A special redetermination of a person's eligibility shall be made when information is received indicating a change in circumstances which may affect continuing eligibility.
- (c) Change in status: When it is determined that eligibility for Medical Assistance has been subject to a change in status, the county welfare agency shall take proper action as provided in the Medicaid Status File Instruction Manual by submitting a MAP-1 within 10 working days of such determination.

IMPORTANT REMINDER OF YOUR OBLIGATION TO REPORT CHANGES

(welfare board)

(address)

(telephone)

You are reminded that it is your obligation and responsibility to notify this county welfare board immediately by mail or personal contact of any changes in your income, resources or circumstances. Changes which must be reported are:

Income and Resources

Income from a new job or loss of old one
 Change in wages from full or part time job
 Receipt of workmen's compensation
 Unemployment or temporary disability benefits
 Social Security or Veterans' benefits
 Pension or other retirement benefits
 Supplemental Security Income (SSI)
 Support payments
 Accident claims or settlements
 An inheritance of money or property
 Money from sale of property
 Lottery winnings or other awards
 Any other change in income or resources

Circumstances

Change of address
 A new baby or other new family member
 Children who leave school
 Anyone moving into or out of your home, whether or not receiving welfare
 Illness or injury
 Death, divorce or separation from your spouse
 Change in health insurance coverage

Court actions related to any of the above

Contact your worker if you have any questions about reporting changes or the kinds of changes you should report.

Failure to notify the county welfare board of changes will be considered willful withholding of information; it may affect the amount of assistance you receive and may subject you to prosecution for fraud.

If your check is larger or smaller than the one you received last month and you have had no explanation about a change in your grant, call the county welfare board immediately because the check may be in error. Failure to take this action may mean future checks will be reduced in order to repay any extra amount which you receive.

If you have been informed of an increase or reduction in the amount of your grant and the check which you receive is not for the expected amount, you must also call the county welfare board immediately.

Please read this notice carefully and ask questions if you do not understand it. Sign two copies of the form below; be sure to keep your copy where you can look at it often. You will be asked to sign a new form at least every 6 months.

Name _____

Case No. _____

I have read the "Important Reminder of Your Obligation to Report Changes".
 I understand my obligations as stated in this notice.

 Date

 Signature of Client

 County Welfare Board Representative

 New Jersey Department of Institutions and Agencies - Division of Public Welfare

State of New Jersey
Department of Institutions and Agencies
Division of Public Welfare

Form PA-400
(7/72)

WIN REGISTRATION RECORD

PART A

1											
	WELFARE CASE NUMBER		WELFARE CASE NAME								
2				3		4					
	LAST NAME FIRST NAME MIDDLE INIT.			SOCIAL SECURITY NUMBER		M F SEX					
5											
	ADDRESS		CITY		STATE		ZIP				
6			7			8					
	COUNTY CODE		MO YR DATE OF BIRTH		TELEPHONE						
9			10			11		12			
	HIGHEST SCHOOL GRADE		EMP UNEMP NIF LABOR FORCE STA.		YES NO AFDC-UF		YES NO V.M. VETERAN				
13	GROUP: CHECK ONE						14 SPANISH SURNAME: CHECK ONE				
			WHITE NEGRO AM. IND ORIENTAL OTHER						MEX AM. PUERTO RICAN OTHER		
15	FAMILY COMPOSITION							16 REGISTRANT'S STATUS			
			TOTAL UNDER AGE 6 AGE 6-15 AGE 16-20 AGE 21-64 AGE 65 & OVER							MAND. VOL.	
17	MOS. ON WELFARE				18 MONTH SINCE LAST FULL-TIME JOB				19 RECEIVING FOOD STAMPS		
									YES NO		

REGISTRATION STATEMENT. I HEREBY REGISTER FOR MANPOWER SERVICES, TRAINING AND EMPLOYMENT AS REQUIRED BY SECTION 402 (a) (19) (A) OF THE SOCIAL SECURITY ACT AS AMENDED IN 1971, AS A CONDITION OF ELIGIBILITY FOR AFDC BENEFITS.

20				
	(SIGNATURE OF REGISTRANT)		(DATE)	
21				
	ADDRESS OF ORIGINATING INCOME MAINTENANCE OFFICE		ADDRESS OF WIN OFFICE	
22				
	(INCOME MAINTENANCE WORKER - SIGNATURE)		(DATE)	

PART B

23 INDIVIDUAL DE-REGISTRATION:

☐ LEFT WELFARE-EMPLOYED	☐ BECAME EXEMPT	☐ REFUSED TO PARTICIPATE REMOVED FROM WELFARE GRANT	☐ LEFT WELFARE-OTHER
--	--	--	---

24		
	(INCOME MAINTENANCE WORKER-SIGNATURE)	(DATE)

PART C (TO BE COMPLETED AT WELFARE INTAKE)

Form PA-400 (7/72)

[Page 2]

Please complete items listed below:

MARITAL STATUS 1 ☐ Never Married 4 ☐ Divorced 2 ☐ Married 5 ☐ Separated 3 ☐ Widowed	HEIGHT Ft. Inch WEIGHT Pounds	IF NEEDED FOR WORK Do you have: ☐ Tools ☐ Chauffeur Lic ☐ Auto ☐ Truck Would you relocate? ☐ Yes ☐ No	IF YOU BELONG TO A UNION, ENTER Name _____ Local No. _____	DATES OF MILITARY SERVICE Entry _____ Release _____
--	--	---	---	--

LIST ANY SPECIAL SCHOOLING or TRAINING YOU HAVE TAKEN (Including Military)

Name of School	Course of Study	Length	Date Ended

WORK HISTORY

Describe Your Longest and Most Important Jobs (Including Military Service). Begin with the Most Recent.

Name of Employer			Job Title - - Responsibilities - - Tasks Performed - - Machines Operated - - Tools Used
Address			
Type of Business			
Duration	Ending Date	Pay	
Reason for Leaving Job			
Name of Employer			Job Title - - Responsibilities - - Tasks Performed - - Machines Operated - - Tools Used
Address			
Type of Business			
Duration	Ending Date	Pay	
Reason for Leaving Job			
Name of Employer			Job Title - - Responsibilities - - Tasks Performed - - Machines Operated - - Tools Used
Address			
Type of Business			
Duration	Ending Date	Pay	
Reason for Leaving Job			
Name of Employer			Job Title - - Responsibilities - - Tasks Performed - - Machines Operated - - Tools Used
Address			
Type of Business			
Duration	Ending Date	Pay	
Reason for Leaving Job			

PART D

(TO BE COMPLETED BY JOINT APPRAISAL UNIT)

DO NOT WRITE BELOW THIS LINE

OCCUPATIONAL TITLE	DOT CODE
	 36 45

Remarks:

PA-406 (9/72)

☐ STILL ON AFDC

☐ OFF AFDC

☐ OFF AFDC

	GRAND TOTALS	TOTALS	TOTALS	TOTALS	TOTALS	TOTALS
DOLLARS						
PERSONS						

WIN MONTHLY PROGRAM ACTIVITY SUMMARY - SECTION A

PART I - INCOME MAINTENANCE SUMMARY		STATE CODE COUNTY(IES):		PROJECT ID CODE		DATE PERIOD ENDED	
		CURRENT MONTH	FISCAL YTD			CURRENT MONTH	FISCAL YTD
1. CASE REVIEWS				5. REFERRALS TO VR			
a. INITIAL				a. TOTAL			
b. REDETERMINATIONS				b. SCREENED OUT			
2. REGISTRATIONS				c. ALREADY IN VR			
a. MANDATORY				d. ACCEPTED BY VR			
b. VOLUNTARY				e. NOT ACCEPTED BY VR			
c. REFUSALS				f. PENDING INITIAL ACTION			
3. EXEMPTIONS				g. CLOSED - NOT REHABILITATED			
a. TEMPORARY				h. CLOSED - REHABILITATED			
b. CHILD UNDER 16				6. AFDC REDUCTIONS			
c. CHILD IN SCHOOL				(CURRENT MONTH ONLY)			
d. ILLNESS				a. TOTAL			
e. AGED				b. SUSPENSE			
f. INCAPACITATED				c. WIN/JOP			
g. REMOTE				d. WIN/PSE			
h. MOTHER OF CHILD UNDER 6				e. JOB ENTRY			
i. REQUIRED IN HOME - ILLNESS				f. PENALTIES			
j. OTHER ADULT MALE REG.				7. RECONCILIATION OF MANDATORY			
4. DE-REGISTRATIONS				REGISTRANTS			
a. EMPLOYED				NUMBER OF			
b. EXEMPTED				MANDATORY REGISTRANTS			
c. REFUSALS WITH PENALTY							
d. OTHER REASONS							
PERSON TO CONTACT (NAME & TITLE)		TELEPHONE		SIGNATURE		DATE	

WIN MONTHLY PROGRAM ACTIVITY SUMMARY - SECTION A

PART II-SAU SUMMARY		STATE CODE COUNTY(IES):		PROJECT ID CODE		DATE PERIOD ENDED				
ACTIVITY SUMMARY				SERVICE SUMMARY						
		CURRENT MONTH	FISCAL YTD		STARTED/PROVIDED				ON-GOING	
					CURRENT MONTH		FISCAL YTD		END OF MONTH	
					DOL AUTH.	NOT AUTH.	DOL AUTH.	NOT AUTH.	DOL AUTH.	NOT AUTH.
1. INITIAL CERTIFICATIONS				6. PARTICIPANT FAMILIES RECEIVING CHILD CARE						
a. REQUESTED										
b. MADE WITH SERVICES				7. CHILDREN CARED FOR FULL-TIME						
c. MADE WITH NO SERVICES				a. IN-HOME						
2. SUPPLEMENTAL CERTIFICATIONS				b. FAMILY DAY CARE						
a. REQUESTED				c. GROUP DAY CARE						
b. MADE				8. CHILDREN CARED FOR PART-TIME						
3. CERTIFICATIONS NOT MADE				a. IN-HOME						
a. CHILD CARE NOT AVAILABLE				b. FAMILY DAY CARE						
b. OTHER SERVICES NOT AVAILABLE				c. GROUP DAY CARE						
c. OTHER REASONS				9. SOCIAL SERVICES						
4. 60 DAY COUNSELING				a. FAMILY PLANNING						
a. TOTAL REFERRALS				b. MEDICAL EXAMS						
b. RETURNED TO PARTICIPATION				c. HOMEMAKER						
c. REMOVED FROM GRANT				d. HOME MANAGEMENT						
d. LEFT COUNSELING - OTHER				e. HOUSING IMPROVEMENT						
5. SAU STAFF				f. TRANSPORTATION						
a. NUMBER FULL TIME STAFF				g. OTHER						
b. NUMBER PART TIME STAFF				10. OTHER SERVICES						
c. NUMBER MAN MONTHS				a. REMEDIAL MEDICAL						
				b. VOCATIONAL REHABILITATION						
PERSON TO CONTACT (NAME & TITLE)			TELEPHONE		SIGNATURE			DATE		

NOTICE OF STATUS OF CONTINUING PAYMENTS
FOLLOWING REQUEST FOR A FAIR HEARING

CASE NAME _____

CASE NUMBER _____

In all cases of individuals and families receiving regular assistance under the Aid to Families with Dependent Children Program (AFDC), Assistance to Families of the Working Poor (AFWP), Medicaid Only and Food Stamps, the recipient shall be provided with prior notice not less than 15 days (10 days for the AFWP program) regarding any proposed reduction or termination of assistance and, upon receipt of a timely request (15 days from date of county welfare board notice) for a fair hearing, assistance may be continued without reduction until a fair hearing.

The following determination has been made on the question of your entitlement to receive such continuing assistance in an unreduced amount until the State has held a fair hearing. In the event that the contested issue is not decided in your favor, you may be responsible for reimbursement of all assistance paid after the date of the proposed action to suspend, reduce, or terminate payment in accordance with provisions prescribed by official regulations for recoupment of overpayment of assistance.

____ Yes ____ No Your request relates to a proposed reduction or termination of assistance.

____ Yes ____ No Your request was made within 15 days of the date of notice of proposed reduction or termination of assistance.

[] Eligibility exists for continued assistance in an unreduced amount until the fair hearing.

[] No eligibility exists for continued assistance in an unreduced amount during pendency of fair hearing.

____ Yes ____ No You have voluntarily waived your right to continued assistance in an unreduced amount pending the fair hearing.

A determination will be made at the fair hearing whether or not you will be eligible to receive continued assistance until a fair hearing decision has been issued, providing you do not waive your right to such assistance.

Richard J. Murphy
Richard J. Murphy, M.S.W.
Supervising Hearing Officer
Division of Public Welfare

RJM:

NOTICE OF STATUS OF CONTINUING PAYMENTS
PENDING FAIR HEARING DECISION

CASE NAME _____ CASE NUMBER _____

FAIR HEARING HELD ON _____ 1975

Eligibility to receive assistance in an unchanged amount continued during the period a fair hearing is pending when facts presented at a fair hearing proceeding establish that the request for a fair hearing contests the facts applied by a county welfare board. In your case, a determination has been made that:

- ☐ Eligibility exists for continued assistance in an unchanged amount until a fair hearing decision is rendered.
- ☐ No eligibility exists for continued assistance in an unchanged amount during pendency of the fair hearing.
- ☐ Eligibility exists but entitlement waived by client.

Hearing Officer
New Jersey Division of Public Welfare

Date

SI NO COMPRENDA USTED ESTA NOTICIA PORQUE NO HABLA EL INGLES,
POR FAVOR, COMMUNIQUE USTED CON SU TRABAJADOR SOCIAL.

AN IMPORTANT REMINDER
TO FAMILIES APPLYING FOR AFWP

This notice is to remind you that, although you are currently applying for public assistance through the program known as Assistance to the Families of the Working Poor which requires that both parents of children under the age of 18 live in the home and be capable of employment, your situation may change due to one of the following causes:

- a. Death, divorce or separation
- b. Desertion
- c. Imprisonment
- d. Deportation from the United States
- e. Illness for which there is evidence, such as a physician's statement, that this condition will continue beyond 30 days.
- f. Admission to a hospital or other private or public medical institution when there is evidence that care in such facility will be required for at least 30 days.

If either you or your spouse is affected by one of the above causes, please report such facts promptly to your Income Maintenance Worker at the County Welfare Board, in order that you may be given an opportunity to make a separate application for the Aid to Families with Dependent Children program, or when appropriate, to be referred to the Federal SSI program which serves financially needy individuals who are 65 or older or who are blind or disabled (including children).

Please save this notice for future use.

334.1 Filiation Proceedings (cont'd)

b. Order of Filiation

If the court finds that the person charged is the father, an Order of Filiation is made which also specifies the support to be paid by the father for the maintenance of the child.

c. No Contest to Order of Filiation

In some cases, the reputed father will admit paternity and agree that he will not contest the entry of an Order of Filiation. Such action can be encouraged by an interview with the reputed father before initiation of filiation proceedings. In such cases, with the cooperation of the court, the procedure may be simplified in that the issue of paternity and responsibility of support can be adjudicated without issuance of a warrant or formal hearing.

d. Refusal or Inability to Identify Father

In cases where the mother refuses, or claims inability, to reveal the identity of the reputed father, a complaint may be filed naming the defendant as follows:

"John Doe, reputed father of (name of child) said name John Doe being fictitious." Such a complaint must be accompanied by an Affidavit of Inquiry made by the CWA director or duly authorized representative, stating the mother's refusal or inability to identify the reputed father and that other diligent inquiry has failed to reveal the identity. The court may then hold an examination of the mother who withheld disclosure of the name of the reputed father. If she refuses to cooperate, the court may hold her in contempt.

334.1 Filiation Proceedings (cont'd)

- 1) Normally after such a complaint is filed and an examination held as required for disclosure of identity of the reputed father, a warrant will be issued against the reputed father so that when he is personally served, he may be subject to the jurisdiction of the court. This is followed by a hearing where testimony is given by the parties, on the basis of which the court decides the issue of paternity.

e. Order of Filiation Denied

If a court of competent jurisdiction denies an order of filiation against an individual, the CSP Unit shall take no further action with regard to that alleged absent parent, except for appeal of the decision of the court, if warranted.

f. Services to Non-public Assistance Individuals

Complaints by non-public assistance persons seeking support payments will be handled by County Domestic Relations Courts and/or Probation Departments. However, the county welfare agency will, upon request, assist non-public assistance persons in the initiation of paternity proceedings.

334.2 Support Proceedings

In cases where paternity has been legally established through marriage and no court order exists, a nonsupport complaint shall be filed in a court of competent jurisdiction.

334.3 Filing of Complaint

The applicant/recipient is not required, as a condition of eligibility for assistance, to sign a complaint to establish paternity or obtain support. Such complaints shall be filed in the name of the CWA by the Director or his/her authorized representative. Whenever possible, the complaints should be filed in the name of both the CWA and the client to ensure continuation of the court action should the client's assistance be terminated.

335. Documentation of Action Taken by the CSP Unit

All action taken by the CSP Unit, with regard to the establishment of paternity and/or location of an absent parent, shall be clearly documented in the CSP case record.

335.1 CSP Case Record

Separate CSP case records shall be maintained for all AFDC cases referred to the CSP Unit. This regulation does not necessarily require a separate case folder but at a minimum, income maintenance records and CSP records must be physically segregated within the containing binder.

a. Purpose of CSP Case Record

The purpose of the CSP Case Record is to compile, in one easily accessible location, all information relevant to CSP activities. The PA-3C may be used to record such information.

The CSP case record shall contain the following information as applicable to each case:

- 1) The referral from income maintenance to the CSP Unit for each AFDC applicant/recipient or an application for those individuals requesting NPA services.
- 2) A record of any contact with the AFDC applicant/recipient or NPA individual. The date and reason for contact, and the result thereof shall also be documented.

335.1 CSP Case Record (cont'd)

- 3) A record of any contacts with the absent parent, the date and reason therefore, and the results of such contacts.
 - 4) A record of efforts to utilize local locate sources including dates and results of these efforts.
 - 5) A record of referral to the State PLS including the dates and results of such referral.
 - 6) A record identifying the court order.
 - 7) A record of communications to and from the Bureau of CSP Programs or any other CSP agency.
 - 8) A record of communications to and from income maintenance staff concerning the case.
 - 9) A record of case closing, the date and the reason for such action.
- b. If legal proceedings are waived in accordance with App. D 334.1a., that fact shall be noted in the CSP case record and no further action shall be taken by the CSP Unit.
- c. Termination, Suspension, or Transfer of Case

Upon termination, suspension, or transfer of AFDC benefits, the effective date of such action shall be recorded in the CSP case record. In the case of termination or transfer, the appropriate Probation Department shall be notified of such action no later than 10 days after the effective date via Form CSP-110, "Authorization to Discontinue Transmission of Support Payments." In the event of a case suspension beyond 3 months, the appropriate Probation Department shall likewise be notified and the date of such notification shall be noted in the CSP case record.

