

10:90-1.15 Voluntary quit

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

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

10:90-1.16 Assignment or transfer of property

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

SUBCHAPTER 2. NON-FINANCIAL ELIGIBILITY REQUIREMENTS

10:90-2.1 General provisions

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

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

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

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

Amended by R.1998 d.42, effective January 20, 1998.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).
Amended by R.1998 d.383, effective July 20, 1998, (operative August 1, 1998).
See: 30 N.J.R. 1489(a), 30 N.J.R. 2656(a).
In (b), added a new 1.

10:90-2.2 WFNJ TANF/GA eligibility requirements

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

1. Cooperate with child support by providing specific information regarding the noncustodial parent, such as, name, address, employer, date of birth, social security number or manufacturer, model and license plate number of automobile and take certain actions as requested by the child support agency to help establish paternity, or establish, modify, or enforce a child support order (see N.J.A.C. 10:90-16);

2. Cooperate with work requirements;

3. Make application for any other assistance for which members of the assistance unit may be eligible;

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

5. Provide all necessary documentation;

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

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

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

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

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

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

i. Each adult WFNJ/TANF applicant/recipient and each WFNJ/GA applicant/recipient (except nursing facility applicants/recipients) shall, as a condition of receiving WFNJ benefits, be issued a photo-identification card by the county agency until implementation of the

electronic benefit distribution system is begun in that county agency. Once a county begins to implement the electronic benefit distribution system, the county agency shall no longer be required to issue a photo-identification card to each adult recipient but may continue the issuance of photo-identification cards separate from the benefit cards.

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

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

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

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

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

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

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

Amended by R.1998 d.42, effective January 20, 1998.
See: 29 N.J.R. 3971(b), 30 N.J.R. 389(a).
Added (b)1 and (d)1.

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

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

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

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

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

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

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

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

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

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

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

i. The WFNJ/GA-WFNJ/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 WFNJ/GA cases matched against the FAMIS (county agency) files.

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

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

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

7. WFNJ/GA-Veterans Benefits Match Report: An annual match of WFNJ/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.

“Substance abuse research demonstration (SARD)” means a demonstration project involving WFNJ/TANF female applicants/ recipients in Essex and Atlantic CWAs who have substance abuse problems.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amended by R.1999 d.66, effective March 1, 1999.

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

Inserted “Substance abuse research demonstration (SARD)”.

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 application, 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.

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

(d) A WFNJ/GA applicant/ recipient shall be required to cooperate in good faith with the child support requirements to identify his or her children, by providing all the information he or she reasonably can through the completion and the signing of the affidavit of cooperation.

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

(e) An applicant/recipient of Medicaid benefits shall be required to cooperate in good faith in obtaining support and medical insurance to which members of the eligible unit are entitled (see N.J.A.C. 10:90-16.6(d)).

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

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

(g) The WFNJ applicants/recipients shall be required for child support purposes to:

1. Appear at the offices of the appropriate child support agencies as necessary to provide oral or written information, or documentary evidence relevant to, obtaining support and medical insurance, which is known to,

possessed by, or reasonably obtainable by the WFNJ/ TANF applicant/recipient; or, if WFNJ/GA individual, to provide information to establish parentage and modify and enforce a child support order;

2. Appear as a witness at court or other hearings or proceedings necessary to obtain support;

3. Provide information, or attest to the lack of information, under penalty of perjury; and

4. After receipt of a grant, pay to the county agency CSP Unit any child support payments which are received directly from the absent parent, whether voluntary or court ordered, or through the probation division.

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

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

Rewrote the section.

10:90-16.4 Good faith effort requirement

(a) To cooperate, a WFNJ/TANF applicant/recipient shall make a good faith effort to provide information as outlined in (b) and (c) below. The child support representative shall explain the child support cooperation requirements, the good faith standard set out in (b) and (c) below, and what constitutes a good cause claim as outlined at N.J.A.C. 10:90-16.5. An applicant or recipient shall be deemed to be making a good faith effort if he or she has provided all the information he or she has or can reasonably obtain as required by (b) or (c) below. Initial cooperation shall be established with the applicant/recipient signing the affidavit of cooperation.

