

CHAPTER 90

WORK FIRST NEW JERSEY PROGRAM

Authority

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

Source and Effective Date

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

Executive Order No. 66(1978) Expiration Date

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

Chapter Historical Note

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 Chapter 90, The Handbook for Home Services Program, was repealed by R.1980 d.208, effective May 9, 1980.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

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

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

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

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

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SUBCHAPTER 1. GENERAL PROVISIONS

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

(a) The Work First New Jersey (WFNJ) program has been established to transform the design and purpose of the welfare system in New Jersey. For the first time, one comprehensive program has been created by the Legislature and the Governor to uniformly both inspire and require all

able-bodied families with dependent children, single adults and couples without dependent children to WORK rather than receive welfare. WFNJ builds and expands upon the foundation of the basic principles set forth in the Federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Public Law 104-193. The Act established the Temporary Assistance for Needy Families (TANF) block grant program which ended the Aid to Families with Dependent Children program and established the WFNJ Program pursuant to the Work First New Jersey Act, Public Law 1997 c.13, c.14, c.37 and c.38.

(b) WFNJ, building upon the base of our former State and Federally funded Aid to Families with Dependent Children (AFDC) program and our State funded General Assistance (GA) program, creates one WFNJ program. However, due to certain necessary differences in the requirements and the responsibilities entailed in being a single adult, a couple without dependent children or a single adult or couple with dependent children, the WFNJ program recognizes two segments which, for ease of reference and clarity throughout this manual are referred to as either the WFNJ/TANF component, which encompasses families with children whether headed by a single adult or a couple, and the WFNJ/GA component, which encompasses single adults and couples without dependent children.

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

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

(e) In WFNJ, for the first time, a major commitment has been solicited from all arms of State and local government to pull together resources and philosophy to clearly demonstrate to all welfare and potential welfare clients that WORK is the answer and self-sufficiency is the key to a better life for all New Jerseyans. The changes brought about by this program are monumental. They require all adults to accept personal responsibility and immediately contribute something back to their community in return for the temporary helping hand WFNJ will provide them in

their time of need or crisis. Welfare is not a way of life. Work, however, is a way of life for all able-bodied adults. WFNJ recognizes that working families and individuals need temporary supports such as child care, transportation and health care and has strengthened the State's commitments in these areas. Additionally, the WFNJ program is designed to increase the health and well-being of children and young adults reared within the welfare system as well as to instill in these children the dignity, value, pride and self-satisfaction that are derived from work and positively contributing to our society. While WFNJ maintains our commitment to protect the most vulnerable who are unable to care fully for themselves, the major focus in the New Jersey welfare system has definitely changed from welfare to work with the onset of WFNJ. This new era in the public welfare system should be made very clear by the focus and standards put forth in this manual.

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

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

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

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

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

(b) Conclusions from the employment profile (assessment) shall be included as steps and provisions in the individual responsibility plan described in N.J.A.C. 10:90-4.8.

(c) The employment profile (assessment) shall be reviewed and, if necessary, updated at the time of redetermination and whenever interim changes/updates are made to the IRP.

Administrative correction.
 See: 29 N.J.R. 3729(a).
 Amended by R.1998 d.42, effective January 20, 1998.
 See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).
 Added (a)5, (b) and (c).

10:90-4.8 Individual responsibility plan (IRP)

(a) An individual responsibility plan (IRP) shall be developed jointly by the county or municipal agency representative, as appropriate, and the WFNJ recipient at time of eligibility determination, and shall be jointly reviewed and/or revised at time of redetermination. The requirements set forth in the IRP must be coordinated with requirements set forth in an emergency assistance service plan, if the participant is also in receipt of EA. Interim changes/updates to the IRP shall be made more frequently as appropriate and necessary in accordance with individual progress and/or change in circumstances. The IRP shall be signed and dated by the recipient and the respective agency representative. The original IRP shall be maintained electronically or in the case record and a copy shall be provided to the recipient. The IRP shall contain:

1. General case information concerning the individual;
2. Conclusions from the employment profile (assessment), in accordance with N.J.A.C. 10:90-4.7(b);
3. A specific employment goal and work activity;
4. Supportive services to be provided to enable participation in the work activity, such as child care, transportation allowances and other available supportive services;
5. Recipient's education level, that is, the highest grade completed; and
6. Identification of barriers to employment, including screening and assessment for substance abuse, and a plan of action to be taken.
7. The IRP may also include specific goals concerning a dependent child member of the assistance unit such as, but not limited to:
 - i. Requirements for parental participation in a dependent child's pre-school, elementary and secondary school program activities;
 - ii. Immunizations for a dependent child; or
 - iii. Regular school attendance by a dependent child.

(b) The IRP for teen parents shall include all of the requirements listed in (a) above, if appropriate, as well as, but not limited to, the following:

1. Regular attendance in high school or an equivalent program of study; or
2. Participation in an approved work activity for those teen parents who have completed secondary education; and
3. Identification of necessary supportive services which are not available free through another source, including child care and transportation, as needed; and
4. Identification of barriers to employment and a plan of action to be taken, including screening and assessment for substance abuse, as appropriate.

(c) The IRP for victims of domestic violence shall include the following, as appropriate:

1. Set goals to move forward toward safety and self-sufficiency. The goals established shall be reviewed with the individual at three month intervals to determine the status and progress the individual has made toward meeting the established goals;
2. Identification of necessary supportive services, such as, but not limited to: information and referral to the Department of Human Services' (DHS) Designated Domestic Violence Programs which provide all core services or to Rape Crisis Programs, as well as referral to any other community services which can assist the victim and any dependent children in the family;
3. If, upon disclosure of the domestic violence victimization, the victim expresses a willingness to begin to engage in a work activity prior to the next regular redetermination, this shall be accommodated. For example, the victim may wish to begin work as soon as permanent housing has been secured, the children have been enrolled and settled in school and major court appointments have been kept;
4. At the point of the first regular six-month case redetermination, unless the victim is in crisis and clearly indicates via affidavit that the inability to participate in work activities still exists, the individual shall be scheduled for participation in a regular work activity or participate in community service for a minimum of 20 hours per week, unless the victim is still in crisis. If the victim requests or if the victim elects to do only the 20 hours of community service, the victim shall also be referred to the local DHS Designated Domestic Violence Program for core services, related support and/or community service placement in counties where arrangements have been made to assist such individuals through purchase of service agreements with the DHS Designated Domestic Violence programs;
5. At each point of redetermination or three month review, the individual shall be encouraged to engage in

work and be provided the supportive services available through the program to support the individual's work efforts. If after a full year (that is, at the second six-month redetermination), the participant continues to be unable to engage in a work or community service activity, referral to a DHS Designated Domestic Violence Program shall be made for an assessment of barriers to enable a plan for specific goals and/or activities to be developed. Goals, such as, domestic violence counseling will be clearly identified on the IRP and the individual will be required to engage in this, or community service, in conjunction with the DHS Designated Domestic Violence Program. The plan will also outline specific constructive movement for the victim and the victim's family to move toward self sufficiency; and