336. Application for Internal Revenue Service (IRS) Collection

For cases which involve a delinquent amount of child support obligation under the order of a court of competent jurisdiction and an assignment of support rights (Form PA-10G), an application may be made to the Bureau of CSP Programs for IRS collection. Such application may be made only after diligent and unsuccessful collection efforts have been made at the local level. Application for such services is made via Form CSP-109, Application for IRS Collection of Child Support.

336.1 Minimum Amounts for IRS Collection

Application for collections by IRS may be made only when the delinquent amount owed is not less than the amount owed under the court order for three months and in no case less than \$75. .

336.2 Fee Chargeable to CWA

The CWA will be charged a collection fee of \$122.50, payable whether or not the collection action is successful.

336.3 Frequency of Application

Separate applications for IRS collection based on the same child support obligations (under a particular court order) will not be submitted unless there has been a lapse of at least 6 months from the date of latest approved application in the case.

336.4 Approval or Disapproval of Application

If the Bureau of CSP Programs approves the application, it will then be submitted to the HEW Regional Office of Child Support Enforcement, which will approve or disapprove the application. The CWA will be notified, in writing, by the Bureau of CSP Programs with regard to approval or rejection of the application.

336.5 Correction or Update of Application

The CWA shall notify the Bureau of CSP Programs, in writing, of any correction or update of the application for IRS collection and, as applicable, adjustments to conform with retroactively effective court order amendments.

336.6 Submission of Form FSP-109

Applications may be submitted only by the Director of the CWA or his/her designee. Certification and authorization of pertinent court order information and arrearage amounts must also be signed by the county probation department chief or any individual so designated by the Chief. The application shall be submitted to the Bureau of CSP Programs and a copy retained in the case record.

337. Fiscal Record Maintenance

The CWA shall be responsible for the maintenance of records involving receipt of child support payments.

338. Good Cause Determination

The CSP Unit shall not undertake to establish paternity or secure child support when the unit has received notice from the Income Maintenance Unit that there has been a finding of good cause for noncooperation (App. D, Section 230), except as noted in Section 338.2.

338.1 Activities Suspended

Upon receipt of notice from the IM Unit that an applicant/recipient has claimed good cause (see App. D, Section 237.2), the CSP Unit, will until notified of a final determination, suspend all activities in regard to collection of support and/or establishment of paternity.

338.2 CSP Activity without Client Participation

When there has been a finding that good cause exists but the IM Unit notifies the CSP Unit that child support enforcement may proceed without participation of the applicant/recipient, the CSP Unit will undertake to establish paternity or secure child support without involvement in any way of the applicant/recipient (see App. D, Section 238).

400. PARENT LOCATOR SERVICE

401. The locating of absent parents for the purpose of establishing paternity and enforcing child support obligations is primarily a CWA responsibility. To fulfill this requirement, the CWA shall establish a parent locator service within the CWA/CSP to perform parent locator services as described in App. D. 410.

401.1 The CWA will conduct parent location activity in all cases for which no court order exists. In cases where a court order does exist, the Probation Department has responsibility for parent location activities; however it is recommended that on inactive cases, the CWA notify the Probation Department of the need for enforcement.

402. All appropriate State and local sources must be exhausted by the CWA/CSP and the State PLS within 60 days of case referral to the CWA/CSP for parent locator service. (See App. D 413.1)

410. CWA PARENT LOCATOR RESPONSIBILITIES

411. Local Investigation

The CWA/CSP shall conduct a diligent and thorough investigation to locate absent parents at the county level. The investigation shall continue after referral of the case to the State PLS (see App. D 413.). The State PLS shall be notified immediately if the absent parent is located after such referral. If the continuing investigation reveals additional location information, such new information shall be forwarded to the State PLS (see App. D 413.2).

411.1 Sources

The following sources are to be used by the CWA/CSP during its investigation, as appropriate. All of these sources may not be available in every county. This list of sources is not exclusive.

- a. Gas and electric utilities (regarding disconnections or transfer of services)
- b. Telephone company
- c. Neighbors and landlords
- d. Last known employer of absent parent regarding:
 - 1) Current employment,
 - 2) Date and reason for termination,
 - 3) Social Security number,
 - 4) Address to which last W-2 form was mailed.
- e. Friends of absent parent
- f. Local post office for change of address
- g. Absent parent's relatives
- h. Recipient's relatives
- i. Loan companies
- j. County Court House records:
 - 1) Loan agreements,
 - 2) Mortgages,
 - 3) Real property ownership.
- k. Voter registration records
- l. Local law enforcement agencies
- m. Credit bureaus and credit reporting agencies

412. Inter-County Cooperation Requirement

- a. When an absent parent is believed to be in another county within the State, the CWA/CSP shall send a request to such county's CWA/CSP for assistance in locating the parent.
- b. The CWA/CSP must take action (including contact of sources enumerated in App. D 411.1) as appropriate in response to direct requests received from other counties within the State when the requesting county has reason to believe that the absent parent may be located in that county.

334.3 Filing of Complaint

The applicant/recipient is not required, as a condition of eligibility for assistance, to sign a complaint to establish paternity or obtain support. Such complaints shall be filed in the name of the CWA by the Director or his/her authorized representative. Whenever possible, the complaints should be filed in the name of both the CWA and the client to ensure continuation of the court action should the client's assistance be terminated.

335. Documentation of Action Taken by the CSP Unit

All action taken by the CSP Unit, with regard to the establishment of paternity and/or location of an absent parent, shall be clearly documented in the CSP case record.

335.1 CSP Case Record

Separate CSP case records shall be maintained for all AFDC cases referred to the CSP Unit. This regulation does not necessarily require a separate case folder but at a minimum, income maintenance records and CSP records must be physically segregated within the containing binder.

a. Purpose of CSP Case Record

The purpose of the CSP Case Record is to compile, in one easily accessible location, all information relevant to CSP activities. The PA-3C may be used to record such information.

The CSP case record shall contain the following information as applicable to each case:

- 1) The referral from income maintenance to the CSP Unit for each AFDC applicant/recipient or an application for those individuals requesting NPA services.
- 2) A record of any contact with the AFDC applicant/recipient or NPA individual. The date and reason for contact, and the result thereof shall also be documented.

335.1 CSP Case Record (cont'd)

- 3) A record of any contacts with the absent parent, the date and reason therefore, and the results of such contacts.
 - 4) A record of efforts to utilize local locate sources including dates and results of these efforts.
 - 5) A record of referral to the State PLS including the dates and results of such referral.
 - 6) A record identifying the court order.
 - 7) A record of communications to and from the Bureau of CSP Programs or any other CSP agency.
 - 8) A record of communications to and from income maintenance staff concerning the case.
 - 9) A record of case closing, the date and the reason for such action.
- b. If legal proceedings are waived in accordance with App. D 334.1a., that fact shall be noted in the CSP case record and no further action shall be taken by the CSP Unit.
- c. Termination, Suspension, or Transfer of Case

Upon termination, suspension, or transfer of AFDC benefits, the effective date of such action shall be recorded in the CSP case record. In the case of termination or transfer, the appropriate Probation Department shall be notified of such action no later than 10 days after the effective date via Form CSP-110, "Authorization to Discontinue Transmission of Support Payments to County Welfare Agency". In the event of a case suspension beyond 3 months, the appropriate Probation Department shall likewise be notified and the date of such notification shall be noted in the CSP case record.

500. DISCLOSURE OF INFORMATION

The use or disclosure of information concerning applicants or recipients of child support services is limited to purposes directly connected with the administration of public assistance as it relates to the establishment of paternity and collection of child support.

501. Information concerning this program may be provided in connection with:

- a. Administrative requirements of the Child Support and Paternity Program including Parent Locator activities;
- b. The administration of any federal or federally assisted program which provides assistance, in cash or in kind, or services directly to individuals on the basis of need;
- c. Any investigations, prosecutions, criminal or civil proceedings conducted in connection with the administration of this program.
- d. Probation Department activities as they relate to the Child Support and Paternity Program.

502. Nothing in this Appendix is to be construed to be in conflict with the regulations on safeguarding information as stated in the Public Assistance Manual Section 7600.

413. Form PA-450

Referrals to the State PLS and federal PLS are accomplished via Form PA-450, Location Services Request. When the absent parent's whereabouts are known, the Form PA-450 need not be completed. □

413.1 Routing of Form PA-450

When the CWA/CSP has been unsuccessful in its effort to locate the absent parent, a PA-450 shall be completed from information in the CSP case record (see App. D 335.1) and a copy forwarded to the State PLS within 30 days of referral of the case to the CWA/CSP. One copy of the form shall be retained by the CWA/CSP.

a. Non-public Assistance Cases

The 30-day period for forwarding Form PA-450 for non-public assistance cases begins on the date of application for location assistance.

b. Insufficient Information

When the applicant/recipient is unable to provide and/or the existing case record does not indicate either a birth date or a Social Security number for the absent parent, no PA-450 shall be submitted by the CWA/CSP until such time as that information becomes available.

c. Exception to Local Search

When, during the preliminary investigation at the local level, it becomes evident that the services of the federal or State PLS are necessary, the Form PA-450 shall be forwarded immediately to the State PLS.

413.2 Updated PA-450's

When additional location information is obtained by the CWA/CSP after the original Form PA-450 has been forwarded to the State PLS, an updated Form PA-450 shall be sent.

420. STATE PLS

The State PLS shall be responsible for absent parent searches at the State agency level, coordination of intra-state location activities, and referrals to the federal PLS.

421. Sources to be utilized by State PLS

The following sources are to be utilized by the State PLS as appropriate. This list is not exclusive.

- a. State Division of Motor Vehicles
- b. State Division of Unemployment and Disability Insurance
- c. Records of Public Assistance Agencies
- d. Parent Locator Services of other states
- e. Federal PLS
- f. State Division of Taxation
- g. State Division of Correction and Parole

422. Notification of Results of State PLS Efforts

The State PLS will notify the CWA/CSP immediately via Form PA-451 when an absent parent is located. The State PLS will likewise notify the CWA/CSP in the event that State or federal PLS activities are unsuccessful.

CONTINUING ELIGIBILITY

10:81-5.9 (continued)

(f) Employment in AFDC-N: General principles as provided in N.J.A.C. 10:81-3.18(m) shall apply.

(g) AFDC-C and -F cases in Non-WIN Counties: see N.J.A.C. 10:81-3.19.

10:81-5.10 Legally responsible relatives capacity to support

- (a) Each legally responsible relative's capacity to support shall be reevaluated at least once in each six-month period and adjustments made as indicated. (See N.J.A.C. 10:81-3.35.)
- (b) Each legally responsible relative shall be contacted unless it can be verified that the relative:
1. Is receiving public or private financial assistance; or
 2. Has no source of support except fixed income, such as pension, retirement benefits or statutory benefits and there was no capacity to support at time of last evaluation; or
 3. Is him/herself dependent upon a relative (other than the client) for support; or
 4. Is receiving care in an institution for a mental or physical condition, or is in a penal institution and has no capacity to support; or
 5. Cannot reasonably be anticipated to have experienced a change in income since the last evaluation which would affect his/her capacity to support. (The IM worker will consult with his/her supervisor when this appears to be the situation.)
- (c) When a decision is made that it is not necessary to reevaluate capacity to support for one of the above reasons, the justification for such decision shall be recorded in the case record with notation of any plan for making contact in the future.
- (d) The CWA shall avoid making routine requests of other county welfare agencies or of out-of-State agencies to contact relatives for reevaluation of capacity to support. When, after careful evaluation of the need for such service, it is considered essential to request an interview, the letter of request shall clearly identify both the nature and the purpose of the desired service.

10:81-5.11 Recording and recommendation for adjustment in public assistance

A complete summary report of pertinent information shall be made for each contact with a recipient, which shall clearly state the basis for any recommendation for adjustment in grant level, suspension or termination of assistance. The IM worker will indicate such recommendation on the PA-3A form or Form 105, as appropriate. A new Form PA-3A, Worksheet and Authorization for Public Assistance, or Form 105, shall be prepared for each redetermination.

10:81-5.12 Disposition of application for continuation

(a) Following supervisory approval; an application for continuation shall be acted upon by one of the following methods:

1. Action by executive authority: The CWA director (or his/her authorized representative) shall by his legal authority, adjust, suspend or terminate the grant when in his/her judgment such action should be taken in advance of the next meeting of the welfare board.
2. Action by welfare board: After each redetermination, regardless of recommended action, each case shall be presented to the welfare board for action or ratification of the director's action, as appropriate.

10:81-5.13 Notice of agency decision

Each applicant shall receive timely and adequate written notice of any agency decision which relates to his/her eligibility status or change in the amount of his/her grant, in accordance with N.J.A.C. 10:81-7.1.

SUBCHAPTER 6. COMPLAINTS AND FAIR HEARINGS10:81-6.1 Right to fair hearing

- (a) It is the right of every client to request and have a fair hearing in the manner established by these regulations. The availability of local administrative review procedures shall be in addition to and independent of the right of fair hearing and the exercise thereof.
- (b) No fair hearing will be granted when either State or Federal law require automatic grant adjustments for classes of recipients unless the reason for an individual appeal is incorrect grant computation.

10:81-6.2 Notification of right to fair hearing

- (a) A statement in simple language informing the applicant of his/her right to a fair hearing shall be provided to each client. Each client shall receive upon request at time of application or at any time during the period of receipt of assistance an authentic copy of his/her executed application or current reapplication form, with attachments if any, for his/her use. This procedure shall constitute the mandatory and effective method by which every client is informed in writing of his/her right to a fair hearing on any action or failure to act by the agency with respect to his/her situation.
- (b) Each applicant must receive a copy of "Fair Hearings in the Aid to Families with Dependent Children Program" (Form PA-196) at the time of initiating an application and with any notice of denial of such application.
- (c) When protective payments are authorized because inadequate management is evident (see N.J.A.C. 10:81-4.8(d)) written notice of the right to appeal such a determination and the choice of protective payee through the fair hearing process must be provided to the client at the time the determination is made.
- (d) Similar notification of the right to a fair hearing must be provided to the client with regard to decisions on restricted payments, vendor payments and payments conditioned upon work requirements.
- (e) A copy of the document "Fair Hearings in the Aid to Families with Dependent Children Program" shall be furnished to any client at any time upon his/her request and at the time of any adverse action on his/her claim.

10:81-6.3 Complaints and adjustment procedures

- (a) Prompt and courteous attention will be given to all complaints, whether or not such complaints constitute requests for fair hearing and whether or not they are directed to the local office or the Division of Public Welfare. All complaints received shall be acknowledged promptly and, if it is not apparent from the complaint that a fair hearing request has been made, the acknowledgement shall inform the recipient of his/her right to a fair hearing.

COMPLAINTS AND FAIR HEARINGS

10:81-6.3 (continued)

- (b) Informal efforts to effect an adjustment may be made through field contacts, office interviews with supervisory personnel, consultation with the State Field Representative, etc. In no event, however, are such informal efforts to be considered as prerequisite to a fair hearing, and in no event do they delay, interfere with or otherwise impede the processing of a fair hearing whenever a request for such is made. Agency emphasis must be on helping the client to prepare and submit his/her request for a fair hearing.
- (c) Any clear expression (oral or written) by a client (or person acting for him/her, such as his/her legal representative or relative) to the effect that the client wants the opportunity to present his/her case to a higher authority constitutes a request for a fair hearing.
- (d) A request for a fair hearing may be either oral or in writing and addressed to the local office or to the State Division of Public Welfare. Oral requests for fair hearing shall be immediately reduced to a written record by the staff person to whom the request is made. No special form of statement or manner of expression is required so long as the request identifies the nature of the complaint and the relief sought. Requests made to the local office shall be immediately transmitted to the State Division of Public Welfare, and in no event later than one work day after receipt of the request.
- (e) Upon receipt of any request for a fair hearing, the Division of Public Welfare will make a record thereof and promptly initiate arrangements for the conduct of a fair hearing. The Division will send an acknowledgement of the request to the client, along with a copy of the statement entitled "How a Fair Hearing is Conducted", together with a Notice of Status of Continuing Benefits Following Request for a Fair Hearing (Form PA-850).

10:81-6.4 Time limitations on entitlement to fair hearings

If the request for fair hearing relates to an agency action or lack of action that occurred more than three months (90 calendar days) prior to the date of the request, there shall be no entitlement to a hearing on such action or lack of action, unless extraordinary and extenuating circumstances as determined by the Director of the Division of Public Welfare, in his sole discretion, warrant an extension of time.

4533. continued

the provisions of Section 4520 apply. There shall be no interruption in assistance.

Entries in the board minutes and statistical accounting will follow the normal procedure for closing and for new applications.

4534. When Inadequate Management is Evident

When the welfare board decides, on the basis of available evidence, that an individual who has not been determined to be mentally incompetent is unable to manage funds to such an extent that the payments have not been or are not being used in the best interest of the child(ren), the welfare board may provide for payment through a third person rather than through unrestricted money payments.

Such a decision should not be made unless there is substantial evidence to support such a finding.

In such cases, procedures for appointment of a protective payee (see Section 4540) may be instituted provided that:

- 4534.1 the client shall be given an opportunity (whenever practical) to participate in the selection of the third party; in any case protective payee will be a person who is interested in or concerned with the welfare of the child and relative; and
- 4534.2 if, at a later date the recipient requests a change of or elimination of the third party, his/her request shall be granted if upon investigation the request is found to be reasonable and justified; or
- 4534.3 if, at a subsequent review of the case, the worker recommends, on the basis of observation, reports of the third party concerned and/or other reliable reports, that the special payment arrangement be eliminated as no longer necessary to protect the best interests of the child, the welfare board may approve the recommendation.
- 4534.4 In cases where the CWA can find no other protective payee, a member of the CWA staff who has not handled the assistance case may be protective payee on a temporary basis.

4540. Protective Payee

4541. When it is determined by the CWA that the use of funds by the parent or relative is not in the best interest of the child(ren), assistance shall be paid, whenever possible, to a protective payee. A protective payee is not authorized to receive, hold or administer any other property, real or personal, of the recipient nor to act as representative of the recipient in any other manner whatsoever. Money payments made by this method will be federally matched as applicable.

4542. Selection of Protective Payee

4542.1 The CWA director, subject to the approval of the welfare board as expressed in a special resolution recorded in the minutes, shall select an appropriate person to serve as protective payee to receive assistance payments and supervise their use for a client who is unable to manage money. See Section 4560 for criteria and limitations on appointment.

4542.2 A protective payee shall be selected, so far as possible, with the participation of the recipient or of someone responsible for acting on his/her behalf.

4543. Appointment of Protective Payee

4543.1 The CWA director shall prepare a letter formally designating the person selected as protective payee to receive assistance payments and administer them on behalf of the named recipient. A copy of such letter shall be retained in the case record, and a copy given to the recipient concerned, with notice of his/her right to a fair hearing. (See Section 4546.)

4543.2 The person designated as protective payee shall sign a statement in duplicate accepting the appointment. This statement shall contain an agreement to maintain a record of receipts and expenditures; to render an account when requested by the CWA director or the recipient, but at least annually or upon termination of assistance payments or termination of service by the protective payee; and to assist in rendering services to the recipient which will enhance his/her ability to manage money and improve his/her capacity for self-care. A copy of this statement and a copy of all accounts rendered shall be filed in the case record.