1. The child support agency representative shall access both the Automated Child Support Enforcement System (ACSES) for an existing order and the Paternity Opportunity Program Imaging Data Base to determine if a Certificate of Parentage (COP) was executed on any of the children for which assistance is being sought.

(b) A WFNJ/TANF applicant/recipient shall provide sufficient information about the noncustodial parent for each child for whom the applicant/recipient seeks assistance.

1. Information is considered sufficient if it meets the requirements of (b)1i or ii below:

i. The noncustodial parent's full name and three of the following:

(1) Date of birth;

(2) Social Security number;

(3) Address (current or last known);

(4) Employer (current or last known);

(5) Manufacturer, model and license plate number of automobile; or

(6) Motor vehicle driver's license number.

ii. The noncustodial parent's full name and additional information that the child support agency determines to be reasonably equivalent to the information listed in (b)1i above which may lead to the location of the named individual.

2. Information is sufficient if that information is enough to support the truthfulness of the facts, as presented by the applicant/recipient to the best of his or her ability, about or regarding the named individual, in accordance with these regulations, as documented in the case record by the IV-D agency worker.

i. The IV-D agency worker shall evaluate with the applicant/recipient whether or not the information provided is enough to support the truthfulness of the facts to be deemed sufficient, as well as, the circumstances concerning his or her efforts to provide the sufficient information. If it is determined that the information provided to date is insufficient, the IV-D agency worker shall identify the additional information needed and if requested, assist the individual in securing that information.

(c) A WFNJ/TANF applicant/recipient who has not provided sufficient information as specified in (b)1i above or reasonably equivalent information as specified in (b)1ii above, shall be deemed cooperating in good faith if he or she provides all of the following information he or she can reasonably obtain: the noncustodial parent's name and any of the information in (b)1i or ii above or any of the following information, such as, but not limited to:

1. A statement(s) as to the name or location of the noncustodial parent from individuals other than the WFNJ/TANF applicant/recipient who have personal knowledge of such information;

2. Records, or information as to the whereabouts of records, from law enforcement, social service or other agencies, courts or offices substantiating the name and possible location of the noncustodial parent. If the applicant requests the IV-D agency's assistance in obtaining the required documentation, the applicant/recipient shall be asked to complete written authorization(s) or release(s) which specifies the individual's permission to release specific information as described in the authorization, the date, and the requesting individual's signature, to be witnessed by an authorized agency representative. The signed authorization(s) or release(s) will allow the IV-D agency to contact agencies, organizations, or other entities to assist applicants/ recipients in obtaining information regarding the noncustodial parent;

3. Utility bills, parking tickets, credit card receipts or other personal records or effects that contain information regarding the name or location of the noncustodial parent;

4. Telephone numbers or addresses of individuals who, if contacted, may be able to provide information as to the name or location of the noncustodial parent;

5. Other information which may lead to the name or location of the noncustodial parent; or

6. Where the WFNJ applicant/recipient has provided all the information in good faith he or she can reasonably obtain, that individual shall be deemed to have cooperated in good faith by signing an affidavit which shall detail the steps taken and any obstacles encountered in trying to provide sufficient information about the noncustodial parent. He or she shall then have met the cooperation requirement.

i. Prior to signing an affidavit, if the WFNJ/TANF and/or Medicaid applicant/recipient claims not to have any of the required information at that time and states that he or she is unable to provide the information without assistance, the IV-D agency worker shall assist the applicant/recipient in obtaining any required information through signed authorization by the individual.

(d) If the WFNJ/TANF and/or Medicaid applicant/recipient does not have the information outlined in (b) or (c) above at the time of the initial interview or the redetermination but claims he or she can provide it, initial cooperation shall be granted and the WFNJ application process continued. The applicant shall receive the notice of cooperation advising that he or she has 30 days from the date of the notice to provide the required information. The applicant/recipient who fails to make a good faith effort or who does not provide the requested information within the required 30 days, shall be sent a notice of noncompliance advising him or her that if the requested information is not provided within the next 30 days, the family shall be ineligible for cash benefits under WFNJ and the case shall be terminated or the application denied, as applicable, subject to timely and adequate notice in accordance with N.J.A.C. 10:90-9.1(a) and (b), as appropriate. The applicant/recipient shall also be ineligible for Medicaid, unless the exception requirement for Medicaid ineligibility is not in accordance with N.J.A.C. 10:90-16.3(f)1. The applicant/recipient who has been denied or terminated in accordance with this subsection has a right to reapply for WFNJ benefits at any time in accordance with the WFNJ application requirements and procedures.