6. If at the next three month review, still no constructive movement has occurred, completion of a WFNJ-5S will be required to substantiate the continuing exemption/deferral. An exception to this shall be allowed only if the victim is currently being abused, is in crisis, is being sabotaged, stalked or harassed by the abuser and/or is deemed to be at risk of further abuse and this situation has been confirmed by the DHS Designated Domestic Violence Program or a certified Domestic Violence Specialist (CDVS).

Administrative correction.

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

Inserted new (c)4 and recodified former (c)4 and 5 as (c)5 and 6. Amended by R.1998 d.42, effective January 20, 1998.

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

In (a), added second sentence, added (a)2, recodified former 2 through 4 as 3 through 5, added a new 6, and recodified former 5 as 7.

10:90-4.9 Deferrals from the work requirement

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

1. Individuals age 60 or older;

2. Individuals who are unable to engage in regular work activities because they are chronically ill, infirmed, or have a physical and/or mental disability or impairment which is expected to last for more than 12 months and such conditions are certified by an attending physician (including a licensed or certified psychologist, as appropriate) to constitute a permanent disability. Such certification shall be documented through use of Form WFNJ-5(DRS1), Examining Physician's Report, and shall, upon completion by the certifying physician be submitted by the county or municipal agency to the Division of Family Development (DFD) for review and final approval through consultation with the Division of Medical Assistance and Health Services (DMAHS);

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

ii. Individuals who provide documentation that they have been determined permanently disabled and are receiving disability insurance benefits under Title II or Title XVI of the Federal Social Security Act. A recertification to determine permanent disability using Form WFNJ-5(DRS1) shall not be required. At the time of case redetermination, the permanent disability condition of the individual shall be reviewed. If the permanent disability remains unchanged as verified through social security documentation, completion of a new IRP will not be required, however, it shall be duly noted on the IRP that the permanent disability remains unchanged, the source of the documentation and the date of the review. If a change in the permanent disability occurs which indicates that the individual may be able to participate in a WFNJ activity, for example the client is no longer eligible for permanent disability considerations under Title II or Title XVI and the client is still requesting a WFNJ deferral based on the disability, the county or municipal agency shall require completion of Form WFNJ-5S by the client's attending physician in order to evaluate the client's ability to participate;

3. A person certified by an attending physician (including a licensed or certified psychologist, as appropriate) to be unable, by reason of a physical or mental defect, disease or impairment, to engage in any gainful occupation for any period of less than 12 months. Such certification shall be documented through use of Form WFNJ-5S, Confidential Medical Examining Physician's Report, which, upon completion by the certifying physician, shall be returned to the county or municipal agency worker, as appropriate for review and final determination of deferral from participation from work requirement activities within the WFNJ program. (see N.J.A.C. 10:90-4.9(b));

4. WFNJ/GA single adults or couples without dependent children who are determined unemployable in accordance with provisions set forth at N.J.A.C. 10:90-2.9(a)2. The WFNJ-5S or WFNJ-5(DRS1) medical form will be required, if appropriate;

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

6. A woman in the third trimester of pregnancy;

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

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

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

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

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

11. Individuals determined to be victims of domestic violence who have requested temporary deferral from work via affidavit due to circumstances/trauma related to the domestic violence incident in accordance with requirements set forth at N.J.A.C. 10:90-1.1(f).

(b) In all instances when medical documentation is required, Form WFNJ-5S, Confidential Medical Examining Physician's Report, shall serve as a physician's certification and the following procedures concerning receipt of the completed form shall be adhered to:

1. If the WFNJ-5S states that the incapacity will be for less than 30 days, the agency will approve the deferral and retain the documentation at the agency. At the end of the 30 days, the agency worker will review the circumstances of the incapacity with the client and determine if the client is still claiming the same deferral circumstance; if so, another WFNJ-5S is to be completed by the attending physician.

2. If the WFNJ-5S states that the incapacity is expected to last more than 30 days the county or municipal agency, as appropriate, shall make an approval recommendation and forward a copy of the WFNJ-5S to DFD for final approval which shall be made in consultation with DMAHS.

3. If the WFNJ-5S indicates that the incapacity is expected to last one year or more, the county or municipal agency, as appropriate, shall further require the completion of Form WFNJ-5(DRS1), Examining Physician's Report, which, upon completion by the certifying physician shall be forwarded to DFD for review and final approval which will be in consultation with DMAHS.

(c) Alcohol or drug addiction does not make a recipient unemployable, but shall be considered an impairment if an individual evidences symptoms of alcohol or substance abuse which prevents the individual from securing a job, retaining employment or engaging in a work activity. Such an individual shall be referred for substance abuse treatment. If the individual does not comply with the referral or stops participating in the treatment program, the individual shall no longer be considered deferred from WFNJ work requirement participation.

(d) A recipient shall not be required to engage in a work activity if appropriate child care is necessary but unavailable. Child care services shall be provided in accordance with child care services regulations at N.J.A.C. 10:15 through

10:15C and N.J.A.C. 10:81-14.18. WFNJ supportive services provisions concerning child care are found at N.J.A.C. 10:90-5.2. Child care is unavailable if:

1. Appropriate child care is not available within a reasonable distance from the individual's home or work-site;

2. Appropriate informal child care from a relative or otherwise, if available, is unsuitable; or

3. Appropriate formal child care arrangements are unaffordable.

Administrative correction.

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

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

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

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

Added (a)2ii; and in (d), added N.J.A.C. references.

