

CHAPTER 88**FAMILIES FIRST PROGRAM****Authority**

N.J.S.A. 30:4B-2 and 44:10-5.2.

Source and Effective Date

R.1995 d.294, effective June 5, 1995.
See: 27 N.J.R. 1110(a), 27 N.J.R. 2223(b).

Executive Order No. 66(1978) Expiration Date

Chapter 88, Families First Program, expires on June 5, 2000.

Chapter Historical Note

This chapter formerly contained rules entitled Food Stamp Program Plan of Operation Manual. They were adopted by the Director, Division of Public Welfare, pursuant to authority delegated at N.J.S.A. 30:4B-2, and were filed and became effective December 3, 1969, as R.1969 d.23. See: 1 N.J.R. 13(b), 1 N.J.R. 30(c). Repealed, R.1983 d.246, eff. June 20, 1983. See: 15 N.J.R. 611(a), 15 N.J.R. 1034(b). The Food Stamp rules at N.J.A.C. 10:87 sufficiently cover the deleted material. Chapter 88, Families First Program, was adopted as new rules as R.1995 d.294, effective June 5, 1995. See: Source and Effective Date.

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APPENDIX. (RESERVED)**SUBCHAPTER 1. GENERAL PROVISIONS****10:88-1.1 Purpose and Scope**

(a) The Families First Program is an alternate method of distributing Aid to Families with Dependent Children (AFDC) cash benefits, Food Stamp Program (FS) benefits, and Deficit Reduction Act (DEFRA) child support bonus payments to eligible households. Families First eliminates the need for the issuance of cash benefit checks and food stamp Authorization to Participate (ATP) documents by the local welfare agencies (LWAs). Families First utilizes a technology called Electronic Benefit Transfer (EBT). In EBT, each payee is issued a magnetic-stripe plastic card which the payee uses to access his or her benefits. This card is called a Families First card.

(b) Throughout this manual, the AFDC and Food Stamp Programs shall be referred to as "public assistance".

(c) Food stamp benefits are accessible at retailers authorized to accept food stamp coupons by the Food and Consumer Service (FCS) of the United States Department of Agriculture (USDA). Those retailers are equipped with Point of Sale (POS) devices which allow each payee to debit his or her Families First food stamp account by the amount of the food purchase.

(d) Cash benefits are accessible at MAC™ automated teller machines (ATMs), and at other State-approved businesses equipped to conduct Families First transactions.

10:88-1.2 Benefits of Families First

(a) EBT, as applied to public assistance programs, has several benefits.

1. EBT eliminates the need to print checks, ATPs, and food stamp coupons.
2. EBT minimizes fraudulent activities related to the trafficking of food stamps, as well as mail losses.

3. EBT provides for a better accountability in the reconciliation of payments.
4. EBT facilitates the recipient's access to his or her benefits.
5. EBT lessens the stigma associated with the utilization of food stamp coupons.

10:88-1.3 Authority

(a) The operation of a public assistance EBT system is authorized by both Federal regulation, and State statute.

(b) The operation of the Families First Program in New Jersey has been approved by both the USDA, and the United States Department of Health and Human Services (USDHHS).

(c) Section 1729 of the Mickey Leland Memorial Domestic Hunger Relief Act (P.L. 101-624) established regulatory guidelines under which state agencies must operate EBT systems in the Food Stamp Program. That law is reflected in Federal regulations at 7 CFR 274.12 (issued in Federal Register No. 57, Vol. 63, dated April 1, 1992).

(d) The USDHHS Administration for Children and Families (ACF) Transmittal No. ACF-AT-91-28 (issued on September 6, 1991) established guidelines under which a state agency must operate an EBT system with its AFDC Program.

(e) The Families First Program is authorized in New Jersey Statute by N.J.S.A. 44:10-5.2.

10:88-1.4 Mandatory participation

The public assistance recipient receiving benefits from a LWA participating in Families First is required to receive benefits through the Families First Program. A recipient who does not comply with the requirements to receive his or her benefits through the Families First Program will be issued benefits, but will not be able to access them. Accessing benefits requires that the recipient has an active Families First Card.

10:88-1.5 Properties of Families First accounts

(a) Each Families First account has the following properties:

1. If otherwise entitled, each case shall have one account for cash benefits, and one account for food stamp benefits.
2. A Families First account shall be non-interest bearing.
3. Retailers shall not impose a minimum purchase amount to use a Families First card.

4. Account balances which are not used by a recipient in the month of issuance shall be carried forward into the following month. The accounts shall be accessed periodically, however, in order to avoid account Aging, as described at N.J.A.C. 10:88-4.