4544. Payment Procedure

Payments shall be made by check drawn to the order of

" _____, protective payee for
(Name of protective payee)
_____.
(Name of recipient)"

4545. Change in Protective Payee

- 4545.1 CWA shall review the need for protective payments on behalf of children and the way in which a protective payee's responsibilities are carried out as frequently as is indicated by the individual's circumstances but at least every three months.
- 4545.2 Action to terminate protective payments for a recipient shall be promptly taken whenever the CWA determines that the client is able to manage funds in the best interest of the child(ren).
- 4545.3 A protective payee who wishes to be released from his/her responsibilities shall give the CWA director at least 10 days notice in writing. In the event of an emergency which makes it impossible for him/her to fulfill his/her responsibilities for a period of time, he/she shall confer with the CWA director or a duly designated representative immediately so that other arrangements can be made to assure continued assistance to the recipient.
- 4545.4 When it appears after consultation with the Social Service Unit that need for protective payments is likely to continue longer than two years, appointment of a representative payee shall be effected. (See Section 4550.)
- 4545.5 Official change of a protective payee or termination of protective payments shall be recorded in the welfare board minutes and written notice shall be sent to the individual concerned. The recipient shall also receive written notice of a change in the protective payee.

4546. Fair Hearing

A recipient who has been determined to require protective payments shall be given written notice, and oral explanation of his/her right to fair hearing if dissatisfied with the decision to appoint, the choice of a protective payee, the continuation of protective payments or the manner in which the payee is functioning. (See Chapter 6000.) If the fair hearing issue is the decision to appoint a protective payee, a temporary payee will be designated by the county welfare agency pending the fair hearing decision.

4550. Representative Payee

4551. A representative payee, when duly appointed by the court, is authorized to administer payments of public assistance, but is not authorized to receive, hold or administer any other property, real or personal, of the recipient nor to act as representative of the recipient in any other manner whatsoever. Money payments made by this method are subject to Federal matching.

4552. Appointment of a Representative Payee

4552.1 In instances where it is determined that a representative payee must be appointed, CWA shall advise those acting on the client's behalf that such appointment is required, and shall refer the matter to counsel for appropriate action.

4552.2 The cost of the proceedings shall be assumed by CWA as a matchable administrative expense. If the client should be found ineligible for other cause, the proceedings shall be terminated immediately.

4552.3 In order to satisfy the requirements of the law regarding representative payees:

4552.31 When the recipient has already been determined by the Medical Review Team as incompetent, the Record of Action fulfills the requirement for a review by the State Division.

4552.32 In all other situations, the CWA shall forward to the Medical Review Team all relative medical data as required for determining medical eligibility. The Form PA-6 should state that the purpose of submittal is for review as a basis for appointment of a representative payee.

- 3333.41 When a parent serving in the Armed Forces is not continuously absent from the home, the family may be eligible under the AFDC-F or -N segment. □
- 3333.5 When a parent is temporarily absent in order to receive treatment for a mental or physical illness, defect or impairment, the family should be considered under the incapacity factor. (See Section 3320)
- 3333.6 Unmarried parents - When the natural parents of a child are not married to each other and one lives apart from the children, a continuing relationship between the parents is not of itself evidence of a continuing relationship with the children. When there is no evidence of a continuing relationship between the absent parent and child(ren) "continuous absence" applies.
3334. Child Born Out-of-Wedlock
- 3334.1 The eligibility of a child is not affected by the fact that he/she was born out-of-wedlock. The initiation of proceedings to determine paternity and to establish financial responsibility of reputed father shall not be a condition of eligibility.
- 3334.2 Parents of a child born out-of-wedlock are equally responsible for his/her support.
- A father may voluntarily establish the fact of his paternity and establish with the CWA the extent of his ability to support his child. Voluntary support payments do not legally establish paternity and cannot be enforced in the absence of legally established paternity. A mother may initiate proceedings to establish paternity and/or gain support from the reputed father. She shall be informed of the advantages to the child of having paternity established legally such as certain inheritance rights and Social Security benefits. (See also Section 8142.)
- 3334.3 Court action may be necessary to establish paternity or to obtain support; in the absence of the mother's willingness to initiate such proceedings, the CWA cannot refuse to grant assistance but may initiate proceedings. This provision must be fully explained to each applicant mother of an out-of wedlock child.

3334.4 By law, the county welfare agencies are authorized to initiate proceedings to establish paternity and responsibility for support of a child born out-of-wedlock who is a recipient of AFDC. This authority should be used only when neither parent is willing to initiate proceedings. Filiation proceedings should be initiated in the county juvenile and domestic relations court, but may be initiated in a municipal court in accordance with local practice.

3334.5 A complaint to establish paternity should be filed in the name of the CWA by the director or the duly authorized representative. The complaint will normally be filed against the reputed father as identified by the mother. However, in cases where the mother refuses, or claims inability, to reveal the identity of the reputed father, a complaint may be filed naming the defendant as follows:

"John Doe, reputed father of (name of child) said name John Doe being fictitious." Such a complaint must be accompanied by an Affidavit of Inquiry made by the CWA director or duly authorized representative, stating the mother's refusal or inability to identify the reputed father and that other diligent inquiry has failed to reveal the identity. The court may then hold an examination of the mother who withheld disclosure of the name of the reputed father. If she refuses to cooperate, the court may hold her in contempt.

3334.51 Normally after the complaint is filed, and an examination held as required for disclosure of identity of the reputed father, a warrant will be issued against the reputed father so that when he is personally served he may be subject to the jurisdiction of the court. This is followed by a hearing where testimony is given by the parties, on the basis of which the court decides the issue of paternity.

- 3334.52 If the court decides that the person charged is the father, an Order of Filiation is made which also specifies the support to be paid by the father for the maintenance of the child.
- 3334.53 There will also be cases where the reputed father admits paternity and agrees that he will not contest the entry of an Order of Filiation. Such action can be encouraged by the county welfare agency interview with the reputed father before initiation of filiation proceedings. In such cases, with the cooperation of the court, the procedure may be simplified in that the issue of paternity and responsibility of support can be adjudicated without issuance of a warrant or formal hearing.
- 3334.54 Exceptions to the requirements for initiating filiation proceedings may be made when, in the judgment of the welfare board, based on information from the AFDC recipient, the situation is one in which the disadvantages to the child and his/her parents outweigh the social and economic advantages that might be accomplished through such proceedings. Illustrative situations include the following:
- a. an older child's reputed father has not been seen or heard from over a period of years, so that paternity would be hard to prove; or

6140. Eligibility for Continued Assistance

In cases in which there is a request for a fair hearing within 15 days from the date of mailing of a notice of termination, suspension or reduction, assistance shall be continued at an unreduced level until the scheduled date of the fair hearing unless the client waives such entitlement or requests postponement of the scheduled hearing date (see Section 6155). In the event the client elects to receive continued assistance, it will be continued unreduced pending a decision if the hearing officer determines that the issue is one of fact rather than law or policy.

The hearing officer will inform the client in writing at the hearing or not later than the first work day following the hearing if assistance will be reduced or terminated, based on the hearing officer's determination.

6150. Disposition of Hearings Through Withdrawal or Abandonment

6151. The filing of a request for fair hearing shall not of itself preclude continued effort to accomplish corrective action or interpretation by the State Division of Public Welfare and/or local office through informal adjustment procedures as described above. The local office, or the Bureau of Medical Affairs in appropriate cases, may amend or reverse its decision at any time before a hearing, or the client may have his/her dissatisfaction clarified through explanation or interpretation at any time before a hearing. It shall be the policy to accomplish disposition of complaints through direct informal and personal relationship with the client wherever possible. However, every client has a right to a fair hearing if he/she desires it, and once he/she has made a clear request for such a hearing, the disposition of his/her appeal through the hearing process shall continue to be available, and the hearing shall not be delayed or cancelled, without his/her consent, solely by reason of informal adjustment procedures meanwhile initiated.

6152. If, as the result of satisfactory adjustment or for any other reason, the client desires that a hearing shall be discontinued or cancelled, his/her request to that effect shall be confirmed in writing. A request for a hearing will be considered abandoned if neither the client nor his/her representative appears at the time and place established for the hearing, unless, however, the State or local office received notice not later than the scheduled date of hearing that he/she will be unable to attend for unavoidable cause, in which case the hearing shall be adjourned and rescheduled. No hearing shall be delayed for a period of more than 30 days under any circumstances except as provided in the following paragraph.

6153. If the client or his/her representative fail to appear for a scheduled hearing without having given proper notice, the Division shall send a notice of assumption of abandonment to the client. If there is no answer within 10 days, the Director may deem the hearing abandoned. Client shall have the right to present to the Director of the Division of Public Welfare directly or through the local agency, in writing, such facts as reasons for the failure to appear. The director may, in his/her sole discretion, determine whether the facts so presented by the client or his/her representative constitute such extenuating circumstances as to warrant reinstatement of the hearing.
6154. Similarly, if the client or his/her representative request a period of adjournment longer than two weeks, they may present such facts as they believe sustain the validity of their request in the same manner provided for the reinstatement of hearing as set forth above.
6155. Adjournments will not affect a client's right to a fair hearing. However, an adjournment of a hearing shall not prolong continuation of assistance at an unreduced level unless such adjournment is due to delay by the State or local agency. Assistance will also be continued unreduced if the request is based on verified illness of the client or family member, if the local agency fails to provide requested assistance for transportation or if the hearing can be rescheduled during the same payment period as the initial hearing.

6200. OTHER RIGHTS AND OBLIGATIONS

6210. Time, Place and Notice of Fair Hearing

6211. The fair hearing shall be held at a time, date and place convenient for the client, and to the maximum extent feasible, within 21 days of the receipt of the request. The local office concerned is required to assist the client, if necessary, in arranging for attendance at the hearing.
6212. The State Division of Public Welfare will give all parties concerned at least one week's notice (7 calendar days) in writing of the time, date and place to appear for the hearing.

6213. All fair hearings will be conducted by direction of the Commissioner of the Department of Human Services who may designate the Director of the Division of Public Welfare and/or his representative to conduct the hearing. The hearing officer will not have been involved, in any way, with the action being heard.

6214. The term "hearing officer" refers to the person(s) conducting the hearing.

6220. Appellant's Right to be Represented and to Review Evidence

Generally only those persons will be admitted to the hearing whose testimony and presence are necessary to a full and fair determination. The client may exercise a right to be assisted in the presentation by a relative, friend or other spokesman, or to be legally represented by a lawyer of his/her choosing. Observers may attend at the discretion of the hearing officer and with the client's consent. The hearing officer will employ all reasonable means to secure the attendance of persons who can assist the client in the presentation of his/her case. The agency staff must inform and help clients to make use of any legal services available in the community that can provide legal representation at the fair hearing.

6230. Accessibility of Records

6231. The client, or his/her representative, will have adequate opportunity:

- a. to examine the contents of his/her file and all documents and records to be used at the hearing at a reasonable time before the date of the hearing as well as during the hearing;
- b. at his/her option, to present his/her case him/herself or with the aid of others including legal counsel;
- c. to bring witnesses;
- d. to establish all pertinent facts and circumstances;
- e. to advance any arguments without undue interference;
- f. to question or refute any testimony or evidence, including opportunity to confront and cross-examine adverse witnesses.

6240. Hearings Involving Medical Issues

When the hearing involves medical issues, such as those concerning a diagnosis or an examining physician's report or the Medical Review Team's decision, a medical assessment other than that of the person or persons involved in making the original decision will be obtained at a reasonable expense to the agency from a source satisfactory to the client and made part of the record if the hearing officer considers it necessary.

6300. FAIR HEARING PROCEDURES

6310. Conduct of Fair Hearing

6311. The fair hearing shall in all respects be informal and conducted in an atmosphere conducive to the full development of facts, but shall be subject to the requirements of due process. Formal rules of evidence will not be applied and an effort will be made to conduct the hearing in such manner that all parties will feel free and able to present all relevant aspects of the situation. All parties will be given opportunity to offer evidence and to question witnesses. At the beginning of the hearing, the client or his/her representative will be given the opportunity of making a statement of the situation as he/she sees it. The hearing officer will state the point(s) at issue, subject to amendment or correction by the client or any of the other parties concerned. At the end of the hearing, the hearing officer will summarize the points at issue.
6312. The hearing will be concerned only with such facts as are relevant to the point(s) at issue. If it develops that the real issue differs from that on which the request for hearing was based, then the hearing need not abate but the real point(s) at issue will be considered, subject to adjournment as may be necessary for proper development of the new questions presented.
6313. Documents relied on as evidence by parties to the appeal shall be marked and numbered (A-Appellant, R-Respondent) and be retained in the official record, unless the submission of such documents are extraordinarily time consuming. Copies of marked documents shall be made available, upon request, to parties to the appeal.

6314. The fair hearing shall include consideration of:

- a. Any agency action, or failure to act with reasonable promptness, on a claim for financial or medical assistance or services, which includes undue delay in reaching a decision on eligibility or in making a payment (including immediate assistance), refusal to consider a request for or undue delay in making an adjustment in payment, and suspension or discontinuance of such assistance in whole or in part;
- b. the reasonableness and equitableness of the policies promulgated under the law, if the claimant is aggrieved by their application to his/her situation.
- c. Agency decision regarding:

6314.1 Eligibility for financial or medical assistance or services in both initial and subsequent determinations;

6314.2 amount of financial or medical assistance or change in payments or delivery of services;

6314.3 the manner or form of payment, including restricted or protective payments, even though no Federal financial participation is claimed; and

6314.4 conditions of payment, including work requirements.

6315. At any time during the proceedings, the hearing officer, at his/her discretion, may declare an adjournment or adjournments, at the request of the client or the local agency or on his/her own initiative. The total of all such adjournments in one case shall in no event exceed thirty days, unless a greater extension of time is requested for good cause by the client or the local agency and approved by the hearing officer.

6320. Report of Hearing Officer and Official Record

6321. The hearing officer will prepare a report summarizing who appeared and what transpired at the hearing and the issues, findings of fact, supporting regulations and his/her conclusions of law, based exclusively on the evidence and on matters officially noticed.

6322. Notice may be taken of judicially noticeable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the agency's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The agency's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.
6323. The hearing officer's findings of fact and conclusions of law shall be filed with the Bureau of Administrative Review and Appeal, State Division of Public Welfare, and on the same date mailed to the client and his/her representative and the county welfare agency. The report of the hearing officer shall be part of the record in the case.
6324. If the parties in interest wish to take exception to the hearing officer's report, such exception must be submitted in written form to the Bureau of Administrative Review and Appeal, State Division of Public Welfare and to all concerned parties and, to be considered, must be received by the State Division no later than 7 working days after the mailing date of the hearing officer's report. ☐
6325. The final fair hearing decision will be rendered in writing by the Director of the Division of Public Welfare.
6326. The final decision shall adopt, reject or modify the findings and conclusion of the hearing officer. The final decision shall include findings of fact and conclusions of law, separately stated. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. The client and the county welfare agency shall be notified by mail of any decision or order.

6330. Decision on Fair Hearing

6331. A decision based on the evidence produced at the hearing will be rendered in writing with reasonable promptness. The decision of the Director of the Division of Public Welfare shall be final and binding upon all parties concerned.

- 6331.1 The fair hearing decision shall be effective on the date of final decision unless another effective date is designated in the final fair hearing decision.
6332. An official and complete record of each fair hearing will be maintained in the files of the State office for at least one year after the date decision is rendered. During this one year period, an appellant or his/her legal representative may review, upon appointment, all or any part of the official and complete record of his/her fair hearing.
6333. A decision requiring action by the local agency may apply either prospectively with regard to future action by the agency or retroactively to the date an incorrect action was taken. If the decision results from mutual agreement of the parties at the hearing, it shall be so stated.
6334. The State Division of Public Welfare will arrange publication of a synopsis of all decisions which will be forwarded to each county welfare agency and all persons who receive this Division's circular letters. Copies of fair hearing decisions, edited to insure client confidentiality, will be available for perusal at the Division office for a period of one year and for distribution to anyone requesting a copy at the cost of printing and handling.
- 6334.1 Fair hearing decisions shall be retained by the State Division for a period of 3 years.
6335. The State Division of Public Welfare will take such steps as may be necessary to assure that the decision has been carried out. Corrective or remedial measures ordered by a hearing decision, unless otherwise directed in the decision, will be implemented by the local agency immediately upon receipt of the fair hearing decision.
- Final administrative agency action on fair hearing decisions shall be implemented by the local agency within 90 days of the date of the request.

6400. PROCESSING HEARING REQUESTS

6410. Responsibilities of County Welfare Agencies

6411. To assure orderly and expeditious processing of complaints and hearing requests, each county welfare agency will designate a liaison between the county and State office whose duties shall include but not be limited to:

6411.1 informing the State hearing unit by telephone on the same day an oral or written request for a hearing is received, providing the following information:

case number, name, address
date request received
nature of contested action
date of action
reason for action

6411.2 establishing a system to assure that every written request for a hearing received in the CWA office is stamped with the date of receipt and forwarded to the Division of Public Welfare within one work day of the date;

6411.3 reviewing incoming requests for possible corrective action prior to hearing;

6411.4 identifying and arranging for participation of staff individuals who are essential to a hearing, and assembling all records relevant to a hearing and arranging for an interpreter when the client is non-English speaking;

6411.5 contacting client or his/her legal or authorized representative not less than two days prior to a hearing to confirm attendance and arranging for the transportation of client when necessary;

6411.6 submitting special reports on hearing requests prior to the hearing date, when requested by the State Office;

6411.7 submitting reports on implementation of State fair hearing decisions as soon as such action is taken; and

6411.8 serving as the single individual in the CWA to be contacted regarding matters relating to hearings.

6412. To inform the client who is requesting a hearing and elects to receive continued assistance that the hearing officer may find him/her not entitled to all or a portion of assistance granted during the pendency of the hearing and that, in such event, the client will be required to repay the amount received from the effective date of the proposed adverse action to the date of the fair hearing.

The client shall also be advised that if he/she elects not to receive continued assistance and the hearing decision is favorable to the client, assistance will be reinstated retroactive to when it was suspended, reduced or terminated.

6420. Responsibilities of the Division of Public Welfare

6421. The Division shall register each request for a fair hearing on the date the request is received.

6422. Requests received in the State office will be transmitted by telephone to the CWA when received.

6423. To the maximum extent feasible, the State office will schedule a hearing within 7 days of the receipt of the request, to be held within 21 days of the date the hearing was requested.

6424. Written determination on entitlement to receive assistance at an unreduced level shall be sent to the client and the county welfare agency at the time notice is given of the date of the fair hearing.

6500. EMERGENCY FAIR HEARINGS

6510. Criteria for Emergency Hearing

An emergency fair hearing for purposes of expediting the fair hearing procedure will be scheduled when:

6511. The fair hearing request results from denial by the county welfare board of a request for emergency assistance made in accordance with the provisions of Section 530.3 of the Assistance Standards Handbook, and the recipient family contends they are without funds or resources; and

6512. The State Division of Public Welfare determines that there exists a threat to the health and physical safety of the recipient family sufficiently compelling and imminent to require acceleration of the fair hearing procedure.