1. If at the time of the initial interview or the redetermination, the WFNJ/TANF and/or Medicaid applicant/recipient claims not to have any of the required information at that time and refuses to provide it within 30 calendar days, the applicant/recipient shall receive a timely and adequate notice of failure to cooperate informing the applicant/recipient that the family is ineligible for cash benefits under WFNJ and that the applicant/recipient shall be ineligible for Medicaid for failure to cooperate with child support, unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:90-16.3(f)1.

2. If at the time of the initial interview or the redetermination, the WFNJ/TANF and/or Medicaid applicant/recipient claims not to have any of the required information at that time and states that he or she is unable to provide it within 30 calendar days, the IV-D agency worker shall proceed in accordance with (c) above and shall assist the applicant/recipient in obtaining any required information through signed authorization by the individuals.

(e) A WFNJ/TANF and/or Medicaid applicant/recipient who has satisfied the requirements of (b) or (c) above is required to continue to make a good faith effort to cooperate (at time of redetermination, subject to the good cause exception as set forth at N.J.A.C. 10:90-16.5) with the child support agency to:

1. Establish paternity; and
2. Establish, modify and enforce child support orders.

(f) Continuing cooperation requirements as indicated in (e) above shall be coordinated with the individual's requirements in the IRP and/or service plan in accordance with N.J.A.C. 10:90-16.2(a)1v. Continuing cooperation may include, but is not limited to, the following:

1. Appearing for appointments to provide additional information possessed or reasonably obtainable;
2. Authorizing the child support agency to obtain pertinent information from third parties;
3. Appearing as a witness in a judicial or administrative hearing; or
4. Appearing for scheduled genetic tests.

(g) If at the time of WFNJ/TANF and/or Medicaid application or redetermination, or at the request of the child support agency, the applicant/recipient is uncertain as to which of two or more individuals might be the noncustodial parent of a single child, the applicant/recipient shall be asked to provide the information required for all individuals who may be the noncustodial parent. However, information for at least one possible noncustodial parent must be provided in order to be determined cooperating in good faith.

1. If the WFNJ/TANF and/or Medicaid applicant/recipient has more than one child, the applicant/recipient shall provide the information required for at least one possible noncustodial parent for each child at the time of application or redetermination of WFNJ eligibility or upon the request of the child support agency.

- i. If a WFNJ recipient has a child while receiving assistance, the recipient is required to meet the cooperation requirement for the additional child in order for the family/individual to remain eligible for cash benefits under WFNJ and for the recipient to be eligible for Medicaid, unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:90-16.3(f)1.

(1) The child support agency representative shall access both the Automated Child Support Enforcement System (ACSES) and the Paternity Opportunity Program Imaging Data Base to determine if a Certificate of Parentage was executed for the child.

2. If the child support agency finds that the WFNJ/TANF and/or Medicaid recipient knowingly provided untrue information regarding the noncustodial parent of a child, or if the noncustodial parent named is found not to be the father by court order or genetic testing, the applicant/recipient shall be sent a notice of noncompliance advising him or her that if specific information is not provided within the next 30 days, the family shall be ineligible for cash benefits under WFNJ and the case shall be terminated, subject to timely and adequate notice requirements. The recipient shall also be ineligible for Medicaid, unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:90-16.3(f)1.

i. If on two occasions the WFNJ/TANF recipient claimed to have provided all the information he or she could reasonably obtain, and the information knowingly provided was found to be knowingly untrue, the recipient shall be sent a notice of termination, subject to timely and adequate notice requirements, informing the recipient that cash assistance to the family shall be terminated and the recipient shall be ineligible for Medicaid unless the exception requirement is met for Medicaid eligibility in accordance with N.J.A.C. 10:90-16.3(f)1 because the recipient has knowingly provided untrue information.

ii. The individual has a right to reapply for WFNJ benefits at any time, and to comply with IV-D cooperation requirements, in accordance with the WFNJ application requirements and procedures. Upon reapplication, the individual must provide sufficient new and/or additional information, in good faith, regarding the noncustodial parent.