10:90-4.10 Good cause

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

1. The mandatory WFNJ participant is certified by DFD to be physically or mentally unable to engage in any education, training, community service, employment or other work activity;

2. The conditions of employment are a risk to the WFNJ individual's health and safety (subject to review and determination by the Division of Family Development); or

3. Child care is needed and is not available. (See N.J.A.C. 10:90-5.2, Supportive services, child care.)

(b) Good cause for temporary excused participation from the WFNJ activity shall be limited to the following:

1. WFNJ participants shall be temporarily excused from participation if the WFNJ activity for which they are scheduled, as set forth in the IRP, is not available. Excused participation is to be reviewed once every week up to once every month, depending on the circumstances surrounding the reason for the excused participation.

i. During the excused period, the WFNJ participant and the county or municipal agency worker shall be expected to continue to comply with the other terms of the IRP.

ii. Another WFNJ activity, which is suitable for the participant and for which necessary supportive services are available, may be substituted as an alternative form of participation for that individual.

2. Absence from a particular day of employment or a WFNJ activity scheduled session shall be considered temporarily excused participation under the following circumstances (when the participant has notified his or her employer or an appropriate person at the work activity of the need for an absence from a particular day or appropriate documentation is provided):

i. Illness of the participant, child of the participant, or any other member of the participant's household or immediate family who is or becomes dependent upon the participant because of such illness;

ii. Death of a spouse, parent, child, sibling, or grandparent has occurred within the preceding 10 working days; or

iii. Other circumstances requiring the participant's immediate and personal attention, including but not limited to: jury duty, a court appearance, school conferences concerning a child of the participant, medical diagnosis or testing, and other similarly important matters.

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

In (a)3, added N.J.A.C. reference; and in (b)2, added language describing excused participation.

10:90-4.11 Sanctions

(a) The failure of a recipient to actively cooperate with the program or participate in work activities, without good cause, shall result in a loss of cash assistance benefits as follows:

1. First offense sanctions are as follows:

i. In an assistance unit with a single adult or couple without dependent children or a single adult with dependent children, the person in noncompliance shall be subject to a loss of cash assistance benefits as follows:

(1) The cash assistance benefit provided to the assistance unit shall be reduced by the per capita share of the person in noncompliance for a minimum period of one month.

(2) If an intent to comply by the person in noncompliance is not evidenced by the end of the one-month period, the cash assistance benefit amount provided to the assistance unit shall continue to be reduced by the calculated per capita share of the parent in noncompliance for up to two additional months (which shall be applied as full month increments).

(3) If an intent to comply by the person in noncompliance is not evidenced by the end of the third month, the assistance unit's case shall be closed for cash assistance benefits, and a reapplication shall be required by the assistance unit in order to receive cash assistance benefits. However, upon reapplication the person who was sanctioned for noncompliance shall be required to demonstrate a willingness to comply in accordance with provisions set forth at N.J.A.C. 10:90-4.13 (Intent to comply) prior to cash assistance being granted.

(4) A single custodial parent shall not be sanctioned for failure to comply with a work requirement, if the parent proves that failure to participate is due to lack of child care or suitable child care (see N.J.A.C. 10:90-5.2, Supportive services, child care).

ii. In a two-parent assistance unit with dependent children, the following sanctions shall be applied for noncompliance:

(1) If one parent is in noncompliance, the cash assistance benefit amount provided to the assistance unit shall be reduced by the calculated per capita share of the parent in noncompliance for a minimum of one month when the other parent is not otherwise participating in a work activity, or is not otherwise deferred.

(2) If an intent to comply by the parent in noncompliance is not evidenced by the end of the one-month period, the cash assistance benefit amount provided to the assistance unit shall continue to be reduced by the calculated per capita share of the parent in noncompliance for up to two additional months (which shall be applied as full month increments).

(3) If an intent to comply by the parent in noncompliance is not evidenced by the end of the third month, the assistance unit's case shall be closed for cash assistance and a reapplication shall be required by the assistance unit in order to receive cash assistance benefits. However, upon reapplication the person who was sanctioned for noncompliance shall be required to demonstrate a willingness to comply in accordance with provisions set forth at N.J.A.C. 10:90-4.13 (Intent to comply) prior to cash assistance being granted.

(4) When both parents are mandatory to participate and are in noncompliance, the following sanctions shall apply:

(A) The cash assistance benefit amount provided to the assistance unit shall be reduced by the calculated per capita share of both parents for a minimum of one month.

(B) If an intent to comply by both parents is not evidenced by the end of the one-month period, the cash assistance benefit amount provided to the assistance unit shall continue to be reduced by the calculated per capita share of both parents for up to two additional months (which shall be applied as full month increments).

(C) If an intent to comply by both parents is not evidenced by the end of the third month, the assistance unit's case shall be closed for cash assistance and a reapplication shall be required by the assistance unit in order to receive cash assistance benefits. However, upon reapplication parents who were sanctioned for noncompliance shall be required to demonstrate a willingness to comply in accordance with provisions set forth at N.J.A.C. 10:90-4.13 (Intent to comply) prior to cash assistance being granted.

2. Computer printouts shall be retained by the agency for the same periods applicable to Form WFNJ/GA-6 (see N.J.A.C. 10:90-14.7(c) for Record Retention Schedule).

(c) The computer printout shall serve as a supplementary Form WFNJ/GA-6. It will therefore be unnecessary to transfer the printout listings to a regular Form WFNJ/GA-6.

(d) Administrative costs for the processing and payment of WFNJ/GA medical service claims through the fiscal agent shall be billed to the respective municipalities by DFD/BBS, as follows:

1. If the administrative cost exceeds \$25.00 in a quarter, the billing shall be conducted on a quarterly basis;

2. If the administrative cost is less than \$25.00 in a quarter, the billing shall be conducted on an annual basis;

3. If the administrative cost is more than \$25.00 in the current quarter and there is an outstanding amount from any preceding quarter where the administrative cost was less than \$25.00, the total outstanding amount in aggregate (current quarter amount and total amount from any preceding quarters) shall be billed to the agency for that quarter;

4. Administrative costs charged for identified erroneous claims shall be adjusted in accordance with time frames stipulated at (b)1 above.

(e) A check shall be drawn from the municipal "Current Fund" account used for administrative expenses and made payable to the Treasurer, State of New Jersey for the total amount billed the municipality for the processing and payment of the medical service claims for that respective billing period. The check, drawn against the "Current Fund" account, shall be forwarded to the Division of Family Development, Bureau of Business Services, WFNJ/GA Fiscal Unit, PO Box 716, Trenton, New Jersey, 08625-0716.