6520. Procedures

6521. Scheduling of Hearing

When the State Division of Public Welfare determines that an emergency fair hearing is warranted, the hearing shall be scheduled to be held within three working days of the date the request is received, orally or in writing, by the Division of Public Welfare. Notice of time, date and place of hearing shall be transmitted to all parties by telephone or mailgram.

6522. Interim Decision

The Director of the Division of Public Welfare shall render an interim decision by 12 noon of the first work day following the day on which the fair hearing was held. Such interim decision will be based on facts presented in a verbal report by the presiding hearing officer and shall be communicated immediately to the county welfare board by telephone. An affirmative decision will specify the type and amount of immediate relief to be provided to forestall the effects of the emergency.

6523. Written Report

The hearing officer shall, within two working days of the date of the hearing, prepare a written report summarizing testimony and evidence presented at the hearing with recommendation as to the final decision. Such report shall be filed and mailed to the client in accordance with Sections 6323 and 6324, except that written exceptions by interested parties must be submitted within seven days from the mailing date of the hearing officer's report.

6524. Final Decision

The final decision by the Director of the Division of Public Welfare shall be rendered, in writing, within 15 working days of the date the hearing was held. Such decision may adopt, reject or modify the recommendation of the hearing officer, and shall be final and binding upon the parties involved.

6525. Exceptions to Established Procedures

Emergency fair hearings will be processed in accordance with the procedures delineated in Sections 6510 through 6525, which take precedence over Sections 6211 and 6212 pertaining to scheduling and Sections 6323 and 6324 regarding dates for mailing and review of the hearing officer's report. All other provisions of Chapter 6000 shall be observed.

6600. EMERGENCY FAIR HEARINGS

6610. Criteria for Emergency Hearing

An emergency fair hearing for purposes of expediting the fair hearing procedure will be scheduled when:

6611. The fair hearing request results from denial by the county welfare board of a request for emergency assistance made in accordance with the provisions of Section 530.3 of the Assistance Standards Handbook, and the recipient family contends they are without funds or resources; and
6612. The State Division of Public Welfare determines that there exists a threat to the health and physical safety of the recipient family sufficiently compelling and imminent to require acceleration of the fair hearing procedure.

6620. Procedures

6621. Scheduling of Hearing

When the State Division of Public Welfare determines that an emergency fair hearing is warranted, the hearing shall be scheduled to be held within three working days of the date the request is received, orally or in writing, by the Division of Public Welfare. Notice of time, date and place of hearing shall be transmitted to all parties by telephone or mailgram.

6622. Interim Decision

The Director of the Division of Public Welfare shall render an interim decision by 12 noon of the first work day following the day on which the fair hearing was held. Such interim decision will be based on facts presented in a verbal report by the presiding hearing officer and shall be communicated immediately to the county welfare board by telephone. An Affirmative decision will specify the type and amount of immediate relief to be provided to forestall the effects of the emergency.

6623. Written Report

The hearing officer shall, within two working days of the date of the hearing, prepare a written report summarizing testimony and evidence presented at the hearing with recommendation as to the final decision. Such report shall be filed and mailed to the client in accordance with Sections 6323 and 6324, except that written exceptions by interested parties must be submitted within eight days from the mailing date of the hearing officer's report.

6624. Final Decision

The final decision by the Director of the Division of Public Welfare shall be rendered, in writing, within 15 working days of the date the hearing was held. Such decision may adopt, reject or modify the recommendation of the hearing officer, and shall be final and binding upon the parties involved.

6625. Exceptions to Established Procedures

Emergency fair hearings will be processed in accordance with the procedures delineated in Sections 3601 through 3605, which take precedence over Sections 6211 and 6212 pertaining to scheduling and Sections 6323 and 6324 regarding dates for mailing and review of the hearing officer's report. All other provisions of Chapter 6000 shall be observed.

10:81-7.1(k)6. (continued)

- iii. The payee has been admitted or committed to an institution and further payments to that individual do not qualify for Federal financial participation under the State plan.
- iv. The claimant's whereabouts are unknown and agency mail directed to him/her has been returned by the post office indicating no known forwarding address. The claimant's check must, however, be made available to him/her if his/her whereabouts become known during the payment period covered by a returned check, unless item (1) below applies.
 - (1) The claimant moves out-of-state, with apparent intent to remain permanently absent from New Jersey.
- v. A recipient has been accepted for assistance in another state and that fact has been established by the CWA previously providing assistance.
- vi. An AFDC child is removed from the home as a result of a judicial determination, or voluntarily placed in foster care by his/her legal guardian.
- vii. An additional payment granted for a specific period is terminated and the recipient has been informed in writing at the time of initiation that the allowance shall automatically terminate at the end of the specified period.
- viii. Assistance is reinstated in the corrected amount following suspension. (See N.J.A.C. 10:81-4.22(b).)

(1) Adjustments due to change in law:

- 1. When changes in State or Federal law mandate automatic grant increases for classes of recipients, notice of such grant adjustments shall be given. It shall be considered "adequate" if it includes a statement of the intended action, the reasons for such intended action, and a statement of the specific change in law requiring such action. If the change in law results in a reduction or termination, notice must be timely as well as adequate and include a statement of the circumstances under which a hearing may be obtained and assistance continued.

(m) Payments based on earnings projection:

- 1. When the AFDC payment is based on an earnings projection (see N.J.A.C. 10:82-2.14(c)) a notice shall accompany that payment advising the client that the AFDC payment for the next month will be suspended unless he/she provides wage verification as required. Such notice shall specify the date by which the verification must be received.

Notice to Client of County Welfare Agency Decision10:81-7.2 Withdrawal of application for assistance

- (a) Withdrawal by an applicant does not require a Board decision. The agency will officially recognize the applicant's action through written notification within five working days of the applicant's request for withdrawal.
- (b) This notification shall include a statement that the applicant's decision has been recognized and recorded by the agency, that no further action is being taken on his/her application, and a reminder that he/she has the right to reapply at any time.

10:81-7.3 Dismissal of application when client cannot be located

A notice shall be sent to the person's last known address.

10:81-7.4 Continuation of assistance at an unreduced level and recovery of overpayments

- (a) Upon receipt of a timely request for a fair hearing, assistance shall be continued at an unreduced level until a written decision is rendered, unless:
 - 1. A determination is made at the hearing by the hearing officer that the sole issue is one of State or Federal law or policy, or change in State or Federal law, and not one of disputed facts; or
 - 2. A change occurs which further affects recipient's grant while the first hearing decision is pending and the recipient fails to request an additional hearing after notice of this change within the time allowed.
- (b) In the event of either of the above, the recipient shall be promptly notified in writing that the proposed action will be implemented after the hearing while the decision is pending.
- (c) Any overpayment resulting from unreduced assistance pending a fair hearing shall be subject to recovery. In the event that agency action is sustained and a recipient has received an overpayment solely due to continued payments unreduced, recovery shall be effected in accordance with procedures in N.J.A.C. 10:82-2.19(a)2.
- (d) A recipient may waive his/her claim to continued payments by submitting a written statement at the time the fair hearing is requested.

7117. Delay in Disposition of Application.

When the complete processing of an application is delayed beyond 30 days, the applicant is to be notified of this fact and the reason(s) for the delay on or before the expiration of such period. (See Section 2710).

7120. Notice to Interested Agency

In any case initially referred by, or known to be receiving assistance or service from a public health or welfare agency, social service, legal services or other interested agencies, notice of disposition of the case or any aspect in which that organization has been involved shall be sent to such agency with the consent of the client in the following manner:

7121. If, after thorough discussion of the assistance potentially available and the application requirements, the person definitely declines to apply, the interested agency will be promptly informed.

7122. If the person applies:

and the application is approved, the interested agency will be notified as promptly as possible including the date of the first payment, not later than such date;

and the application is denied, dismissed or withdrawn, the agency will be promptly informed.

7123. The interested agency will be kept informed of any developments in a case so long as the issue involved is the same or related to the issue about which the agency has expressed interest unless the client withdraws his/her consent.

7200. CASE RECORDS AND FILES

7210. Purpose of Case Records

7211. The case record is the official file of forms, chronological narrative, correspondence and other documents pertinent to the application and eligibility of the client. It constitutes a complete record of the county welfare board's decisions and actions about eligibility for assistance for each case. Since it is the record of information on which decisions to grant, deny or continue assistance in accord with law and regulations are made, it is mandatory that a case record be established for every individual who applies for and/or receives assistance.

7211.1 SSI records will be kept for emergency assistance, burial expenses and service payments.

7212. The case record will be kept absolutely confidential as described in Section 1150.

7213. The case record also serves:

7213.1 to provide the information necessary for action in conformity with all relevant legal requirements in the county welfare board's relationship with the client;

7213.2 to provide an adequate and accurate source of information for the Division of Public Welfare and federal staff for statistical studies or other research purposes which will be statistical in nature and include no clients' names; and

7213.3 as an essential tool in supervision.

7220. Contents of the Case Record

The validity of all case action rests primarily on the significance of the data in the case record. The following items shall be part of the case record:

- a. all completed forms necessary for the appropriate assistance programs;
- b. any pertinent narrative recording;
- c. a log of each contact with client and summary of substance; and
- d. all related referrals, correspondence, memorandums and documents except those which are required by law or regulation to be maintained in some other files.

7230. Documentation of Verification of Factors of Eligibility

It is essential that the CWB carefully document its verification of all eligibility requirements. It is extremely important that when reference is made to a document or source of verification, sufficient information be provided so that the document or source can be readily identified.

3310. Death

A child may be found to be "deprived of parental support or care" by reason of the documented death of either or both natural or adoptive parent(s).

3320. Determination of Incapacity

3321. A child may be found to be deprived of parental support or care by reason of the physical or mental incapacity of either or both natural or adoptive parent(s) whether such parent is in the home or is receiving treatment away from home. (See Section 2532.)

3322. The determination of incapacity for persons other than those delineated in Section 2532.1 is made by the Medical Review Team on the basis of medical evidence provided by the IM worker. This is done in the following way:

3322.1 Forms PA-5 (or 5A) and PA-6 (see Appendix C for sample forms) must be completed and forwarded with all pertinent medical and hospital records to the Bureau of Medical Affairs at the Division of Public Welfare. This should be done as quickly as possible and must be completed within 30 days.

3322.11 Give Form PA-5 or PA-5A to applicant to be filled in by his/her physician and returned to the welfare agency. If applicant prefers, the IM worker will send the form with signed release to the doctor. The client should be warned that many physicians may not be as prompt in returning this form by mail as when filling it in client's presence. When the form is returned, it must be reviewed for completeness, including the physician's signature.

3322.12 Complete Form PA-6 (Medical Social Information Report). This will require full and careful discussion with applicant of the relevant information and possibly a home visit.

3323. The existence of a physical or mental defect, illness, or impairment must be substantiated by current medical information (pertinent within the past 3 months).

- 3323.1 This requires evidence of a defect, illness or impairment that is described by an examining physician in such a manner that another physician would reasonably accept the concept that incapacity exists without examining the client.
- 3323.2 The unsupported opinion of the examining physician that an incapacity exists may, in itself, be accepted. However, material presented under the heading of Social Evaluation and Plan on Form PA-6 (see Appendix C) or in other portions of the case record should also be evaluated in demonstrating that incapacity exists.
- 3323.3 A specific diagnosis is not required.
- 3323.4 Reports from attending physicians, recognized specialists, hospital or clinic reports or abstracts, photo copies of hospital discharge diagnoses or summaries, objective physical findings, diagnostic studies, etc. are all acceptable as supporting material.
3324. Parent Incapacitated by Mental Defect, Illness or Impairment
- 3324.1 A medical determination that a parent requires institutional care by reason of a diagnosis of mental incapacity does not affect the eligibility of the family. However, the extent of the "incapacity" and its relationship to the ability of the parent to provide "support or care" must be determined.
- 3324.2 It is not necessary for purposes of eligibility of the spouse and child to establish whether the incapacitated parent is competent to manage his/her own affairs since the spouse can be payee for the grant. It is probable that in an instance where the mental condition is of such degree as to raise these questions, the parent should apply for disability assistance under the SSI program.
- 3324.3 Where the report of the examining physician, institutional or clinic records are available, and appear to provide current data adequate to a determination that "incapacity" exists, these shall be accepted. Whenever, in the judgement of the MRT, special psychiatric, neurological or psychological examination or testing is necessary or advisable, special consultants or facilities may be used. (See Section 3328.) (See Form PA-7 in Appendix C.)

3325. "Incapacity" and its relation to Employment

3325.1 When incapacity of a parent persists by reason of a permanent defect, illness or impairment but cannot be considered totally disabling because he/she can do some work, he/she may be considered "incapacitated" when there is evidence to demonstrate that his/her earning ability is limited by reason of the incapacity.

3325.2 Thus, if because of his/her defect, illness or impairment he/she can engage only in part-time employment, (i.e., less than 30 hours per week), or his/her wages (or rate of pay) are less than those of other workers in the same type of work, his/her earnings may be supplemented by an AFDC-C grant to provide adequate support for his/her otherwise eligible dependents and him/herself. However, a parent who is found able to engage in full time employment at normal rate of pay, but whose earnings are insufficient to adequately support his/her dependents, cannot be considered "incapacitated." In this situation, the CWA shall explore eligibility for AFDC-F or -N.

3325.3 When a parent has been determined "incapacitated" by reason of a temporary defect, illness, or impairment and no residual effects are anticipated upon recovery, such a parent shall be considered no longer "incapacitated" upon statement by the treating physician that he/she is able to resume full time gainful employment in his/her previous or a similar occupation.

3326. Refusal to Undergo Diagnostic Evaluation, Treatment or Related Services

3326.1 In situations where a parent applicant claims to be "incapacitated" but refuses to undergo diagnostic evaluations considered by the Medical Review Team as essential to a determination of his/her "incapacity," the entire family is ineligible for the AFDC-C segment. However, refusal shall not affect the eligibility of his/her spouse and child for AFDC-F or -N.

- 3326.2 The CWA will make every effort to establish the facts of eligibility on the basis of available evidence in spite of the refusal to undergo diagnostic evaluation.
- 3326.3 If the family is eligible for assistance, the parent claiming incapacity will be included if the incapacity can be established and the agency determines that the refusal is reasonable based on any of the following criteria:
- 3326.31 The client is fearful of undergoing treatment, although such fear may appear to be unrealistic or emotional in origin or even irrational, if it is intense enough to adversely affect the result of treatment and a physician recommends against it.
- 3326.32 The client might suffer loss of a faculty, or the residual use of a remaining faculty, and he/she is unwilling to take the risk.
- 3326.33 The client has religious convictions which do not, in his/her judgment, permit him/her to undergo the recommended treatment.
- 3326.34 The resistance to treatment is an element of the defect, illness or impairment itself.
- 3326.4 An individual cannot be required to undergo treatment as a condition of eligibility.

3327. Rehabilitation of Incapacitated Parents

An incapacitated parent should be advised of services available through the Social Service Unit and in the community.

3328. Payment for Expenses Incurred in Medical Eligibility Determinations

Payment for medical expenses incurred on behalf of an AFDC-C (Incapacitated) applicant in the determination of initial eligibility shall be the responsibility of the CWA and made from the administration account. The CWA shall advise the physician that payment of the fee will be at the applicable rate contained in the Schedule of Fees for Professional and Diagnostic Services as compiled by the Bureau of Medical Affairs. Transportation for diagnostic evaluations will be available. (See Assistance Standards Handbook 513.)

3330. Continued Absence is Defined in Section 2533

3331. The CWA will make every reasonable effort to locate an absent parent in order to obtain support payments. An absent parent will be given the opportunity to voluntarily support his/her child to the extent of his/her ability based on State Standards, but it must be explained to both parents that the extent of support will be established by the court if there is cause for legal action. There is no cause for action if legally responsible relatives in fact fulfill their evaluated obligation. (See Section 3334.2, Assistance Standards Handbook Section 330.)
3332. No one may be required to initiate or cooperate in paternity or support proceedings as a condition of eligibility. If the parent refuses to take the necessary steps, the county welfare agency will initiate or pursue legal action, unless the parent makes the decision to withdraw the application or to have assistance discontinued.
3333. "Continued absence from the home" (see Section 2533) may be for any reason. The following are some of the ways to establish absence: □

- 3333.1 Divorce - Documentary proof of divorce, pending divorce, or separation agreement (i.e., official legal documents, court or attorney records or newspaper accounts) may be indicative of "continued absence from the home" but must be verified and documented in the case file. □
- 3333.2 Incarceration - A parent shall be considered absent from the home during a period of incarceration. There is a possible situation that a parent whose imprisonment is expected to be of short duration may also be "incapacitated." Where this appears to be so, consideration shall be given to possible eligibility under the "incapacity" factor rather than the "absence" factor.

Evidence to substantiate "absence" when a parent is incarcerated in the State penal or correctional institution will be secured by use of Forms PA-17B and PA-17C (see Appendix C). When the "tear sheet" has been returned and the date of release determined, the CWA shall immediately redetermine the basis of continued eligibility and note same in the income maintenance file.

3333.2 continued

With regard to the absent parent's incarceration in a county or municipal jail, the CWA will need to develop a procedure in cooperation with each jail within its jurisdiction regarding exchange of information both at time of initial AFDC-C application and at time of release of incarcerated parents. PA-17B and PA-17C are not appropriate and shall not be used for local jails. Procedures established by the CWA with regard to county and municipal jails may vary from a formal procedure to personal telephone contacts or visits, provided the information required is obtained and acceptable to the CWA. In situations where the absent parent is incarcerated in another county, it is recommended that the CWA of such county be consulted regarding its method for contacting county and municipal jails and a mutually agreeable decision made as to which county will contact the jail.

3333.3 Deportation - A parent who has been deported from the United States shall be considered "continuously absent from the home." There must be proof of the deportation by inspection of an official notice or statement in possession of the applicant, or by obtaining written confirmation from the immigration authorities. The information should include the date and conditions of deportation. The current address of the deported parent and his/her circumstances should also be obtained from the applicant parent, if known, and noted in the income maintenance file.

3333.4 Military Service - A parent who is separated from his/her family because of military service shall be considered "continuously absent from the home" when the nature of the absence is such as either to interrupt or to terminate the parent's functioning as a provider of maintenance, physical care or guidance for the child, and the known or indefinite duration of the absence precludes counting on the parent's performance of his/her function in planning for the present support or care of the child. Such findings shall be noted in the income maintenance file.

3334.54 continued

- b. a reputed father who is married has legitimate children to support, and such action would cause family discord or would result in deprivation to the legitimate children;
- c. when contact between father and family may be harmful to family and court action may cause such contact.

3334.55 All activity with regard to the aforementioned shall be noted in the income maintenance file.

3335. Desertion

A parent may be considered "continuously absent from the home" when a condition of desertion is established. A desertion may already be a matter of public record, or may be alleged or presumed.