3. If a WFNJ/TANF recipient fails to meet the ongoing requirements for continuing cooperation, as outlined in (e) above, the recipient shall receive a notice of failure to comply with continuing cooperation requirements advising him or her that if the requested information is not provided or required action taken within the next 30 days, cash assistance to the family shall be terminated, as well as Medicaid to the recipient unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:90-16.3(f)1, subject to timely and adequate notice requirements.

i. When trying to meet the continued cooperation requirements, if the WFNJ/TANF recipient knowingly provides untrue information on two occasions, the recipient shall be sent a notice of termination, subject to timely and adequate notice requirements, informing the recipient that cash assistance to the family shall be terminated and the recipient shall be ineligible for

Medicaid unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:90-16.3(f)1 because the recipient has knowingly provided untrue information on two occasions.

ii. The applicant has the right to reapply for WFNJ benefits at any time, and to comply with the IV-D cooperation requirements and procedures. Upon reapplication, the individual must provide sufficient new and/or additional information, in good faith, regarding the noncustodial parent.

4. If the WFNJ/TANF recipient fails to meet the continuing cooperation requirements for failure to appear for a scheduled appointment or hearing, a notice of noncompliance shall be sent to the recipient requiring the individual to contact the IV-D agency within 10 days of receipt of the notice to reschedule the appointment or hearing. If the recipient fails to respond to the notice of noncompliance by contacting the IV-D agency, the recipient shall be sent a notice of termination, subject to timely and adequate notice requirements, informing the recipient that cash assistance to the family shall be terminated and the recipient shall be ineligible for Medicaid unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:90-16.3(f)1.

i. Upon contacting the child support agency, the WFNJ/TANF recipient shall be required to reschedule the appointment or hearing and provide documentation of the unavoidable circumstance which prevented him or her from appearing for the appointment or hearing. Unavoidable circumstances shall include, but are not limited to, the following:

(1) Health related issues: Documentation includes medical or hospital records, or an affidavit attesting to the applicant's/ recipient's health problem;

(2) Employment related issues: Documentation includes a letter from the recipient's employer or work activity site supervisor;

(3) Other court related issues: Documentation includes an accident report or verification that the recipient had to appear in court for another matter;

(4) Death of family member or close friend: documentation includes medical or funeral records or an affidavit from the applicant/recipient or a family member; or

(5) Other emergency or unavoidable circumstances proved by relevant documentation or affidavit.

ii. If the recipient misses two consecutive scheduled appointments or hearings without documentation of an unavoidable circumstance, the recipient shall be deemed noncooperative and sent a notice of termination subject to timely and adequate notice requirements. Cash assistance to the family as well as Medicaid to the recipient shall be terminated, unless the exception requirement for Medicaid ineligibility is met in accordance with N.J.A.C. 10:90-16.3(f)1.

iii. The applicant has the right to reapply for WFNJ benefits at any time, and to comply with the IV-D cooperation requirements and procedures.

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

Rewrote the section.

10:90-16.5 Good cause exceptions to cooperation

(a) A WFNJ/TANF or Medicaid applicant/recipient has the right to claim a good cause exception for noncooperation with child support at any time during the process when such cooperation is against the best interests of the individual and/or his or her child(ren). A good cause claim for noncooperation is limited to domestic violence claims and rape or incest claims when the individual has or fears emotional or physical harm to him or herself and/or his or her child(ren), the initiation of adoption proceedings, non-parent person situations, certain instances involving artificial insemination and in other unusual circumstances in accordance with these regulations.

1. Paternity establishment and child support shall be pursued in cases involving domestic violence unless the applicant/recipient claims good cause because the victim fears emotional or physical harm will result to him or her and/or his or her child(ren). Domestic violence good cause claims are handled as outlined at N.J.A.C. 10:90-16.5(b) through (d) unless the circumstances in (b)1iv below apply.