1. Checks shall not be drawn against the PATF accounts for payment of administrative expenses billed to the municipality for the processing and payment of WFNJ/GA medical service claims. Any check received, which is drawn against the PATF account, shall not be accepted as payment by the DFD/BBS and shall be duly returned. The bill shall be considered "unpaid" until a subsequent check is received which conforms with the provision at (d) above.

10:90-14.9 Computerized match reports

(a) Agencies shall complete an investigation of the following computerized match reports and submit their findings, along with an indication as to the appropriate action undertaken, to DFD within 60 days of receipt:

1. WFNJ/GA-Wage Match Report: A match of the WFNJ/GA files with the Department of Labor's wage

files. The WFNJ/GA-Wage Match Reports are sent to all municipalities or counties, as appropriate, on a quarterly basis;

2. WFNJ/GA-SSI Match Report: A match of the WFNJ/GA files with the (SDX) State Data Exchange which lists all SSI recipients.

i. The WFNJ/GA-SSI Match Report is sent to computerized agencies on a monthly basis and to non-computerized agencies on a quarterly basis;

3. WFNJ/GA-WFNP/GA Match Report: A match of all municipalities matched against each other.

i. The WFNJ/GA-WFNP/GA Match Report is sent to computerized agencies on a monthly basis and to non-computerized agencies on a yearly basis;

4. WFNJ/GA-FAMIS Match Report: A match of all WFNP/GA cases matched against the FAMIS (county agency) files.

i. The WFNP/GA-FAMIS Match Report is sent to computerized agencies on a monthly basis and to non-computerized agencies on a yearly basis;

5. WFNP/GA-UIB Match Report: A match of the WFNP/GA cases with the Department of Labor's Unemployment Insurance Benefits files. The WFNP/GA-UIB Match Reports are sent only to the computerized agencies on a monthly basis;

6. WFNP/GA-NY State Wage Files Match Report: A quarterly match of the WFNP/GA cases with NY State Wage Files; and

7. WFNP/GA-Veterans Benefits Match Report: An annual match of WFNP/GA cases with Veterans' benefits.

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

SUBCHAPTER 15. DEFINITIONS

10:90-15.1 Definitions

The following words and terms used within this chapter shall have the following meaning unless the context clearly indicates otherwise.

"Adjusted allowance" means the balance remaining as a result of subtracting the assistance unit's total income from the appropriate public assistance allowance amount for that assistance unit.

"Adjusted gross income" means, when self-employed, the net income as determined by subtracting the cost of producing the income from total gross earnings.

“Adverse action” means any action by the county or municipal agency resulting in denial of an application for assistance, suspension, reduction or termination of assistance. The term is also applicable to decisions pertaining to protective and restricted payments and denial of request for special payments.

“Allowance” means the amount of money recognized for a specific purpose.

“Alternative Work Experience Program (AWEP)” means work and training only with a public, private nonprofit or private charitable employer that provides a recipient with the experience necessary to adjust to, and learn how to function in, an employment setting and the opportunity to combine that experience with education and job training.

“Appeal” means the process of exercising the right to challenge a decision or action of the administering entity and to have such decision or action reviewed by an impartial agency.

“Applicant” means a person who makes a written request for benefits provided by the WFNJ Program. An applicant can be an individual, couple without dependent children, natural or adoptive parent(s), parent-person(s), parent-minor, or legal guardian acting on behalf of the assistance unit.

“Application” means a written request for public assistance made by an applicant or legal guardian acting on behalf of the assistance unit.

“Application process” means the required actions necessary to make an official determination of the disposition of the application for benefits.

“Approved application” means the application process indicates the applicant has met the minimum eligibility requirements and is determined eligible to receive benefits under the WFNJ program.

“Arrears” means the amount of support determined through a court order or administrative order from this State or another state for support and maintenance of a child(ren) or of a child(ren) and the custodial parent, which has not been paid.

“Assistance payment” means the money amount authorized and issued to the assistance unit.

“Assistance unit” means a single adult without dependent children; a couple without dependent children; dependent children only; or a person or couple who are legally or blood related to or the legal guardian of one or more dependent children who live together as a household unit.

“Authorized representative” means an individual (or organization) whom a client designates, orally or in writing, to act on his or her behalf; or in cases of incompetence the person designated by the court to act for the client.

“BARA” means the Bureau of Administrative Review and Appeals in the Division of Family Development.

“BBS” means the Bureau of Business Services in the Division of Family Development.

“Benefits” means any financial or service assistance available to the assistance unit through WFNJ.

“Calculated earned income” means amount of earned income remaining after applicable disregards and deductions have been subtracted from total gross earnings. This is the countable amount to be used in determining the assistance unit’s total income.

“Case management” means the provision of certain services to WFNJ recipients.

“Case record” means the official file, including electronically stored data, that constitutes a complete record which supports the decisions and actions of the WFNJ entity on a case and may include, but is not limited to, forms, chronological narrative, correspondence, record of work requirement compliance and other documents pertinent to the application and eligibility of the client.

“Certificate of Parentage (COP)” means the official form for paternity acknowledgment in New Jersey.

“Child care center” means any home or facility licensed by the Division of Youth and Family Services, which is maintained for the care, development or supervision of six or more children under 13 years of age who attend for less than 24 hours a day.

“Child only case” means an assistance unit comprising a child(ren) only who is (are) receiving WFNJ/TANF benefits and is(are) residing with a non-needy parent-person who has been designated as the payee for the child(ren)’s cash assistance grant.

“Child support” means the amount required to be paid under a judgment, decree, or order, whether temporary, final or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or child and the parent with whom the child is living, which provides monetary support, health insurance, arrearages or reimbursement, and which may include other related costs and fees, interest and penalties, income withholding, attorney’s fees and other relief.

“Client” means an all inclusive term for an applicant or recipient of assistance.

“Collateral investigation” means contact with a source other than members of the applicant’s or recipient’s immediate household which is made with the knowledge and consent of the applicant(s) for the purpose of obtaining or verifying information.

“Commissioner” means the Commissioner of the New Jersey Department of Human Services.

“Community Work Experience Program (CWEP)” means work and training only with a public, private nonprofit or private charitable employer, provided to a recipient when, and to the extent, that such experience is necessary to enable the recipient to adjust to, and learn how to function in, an employment setting.

“County agency” means the county agency that was administering the Aid to Families with Dependent Children program at the time the Federal “Personal Responsibility and Work Opportunity Reconciliation Act of 1996,” P.L. 104-193, was enacted and which shall also administer the WFNJ Program in that county.

“County residence” means that county where an applicant or recipient is residing.