3335.1 Desertion may be established by verifying that a parent has been convicted of desertion, charged with desertion by indictment or by filing of a complaint with the court or named as a defendant in an action for divorce on grounds of desertion. Methods of verification would include records of the county prosecutor's office, juvenile and domestic relations court, municipal court where the complaint was filed, or in the case of a divorce action documents or records in the possession of the applicant, appropriate court or attorneys.

3335.2 Where desertion has not been established but the applicant alleges that the child for whom he/she is applying has been deserted, the factor of continuing absence by reason of "desertion" shall be considered. The CWA will request of the applicant/recipient, during the completion of the application (Form PA-1J), information relating to the deserting parent's whereabouts and ask applicant/recipient to acknowledge such desertion. By signing the application, the client attests to the accuracy and verity of his/her statements.

- 3335.21 The continuing effort to locate absent parents is a responsibility of the CWA. Since the law permits use of Social Security numbers to aid in location of deserting parents, the CWA shall make every effort to obtain such information.
- 3335.3 In accordance with existing statutes, desertion not only forms a basis of eligibility for AFDC, but also subjects the deserter to legal action for enforcement of civil liability with respect to support. This action shall not be confused with the activity specifically required pursuant to the Social Security Act, i.e., notifying, in writing, the appropriate law enforcement authorities of the circumstances surrounding the desertion or abandonment of an AFDC child (accomplished in New Jersey by means of Form PA-17A).
- 3335.4 In every instance where eligibility for AFDC is based on the factor of "continued absence from the home" by reason of "alleged desertion", Form PA-17A, Notice to County Prosecutor of Alleged Desertion, shall be sent to the prosecutor concurrently with the issuance of the initial assistance payment.
- NOTE: Form PA-17A does not require applicant parent's signature. It shall rest with the judgement of the prosecutor to determine what action, if any, should be taken in response to the Notice received.
- 3335.5 Each CWA may wish to appoint special investigators whose duties it will be to devote special attention to cases involving situations of desertion or alleged desertion to prepare necessary reports for the legal authorities and to function as a liaison for the county welfare agency with the law enforcement authorities. In general, proceedings appropriate in cases of desertion or alleged desertion should be referred to the CWA counsel for determination as to appropriate legal activity (notwithstanding the submittal of Form PA-17A to the county prosecutor). All activity with regard to the aforementioned shall be noted in the case record.

3336. Informal Separation

A parent shall be considered "continuously absent from the home" when by mutual agreement, not legal action, the parents have informally separated, i.e., one parent is out of the home and such absent parent is not exercising responsibility as a member of the household consistent with the definition of "continued absence" although he/she may be making or demonstrating to the CWA his/her "intent" to make some financial contribution to the family. (See Section 2533.)

3337. Requesting Information Regarding Deserting Parents

The CWA is charged with the general responsibility of reducing the extent of the recipient family's reliance on public assistance payments. In striving for this objective, the CWA shall attempt to effect a resumption of or increase in financial support provided the recipient AFDC family by the absent parent within the ability of such parent. In cases of absent parent(s) whose whereabouts are unknown, the CWA will forward Form PA-450 to the State Parent Locator Service (see Section 400, Appendix D).

PAYMENT OF BURIAL AND FUNERAL EXPENSES

10:81-7.20(c)3

(continued)

- ii. Inability to manage money properly;
- iii. Impediments to self-support or employment;
- iv. Follow-ups resulting from recommendations of Bureau of Medical Affairs;
- v. Exploring potential for services from other agencies;
- vi. Protective services for children;
- vii. Early periodic screening diagnostic testing family planning.
- viii. Any other apparent need for services.

10:81-7.21 Payment of burial and funeral expenses; all segments

Every AFDC recipient shall have the opportunity for appropriate burial (or cremation), including funeral service, at public expense when not otherwise available, subject to conditions set forth in N.J.A.C. 10:81-7.22 through 7.29.

10:81-7.22 General principles for participation in burial and funeral expenses

- (a) Cost limitations are established within which the county welfare agency may participate in the burial and funeral expenses of deceased recipients.
 - 1. Total cost of burial (or cremation) and funeral, including payment by the county welfare agency, shall not exceed the following:

<u>Age</u>	<u>Maximum Payment by CWA</u>		<u>Contributions</u>	<u>Limitations</u>
	<u>for Cemetery</u>	<u>for Mortuary</u>	<u>by others</u>	<u>on</u> <u>Total Cost</u>
Up to 1 week including stillborn	\$ 100.00	\$ 100.00	\$250.00	\$450.00
1 week to 2 yrs.	150.00	300.00	250.00	700.00
2 yrs. and over including adult	200.00	350.00	350.00	900.00

PAYMENT OF BURIAL AND FUNERAL EXPENSES

10:81-7.22(a) (continued)

2. Payments by the county welfare agency for such expense are not a benefit automatically payable at death, but are a means of supplementing the resources, when necessary, of the deceased recipient, of his/her family and of volunteer contributors.
 3. Such payments shall be made first from any funds received by the county welfare agency from or on the behalf of the recipient and secondly, if necessary, from assistance funds.
- (b) The cost of any such payments, when disbursed from assistance funds, shall be apportioned between State and county funds in the ratio applicable to assistance payments for the program.
- (c) The right and responsibility to arrange and contract for the burial and funeral service of any deceased person rests with his/her next of kin and personal representatives. The county welfare agency shall not arrange and contract directly for the burial and funeral service for a deceased recipient, nor "authorize" such services, nor make an absolute commitment to pay for such service, except under the circumstances specified in N.J.A.C. 10:81-7.23.
- (d) The funeral director may contract with the next of kin or other persons willing and able to order and purchase burial and funeral service for a deceased recipient, and such contract shall not be impaired or controlled by these regulations, so long as the contract does not contemplate or result in the filing of a claim against the county welfare agency or use of resources legally belonging to the estate of a deceased minor.
- (e) A claim filed with a county welfare agency by a funeral director is not a demand for payment owing under a contract, but merely a request for allowance to be granted or denied consistent with these regulations, except where the welfare agency has directly arranged and contracted for the funeral director's services under the circumstances authorized in N.J.A.C. 10:81-7.23.

10:81-7.23 Direct contracts by the county welfare agency for burial and funeral services

Whenever a recipient dies and no person is available to arrange and contract for his/her burial and funeral services, the welfare agency may contract directly with any funeral director for such services. If arrangements for interment are made, such interment shall not be made in a burial ground owned by the State, county or municipality or any institutions thereof.

7530. Classes of Recipients Eligible for Burial and Funeral Payment

7531. Claims for the payment of sums necessary for burial and funeral expenses may be received and considered by the county welfare agency with respect to:

7531.1 A person who is in active receipt of assistance at the time of death;

7531.2 A person for whom eligibility can be otherwise determined, provided that an application for assistance was made prior to death;

7531.3 A recipient whose admission to any tax-supported institution within this State other than a penal or correctional institution was the only reason for suspension or termination of the assistance grant, and whose death occurs while confined to such institution. If the recipient is, at the discretion of the institution to which confined, interred in a burial ground maintained by such institution, the county welfare agency shall not assume liability to reimburse either the institution or the funeral director with whom the institution may have contracted.

7532. Payment is also authorized where an otherwise eligible child dies before he/she can be included in the AFDC-C, -F, or -N grant (e.g., the death of a newborn child or a stillbirth).

7540. Total Cost of Burial and Funeral - Definition

7541. Items to be Included in Computing Total Cost

The total cost of burial and funeral is the sum of all charges, costs, and expenditures incurred for any of the following items, whether claimed by one or more funeral directors or other parties:

complete preparation and preservation of body; casket, including handles and name plate if any; outer case, including delivery of same to cemetery; funeral car (hearse); limousines as necessary for immediate family; flower car, if any; grave space or right of burial, where purchase is necessary at time of death; opening and closing grave and all other cemetery charges or crematory charges; special vault or grave-liner, if any; professional supervision and services; transportation

7541. continued

of body from place of death to place of interment or cremation, including all intermediate transportation; use of funeral home and of all customary facilities and appointments thereof; procuring death certificates and burial permit; any religious services; all other items which according to trade and custom are provided by the funeral director as elements of a "complete funeral unit"; floral door badge, gloves, clothing, professional pallbearers, obituary notices, telephone, telegraph and postage; and any and all other charges claimed by the funeral director as items of cash expenditure additional to the charge for "complete funeral unit".

7542. Items to be Excluded in Computing Total Cost

Any charges, costs, or expenditures for the following items shall not be included in computing the total cost of burial and funeral.

- a. arrearages on purchase price of grave space or right of burial, where purchased prior to the death of the decedent, or arrearages in care and maintenance charges;
- b. flowers other than floral door badge;
- c. extra limousines for persons other than the immediate family of the deceased.

7550. Payment of Claims

7551. Procedures for Filing Claims

7551.1 Burial and funeral arrangements made by direct contract involving the funeral director and the CWA.

7551.11 The director of welfare or other authorized representative of the welfare agency, may contract with the funeral director who may have custody of the body of the deceased recipient or with any other funeral director available and willing to receive the body. (See 7513 and 7520.) The CWA shall not contract with any cemetery since such action is the responsibility of the funeral director.

7551.12 The contract price shall not exceed the fair and reasonable value of goods and services ordered, and in any event shall not exceed the appropriate "Maximum Payment of CWA" set forth in Section 7511.1.

- 7551.13 Such contract may be concluded orally, but shall be confirmed by letter sent by the director of welfare to the funeral director.

- 7551.14 The funeral director shall thereafter file claim for payment under the contract, stating and submitting such claim on Form PA-11 as provided in Section 7552.
- 7551.15 The county welfare agency shall make payment promptly unless the existence of fraud, misrepresentation, breach of contract, or other legal obstacle can be demonstrated.
- 7551.2 Burial and funeral arrangements not made by direct contract involving the funeral director and the CWA.
- 7551.21 The funeral director and the party or parties ordering burial and funeral services shall notify and consult with the county welfare agency before interment or cremation takes place, when either of the contracting parties contemplates that the welfare agency or the executor of the decedent's estate will be requested to pay all or any part of the costs.
- 7551.22 The probable allowance or disallowance of the claim shall be discussed with the funeral director and other interested parties at this time. All persons concerned shall be advised that a final determination will be made only after investigation of all resources has been completed and a formal claim for payment submitted to the welfare agency for its consideration.
7552. Submission of Petition
- The funeral director or other claimant shall, within 30 days after interment or cremation, submit to the CWA a petition on Form PA-11 or on a substantially similar document which certifies to services rendered, to payments contracted, received and expected, and to compliance with all applicable laws and regulations. Petitions submitted beyond the 30 day period may be considered upon a showing of good cause (as determined by the CWA) which is not prejudicial to the validity of the claim.

7552.1 Cemetery Petition

The petition from the funeral director or other claimant either shall contain a statement that no cemetery charges were incurred or shall contain an endorsement of an attached subordinate petition on Form PA-11B or substantially similar document from the cemetery showing the charges incurred.

7553. Amounts of Payments

7553.1 Maximum Total Cost Limit

The CWA shall not participate in the payment of any funeral and/or burial for which the total cost, as computed in accordance with Public Assistance Manual, Section 7540, exceeds the limit shown for the decedent in Section 7511.1.

7553.2 Maximum Combined Resources

The CWA shall not participate in the cost of any funeral and/or burial of any decedent whose combined resources exceed the sum of the CWA maximums for cemetery and mortuary as shown for the decedent in Section 7511.1. Resources normally exempt in determining eligibility shall be disregarded in determining combined resources.

7553.3 Combined Resources - Definition

The combined resources of a decedent means the aggregate net total value of all of the following:

- a. cash on hand or in the hands of others as property of the decedent including personal needs accounts in long term care facilities (but excluding cash in the custody, possession, or control of the CWA);
- b. other resources, such as securities, real estate, antique furniture, and automobiles, which are not assigned to the welfare agency or to any other person or agency as surety for value;
- c. life insurance or death or funeral benefits from public or private sources which have been received, or which are receivable by the estate of the decedent, by the decedent's spouse, children, father or mother because of the death of the decedent (see PAM 7555 and 7556 for information on RSDI and Veteran's death benefits);

7553.3 Combined Resources - Definition (continued)

- d. payments of the same nature as in c. above which have been received by or which are receivable by any other person excepting such amounts as are lawfully claimed by such person as a bona fide assignee for value or as a claimant for equitable refund of premiums paid;
- e. sums which have been paid or are promised to be paid on account of the death of the decedent by any other person or organization, expecting such sums as have been paid or will be paid to the welfare agency;
- f. funds owed the decedent at the time of death.

7553.4 Authorization of Payments

Amount of Payment

The maximum amount of payment which the CWA may authorize is the difference between the sum of the CWA payments for cemetery and mortuary for the decedent as shown in Section 7511.1 and the total of the combined resources as defined in Section 7553.3 above. The CWA shall make separate payments to the cemetery and for the mortuary, each separately limited to the amount shown for the decedent in Section 7511.1.

- 7553.5 The county welfare agency, may in any case in which it determines that any of the resources in Section 7553.3 should be waived or omitted to avoid hardship or inequity, present a recommendation with supporting reasons to the Division of Public Welfare for disposition.

PAYMENT OF BURIAL AND FUNERAL EXPENSES

10:81-7.26 (continued)

(e) Time of payment: The amount determined to be allowed on any claim should be paid as promptly as possible after such determination and, in any event, within 30 days thereafter.

1. In the event that a determination cannot be made within 10 calendar days after receipt of Form PA-11 solely because information about a determination by one or more other agencies is not available, the CWA shall make a tentative determination based on an assumption of favorable action by the other agencies. The CWA will remit the difference within 30 days following the tentative determination. Upon receipt of the information about the determination(s) of the other agencies, the CWA will make a final determination and remit any balance due to the funeral director within 30 days of the final determination.

(f) Entitlement to RSDI lump sum death benefit: A lump sum death benefit of \$255.00 will be paid by the SSA to a person eligible to receive it. In the absence of an eligible recipient, no payment will be made.

1. Eligible persons in order of priority are:

- i. Surviving widow(er) who lived in the same household;
 - ii. Surviving widow(er) who is (or would have been upon application) eligible in the month of death to receive benefits based on the wage record of the deceased;
 - iii. Surviving children who are (or would have been upon application) eligible in the month of death to receive benefits based on the wage record of the deceased.
2. The lump sum, if paid or payable by the SSA, is a resource of the decedent for purposes of CWA computations of funeral or burial payments.

PAYMENT OF BURIAL AND FUNERAL EXPENSES

10:81-7.26 (continued)

(g) Veteran's benefits are as follows:

1. Eligibility: Payment for burial expenses is available on behalf of a deceased veteran discharged under conditions other than dishonorable when such person was a wartime veteran, served during the Korean or Vietnam conflicts or was a peacetime veteran with certain entitlements.
2. Amount of benefit:
 - i. Generally, payment toward a veteran's burial expenses will not exceed \$250. In addition, an amount not exceeding \$150 may be paid as a plot or interment allowance when the veteran is not buried in a national cemetery. A higher burial allowance is available if the death was service-connected.
 - ii. Burial or plot allowances will not be provided to the extent that they were paid by the deceased veteran's employer or by a State agency or a political subdivision of the State.
3. Filing of claims: A claim may be filed with any Veterans Administration office. It must be filed within two years after cremation or permanent burial.

PAYMENT OF BURIAL AND FUNERAL EXPENSES

10:81-7.27 Claims subject to certain conditions

- (a) Disputed claims: In the event of any claim which becomes the subject of dispute or disagreement between the welfare agency and the funeral director, the welfare agency shall report the matter to the Division of Public Welfare for review and advice before any disbursement is made. It is the policy of the Division to consult and advise with the State Association of Funeral Directors in appropriate cases.
- (b) Duplicate or inconsistent claims: Whenever the welfare agency receives a claim for burial and funeral expenses, and the funeral director files a claim on his own behalf or participates in the filing of a claim by others, for such expense, against the executor of the estate of the decedent, other individuals, agencies or the Social Security Administration, which claim is in duplication of or inconsistent with the claim received by the welfare agency, the welfare agency shall:
1. Advise the executor, or other party or agency against whom the claim has been filed, of the circumstances, and take all appropriate steps to assert and secure its rights; and
 2. Report the matter to the Division of Public Welfare for review and advice; and
 3. If payment has already been made on the claim received by the welfare agency, report the matter in writing to the county prosecutor.

PAYMENT OF BURIAL AND FUNERAL EXPENSES

10:81-7.28 Refunds

If the agency shall discover any other funds or amounts which were or should have been available to meet the burial and funeral expenses of the decedent, and which were not deducted from the total cost in determining the amount of the agency's contribution to such expenses (as provided in N.J.A.C. 10:81-7.26(d)), the agency shall immediately take all appropriate steps to assert and secure its rights to refund or recovery.

7824. Statutory authority regarding the identification and treatment of assistance fraud may be found in New Jersey Statutes Revised, Titles 2A and 44 as follows: N.J.S.A. 44:7-32 (regarding assistance obtained falsely); N.J.S.A. 2A:111-2 (regarding money or other property obtained falsely); N.J.S.A. 2A:111-3 (regarding medical treatment or financial assistance obtained falsely); N.J.S.A. 2A:109-1 (regarding issuance and use of forged records, instruments, documents, etc.); N.J.S.A. 2A:131-4 (regarding false swearing); N.J.S.A. 2A:17D-43 (obtaining valuable items from charitable organizations by false statements).

7830. County Welfare Agency Responsibility; Administrative Plan

7831. Limitations of Responsibility

The role of the county welfare agency is limited to responsibility for determining whether there is basis in fact for believing that fraud may have been committed so that referral to the county prosecutor or other proper law enforcement official for legal action is justified. The action taken by the law enforcement official following referral determines what further legal action shall be pursued. Whether fraud has actually occurred is a question for the court.

7831.1 Power of Subpoena

The CWA director may utilize the power of subpoena given him/her by N.J.S.A. 44:7-20 to secure testimony and records pertinent to the investigation and needed to determine true facts. See also Section 3150.

7832. Alternate Administrative Plans for Investigation

Each CWA shall develop an operational method to carry out its responsibility which is best suited to its administrative structure and to local conditions and resources. There must be clear allocation of duties and functions in the total process of investigation, reporting, evaluation, decision to refer, etc.

In respect to the function of investigation, CWA may select one or a combination of the following plans:

7832.1 Cooperative Arrangements with Other County Agencies

CWA may arrange for special investigation of cases of suspected fraud by another appropriate agency or official such as office of the county adjutor, the probation department or the office of the county prosecutor, without cost to CWA.

7832.2 Special Staff Investigator

CWA may appoint to staff a "special investigator(s)" whose duty will be to give special attention to case situations involving suspicion of fraud (and other related situations requiring special investigating skills), to prepare the necessary reports, and to function in a liaison capacity for the director and welfare agency to the law enforcement authorities. Such "special investigator(s)" will have no law enforcement authority, and will not engage in activity which is properly the responsibility of the IM worker.

7832.3 Staff Function

CWA may elect to have staff carry the responsibility for the necessary special investigation in instances of suspected fraud, relying upon consultation with CWA counsel for the technical aspects of establishing adequate evidence on which to base a decision.