2. An applicant/recipient who claims a good cause exception to cooperation due to the circumstance in which the child was conceived as a result of rape or incest shall provide corroborative evidence unless the circumstances in (b)1iv below apply.

i. One of the following corroborating types of evidence shall be provided by the applicant/recipient to substantiate good cause for noncooperation:

(1) A health or law enforcement record that indicates the child was conceived as the result of incest or rape.

(2) Documentation from a community group or religious organization verifying that rape, or incest has occurred. Documentation can include verification that the applicant received counseling from the specific organization.

(3) An affidavit from the applicant/recipient attesting that the child was conceived as a result of rape or incest.

ii. If the applicant requests the IV-D agency's assistance in obtaining the required documentation, the applicant/recipient shall be required to complete written authorization(s) or release(s) in accordance with N.J.A.C. 10:90-16.4(c)2.

3. The applicant/recipient who claims a good cause exception to cooperation for children for whom adoption proceedings have been initiated shall provide corroboration in accordance with (c)1iii, v and vi below.

4. A nonparent person may claim a good cause exception in accordance with (e) below.

5. The applicant/recipient who claims a good cause exception to cooperation due to artificial insemination must provide proof of artificial insemination with anonymous donor sperm, by a physician.

6. In other unusual circumstances, as determined on a case by case basis, a good cause determination for noncooperation may be granted by the county IV-D agency.

(b) A WFNJ/TANF applicant/recipient who claims good cause for noncooperation shall be required to establish the existence of a good cause circumstance.

1. To establish the existence of a good cause claim, the applicant/recipient shall be required to:

i. Specify the circumstances which he or she believes provide sufficient good cause for noncooperation;

ii. If appropriate, corroborate the good cause circumstance in accordance with these rules;

iii. At the request of the agency provide sufficient information (such as name and address, if known, of putative father or absent parent) to permit an investigation to corroborate the good cause circumstance.

(1) The IV-D agency shall conduct the investigation without the involvement of the individual, affording a guarantee of confidentiality and the safeguarding of substantiating information, by the IV-D agency, that pertains to the individual applicant/recipient and his or her child(ren);

iv. If at any time during the interview or case processing, the IV-D agency determines, based on statements made by the individual, that the applicant/recipient is a victim of domestic violence, rape or incest and fears emotional or physical harm will result to him or herself or to his or her child(ren), the corroboration of the circumstance shall be met and a determination of good cause shall be made without further involvement of the individual. The individual shall sign an affidavit stating the reasons for the good cause claim. However, if it is requested and the applicant/recipient is in agreement, sufficient information (such as name and address, if known, of the putative father or absent parent) shall be provided by the individual to permit the continued pursuit of child support efforts by the IV-D agency, without the applicant's/recipient's involvement.

(1) The individual and/or his or her child(ren) shall be afforded a guarantee of confidentiality and a safeguarding of substantiating information in such circumstances by the IV-D agency.

2. Only when at least one of the following circumstances exists will the county agency CSP Unit determine that the WFNJ/TANF applicant/recipient's cooperation is against the best interests of the child and there is good cause for noncooperation:

i. The WFNJ/TANF applicant/recipient's cooperation is reasonably anticipated to result in physical or emotional harm to the child for whom support is to be sought;

ii. The WFNJ/TANF applicant/recipient'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

iii. Proceeding to establish paternity or collect support and medical insurance 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 WFNJ/TANF applicant/recipient is currently (for a period of not more than three months) being assisted by a public or licensed private social agency to decide whether to keep the child or relinquish him or her for adoption.

(c) The WFNJ/TANF and/or Medicaid applicant/recipient who claims good cause must provide corroborative evidence, if appropriate in accordance with these rules to substantiate the good cause claim, within 20 days from the day the claim was made. In exceptional situations, the county agency may allow a reasonable additional period of time if it determines the client requires additional time because of the difficulty of obtaining the evidence.