“Couple” means two individuals who the community views as a couple regardless of their sexual orientation.

“CSP” means the Child Support and Paternity Program.

“Custodial parent” means the primary resident parent prior to the establishment of the order determining custody.

“Date of eligibility” means for an 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.

“Denied application” means a determination that, for a specific reason, the applicant is determined ineligible for assistance.

“Department” means the New Jersey Department of Human Services.

“Designated payee” means a person signing the application to whom the assistance benefits will be issued.

“Dismissed application” means 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” means the amount of earned income which is not considered in the WFNJ program when determining the amount of the assistance benefit.

“DDD” means the Division of Developmental Disabilities.

“Division of Employment Services (DES)” means the 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 Family Development (DFD)” means the office within the State Department of Human Services responsible for supervision of the administration of county and municipal agencies.

“DVRS” means the Division of Vocational and Rehabilitation Services.

“DYFS” means the Division of Youth and Family Services in the Department of Human Services.

“Electronic Benefit Transfer (EBT)” means the utilization of a Families First debit card by which a recipient may draw benefits through an approved financial institution or vendor.

“Eligible medical institution” means 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 (long term care facilities).

“Emergency assistance” means a program of assistance and related services to WFNJ recipients for brief periods of time, necessitated by unusual circumstances which were neither foreseen nor controllable by the recipient.

“Exempt resource” means a resource which is not to be taken into consideration when computing extent of need and is not subject to liquidation requirements.

“Families First” means the program which utilizes Electronic Benefit Transfer as an alternate method of distributing benefits, such as but not limited to cash assistance and food stamps, to eligible individuals and families.

“Filiation proceedings” means court action to establish paternity and responsibility for support of a child born out-of-wedlock.

“Financial income eligibility” means it is determined that the applicant’s total monthly income is less than the applicable maximum income level established for needy individuals and families in the WFNJ program.

“Food Stamp Program” means a program to increase the food purchasing power of low income households.

“Full-time employment” means employment unsubsidized by any level of government in which a person is engaged for at least 35 hours a week.

“Full-time post-secondary student” means a student enrolled for a minimum of 12 credit hours in a post-secondary school.

“Gross earned income” means the total earnings of members of the assistance unit before applicable disregards and deductions are subtracted, or the net profit from self-employment before income tax or personal taxes are deducted.

“Head of household” means 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” means when the physical health and safety of an assistance unit, through no fault of its members, is imperiled by substantial loss of shelter.

“IM” means income maintenance.

“Incapacity” means physical or mental defect, illness or impairment, supported by competent medical testimony, of such a debilitating nature as to reduce substantially or eliminate an individual’s ability to support or care for himself or herself and/or the otherwise eligible child in his or her care, which is expected to last for at least 30 days.

“Income” means, but is not limited to, commissions, salaries, self-employed earnings, child support and alimony payments, interest and dividend earnings, wages, rent receipts, unemployment compensation, any legal or equitable interest or entitlement owed that was acquired by a cause of action, suit, claim or counterclaim, insurance benefits, temporary disability claims, estate income, trusts, Federal income tax refunds, State income tax refunds, homestead rebates, lottery prizes, casino and racetrack winnings, inheritances, annuities, retirement benefits, veteran’s benefits, union benefits, or other source that may be defined as income by the Commissioner.

“Income eligibility standard” means the income eligibility threshold based on assistance unit size for benefits provided within the limit of funds appropriated by the Legislature.

“Income exclusions” means income that is not to be taken into consideration when determining WFNJ financial eligibility.

“Income-in-kind” means income received in the form of goods or services rather than cash.

“Inquiry” means any request for information about assistance programs which is not a request for an application.

“Institution” means a public or private facility providing 24 hour residential placement, care or incarceration.

“Legal custody” means the general right to exercise continuing control over the person of a child derived from court order or otherwise.

“Legal guardian” means a person who exercises continuing control over the person or property, or both, of a child, including any specific right of control over an aspect of the child’s upbringing, pursuant to a court order.

“Legally-related” means a relationship created through marriage, adoption or legal guardianship procedures.

“Location” means verified information about the alleged father’s and/or non-custodial parent’s physical whereabouts, employer(s), and/or other sources of income or assets, as appropriate, which are sufficient and necessary to take the next appropriate action on a case.

“MDO” means Medicaid District Office in the Division of Medical Assistance and Health Services.

“Medicaid” means the New Jersey Medical Assistance and Health Services Program in the Department of Human Services.

“Medicaid Only” means provision of medical assistance only to a family or certain individuals who are eligible for WFNJ benefits and choose to waive the money payment benefit portion.

“Medicaid Special” means Medicaid coverage available to any dependent child under 21 or an independent child under age 21 based on financial eligibility only regardless of other program requirements (for example, WFNJ, employment, training, CSP or school attendance).

“Medical Assistance (MA)” means payments on behalf of recipients to providers for medical care and services.

“Money payment” means an assistance check paid to, or funds deposited through EBT for a recipient or his or her authorized payee.

“Monthly amount” means the amount of money required, provided or received for one month.

“Monthly grant” means the amount of money payment to be made each month to an assistance unit.

“Municipal agency” means an agency within a municipality that has been designated, via municipal resolution, to administer the WFNJ/GA Program.

“Municipality” means any city, borough, township, town, village or municipality governed by a board or commissioners or an improvement commission.

“Needy person” means a person who requires and qualifies for a money payment in the WFNJ program.

“New application” means a signed request for assistance by an individual who has never previously applied under that program in any county or municipality in the State.

“NJSES” means the New Jersey State Employment Service, New Jersey Department of Labor.

“Non-custodial parent” means the non-primary resident parent prior to the establishment of an order determining custody.

“Noneligible person” means a person who is neither sanctioned nor required by law or regulation to be included in the WFNJ assistance unit.

“Non-needy caretaker” means a relative caring for a dependent child, or a legal guardian of a minor child who, in the absence of a natural or adoptive parent, assumes parental responsibility for such minor child.

“Obligee” means the individual or entity entitled to receive child support and health insurance or provide health insurance under a court order for support and shall include agencies of this and another jurisdiction to which an obligee has assigned the obligee’s right to support.

“Obligor” means the individual who according to applicable law(s) has the obligation to pay child support and/or provide health insurance coverage.

“On-the-job-training (OJT)” means an activity in which a participant is hired by a public or private sector employer for which the employer is reimbursed a portion of the individual’s wages while he or she is learning on the job.