Whatever administrative plan is adopted, there will be instances where discussion should be arranged with welfare agency counsel and/or the county prosecutor's office as to the nature and conduct of the investigation.

CWA shall file with the State Division a detailed description of the administrative plan; and shall advise the Division of any subsequent proposed change in the plan before it becomes effective.

7833. Rights of an Individual Under Investigation

The CWA shall insure that an individual under investigation shall have the following rights:

7833.1 Right to Confidentiality

The agency shall insure that information obtained from or concerning a person under investigation shall be restricted in accordance with Section 7600. The agency shall take special precautions in obtaining information from a third party so that no accusations relevant to the alleged fraud are disclosed, including the reason for the investigation or the nature of the allegation, without the written consent of the individual under investigation.

7833.2 Preservation of Civil Liberties

The agency shall insure that investigative methods do not infringe on the civil liberties of the individual or interfere with due process of law. The agency shall be prohibited from obtaining forced entry, conducting residence searches without consent of the client, making home visits during normal sleeping hours (generally 10 P.M. to 7 A.M.) or requiring that an individual be subjected to a lie detector test.

7833.3 Warning and Waiver of Rights

7833.31 When the questioning of an individual regarding a possible charge of fraud becomes accusatory in nature, the investigator shall read and explain the contents of Form PA-45, Warning and Waiver of Rights, to the individual, explaining his/her right to refrain from answering any question and/or to terminate the interview at will, regardless of the fact that the waiver of rights statement has been signed.

7833.32 The investigator shall ask that the individual sign the waiver of rights statement on Form PA-45, indicating that he/she understands his/her rights and agrees to discuss the matter without the presence of an attorney. The investigator shall witness the waiver by signing and dating the document. A copy of the signed document shall be given to the individual.

7833.33 If the individual refuses to sign the waiver, no questioning shall occur at this time. If the individual requests the presence of an attorney, he/she shall make such arrangements before any subsequent interview. However, the investigation shall not be delayed pending an interview.

7833.34 The individual shall be advised of the opportunity, where available, to obtain legal counsel through Legal Services, Legal Aid Society, lawyer referral service of the Office of the Public Defender

7840. Referral to Law Enforcement Authorities

When the investigation of any case of suspected fraud is completed, the director of the CWA, in consultation with counsel, shall be responsible for determining whether the matter should be referred to the county prosecutor or other proper law enforcement official.

7850. Reports on Cases Involving Fraudulent Receipt of Assistance

7851. In cases where the county welfare agency has completed an investigation based upon a belief that fraud has been committed, a report (Form PA-33, Investigation Initiation Sheet) shall be routed through the CWA director to the Assistance Investigations Unit of the Division of Public Welfare. The form shall be completed when the county welfare agency determines that no fraud exists, when the case is disposed of through administrative action, or when the case is forwarded to the County Prosecutor.

Upon disposition of the case by law enforcement officials (county prosecutor or municipal court), a subsequent report (Form PA-34, Investigation Disposition Sheet) shall be completed and routed through the CWA director to the Assistance Investigations Unit of the Division of Public Welfare.

7860. Recovery of Assistance Paid

In every fraud case, in addition to any criminal prosecution, recovery of the assistance illegally obtained may be sought. The threat of prosecution should not be used as a means of effecting recovery; nor should the fact of a recovery affect the CWA decision concerning proper referral to the prosecutor. However, any recovery, or plan for recovery, should be reported to the prosecutor whenever such a referral has been made.

The provisions of the preceding paragraph are not intended to limit the responsibility and obligation of the CWA to seek recovery, through voluntary agreement or civil action, of funds improperly received by a client under circumstances other than fraud. (See also Section 4800.)

SUMMARY REPORT

Form PA-2D (4/68)

NAME _____

REGISTRATION NO. _____

COMPANION CASE NO. _____

Date

RECORD OF ACTION: Medical Eligibility Factor

Received in Bureau _____

Client Case No. _____

Related Case Nos. _____

COUNTY WELFARE BOARDClient _____
(Last Name) (First) (Middle)Address _____
(Street) (Town) Birthdate _____MEDICAID ONLYAFDCPERMANENT AND
TOTAL DISABILITYBLINDNESSINCAPACITY[] Approved
[] Undetermined
[] Disapproved[] Approved
[] Undetermined
[] Disapproved[] Approved
[] Undetermined
[] Disapproved

REVIEW DATE

DIAGNOSES: Primary -----

Secondary -----

INSTRUCTIONS AND COMMENTS: (use other side if necessary)

Date: _____ M.S.W. _____ M.D. _____

AGREEMENT TO REPAY

Case No. _____ County Welfare Board

I,
We, _____, of
[Name(s)]_____ for the purpose
[Address]

of receiving assistance for myself and my children, in accordance with New Jersey Statutes Annotated, Title 44, Chapter 10, Assistance for Dependent Children, do hereby promise, in consideration of the granting of such assistance, to repay the County Welfare Board for that portion of any assistance so granted which may be paid during the period pending my receipt of certain funds which are anticipated by the virtue of a claim or other action against _____

[Name]
arising out of _____
[Describe Circumstances]

I hereby agree, and also authorize and direct my attorney, if any, to furnish full and complete information to the _____ County Welfare Board as to the above claim or other action. I agree to keep the Welfare Board informed of any proposed disposition of the claim or other action, and I agree not to dispose of any monies realized from such claim or other action without the prior consent and approval of the Welfare Board.

Witness _____ Signature _____ (L.S.)

Witness _____ Signature _____ (L.S.)

Date _____

FUNERAL/BURIAL of:

late of _____ (city)

who died on _____ (date)

Agency Case No. _____

Social Security No. _____

State of New Jersey)
County of _____) S.S.

MORTUARY
AFFIDAVIT (and
PETITION for
PAYMENT)

_____, being of full age and duly
sworn according to law, presents this petition and says that:

1. He/she is fully empowered as owner, partner, or agent to make this affidavit, that he/she has full knowledge of the facts stated herein, and that he/she is familiar with the laws and regulations applicable hereto.
2. This petition is presented by or on behalf of _____
(Name of Mortuary)
who did provide goods and services for the funeral/burial of the
decedent in accordance with a contract made with _____
(Name of person who
made arrangements)
of _____
(Address)
3. The funeral was conducted on _____ with burial
Date (if none, enter none)
at _____
Cemetery (if none, enter none)
4. The funeral/burial was conducted by a person(s) duly licensed to do
so in the jurisdiction in which it was conducted and was in full con-
formity with all applicable law and regulation.
5. The total cost (as defined by regulations of the N.J. Department of
Human Services) of the funeral/burial including cemetery charges, was
\$ _____ of which friends and/or relatives paid or are expected to
pay \$ _____ from their own funds.

6. The total of life insurance proceeds on the life of the decedent was or is expected to be \$_____.
7. Other death benefits were paid by or are expected from _____ in the amount of \$_____.
8. Decedent's cash on hand and other resources at the time of death amounts to \$_____.
9. The amount requested by this petition for mortuary charges is \$_____.
10. The above is a full and complete statement of all charges and payments on account of this decedent. No other charges or claims have been or will be made and no other payments have been or will be accepted.
11. (Strike out entirely either 11a. or 11b. as applicable.)
- 11a. There were no cemetery charges incurred and none are contemplated.
- 11b. Cemetery and burial arrangements were/were not (strike out one) made by the undersigned or by another person associated with this firm. The attached cemetery affidavit is to the best of the deponent's knowledge and belief an accurate and complete statement of all charges made by the cemetery and all payments received and/or expected by the cemetery. This deponent endorses the statements in the attached petition for payment of cemetery charges in the amount of \$_____.
(if none, so state)
12. This affidavit is made with the intention that the welfare agency rely upon it in determining the amount of any agency payment to be allowed.

Subscribed and sworn to before me this

_____ day _____ 19____ (Signature) _____ (Date)

_____ (Notary) for _____ (Name of Mortuary)

AUTHORIZATION FOR PAYMENT BY COUNTY WELFARE BOARD
TO FUNERAL DIRECTOR

Registration No. _____

I, _____ a recipient of _____
(Name) (Program)
hereby authorize the _____ County Welfare Board to pay the
allowance granted to me to cover my obligation for the funeral and burial of my
deceased spouse _____ to
(Name)

(Funeral Director)

(Address)

in the amount of \$ _____.

I hold no insurance, lodge benefits, or other death benefits and know of no person
to whom any insurance or other death benefits may be payable on the life of

my _____ except as follows:
(husband or wife)

I understand that the above amount will be approved and paid only after due deter-
mination that there are no other sources of funds from which I could pay these
expenses except as listed above, and that no other person or agency has or will pay
these expenses for me.

Signed _____

Witness _____
(CWB Representative)

Date _____

[This form is to be duplicated by CWB for its own use. It will not be available
from the State Bureau nor from State Use.]

BURIAL OF:

_____ late of _____ (city)

who died on _____ (date)

Agency Case No. _____

State of New Jersey } S.S.
County of _____ }

CEMETERY
AFFIDAVIT (and
PETITION for
PAYMENT)

_____, being of full age and duly sworn according
to law presents this petition and says that:

1. He/she is fully empowered as manager, administrator, or agent to make this affidavit, that he/she has full knowledge of the facts stated herein, and that he/she is familiar with the laws and regulations applicable hereto.
2. This affidavit is presented by or on behalf of _____,
(Name of Organization)
owner/operator of _____ Cemetery wherein the remains
of the decedent were buried on _____ in accordance with arrange-
ments made by _____ (date)
(Name of Person or Mortuary).
3. The burial was and is in accord with all laws and regulations applicable to the above identified organization and cemetery.
4. All charges made by this organization or cemetery in connection with this burial are as follows:

Grave space or right of burial	\$ _____
Opening and Closing	\$ _____
Back cemetery charges	\$ _____
Other (identify)	\$ _____
Total	\$ _____

5. Payments received or expected from funds of the decedent, life insurance, public and private death benefits, are as follows: (if none, so state)

_____ \$
(source)

_____ \$
(source)

6. Voluntary contributions have been received by or are expected by this organization in connection with this burial in the amount of \$_____, (if none, so state). Of that amount, \$_____ was applied to back cemetery charges.
7. The amount requested by this petition is \$_____ (if none, so state).
8. The above is a full and complete statement of all charges and payments by this organization on account of this burial. No other charges have been or will be made and no other payments have been or will be accepted.
9. This affidavit is made with the intention that the welfare agency rely upon it in determining the amount of any agency payment to be allowed to this organization and/or others on account of this decedent.

Subscribed and sworn to before me this
day of _____ 19____

(Signature)

(Date)

(Notary)

for

(Name of Organization)

REFERRAL FOR REHABILITATION SERVICES

(INSTRUCTIONS: Prepare in duplicate; send one copy to appropriate district office of Division of Vocational Rehabilitation Services; retain second copy for case record. If another public assistance agency is to be informed of the referral, prepare referral form in triplicate and send the third copy to such agency.)

TO: _____ District Office, N. J. Division of Vocational Rehabilitation Services.

FROM: _____ (Name of Agency) _____ (Address) _____ (Telephone)

CLIENT: _____ (Last Name) _____ (First) _____ (Middle) Case No. _____
Social Security No. _____

ADDRESS: _____ Birth Date _____ (Month) _____ (Day) _____ (Year)

MAJOR DISABILITY: _____

Indicate whether case () approved, () disapproved or () not evaluated by Bureau of Medical Affairs

(INSTRUCTIONS: Items 1, 2, 3, and 4 below, relate to the status of the case in the agency making the referral to the Division of Vocational Rehabilitation Services. Check and complete applicable item.)

PUBLIC ASSISTANCE STATUS:

1. ☐ Is receiving _____ (Program) from this agency.
2. ☐ Application for _____ (Program) is pending in this agency.
3. ☐ Application for _____ (Program) has been denied by this agency.
4. ☐ Application for _____ (Program) has been withdrawn.

OTHER BENEFITS:

5. ☐ Client is currently receiving Workmen's Compensation Benefits.
6. ☐ Other (Identify)

The above client has been advised of this referral for Rehabilitation services, and the information known to this agency is available to the Rehabilitation Counselor upon request. Client plans to contact your office on or before _____ date.

Date _____ (Name and Title of Agency Representative)

ACKNOWLEDGMENT

TO: _____
From: _____ District Office, N.J. Division of Vocational Rehabilitation Services
Re: _____ Your Case No. _____
(Client's Name)

This will acknowledge receipt of your referral for the above client. Assignment is being made to a Rehabilitation Counselor who will consult your agency at an early date.

Date _____ (Name and Title of Agency Representative)

New Jersey Department of Institutions and Agencies - Division of Public Welfare

SI NO COMPRENDA USTED ESTA NOTICIA DE TERMINACIÓN, REBAJA O SUSPENSIÓN DE LOS BENEFICIOS PORQUE NO HABLA EL INGLÉS, POR FAVOR, COMMUNIQUE USTED CON SU TRABAJADOR SOCIAL.

NOTICE OF INTENTION TO REDUCE ASSISTANCE PAYMENT

Date _____

Dear _____:

This is to notify you that your monthly assistance payment will be changed from

_____ to _____ effective _____.

This determination is based upon _____

and in accordance with _____
(statutory and/or Manual citation or reference)

This means your last payment in the amount of _____ monthly
(was) (will be)

the payment issued _____.

You have the right to request a fair hearing before a representative of the New Jersey Department of Institutions and Agencies. If you should request a fair hearing within fifteen (15) days of the mailing date of this notice of reduction in your assistance payment as stated above, assistance will be continued in an unreduced amount, until the fair hearing unless you voluntarily decide to accept assistance in the reduced amount.

At the hearing a determination will be made whether or not you will be entitled to continue receiving assistance in an unreduced amount until a written fair hearing decision is issued. If you should elect to receive continued unreduced assistance and lose your appeal the overpayment in assistance may be recovered from any assistance you remain eligible to receive or from future assistance payments. Also at the hearing you will have the right to appear in person; to be informed of the reasons, and the nature and sources of any supporting evidence upon which the pro-

posed reduction in assistance is based; the right to present any proofs or witnesses as to issue of fact; and the right to be represented by an attorney if you so choose and arrange, and to be accompanied and/or assisted by friends. Additionally, you may, prior to the scheduled date of the hearing arrange to examine, at a time convenient to yourself and the county welfare board, all documentary proof which will be relied upon by the county welfare board at the hearing.

You are also entitled to a conference at your County Welfare Board. At such a conference you may appear by yourself, with a friend or spokesman, or be represented by counsel.

If you wish to be heard at such a hearing, please call in person or by telephone or write either the _____ or the
(county welfare board)

New Jersey Department of Institutions and Agencies, Division of Public Welfare, P. O. Box 1627, Trenton, New Jersey 08625, within fifteen (15) days of the date of this notice. If you feel you need help in preparing or sending a request for a hearing, you may receive such help at this office.

If you wish to have the services of legal counsel, you may consult with _____

(name and address of appropriate Legal Services or Legal Aid Society)

County Welfare Board

_____, Director

SI NO COMPRENDA USTED ESTA NOTICIA DE TERMINACIÓN, REBAJA O SUSPENSIÓN DE LOS BENEFICIOS PORQUE NO HABLA EL INGLES, POR FAVOR, COMMUNIQUE USTED CON SU TRABAJADOR SOCIAL.

NOTICE OF INTENTION TO SUSPEND OR TERMINATE ASSISTANCE

Date _____

Dear _____:

This is to notify you that it appears you are no longer eligible to continue to receive payments under the program of _____

Assistance because _____
(include explanation)

This determination is based upon the provisions of _____
(insert statutory and/or

Manual reference or citation)

Your grant will be terminated as of _____
(date to be entered shall be not less than ten (10) calendar days following the date of this notice)

This means that your last payment of _____ monthly _____
(was) (will be)

the payment issued _____.

You have the right to request a fair hearing before a representative of the New Jersey Department of Institutions and Agencies. If you should request a fair hearing within fifteen (15) days of the mailing date of this notice of termination of your assistance as stated above, assistance will be continued until the fair hearing unless you notify the county welfare board that you do not desire continued assistance.

At the hearing a determination will be made whether or not you will be entitled to continue receiving assistance until a written fair hearing decision is issued. If you are found so entitled, and choose to continue receiving assistance and lose your appeal, the overpayment in assistance may be recovered from any assistance

you remain eligible to receive or from future assistance payments. Also at the hearing you will have the right to appear in person; to be informed of the reasons, and the nature and sources of any supporting evidence upon which the proposed termination of assistance is based; the right to present any proofs or witnesses as to issues of fact; and the right to be represented by an attorney if you so choose and arrange, and to be accompanied and/or assisted by friends. Additionally, you may, prior to the scheduled date of the hearing, arrange to examine, at a time convenient to yourself and the county welfare board all documentary proof which will be relied upon by the county welfare board at the hearing.

You are also entitled to a conference at your county welfare board. At such a conference you may appear by yourself, with a friend or spokesman, or be represented by counsel.

If you wish to be heard at such a hearing, please call in person or by telephone or write either the _____ or the New Jersey Department
(county welfare board)
of Institutions and Agencies, Division of Public Welfare, P. O. Box 1627, Trenton, New Jersey 08625, within fifteen (15) days of the date of this notice. If you feel you need help in preparing or sending a request for a hearing, you may receive such help at this office.

If you wish to have the services of legal counsel, you may consult with _____

(name and address of appropriate Legal Services or Legal Aid Society)

County Welfare Board

_____, Director

NOTICE OF COUNTY WELFARE BOARD ACTION
ON AID TO FAMILIES WITH DEPENDENT CHILDREN CASE
(Section A)

TO: Institutional Parole Officer

Name of Inmate _____

(Name of Institution) _____

AFDC Registration No. _____

FROM: _____ County Welfare Board

AFDC Case Name _____

Address _____

Address _____

Disposition of the AFDC application for the above case was as follows:

☐ Approved on _____ Please send Notice of Release.
(Date)

☐ Not approved. Notice of Release not required.
Reason:

Date: _____

(County Welfare Board Representative) _____

(Section B)

NOTICE OF RELEASE FROM CORRECTIONAL INSTITUTION

TO _____ County Welfare Board

AFDC Registration No. _____

(Address) _____

AFDC Case Name _____

Institution No. _____

FROM: _____
(Name of Institution)

Inmate _____

The above inmate was released from this institution on _____ to reside at
(Date)

(Address if known) _____

Paroled ☐ Expiration of Maximum Sentence ☐

District Parole Supervisor: _____ Dist. Off. No. _____

Address of D.O. _____ Tel. No. _____

See attached Pre-parole Report ☐

Date: _____

(Signature and Title) _____

VERIFICATION AND RESOURCE DOCUMENT

Form PA-19 (9/74)
Page 1 of 4

(Case Name)	(Case Number)	(Companion Case Number)
(IM Worker)	(Date Completed)	(Supervisor)
(Date Accepted)		

SECTION I, AFDC AND AFWP

(1)	(2)		(3)	(4)	(5)
ITEM	CLIENT'S STATEMENT		VERIFICATION/EVIDENCE	FOLLOW UP	SUPERVISOR'S
	Name	Age	OBTAINED	(Check)	REVIEW
A. BASIC INFORMATION					
1. Age (List all eligible persons in decreasing order of age).					
2. School Attendance Children 16 or over (Identify schools)					
*3. Relationship of Applicant to Children (Parent, parent- person, stepparent)					
4. Other Persons in Household					

*Verification required at time of initial application only.