1. The county agency will make a good cause determination within 45 days of the date of the claim by the WFNJ/TANF and/or Medicaid applicant/recipient, based on the corroborative evidence supplied by the WFNJ/TANF and/or Medicaid applicant/recipient, but only after it has examined the evidence and finds that it actually verifies the good cause claim. During the county IV-D agency's 45 day review of the good cause determination, the applicant/recipient, if otherwise eligible for WFNJ, shall receive WFNJ benefits pending the outcome of this determination. The county agency 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:

i. For a good cause claim for rape or incest, birth certificates or documentation of the date of birth of the child can be used in conjunction with medical, law enforcement or court records that indicate the date of the assault to determine a possible period of conception;

ii. Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction;

iii. 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;

iv. Medical records which indicate emotional health history and present emotional health status of 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;

v. 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 or her for adoption; and

vi. Sworn statements from individuals other than the applicant/recipient with knowledge of the circumstances which provide the basis for the good cause claim.

2. If, after examining the corroborative evidence, the county agency 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.

i. Upon request by the WFNJ/TANF applicant/recipient, the county agency will make a reasonable effort to obtain specific documents the client is not reasonably able to obtain without assistance.

3. Concerning when corroborative evidence, if required to substantiate the good cause claim, is not submitted or is inadequate:

i. For a claim based on WFNJ/TANF applicant/recipient's anticipation of physical harm, the county agency 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.

ii. The county agency may further verify the good cause claim and, where necessary for a final determination, conduct an investigation. The investigation may include contact of the absent parent or putative father if such contact is determined to be necessary to establish the good cause claim. Prior to such contact, however, the client will be notified so that he or 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.

iii. When the applicant/recipient indicates that an investigation to substantiate the good cause claim which includes contact with the alleged perpetrator will, or fear that it will result in physical and/or emotional harm to the individual and/or his or her children, there shall be no investigation in cases of domestic violence, rape and incest.

(d) When the county agency CSP Unit makes a determination that good cause for noncooperation exists, it will also determine whether or not child support enforcement and/or establishment of paternity and medical insurance can proceed without risk of harm to the child or parent with whom he or she lives if the enforcement or collection activities do not involve their participation, unless the provisions of (b)1iv and (c)3iii above apply. This decision, with the basis for the determination, will be recorded in the case record.

(e) If a WFNJ/TANF applicant/recipient is someone other than the parent of the child(ren), that individual shall be asked to provide the information outlined at N.J.A.C. 10:90-16.4(b) or (c) for both parents. However, if that individual claims that he or she cannot provide the required information, the applicant/recipient may be exempt from providing information as outlined below:

1. If the WFNJ/TANF applicant/recipient is a blood relative, the applicant/recipient must provide the information outlined at N.J.A.C. 10:90-16.4(b) or (c) for that parent of which he or she is a relative. The applicant/recipient shall be deemed cooperating upon providing a sworn statement, documenting with specificity, efforts undertaken and obstacles encountered by the applicant/recipient in pursuit of information regarding the nonrelative parent. If available, the applicant/recipient shall provide documentation.

2. If the WFNJ/TANF applicant/recipient is not a blood relative, the applicant/recipient must provide the information outlined in N.J.A.C. 10:90-16.4(b) or (c) for at least one of the parents of the child(ren). The applicant/recipient shall be deemed cooperating upon providing a sworn statement, documenting with specificity, efforts undertaken and obstacles encountered by the applicant/recipient in pursuit of information regarding the parent for which information was not provided. If available, the applicant/recipient shall provide documentation.

(f) The WFNJ/TANF applicant/recipient unless granted a good cause exception under (b)1iv above under this subchapter shall comply with the continued cooperation requirements as outlined at N.J.A.C. 10:90-16.4(e).

(g) The deletion of the WFNJ/TANF parent or parent-person from the eligible unit shall not be construed as a bar to continuing effort by the county agency CSP Unit to establish paternity or obtain support and medical insurance for the WFNJ/TANF children.

(h) The county agency shall maintain records of activities relative to good cause claims on the ACSES, ICAS screen, or its successor approved by the State IV-D agency. Records will thereby be available for Federal or State review.

(i) Any information obtained by the IV-D agency pertaining to any applicant or recipient who claims to be a past or present victim of domestic violence or an individual at risk of violence, rape or incest will remain confidential. When child support is sought in a case involving domestic violence, rape or incest, the IV-D agency shall ensure that the applicant's whereabouts are not disclosed.