“Out-of-wedlock child” means a child born to a mother who is not married to the father of such child.

“Ownership of real or personal property” means, for WFNJ program purposes, any and all rights, title or interest, legal or equitable, to such property.

“Parent” means natural and/or adoptive parent(s), parent-person(s), or legal guardian(s).

“Parent-minor” means a parent of a child or children who is himself or herself under the age of 18.

“Parent-person” means certain relatives of a child who, in the absence of a natural or adoptive parent, assume parental responsibility.

“Payee” means the person designated to receive assistance payments on behalf of the eligible members of an assistance unit.

“Pending application” means a general term for application, reapplication, reopened application, or transferred application prior to official disposition.

“Per capita” means an amount equal to one individual’s share of the total (allowance, cost, income, and so forth).

“Personal interview” means face-to-face discussion between individuals.

“Potential resource” means a resource which, through liquidation, will provide cash for the use of the assistance unit or for reimbursement to the agency.

“Poverty level” means the official poverty level based on family size, established and adjusted under Section 673(2) of Subtitle B of the “Community Services Block Grant Act,” Pub. L. 97-35 (42 U.S.C. § 9902(2)).

“Program” means the Work First New Jersey (WFNJ) program.

“Protective payee” means a person authorized by the WFNJ entity under certain conditions to receive and administer assistance payments on behalf of an eligible family.

“Protective payment” means assistance payment made to an individual other than the parent or parent-person, as designated by the WFNJ entity under certain conditions.

“Provider” means any person, public or private institution, agency or business concern, approved by the Division, who lawfully provides medical care, services, goods and/or supplies, and holding, where applicable, a current valid license to provide such services or to dispense such goods and/or supplies.

“Public assistance” means assistance rendered to needy single adults, couples without dependent children and families with dependent children and includes all benefits provided under the WFNJ program.

“Reapplication” means a signed request for assistance by an individual who has previously applied for, but never received, assistance under that program in any county or municipality in the State.

“Recipient” means a recipient of benefits under the WFNJ program.

“Recovery” means the repayment of assistance improperly obtained.

“Redetermination of eligibility” means a review and investigation of all facts and circumstances relating to the recipient’s application to determine continuing eligibility for receipt of WFNJ assistance benefits.

“Referral” means a request for assistance and/or services from a public or private agency or individual on behalf of another individual.

“Refugee Resettlement Program (RRP)” means a Federally funded program designed to help meet the needs of

refugees as defined by the Immigration and Naturalization Service.

“Registration” means the action of the WFNJ administrative entity in making an official record of and assigning a control number to an application.

“Reopened application” means a signed request for assistance by an individual who has previously received assistance under that program in any county or municipality in the State.

“Representative payee” means a person appointed by the court under certain conditions to receive and administer payments on behalf of an eligible family or individual.

“Resident of New Jersey” means a person who is living in the State for other than a temporary purpose and who has no intention of moving from the State.

“Resources” means all real and personal property.

“Resource limit” means the maximum amount of resources/assets, that will not be taken into consideration when determining eligibility for the WFNJ program.

“Responsible adult” means a person who agrees to be designated to receive assistance payments on behalf of a parent minor and his or her child(ren) and who is 21 years of age or older, of reputable character who can provide a safe, nurturing home life and/or will advocate on behalf of the parent-minor as well as provide stability, guidance and support to a parent-minor and his or her child(ren).

“Restricted payments” means 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 or a vendor and intended for use on behalf of the client.

“Retirement, Survivors and Disability Insurance (RSDI)” means the 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.

“Return to state of origin” means that a family, who has resided in New Jersey for a relatively short period desires to return to the state from which it came.

“RSDI” means Retirement, Survivors and Disability Insurance.

“Sanction” means loss of receipt of assistance benefits for a designated period of time because of noncompliance with program requirement(s).

“Services” means any WFNJ benefits that are not provided in the form of cash assistance.

“Social Security payment” means RSDI benefit.

“Spouse” means a husband or wife of a specified individual.

“Spousal-support obligation” means a support obligation for a spouse or former spouse of the obligor.

“SSA” means Social Security Administration.

“SSI” means Federal Supplemental Security Income Program.

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

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

“State office” means the Division of Family Development.

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

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

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

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

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

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

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

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

“Unrestricted payments” means checks drawn to the order of and delivered to the recipient or authorized payee and received by such person without direction of any kind as a condition of receiving the payment.

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

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

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

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

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

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

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

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

“Work First New Jersey program” means the single public assistance program established pursuant to P.L. 1997, c.13, c.14, c.37 and c.38, which provides assistance to single

adults, couples without dependent children and families with dependent children.

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

Inserted “Legal custody” and “Legally-related”; and in “Parent”, added a reference to legal guardians.

SUBCHAPTER 16. CHILD SUPPORT AND PATERNITY

10:90-16.1 Introduction

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. Title IV-D support collections and paternity determinations shall be made available to a WFNJ individual, a Medicaid individual, Title IV-E or any other individual not receiving WFNJ who files an application for child support services.

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

Added the second sentence.

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

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

1. The application process for WFNJ benefits for both WFNJ/TANF and WFNJ/GA individuals begins with the agency worker assigned to ascertain cooperation requirements of child support. Except in extraordinary circumstances, the initial cooperation interview shall be conducted at the time of application. At the point of initial intake, cooperation in good faith with child support for WFNJ/TANF applicants and recipients shall be determined by the IV-D agency as outlined under N.J.A.C. 10:90-16.3; cooperation for WFNJ/GA individuals shall be determined in accordance with (a)2 below. At the time of any adverse action, the* applicant/recipient shall be advised of his or her rights to a fair hearing and to appeal any adverse action in accordance with N.J.A.C. 10:90-9.3.

- i. When the WFNJ/TANF applicant is applying for multiple benefits, for example, WFNJ, Medicaid and food stamps, the agency shall determine if the child support interview and work registration requirement can be completed on the day of initial contact with the agency. Where the child support interview and/or work requirement cannot be completed on the day of appli-

cation, the applicant shall be afforded the opportunity to file the application for food stamps purposes and Medicaid if appropriate, that day. At a minimum, the applicant shall provide his or her name and signature, as well as the date of filing, on the application. The applicant shall also complete the questions on the application which are relevant in determining whether the household is entitled to food stamp expedited service and all questions relevant to determining Medicaid eligibility. In addition, the applicant shall be provided with an appointment to return to the agency to comply with the IV-D interview and/or the work registration requirement.