Case Name and Number _____

(1)	(2)	(3)	(4)	(5)
ITEM	CLIENT'S STATEMENT	VERIFICATION/EVIDENCE OBTAINED	FOLLOW UP (Check)	SUPERVISOR'S REVIEW
B. RESOURCES		PA-3B completed?		
1. LRRs (list) (AFDC and AFWP - every 6 months)				
2. Real Property				
3. Bank Accounts (of all eligible persons)				
a. Savings				
b. Checking				
c. Safe Deposit				
4. Cash on Hand				
5. Stocks, Bonds, and Investments				
6. Motor Vehicle Ownership				
7. Other Property				
*8. Transfer or Assignment of Property within Past Year				
9. Health Insurance				
10. Pending Claims				
PA-10D signed? (AFDC only)				

*Verification required at time of initial application only.

Case Name and Number _____

(1)	(2)	(3)	(4)	(5)
ITEM	CLIENT'S STATEMENT	VERIFICATION/EVIDENCE OBTAINED	FOLLOW UP (Check)	SUPERVISOR'S REVIEW
C. INCOME - (Monthly amount)				
1. Earnings				
a. Gross Amount, Source				
b. Number of dependents for income tax purposes (AFDC only)				
c. Child Care (AFDC only)				
2. RSDI				
3. State Temporary Disability Benefits				
4. Veteran's Benefits				
5. Unemployment Insurance Benefits				
6. Workmen's Compensation (Name of Insurance Co.)				
7. Other Pension(s) (Identify)				
8. Support - list amounts				
a. Court Order (Name of Court)				
b. Evaluated LRR's contribution				
c. Voluntary (From whom?)				
9. Other Income (Identify source)				

Case Name and Number _____

Form PA-19 (9/74)

Page 4 of 4

SECTION II, AFDC ONLY

(1)	(2)	(3)	(4)	(5)
ITEM	CLIENT'S STATEMENT	VERIFICATION/EVIDENCE OBTAINED	FOLLOW UP (Check)	SUPERVISOR'S REVIEW
A. DEPRIVATION (circle one)				
1. Continued Absence PA-17 Yes ☐ No ☐ Not Applicable ☐				
2. Incapacity				
*3. Death				
B. WIN REGISTRATION (Identify by name of person)				
C. WIN EXEMPTIONS (Type name of person)				
*D. ALIEN STATUS				
*E. LIFE INSURANCE (not required)		XXXXXXXXXXXXXXXXXXXXXXX	XXX	XXXXXXXXXXXXXXXXXXXXXXX
*F. BURIAL PLOT LOCATION (not required)		XXXXXXXXXXXXXXXXXXXXXXX	XXX	XXXXXXXXXXXXXXXXXXXXXXX

SECTION III, AFWP ONLY

A. FATHER Voluntarily Terminated Employment or Reduced Income				
B. STATE EMPLOYMENT SERVICE (NJSES) Registration				

*Verification required only at time of initial application only.

New Jersey Department of Institutions and Agencies - Division of Public Welfare

INSTRUCTIONS FOR COMPLETION OF THE
VERIFICATION AND RESOURCE DOCUMENT (VRD)

This document (the VRD) provides a systematic method for verifying eligibility factors in AFDC and AFWP cases. It is to be prepared by the IM worker and reviewed by his/her supervisor.

The VRD is divided into five columns. The first column lists the elements of eligibility and potential resource appropriate to AFDC and/or AFWP. Column (2) contains the client's statements regarding his/her eligibility. Column (3) is for the IM worker's record of verification and/or evidence as obtained. Column (4) will be checked when any item requires additional follow-up. Column (5) is completed by the IM Supervisor.

The elements of eligibility are divided into three sections: Section I contains elements common to both programs; Section II applies to AFDC cases only and Section III to AFWP cases. Note that only in companion cases will both Section II and Section III be completed.

A. General Instructions

1. A VRD is to be prepared following each application (initial and redetermination). Column (2) will be completed each time a new VRD is prepared; however, when verification data in Column (3) remains the same, the IM worker may enter "No Change".
2. If additional space is needed to complete the VRD, attach one or more sheets of paper and indicate this addition next to the element to which it applies.

B. Instruction for the IM Worker

1. Complete the identifying case data at the top of the first page. Sign on the designated line and enter the date when verification is completed.
2. In Column (2), complete each element by recording the results of the interview with the client and information provided by the client on the application.
3. In Column (3), record the method utilized to verify or disprove the client's statement and identify evidence provided by the client or obtained from other sources. Each item is to be pursued to the point at which the worker can reach a reasonable conclusion about that particular element.
4. In Column (4), check any item which may need to be followed up at a later date (example: completion of LRR evaluation).
5. Upon satisfactory verification of all items other than those to be followed up, submit the case record and the VRD to the supervisor.

C. Instruction for the IM Supervisor

1. Review carefully each element on the VRD by comparing the client's statement in Column (2) with the worker's verification as recorded in Column (3).
2. When satisfied that the worker has verified an element, initial the appropriate section in Column (5). If an element involves a potential resource (e.g. - LRR evaluation) for which verification has not been completed, the grant shall not be delayed pending verification; such items should be checked in Column (4).
3. When one or more elements require further verification before eligibility can be determined, return the VRD and the case record to the IM worker with appropriate instructions.
4. Make sure that all items requiring follow-up are checked in Column (4). In situations involving potential resources, follow-up may occur after the eligibility determination has been made. Retain the VRD until such follow-ups are completed.
5. Sign on the appropriate line at the top of page 1 and enter date on which verification of eligibility (not necessarily of follow-ups) is satisfactorily completed.
6. When eligibility has been determined, return the case record to the file. File the VRD with the case record only after all follow-ups are completed.

EMPLOYMENT CRITERIA FOR AFDC-F FAMILIES

Date Prepared _____

This chart is to be completed for all AFDC-F and -N segment cases. Families will be eligible for AFDC-F when the response to all criteria listed in Columns A and/or B is identical to those preprinted in Column C.

CRITERIA TO BE USED FOR THE DETERMINATION OF FEDERAL MATCHING	<u>A</u> Insert Yes or No	<u>B</u> Change of Status Yes/No Date	<u>C</u> Standard For Fed. Matching
1. Father meets one of the following: a) Not working during the past 30 days, or b) Working less than 100 hours per month, or c) Worked temporarily in excess of the 100 hour per month limit during one month but was below that limit during the 2 months preceding that month and will be under the limit during the next upcoming month.			YES
2. Father has refused, without good cause, a bona fide offer of training for or employment during the 30 day period prior to receipt of assistance under AFDC-F.			NO
3. Father refuses to apply for or accept unemployment compensation for which he qualifies.			NO
4. Unless exempt, father is registered with WIN or, if exempt because of remoteness or residing in a non-WIN county, is registered with Division of Employment Services.			YES
5. Unless exempt or residing in a non-WIN county, father has been certified for (a) participation in WIN or (b) will be certified within 30 days.			YES
6. Father received, or was eligible to receive, unemployment compensation benefits during the 12 months prior to application or Father has six or more "quarters of work" within 39 consecutive months ending within one year prior to application (see PAM 3420 for definition of "quarter of work").			YES

AVISO Y RENUNCIA DE DERECHOS

A V I S O

ANTES DE QUE SE LE HAGA CUALQUIER PREGUNTA, USTED DEBE ENTENDER SUS DERECHOS

- . USTED TIENE DERECHO DE PERMANECER EN SILENCIO.
- . CUALQUIER COSA QUE USTED DIGA PUEDE SER USADA CONTRA USTED EN LA CORTE.
- . USTED TIENE EL DERECHO DE HABLAR CON UN ABOGADO PARA OBTENER CONSEJO ANTES DE QUE LE HAGAMOS PREGUNTAS Y DE TENERLO PRESENTE DURANTE EL INTERROGATORIO.
- . SI USTED DECIDE CONTESTAR LAS PREGUNTAS AHORA SIN LA PRESENCIA DE UN ABOGADO, USTED AUN TIENE EL DERECHO DE DEJAR DE CONTESTAR CUANDO QUIERA. TAMBIÉN, USTED TIENE EL DERECHO DE DEJAR DE CONTESTAR CUANDO QUIERA HASTA QUE CONSULTE CON UN ABOGADO.

NOTE: SI USTED NO TIENE MEDIOS PARA PAGAR UN ABOGADO, ES POSIBLE QUE USTED PUEDA OBTENER UN ABOGADO CONSULTOR POR SERVICIOS LEGALES, POR LA SOCIEDAD DE AUXILIO LEGAL, POR UN SERVICIO QUE LE DIRIGE A UN ABOGADO, O POR LA OFICINA DEL DEFENSOR PÚBLICO, DONDE DISPONIBLES.

R E N U N C I A

YO HE LEÍDO ESTA DECLARACIÓN DE MIS DERECHOS (SE ME HA LEÍDO ESTA DECLARACIÓN DE MIS DERECHOS) Y ENTIENDO CUALES SON MIS DERECHOS. ESTOY DISPUESTO A DISCUTIR ASUNTOS PRESENTADOS Y A CONTESTAR LAS PREGUNTAS. NO DESEO TENER UN ABOGADO PRESENTE EN ESTE MOMENTO. ENTIENDO Y SÉ LO QUE ESTOY HACIENDO. NO SE ME HAN HECHO NI PROMESAS NI AMENAZAS Y TAMPOCO SE USÓ NI PRESIÓN NI COACCIÓN DE NINGUNA CLASE EN CONTRA DE MI PERSONA.

(FIRMA)

(HORA)

(FECHA)

(LUGAR)

PRESENCIADO POR: _____

TÍTULO: _____

Fair Hearing Monitoring System

FINDINGS - DAILY REVIEW SAMPLE

Report on Corrective Action due _____

CWB _____

Sample size _____

Notices dated _____

No. defective _____

No. received _____

Date reviewed _____

Case No. Name

Nature of procedural
or substantive error

Corrective ac-
tion required

The welfare board is directed to immediately effect such corrective action, as indicated for each case identified above, and to report such corrective action with a corrected copy of the notice to the State Division within the time period indicated above (attach copies of corrected notices and/or separate report(s) on corrective action to duplicate copy of Form PA-47.

Chief, Bureau of Administrative Review
and Appeals

By: _____
(Agency Staff Representative)

Returned: _____

A STATEMENT
CONCERNING OBLIGATIONS OF VENDORS
UNDER THE CIVIL RIGHTS ACT OF 1964

For the purposes of this statement, the term "vendor" means an individual, agency, institution or organization in New Jersey participating in public welfare programs through contractual or other arrangements whereby care or services are provided to individuals for which payment is received directly from the public welfare agencies administering such programs. The public welfare programs concerned are those administered by or under the supervision of the Division of Public Welfare and Division of Youth and Family Services.

Under the provisions of the Civil Rights Act of 1964, no person seeking or receiving public assistance and welfare services shall be subjected to discrimination because of race, color or national origin. This protection against discrimination means that a vendor, as defined above, shall not on the ground of race, color or national origin;

1. deny an individual seeking or receiving public assistance and welfare services any care or services normally provided by the vendor in the course of conducting his/her business or profession;
2. provide such care or services to such individual in a different manner than they are normally provided to others;
3. subject such individual to segregation or separate treatment in any matter related to his/her receipt of such care or services;
4. restrict such individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving such care or services; or
5. treat such individual differently from others in determining whether and to what extent he/she should receive such care and services.

If, after due inquiry and opportunity to be heard, the Director of the Division of Public Welfare or the Director of the Division of Youth and Family Services determines that a vendor is practicing discrimination on the ground of race, color or national origin, the public welfare agencies will be directed to withhold further payments to such vendor until otherwise authorized.

Additionally, the State Department of Institutions and Agencies mandates that there will be no discrimination on the basis of sex, marital, parental or birth status.

A STATEMENT CONCERNING OBLIGATIONS OF PERSONNEL
OF PUBLIC WELFARE AGENCIES
UNDER THE CIVIL RIGHTS ACT OF 1964

Under the provisions of Federal law (Civil Rights Act of 1964) no person seeking or receiving public assistance and welfare services shall be subjected to discrimination because of race, color or national origin. In New Jersey this law applies to any financial assistance and welfare services provided by or under the supervision of the Division of Public Welfare and Division of Youth and Family Services.

This protection against discrimination means that a staff member of the Division of Public Welfare or Division of Youth and Family Services or of any agency under the cognizance of these divisions, as listed above, shall not on the ground of race, color or national origin take or participate in any action to:

1. deny an individual any aid, care or services provided under the programs;
2. provide any aid, care or services to an individual which are different, or are provided in a different manner, from that provided to others under the programs;
3. subject an individual to segregation or separate treatment in any matter related to his receipt of any aid, care or services provided under the programs;
4. restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by other receiving aid, care or services provided under the programs;
5. treat an individual differently from others in determining whether he/she satisfies any eligibility or other requirement or condition which individuals must meet in order to receive any aid, care or services provided under the programs;
or
6. deny any individual an opportunity to participate in the programs through the provision of services or otherwise, or afford him/her an opportunity to do so which is different from that afforded others under the programs (including the opportunity to participate in the program as an employee where the primary objective of the Federal financial assistance to the program is to provide employment, including a program under which the employment is provided to reduce unemployment).

If, after due inquiry and opportunity to be heard, the employing agency, with the concurrence of the Director of the Division of Public Welfare, or the Director of the Division of Youth and Family Services, determines that a staff member has practiced discrimination on the ground of race, color or national origin, such staff member shall be subject to disciplinary action.

Additionally, the State Department of Institutions and Agencies, mandates that there will be no discrimination on the basis of sex, marital, parental or birth status.

A STATEMENT
CONCERNING NON-DISCRIMINATION IN PROGRAMS
OF PUBLIC ASSISTANCE AND WELFARE SERVICES

Under the provisions of Federal law (Civil Rights Act of 1964) no person seeking or receiving public assistance and welfare services shall be subjected to discrimination because of race, color or national origin. In New Jersey this law applies to any financial assistance and welfare services provided by or under the supervision of the Division of Public Welfare and Division of Youth and Family Services.

This protection against discrimination means that these agencies, directly or through arrangements with other organizations participating in the programs, shall not on the ground of race, color or national origin:

1. deny an individual any aid, care or services provided under the programs;
2. provide any aid, care or services to an individual which are different, or are provided in a different manner, from that provided to others under the programs;
3. subject an individual to segregation or separate treatment in any matter related to his/her receipt of any aid, care or services provided under the programs;
4. restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving aid, care or services provided under the programs;
5. treat an individual differently from others in determining whether he/she satisfies any eligibility or other requirements or condition which individuals must meet in order to receive any aid, care or services provided under the programs;
or
6. deny any individual an opportunity to participate in the programs through the provision of services or otherwise, or afford him/her an opportunity to do so which is different from that afforded others under the programs (including the opportunity to participate in the program as an employee where the primary objective of the Federal financial assistance to the program is to provide employment, including a program under which the employment is provided to reduce unemployment).

When any person seeking or receiving public assistance and welfare services believes he/she has been subjected to discrimination because of his/her race, color or national origin, he/she may file a complaint concerning this. The complaint should be in writing and describe the circumstances. It may be sent to the Director, Division of Public Welfare, P. O. Box 1627, Trenton, New Jersey 08625; the Director, Division of Youth and Family Services, 1 South Montgomery Street, Trenton, New Jersey 08625; or to the Regional Commissioner, Federal Department of Health, Education and Welfare, 26 Federal Plaza, New York, New York 10007.

When a complaint is received an investigation will be made of the circumstances. If it is found that there was discrimination on the ground of race, color or national origin, proper action will be taken to correct the situation.

Additionally, the State Department of Institutions and Agencies mandates that there will be no discrimination on the basis of sex, marital, parental or birth status.

WIN PROGRAM
STATE OF NEW JERSEY

GENERAL BASIC WP-125
MEDICAL EXAMINATION (12/72)

SECTION A. TO BE COMPLETED BY IMU, JAT OR E.S. WIN TEAM

TO THE EXAMINER:

APPLICANT IS REFERRED TO YOU FOR THE EXAMINATION INDICATED BELOW. THE INFORMATION REQUESTED CONCERNING THE APPLICANT IS TO BE USED TO DETERMINE FEASIBILITY FOR EMPLOYMENT, TRAINING FOR EMPLOYMENT OR FOR VOCATIONAL REHABILITATION SERVICES AND AS A GUIDE IN PROVIDING SUCH SERVICES, IF THE PERSON IS IN NEED OF SAME.

NOTICE: THE EXAMINER CERTIFIED THAT PURSUANT TO TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, HE/IT DOES NOT SUBJECT ANY INDIVIDUAL TO DISCRIMINATION BECAUSE OF RACE, COLOR OR NATIONAL ORIGIN.

ALLEGED ILLNESS OR INJURY

RETURN FORM TO:

NAME OF AGENCY REPRESENTATIVE

EXAMINER - Please complete, verify
or correct name and
address shown below.

EXAMINING PHYSICIAN'S NAME AND ASSOCIATES

ADDRESS

STATE

DATE INITIATED

APPLICANT'S NAME - LAST FIRST MIDDLE INIT.

ADDRESS

SOCIAL SECURITY NUMBER

PREVIOUS HOSPITALIZATIONS

DATE

NAME OF HOSPITAL

REASON

SECTION B. TO BE COMPLETED BY EXAMINING PHYSICIAN

PRESENTING DISABILITY AND DATE OF ONSET

SIGNIFICANT MEDICAL HISTORY (PRESENT AND PAST)

PHYSICAL EXAMINATION (GENERAL APPEARANCE)

HEIGHT WEIGHT PULSE RATE BLOOD PRESSURE

NORM.

ABNORM.

(PLEASE DESCRIBE ABNORMALITIES)

1. EYE
2. ENT
3. TEETH
4. NECK
5. LUNGS
6. HEART
7. ABDOMEN, INC. HERNIA
8. ANO-RECTAL
9. VARICOSITIES
10. MUSCULO-SKELETAL
11. NERVOUS SYSTEM
12. SKIN
13. LYMPH NODES
14. GENITO URINARY
15. OTHER

New Jersey Department of Institutions and Agencies - Division of Public Welfare

Distant Vision (Snellen Chart) Without glasses R.20/____ L.20/____
With glasses R.20/____ L.20/____

Does patient seem to have impaired hearing? YES ☐ NO ☐ If YES, explain _____

Pertinent Lab Findings: (Urinalysis required; Blood Count, Blood Chemistry,
Serological, etc., if indicated)

- **DIAGNOSES:** (1) _____
(2) _____
(3) _____

If there is limitation, check and describe below:

• **LIMITATIONS**

PLEASE DESCRIBE FUNCTIONAL IMPAIRMENT AND INCLUDE ANY
GENERAL COMMENT REGARDING THE PATIENT, HIS ATTITUDE,
BEHAVIOR, ETC.