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

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

Rewrote the section.

10:90-16.6 Assignment of support rights

(a) The county agency is required to provide IV-D services to families which have assigned their rights to support under WFNJ/TANF, DYFS (Section 471(a)17 of the Social Security Act (42 U.S.C. § 657 as amended by P.L. 104-193 Section 457B)) or as a condition of receipt of Medicaid, without an application or application fee.

(b) State law provides that application for or receipt of WFNJ/TANF shall automatically operate as an assignment to the county agency of any rights to support under Titles IV-A and IV-D of the SSA. Any support collections assigned to the county agency are subject to the provisions at N.J.A.C. 10:90-3.8(i) concerning the disregard payment. The first \$50.00 of support collected in a month and the first \$50.00 of any payment for a prior month paid by the absent parent in the month due shall be sent to the client.

(c) Upon application for WFNJ/TANF benefits, each applicant assigns to the county agency all rights to support from the absent parent of the WFNJ/TANF children and any other legally responsible relative to which the eligible unit may be entitled and includes any support obligation which has accrued at the time such application is executed.

(d) The assignment of support rights applies to the WFNJ/TANF and DYFS programs. Medicaid applicants/recipients will assign only their rights to medical support.

(e) The WFNJ worker shall advise the WFNJ/TANF applicant that upon signing an application (PA-1J) for WFNJ/TANF or Medicaid, he or she assigns to the county agency any rights to past due support and future support when applying for WFNJ/TANF and when applying for Medicaid, he or she assigns any rights to past due or future medical support and subsequent to its completion, he or she shall be responsible for informing the county agency of any payments which may be received either directly or through the probation division from an absent parent. Additionally, the applicant/recipient shall be informed of his or her cooperation responsibilities (see N.J.A.C. 10:90-16.4(a)2), and be provided with information describing available IV-D services and on the individual's rights and responsibilities under the child support enforcement program.

(f) The WFNJ worker shall treat assigned support payments retained in the current month as income in determining need and amount of assistance payments.

(g) When a full grant has been issued, any support payments received directly by the participant shall, upon receipt, be forwarded to the county agency CSP Unit. If the county agency CSP Unit discovers that directly received support payments are being, or have been retained by the WFNJ/TANF applicant/recipient, it shall immediately notify the WFNJ worker in writing.

1. The WFNJ/TANF applicant/recipient shall be required to remit the support payment to the county agency. If the applicant/recipient fails to comply, the amount of the direct support, less the \$50.00 disregarded child support payment, shall be counted as unearned income received in the budget month and used to determine the amount of the assistance payment to be issued for the corresponding payment month as set forth at N.J.A.C. 10:90-3.9(e).

2. If, due to lack of timely notification, the grant cannot be adjusted, the assistance payment issued for the payment month corresponding to the budget month in which the direct support was received shall be considered an overpayment. The county agency's WFNJ worker shall recover the overpayment, less the \$50.00 disregarded child support payment amount, upon termination of assistance or in subsequent payment months as set forth at N.J.A.C. 10:90-3.21.

(h) Whenever a family is no longer eligible for assistance under the WFNJ/TANF, DYFS or Medicaid programs, the county agency must notify the family within five working days of the notification of ineligibility, that IV-D services will be continued unless the county agency is notified by the family that IV-D services are no longer desired. The county agency is required to pay all amounts collected representing support to the family. A county agency may not recover costs from either parent.

1. If IV-D services are terminated by the family, the county agency shall require that a IV-D application be filed for services if the family requests these services to be reinstated.

2. The application for NPA services will require a \$6.00 fee on all cases where an application is filed.

(i) It is the responsibility of the Division of Youth and Family Services to refer DYFS cases, which include IV-E and non-IV-E cases, to the county agency CSP Unit.

(j) Those cases in which there is an assignment under 42 C.F.R. 433.146 include, but are not limited to, Medicaid, Medically Needy and New Jersey Care. The Medicaid agency will determine which Medicaid applicants/recipients need child support services and refer those cases to the appropriate county agency CSP Unit.