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

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

iv. All child support activities, including scheduling interviews and establishing and modifying support orders, as applicable, must be coordinated with a review of the WFNJ/TANF applicant's/recipient's activities as delineated in the individual responsibility plan and/or the emergency assistance service plan.

2. For WFNJ/GA applicants, cooperation in good faith with the child support requirements shall include the identification of his or her children via completion of the affidavit of cooperation. At the time of any adverse action, the applicant/recipient shall be advised of his or her rights to a fair hearing and to appeal any adverse action in accordance with N.J.A.C. 10:90-9.3.

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

ii. Any subsequent child support activity must be coordinated with a review of the WFNJ/GA applicant's/recipient's activities as delineated in the individual responsibility plan and/or the emergency assistance service plan.

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

(b) WFNJ/TANF applicants, as a condition of eligibility for WFNJ, automatically assign to the county agency 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 or she is included in the eligible unit, may be entitled (see N.J.A.C. 10:90-16.6). An assignment of rights is also required for DYFS cases under Section 471(a)17 of the Social Security Act and as a condition of Medicaid under 42 C.F.R. 433.146.

(c) Title IV-D support collections and paternity determination shall be made available to the Division of Youth and Family Services (DYFS) upon application and referral.

(d) Child support and paternity regulations contained in this subchapter are not required for the Refugee Resettlement Program (RRP). Although county agencies will not receive incentive payments for amounts collected for individuals in this program, there is no bar to utilizing the methods herein to ensure collection of child support.

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

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

Rewrote (a); recodified former (a)2 as (b); added new (c); recodified a former (b) as (d); deleted former (c) and (d).

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

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

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

10:90-17.3 EEI participation

(a) For those WFNJ adult applicants who meet EEI eligibility criteria at N.J.A.C. 10:90-17.2(a) or (b), participation in the EEI shall be mandatory and non-cooperation shall result in denial of the WFNJ cash assistance application for both the applicant and the applicant's entire family.

1. EEI participant's shall be required to comply with all aspects of the cooperation and participation provisions of the EEI, as set forth in this subchapter, unless good cause exists, which aspects include, but are not limited to:

i. Keeping all scheduled appointments timely;

ii. Giving reasonable notice and explanation of the inability to keep an appointment;

iii. Cooperating in the development of an WFNJ individual responsibility plan (IRP);

iv. Signing the Early Employment Initiative Participation Agreement, and abiding by the provisions of that Agreement, which includes the agreement to withdraw the family's WFNJ application effective the date unsubsidized employment is secured when the gross earnings from that employment, along with any other countable income, of the family, exceed the maximum allowable income level for WFNJ financial eligibility; and

v. Contacting the UCCA to arrange for post-EEI participation child care services, as appropriate.

(b) Participation in EEI shall be for a minimum period of 15 days to a maximum period of 30 days (which shall run parallel to the time frame for determining WFNJ program eligibility).

1. The applicant shall be referred to the administering entity charged with the responsibility for providing the up-front job search/placement service for EEI. The EEI entity shall develop an EEI plan with the participant, which shall identify the dates and times of the activities, as appropriate, as well as the desired employment goal. In addition, the plan shall state whether an activity support payment is to be provided to cover necessary employment-related expenses to allow participation in the job search/placement activity outlined in the plan. The EEI plan shall be signed by the EEI participant and a copy of the plan shall be provided to the EEI participant.

2. The family's application for WFNJ, Medicaid and/or Food Stamps shall continue to be processed by the county agency, as appropriate without delay.

3. All EEI participants shall be required to participate in an up-front job search/placement activity for the sole purpose of obtaining unsubsidized employment during which time the WFNJ county agency shall continue to process their application for WFNJ cash assistance. The EEI participation requirement is a minimum period of 15 days to a maximum period of 30 days or anytime after the

15 day minimum period when a final decision is reached on the client's WFNJ application (but not to exceed the 30-day maximum period). During the EEI participation period, the EEI family shall be eligible for an activity support payment, in accordance with the EEI Payment Schedule at (d) below, to cover employment-related expenses necessary to allow participation in the EEI, when such services are not available without charge from any other source. This activity support payment shall be based on identified job search/placement needs and shall not exceed the maximum activity support payment for the family size as indicated in the EEI Payment Schedule at (d) below.

i. If the WFNJ/TANF application was denied because of non-cooperation with EEI (see (a)1 above), and the family reappplies for WFNJ/TANF within 30 calendar days of that original WFNJ application date, any activity support payment provided to the family shall be considered as unearned income when determining WFNJ/TANF eligibility and calculating the WFNJ/TANF grant.

(c) When an EEI participant secures employment, the EEI entity shall determine whether or not the participant's gross earnings shall render the participant's family ineligible for WFNJ cash assistance by comparing the participant's gross earnings to earned income amount which the WFNJ agency entered on the "WFNJ Agency Referral to the EEI Entity" form.

1. If the EEI participant's gross earnings are equal to or less than the earned income amount indicated for that family on the referral form, the family may remain eligible for WFNJ cash assistance and the EEI entity shall refer the family to the WFNJ agency for a final determination of eligibility for cash assistance.

2. EEI participants who are successful in obtaining full-time unsubsidized employment and whose anticipated gross earnings, when combined with all other countable income available to the WFNJ assistance unit, exceed the earned income amount indicated for that family on the referral form, which exceeds the initial maximum allowable income eligibility level for WFNJ/TANF (Schedule I at N.J.A.C. 10:90-3.3(b)), shall be required to withdraw their family's WFNJ application for cash assistance. Before requiring the participant to initiate a withdrawal of the applicant family's WFNJ/TANF application, the EEI entity shall inquire whether any changes in the applicant family's assistance unit size or other countable income has occurred as of the date of the WFNJ application. If the participant states that changes have occurred, the EEI entity shall contact the WFNJ agency to ascertain the impact of such changes on the applicant family's WFNJ eligibility for cash assistance. If it is determined, by the WFNJ agency, that the changes reported by the EEI entity indicate that the applicant family may remain eligible for the WFNJ cash assistance, the EEI agency shall refer the participant back to the WFNJ agency for a final

determination of eligibility for WFNJ cash assistance. If, however, the participant expresses that no changes have occurred since the date of the WFNJ application and the applicant family withdraws the WFNJ application, the participant's family shall be eligible to receive the following under the EEI, as appropriate:

i. A one-time lump sum payment to cover expenses necessary to avoid loss of housing or for other employment-related expenses necessary to enable the employed individual to continue to engage in his or her employment such as, but not limited to, transportation, uniforms, car maintenance, tools, supplies, licenses and testing fees. This one-time lump sum payment shall be provided to the family by the EEI entity based on specific need and shall not exceed the one-time lump sum payment ceiling for the participant's family size as designated in the EEI Payment Schedule at (d) below; and

ii. Up to two years of child care in accordance with the WFNJ child care services provisions at N.J.A.C. 10:90-5.2.