STANDING _____
WALKING _____
CLIMBING _____
STOOPING _____
BENDING _____
LIFTING _____
USE OF HANDS _____
PSYCHOLOGICAL _____
OTHER (STATE WHICH) _____

- **IMPAIRMENT:** INDICATE HOW IMPAIRMENT WILL AFFECT PATIENT'S ABILITY TO WORK OR TRAIN FOR EMPLOYMENT: _____

- **DURATION OF IMPAIRMENT:** LESS THAN 90 DAYS _____ MORE THAN 90 DAYS _____

IF SPECIAL EXAMINATION OR CONSULTATION IS INDICATED, STATE WHICH _____

FURTHER DIAGNOSTIC PROCEDURES INDICATED? _____

- **WILL TREATMENT SUBSTANTIALLY IMPROVE FUNCTION AND EMPLOYABILITY?** YES ☐ NO ☐

- **IF YES SPECIFY DURATION OF TREATMENT** _____

PHYSICIAN'S SIGNATURE _____ DATE _____

SECTION C. TO BE COMPLETED BY CLIENT

I HEREBY GIVE PERMISSION TO THE WIN PROGRAM AND/OR THE NEW JERSEY REHABILITATION COMMISSION TO SECURE MY PAST
AND PRESENT MEDICAL RECORDS.

CLIENT'S SIGNATURE _____

EXAMINING PHYSICIAN - PLEASE NOTE ITEMS • VITAL FOR DETERMINATION OF ELIGIBILITY FOR CONTINUED
MONETARY BENEFITS.

FEDERAL CRITERIA FOR DETERMINING ELIGIBILITY
OF INTACT AFDC FAMILIES

This chart is to be completed for all cases in which Federal criteria for intact AFDC families must be met in order to obtain Federal matching. Families will be eligible when the response in Columns A and/or B to all criteria listed below are identical to those preprinted in Column C. (See attached instructions.)

CRITERIA TO BE USED FOR THE DETERMINATION OF FEDERAL MATCHING	<u>A</u> Insert Yes or No	<u>B</u> Change of Status Yes/No Date	<u>C</u> Standard For Fed. Matching
1. Father meets one of the following: a) Not working during the past 30 days, or b) Working less than 100 hours per month, or c) Worked temporarily in excess of the 100 hour per month limit during one month but was below that limit during the 2 months preceding that month and will be under the limit during the next upcoming month.			YES
2. Father has refused, without good cause, a bona fide offer of training for or employment during the 30 day period prior to making application.			NO
3. Father is currently receiving unemployment compensation.			NO
4. Father is registered with the Division of Employment Security.			YES
5. Father received, or was eligible to receive, unemployment compensation benefits during the 12 months prior to application or Father has six or more "quarters of work" within 39 consecutive months ending within one year prior to application (see reverse side for definition of "quarter of work").			YES
6. Father has been referred, (a) to the Department of Labor for a work incentive program or (b) will be referred to such program within 30 days.			YES

INSTRUCTIONS FOR COMPLETING FORM PA-22

Column C, pre-printed, will be used for purposes of comparing the responses with Columns A and/or B. When all responses agree, the case will be eligible for Federal-matched benefits.

- Item 1. If the father does not meet any of the criteria listed in a, b, or c, insert "no" in Column A. However, as soon as he meets one of the specified criteria, insert "yes" in Column "B" and the date eligibility was met.
- Item 2. Insert "yes" or "no" as appropriate in Column A. If "yes" is inserted initially, "no" and the date must be inserted in Column B when the specified period is completed.
- Item 3. Insert "yes" or "no" as appropriate in Column A. If "yes" is initially inserted, as soon as the father ceases to receive such compensation, insert "no" and the date in Column B.
- Item 4. Insert "yes" or "no" as appropriate in Column A. If "no" is inserted initially, as soon as the individual is registered with the Division of Employment Security, insert "yes" and the date in Column B.
- Item 5. Insert "yes" or "no" in Column A.

A "quarter of work" is a period of three consecutive calendar months, ending March 31, June 30, September 30 or December 31, in which the father either:

- 1. received earned income totaling not less than \$50 during such three month period, regardless of length of time actually employed (i.e. - one day, two weeks, one month); or
 - 2. participated in a work incentive program.
- Item 6. Insert "yes" if the father has been, or will be, referred within 30 days of receipt of assistance. Insert "no" if the father has not been referred or will not be referred within such 30 day period. After the referral is made, insert "yes" and date in Column B.

100. INTRODUCTION

The regulations contained in this Appendix D are applicable to the AFDC program in New Jersey. P.L. 93-647 establishes Title IV-D of the Social Security Act, which mandates procedures for enforcing support obligations owed by absent parents to their children, locating absent parents and establishing paternity for children born out-of-wedlock.

101. If any regulations herein contradict or conflict with any previously published portions of this Manual, such material shall be superseded by this Appendix D, except as stated in Appendix D 502.

200. ELIGIBILITY REQUIREMENTS

201. In addition to the eligibility requirements contained in Chapters 3000 and 5000, requirements for AFDC eligibility shall include the following:

a. Social Security Numbers

Applicants for AFDC (all segments) must provide Social Security numbers for all persons for whom assistance is requested (see App. D 210).

b. Assignment of Support Rights

AFDC-C and -F applicants shall assign to the CWA all rights to support from the children's absent parent(s) or any other person to which the eligible children, or the applicant when he/she is included in the eligible unit, may be entitled (see App. D 220).

c. Cooperation

The AFDC applicant shall be required to cooperate in obtaining support to which members of the eligible unit are entitled (see App. D 230).

202. Child support and paternity regulations contained in this Appendix are not required for Cuban Refugee Assistance (CRA) or the Indochinese Refugee Program (IRP). Although county welfare agencies will not receive incentive payments for amounts collected for individuals in those programs, there is no bar to utilizing the methods herein to ensure collection of child support.

210. SOCIAL SECURITY NUMBERS

The AFDC applicant shall either supply the CWA with the Social Security number of each member of the eligible unit or apply for a Social Security number for any such person who does not already have one. (See App. D 212 and 214.)

211. Recording the Social Security Number

The IM worker shall record, in the appropriate spaces on Form PA-3A or Form 105, as appropriate, and PA-1J, the Social Security number of each person who is included in the AFDC grant.

212. Obtaining a Social Security Number

The CWA shall obtain a supply of Social Security Form SS-5, sufficient to accommodate all AFDC applicants who do not already have Social Security numbers. Upon application or redetermination, such applicant/recipient shall be required to sign Form SS-5. The IM worker shall complete Form SS-5 on the basis of information provided by the applicant/recipient. Completed forms shall be forwarded to the Bureau of Business Services, Enumeration Unit, Division of Public Welfare. A copy of the SS-5 form shall be retained in the case record, and a copy given to the client if so requested.

a. Documentation of Application for Social Security Number

The IM worker shall record in the case record the date upon which Form SS-5 was prepared.

b. Failure to Obtain Social Security Number

If any recipient has not obtained or applied for the appropriate Social Security number by the time of redetermination, the CWA shall declare such person ineligible. The needs of that individual shall be deleted in accordance with ASH 205.

213. Verification of Social Security Number

If the IM worker has reason to believe that the Social Security number supplied by the AFDC applicant/recipient is erroneous, such Social Security number shall be verified by means of Form SS-5.

a. Documentation of Request for Verification of Social Security Number

The IM worker shall record in the case record the date upon which Form SS-5 was prepared.

214. Benefits Pending Issuance or Verification of a Social Security Number

AFDC benefits shall not be denied, delayed, or terminated pending issuance or verification of a Social Security number so long as the applicant/recipient has complied with the provisions of App. D 210.

220. ASSIGNMENT OF SUPPORT RIGHTS

The law requires that all applicants for AFDC-C and -F shall be required to sign Form PA-10G, "Assignment of Support Rights" except those cases in which the only legally responsible relative is a member of the eligible unit or is the incapacitated parent in an AFDC-C case.

221. Form PA-10G

221.1 Purpose

Form PA-10G assigns to the CWA rights to support from the absent parent of AFDC children and any other legally responsible relatives to which the eligible unit may be entitled.

221.2 Applicability

The PA-10G assignment of support rights applies only to the AFDC program; it is not an eligibility requirement for AFDC Medicaid Only, Cuban Refugee Assistance, or the Indochinese Refugee Program.

221.3 IM Worker's Responsibility Prior to Completion of Form PA-10G

Prior to the completion of Form PA-10G, the IM worker shall explain the purpose of the form and advise the AFDC applicant/recipient that subsequent to its completion, he/she shall be responsible for informing the CWA of any payments which may be received either directly or through the Probation Department from an absent parent. Additionally, the AFDC applicant/recipient shall be informed of his/her cooperation responsibilities. (See App. D 230).

221.4 Completion of Form PA-10G

Form PA-10G shall be signed by the AFDC applicant at the time of application. The form shall be completed in triplicate. (See App. D 221.5.)

a. Issuance of Full Grant

When the applicant has signed Form PA-10G and met all other eligibility requirements, a full grant shall be issued by the CWA to the AFDC eligible unit.

b. Overpayments Resulting from Direct Support Payments

When a full grant has been issued, any support payment received directly by the applicant/recipient shall, upon receipt, be returned to the CWA. If the support payment has not been returned, it must be treated as an overpayment and recouped in accordance with ASH Section 250.

221.5 Routing of Form PA-10G

Upon completion of Form PA-10G, one copy shall be placed in the case record and one copy shall be given to the AFDC applicant/recipient. When the AFDC deprivation factor is continued absence, the original shall be forwarded immediately to the CWA/CSP Unit, which has the responsibility of transmitting it to the Probation Department (see App. D 332).

a. Cases that do not involve an absent parent, but still require completion of Form PA-10G, shall be completed in triplicate. One copy of the form shall be given to the AFDC applicant/recipient and two copies shall be placed in the case record.

221.6 Follow-up Procedures relating to Form PA-10G

Upon completion of a signed PA-10G, the IM worker shall complete the appropriate parts of the CSP referral form and route this form to the CWA/CSP Unit within two working days of issuance of an assistance check.

a. Relationships to Application Process

The fact that eligibility is not immediately established shall not delay routing of Form PA-10G and the CSP referral form to the CSP Unit. However, when a case is determined ineligible, the IM worker shall notify the CSP Unit promptly.

221.7 Recision of Form PA-10G

In the case of termination or suspension of assistance, the IM worker shall concurrently send a copy of the adverse action notice to the AFDC recipient and the CWA/CSP Unit (see App. D 335.1c). The CSP Unit shall be notified immediately if assistance is continued pending or following a fair hearing.

221.8 Refusal to Sign

If an AFDC parent or parent-person refuses to sign Form PA-10G, then he/she is ineligible for AFDC and any aid for which the AFDC child is eligible shall be provided in the form of protective payments (see PAM 4540). In such cases, the needs of the parent shall be deleted from the AFDC grant (see ASH 205). The non-cooperating parent or parent-person may not be named protective payee. The parent or parent-person may appeal the appointment of a protective payee in accordance with the provisions of PAM 4546.

a. Support as Income

In the event the parent or parent-person refuses to sign Form PA-10G, the amount of support being paid directly to the family must be established and deducted as income in determining the amount of the grant (see ASH 420).

221.8 (cont'd)

b. Non-needy Parent-person

When a non-needy parent-person refuses to sign Form PA-10G, the IM worker shall ascertain the amount of support being received for the eligible children and count such money as available income to the eligible unit. A protective payee shall be appointed as stated above.

230. COOPERATION IN ESTABLISHING PATERNITY AND OBTAINING SUPPORT

Cooperation in obtaining support and establishing paternity whenever necessary is a condition of eligibility for AFDC for each applicant and recipient. The IM worker (and supervisor) has responsibility for the determination of whether or not good cause for refusal to cooperate exists. This determination shall be based on evidence provided by the client and on consultation, where appropriate, with the CSP Unit.

231. Notice to Applicant or Recipient

At the time of application, the IM worker will explain to the client the requirements for cooperation in connection with establishment of paternity and collection of support. The worker shall also provide a written notice (PA-46) of the client's right to claim good cause for refusal to cooperate. Should the client claim to have good cause for noncooperation or request further clarification, he/she shall be given a further written notice (PA-47) describing the circumstances and evidence necessary for a finding of good cause.

231.1 Acknowledgement of Notice

The client and the IM worker shall both acknowledge that the client received the notice(s) by signing and dating two copies of Form PA-46 (and PA-47). One copy of each notice will be given to the client and one placed in the case record.

232. Cooperation Requirements

Each applicant/recipient is required to cooperate with the CWA/CSP Unit, Probation Department, County Prosecutor's Office and other child support agencies in the following:

- a. Assisting in identifying and locating the parent of each child for whom aid is requested;
- b. Assisting in the establishment of paternity of each child born out-of-wedlock for whom aid is requested;
- c. Assisting in obtaining support payments for each individual for whom aid is requested; and
- d. Assisting in obtaining any other payments or property due any individual for whom aid is requested.

232.1 Cooperation Explained

The term "cooperation" includes the following actions by the client:

- a. Appearing at the offices of the appropriate child support agencies as necessary to provide oral or written information, or documentary evidence relevant to obtaining support, which is known to, possessed by or reasonably obtainable by the client;
- b. Appearing as a witness at court or other hearings or proceedings necessary to obtain support;
- c. Providing information, or attesting to the lack of information, under penalty of perjury; and
- d. After assignment of support rights to the CWA, paying to the CWA any child support payments which are covered by the assignment and are received directly from either the absent parent or through the Probation Department.

233. Good Cause for Refusal to Cooperate

A client who claims to have good cause for refusal to cooperate has the burden of establishing the existence of a good cause circumstance.

233.1 Client Requirements

To establish good cause, the client will be required to:

- a. Specify the circumstances which he/she believes provide sufficient good cause for noncooperation;
- b. Corroborate the good cause circumstance; and
- c. If requested, provide sufficient information (such as name and address, if known, of putative father or absent parent) to permit an investigation.

233.2 Good Cause Circumstances

Only when one of the following circumstances exists will the CWA determine that the client's cooperation is against the best interests of the child and there is good cause for refusal to cooperate:

- a. The client's cooperation is reasonably anticipated to result in physical or emotional harm to the child for whom support is to be sought;
- b. The client's cooperation is reasonably anticipated to result in physical or emotional harm to the parent or parent-person of such nature or degree that it reduces such person's capacity to care adequately for the child; or
- c. Proceeding to establish paternity or collect support in the particular case would be detrimental to the child because:
 - 1) The child was conceived as a result of incest or forcible rape;
 - 2) Legal proceedings for the adoption of the child are pending before a court of competent jurisdiction; or
 - 3) The client is currently (for a period of not more than 3 months) being assisted by a public or licensed private social agency to decide whether to keep the child or relinquish him/her for adoption.

233.3 Physical and Emotional Harm

Physical and emotional harm must be of a serious nature in order to justify a finding of good cause. A finding for good cause for emotional harm may only be based upon a demonstration of an emotional impairment which substantially affects the individual's functioning.

- a. Anticipated Emotional Harm - When the good cause determination is based in whole or in part upon anticipated emotional harm to the child, parent or parent-person, the CWA will consider the following:

- 1) The present emotional state and the emotional health history of the individual;
- 2) The intensity and probable duration of the emotional impairment;
- 3) The degree of cooperation to be required; and
- 4) The extent to which the child will be involved in the paternity establishment or support collection activity.

234. Proof of Good Cause Claim

The applicant/recipient who claims good cause must provide corroborative evidence within 20 days from the day the claim was made. In exceptional situations, the CWA may allow a reasonable additional period of time if it determines the client requires additional time because of the difficulty of obtaining the evidence.

234.1 Corroborative Evidence

The CWA will make a good cause determination within 45 days of the date of the claim by the client, based on the corroborative evidence supplied by the client, but only after it has examined the evidence and finds that it actually verifies the good cause claim. The CWA will make an entry in the case record regarding the decision and will document the basis of its decision. The claim may be corroborated by the following types of evidence:

- a. Birth certificates or medical or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape;
- b. Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction;
- c. Court, medical, criminal, child protective services, social services, psychological or law enforcement records which indicate that the putative father or absent parent might inflict physical or emotional harm on the child, parent, or parent-person;

- d. Medical records which indicate emotional health history and present emotional health status of the parent, parent-person or the child for whom support would be sought; or, written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the parent, parent-person or the child for whom support would be sought;
- e. A written statement from a public or licensed private social agency that the applicant/recipient is being assisted by the agency to resolve the issue of whether to keep the child or relinquish him/her for adoption; and
- f. Sworn statements from individuals other than the applicant/ recipient with knowledge of the circumstances which provide the basis for the good cause claim.

234.2 Additional Information

If, after examining the corroborative evidence, the CWA finds additional information is necessary in order to make a good cause determination, it will promptly notify the client, specifying the type of document which is needed.

- a. Upon request by the client, the CWA will make a reasonable effort to obtain specific documents which the client is not reasonably able to obtain without assistance.

234.3 Corroborative Evidence Not Submitted or Inadequate

- a. Claim Based on Client's Anticipation of Physical Harm - The CWA will evaluate the good cause claim when the agency believes the claim is credible without corroborative evidence and such evidence is not available. A decision will be made based on the client's statement and the results of the investigation. This determination will be reviewed, approved or disapproved by supervisory personnel and the findings recorded in the case record.
- b. Corroborative Evidence Insufficient for Determination - The CWA may further verify the good cause claim and, where necessary for a final determination, conduct an investigation. The investigation will include contact of the absent parent or

putative father. Prior to such contact, however, the client will be notified so that he/she may:

- 1) Present additional corroborative evidence to make the contact unnecessary;
- 2) Withdraw the application for assistance or have the case closed; or
- 3) Have the good cause claim denied.

235. Granting or Continuation of Assistance

If the client has complied with the requirements of Section 234 for providing corroborative evidence, assistance shall not be denied, delayed or discontinued pending the determination of whether or not good cause for refusal to cooperate exists.

235.1 Periodic Review

Determinations of good cause which are based on circumstances subject to change such as those discussed in App. D, Section 233.2 will be reviewed not less frequently than at each redetermination. If the CWA determines that circumstances have changed and good cause no longer exists, it will rescind its findings and enforce the cooperation requirements (Section 232).

236. Refusal to Cooperate

If the CWA determines that no good cause exists for the client's refusal to cooperate, the client shall be notified of the determination and given an opportunity to cooperate, withdraw the application for assistance, or have the case closed. The client shall also be advised of his/her rights to a fair hearing to appeal this adverse decision in accordance with PAM 7110.

- a. In the event of continued refusal to cooperate, the parent or parent-person will be denied eligibility without regard to other eligibility factors (see ASH 205). Any aid for which the child is eligible shall then be provided in the form of protective payments (see PAM 4540). The noncooperating parent or parent-person may not be named as the protective payee. The appointment of a protective payee may be appealed in accordance with provisions of PAM 4546. (See also App. D, Section 221.8b - non-needy parent-person.)