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

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

In (e), substituted a reference to N.J.A.C. 10:90-16.4(a)2 for a reference to N.J.A.C. 10:90-2.2(a)1.

10:90-16.7 Incentive payment

(a) County agencies shall receive an appropriate share of any incentive payments made to the State, based on the efficiency and effectiveness of the county agency's activities in carrying out the requirements of the Title IV-D State Plan. A portion of the incentive payments shall be computed as a percentage of the State's WFNJ/TANF collections and a portion shall be computed as a percentage of NPA collections. The percentages shall be computed separately for each segment, based on the ratio of the State's WFNJ/TANF collections to the State's total IV-D administrative costs. The portion of the incentive payments in recognition of NPA collections shall be limited by the percentage of the portion of the incentive payments paid for a specific year in recognition of its WFNJ/TANF collections, and shall equal 115 percent in Fiscal Year 1990 and thereafter.

1. WFNJ/TANF collections means support collections satisfying an assignment support obligation, including support collected by one state on behalf of individuals receiving IV-D services and parents residing in another state, which shall be treated as having been collected in full by each state.

2. NPA collections means support collections on behalf of individuals receiving Title IV-D services, satisfying a support obligation which has not been assigned via Form PA-1J, including collections made by one state on behalf of individuals receiving IV-D services and parents residing in another state. Such interstate collections shall be treated as having been collected in full by each state.

3. Total IV-D administrative costs means total IV-D expenditures claimed by a state in a specified fiscal year, excluding fees paid by individuals, recovered costs and program income, such as interest earned on collections. Another exclusion from administrative costs shall be laboratory fees incurred in determining paternity.

4. In calculating the amount of incentive payments, only those WFNJ/TANF and NPA collections distributed and expenditures claimed by the State in the fiscal year shall be used to determine the incentive payment payable for a year. The methodology to be employed in the calculation of incentive payments will be the same for both program segments (WFNJ/TANF and NPA); however, the incentive payment for NPA, as noted above, cannot exceed the amount earned for WFNJ/TANF collections. Each county will receive its share of the State's incentive payments, based on the collections to expenses ratio truncated at the first decimal place. This methodology requires the determination of the average collections to expenses ratio among the counties. The standard deviation from the average is then determined. A scale is established and a value of six percent is assigned to the State average. For each movement of a full + ½ standard deviation by a county's collections to expenses ratio, that county will be entitled to one percent more of incentive payment. Any resultant surplus will be distributed according to the counties' proportionate share of the total qualified caseload.

(b) The Federal Office of Child Support Enforcement (OCSE) will estimate the total incentive to be received by a state for the upcoming fiscal year. In the quarterly collection report, the State will estimate the total payment, thus reducing the amount to be paid to the Federal government to reimburse its share of assistance payments, IV-A and Foster Care maintenance payments. At the end of a fiscal year, the OCSE will determine if the estimated incentive payments were correct and, if not, adjustments will be made accordingly.

1. Collections made in one jurisdiction for another jurisdiction shall be forwarded to the originating jurisdiction no later than 10 days after collection was received.

i. States and other jurisdictions must have an identifying code for interchange procedures.

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

10:90-16.8 Access to child support information

(a) The New Jersey Child Support Hotline's 800 number will allow interested parties to obtain child support information 24 hours a day, seven days a week, in English or Spanish.

1. By dialing 1-800-621-KIDS, individuals can access the following:

- i. A description of support services and how to apply;
- ii. Information regarding emancipation, custody and visitation;
- iii. Information regarding direct payments;
- iv. Information regarding credit reporting;
- v. Information regarding the \$50.00 disregard check;
- vi. Tax offset information;
- vii. Check and payment information; and
- viii. A message voice mail system, whereby callers may leave a message for a specific worker.

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

10:90-16.9 County payment of fees for services

(a) Each county agency will be billed quarterly, according to its usage, for the service provided by the New Jersey Child Support Hotline's 800 number.

(b) Each county will be billed for submitting the following types of cases to the Federal Parent Locator Service (FPLS):

- 1. Child support cases in which an assignment of support rights to the State is not required;
- 2. Non-IV-D locate-only cases;