(d) The EEI Payment Schedule below identifies the activity support and one-time lump sum payment ceilings for EEI. These ceiling amounts are based on the WFNJ assistance unit size; therefore, the ceiling amounts shall remain constant even if more than one adult of the WFNJ applicant family is participating in EEI. The activity support payment and the one-time lump sum payment issued by the EEI entity shall not count toward the 60 month lifetime limit for receipt of WFNJ cash assistance.

1. The activity support payment ceiling represents the maximum amount an EEI family would be eligible to receive up front during the EEI participation period to cover any expenses necessary to allow participation in the job search/placement activity.

2. The one-time lump sum payment ceiling represents the lump sum amount an EEI family would be eligible to receive, when full-time employment is secured during the EEI participation period, to cover expenses necessary to avoid housing loss or for other employment related expenses to enable the employed individual(s) to continue to engage in his or her employment. The EEI entity shall explain to the participant that the one-time lump sum payment is being issued in lieu of public cash assistance.

i. If a family reactivates the WFNJ/TANF application within a 60 day period from the date of the original WFNJ/TANF application in accordance with the provisions for reactivation at (f) below, the lump sum payment issued to the family shall be prorated for a two month period and applied as unearned income when determining the family's WFNJ/TANF financial eligibility and calculating the WFNJ grant amount.

EEI PAYMENT SCHEDULE

Number in WFNJ Assistance Unit	Activity Support Payment Ceiling	One-time Lump Sum Payment Ceiling
1	\$ 350	\$135
2	450	515
3	750	521
4	950	513
5	1,150	505
6	1,350	497
7	1,450	580
8	1,550	633

(e) An EEI participant shall be referred back to the WFNJ/TANF agency for WFNJ/TANF cash assistance when:

1. The EEI participant fully cooperates and participates in EEI as required and full-time unsubsidized employment is not found; or

2. Full-time employment is secured, however, the family continues to be considered financially eligible for WFNJ cash assistance because the participant's gross earnings combined with the family's other countable income is equal to or less than the WFNJ maximum allowable income eligibility level for the assistance unit, in accordance with N.J.A.C. 10:90-3.3 (Schedule I), and the family's countable income is less than the applicable WFNJ benefit level at N.J.A.C. 10:90-3.3 (Schedule II).

(f) Under certain circumstances, it may be necessary for a family, which has secured employment and has withdrawn its WFNJ/TANF application, to return to the WFNJ/TANF program for cash assistance. If the situation occurs within 60 days from the date of the original WFNJ application, the application shall be reactivated and the date of that original WFNJ application shall apply. Any of the following circumstances shall render the family eligible to reactivate its WFNJ/TANF application:

1. Child care services cannot be secured; or

2. The unsubsidized employment obtained while participating in EEI is no longer available, for reasons of good cause, in accordance with the good cause provisions under the WFNJ program at N.J.A.C. 10:90-4.10;

i. If the unavailability of the unsubsidized employment is due to a voluntary quit situation, the family shall not be eligible to reactivate its WFNJ/TANF application and shall be required to make reapplication to determine its eligibility for WFNJ/TANF cash assistance. At the time of reapplication, the individual who voluntarily quit the employment shall be subject to a 90-day voluntary quit penalty in accordance with N.J.A.C. 10:90-1.5. The other family members, however, shall be eligible to apply for cash assistance.

(g) If the WFNJ/TANF application is reactivated within 60 days of the original date of the WFNJ/TANF application, any lump sum payment amount received under EEI shall be prorated from the date of the original WFNJ/TANF application to the date the client contacted the WFNJ county agency for reactivation and subtracted from the WFNJ/TANF monthly grant amount(s) for which the assistance unit is eligible for that period of time. If the lump sum payment received under EEI is in excess of the family's monthly grant amount(s) for that period, the excess amount shall be counted as unearned income when calculating the WFNJ/TANF monthly grant amount for the assistance unit for any subsequent month.

(h) If the individual loses unsubsidized employment after 60 days from the date of the original WFNJ/TANF application, reapplication for WFNJ/TANF cash assistance shall be required.

(i) If a family experiences an emergency housing situation, in accordance with the emergency assistance provision at N.J.A.C. 10:90-6.1(b), while participating in EEI, the family shall immediately notify the EEI entity which in turn shall advise the client to return to the WFNJ agency for assistance. If the EEI participant is employed and an emergency situation occurs within 60 days from the original WFNJ/TANF application date, the family shall be eligible to reactivate its original WFNJ/TANF application. In all other instances in which the EEI family experiences an emergency situation, reapplication for WFNJ/TANF shall be required.

(j) Once a WFNJ/TANF adult participates in EEI, he or she shall not be considered an eligible candidate for repeat EEI participation, unless it is verified that he or she was successful in securing unsubsidized employment during the previous EEI participation period and that he or she did not receive WFNJ cash assistance for a period of at least three years.

(k) If the participant fails to cooperate with the terms of the EEI, in accordance with (a)1 above, without good cause (see good cause provisions at N.J.A.C. 10:90-4.10), the EEI entity shall report the incident of noncooperation to the WFNJ agency by completing Form WFNJ/EEI-2, EEI Agency Report/Referral. Upon receipt of the EEI entity's report of noncooperation, the WFNJ agency shall review the report to determine if the EEI agency correctly determined noncooperation and, if appropriate, send an adequate notice in accordance N.J.A.C. 10:90-9.1, to the WFNJ/TANF family advising that the WFNJ/TANF application for cash assistance for the participant and the participant's entire family is being denied because of noncooperation with the EEI and reapplication for WFNJ/TANF shall be required. The notice shall also include the family's right to a fair hearing.

1. If a fair hearing is requested and scheduled, the county WFNJ agency shall notify the EEI entity of the scheduled hearing. The EEI entity shall arrange for the required attendance of the appropriate EEI representative at the scheduled hearing.