5. Account amounts shall include both dollars and cents.

6. A recipient shall not use the account to "borrow" against a future month's benefit.

Amended by R.1999 d.126, effective April 19, 1999.
See: 30 N.J.R. 2415(a), 31 N.J.R. 1065(a).

In (a)3, substituted "Retailers shall not" for "The recipient shall not pay any fees or penalties for use of the account, nor shall retailers" at the beginning.

10:88-1.6 Definitions

The following words and terms, when used in N.J.A.C. 10:88, shall have the following meanings, unless the context clearly indicates otherwise.

"AFDC" (Aid to Families with Dependent Children) means the Federal program which provides cash payments to families with children, based on certain eligibility criteria.

"Aging" means the procedure of terminating a household's Families First account, and closing the household's public assistance case, when the household has not accessed the Families First account for at least 45 days.

"ACF" (Administration for Children and Families) means the organization within USDHHS which is directly responsible for the administration of the AFDC Program.

"ATM" (Automated teller machine) means a machine installed by a bank, which reads a financial transaction card and permits the cardholder to make banking transactions.

"ATP" (Authorization to Participate) means the paper document which is provided to eligible food stamp households each month, which those households may negotiate to receive food stamp coupons.

"Business day" means Monday through Friday between 8:30 A.M. and 4:30 P.M., but does not include State and County holidays.

"Contractor" means the organization which has contracted with the State to administer the day-to-day operations of the Families First system.

"EBT" (Electronic Benefit Transfer) means a system which uses electronic funds transfer and point-of-sale technologies for the payment of benefits.

"Families First", as well as the "Families First Program", means the method by which public assistance benefits are disbursed in New Jersey through utilization of Electronic Benefit Transfer technology.

“FCS” (Food and Consumer Service) means the organization within USDA which is directly responsible for the administration of the Food Stamp Program.

“Help Desk” means the Families First system operation which assists recipients and retailers in the resolution of problems associated with Families First. The Help Desk is accessed via toll-free telephone numbers.

“LWA” (Local Welfare Agency) means the agency within each political jurisdiction in New Jersey which is responsible for determining eligibility for public assistance programs. In most cases, the LWA will be the county welfare agency (“CWA”).

“POS device” (Point of Sale device) means an electronic magnetic-card swipe reader generally used to make debit or credit card purchases.

“Representation” means the procedure of collecting repayment of a household’s insufficient account balance purchase with the household’s subsequent month’s food stamp allotment.

“USDA” (United States Department of Agriculture) means the Federal department which is responsible for the Food Stamp Program.

“USDHHS” (United States Department of Health and Human Services) means the Federal department which is responsible for the AFDC Program.

SUBCHAPTER 2. RECIPIENT TRAINING

10:88-2.1 Purpose of recipient training

The purpose of recipient training is to enable recipients to personally perform Families First transactions, and to obtain account balances.

10:88-2.2 Training responsibilities

(a) The LWA which provides benefits to the recipient shall be primarily responsible for training the recipient on EBT card usage and procedures.

(b) During a LWA’s initial conversion of its public assistance caseload to the Families First Program, the State’s contractor that is administering the Families First Program’s automated account network shall conduct recipient training. After caseload conversion, the LWA shall assume full responsibility for Families First recipient training.

(c) EBT training for each payee shall be performed before the recipient is issued a Families First card.

10:88-2.3 Card issuance

(a) At the time that a LWA certifies an individual’s eligibility to receive a public assistance benefit, the State’s automated casefile and issuance system (Family Assistance Management Information System—FAMIS) shall create a Families First account for that individual on the Families First automated account network.

(b) The LWA shall either mail an appointment letter to the recipient, or contact the recipient directly to schedule the training session for Families First.

(c) The payee shall receive training on the following items:

1. What Families First is;
2. The day of the month when benefits shall become available on Families First for the recipient’s use;
3. How the card shall be used to obtain food stamp and cash benefits;
4. How to obtain account balances;
5. How to care for the Families First card;
6. Where the card may be used;
7. How to maintain the security of the recipient’s Personal Identification Number (PIN);
8. How to contact the Families First Help Desk via a toll-free telephone number if there is any problem;
9. Families First card replacement fees;
10. Transaction fees for the fourth and subsequent cash withdrawal from an ATM in a calendar month; and
11. The “Aging” process, as specified in N.J.A.C. 10:88-4.2 and 4.3.

(d) Each payee shall be required to select a four-digit PIN. The PIN serves as the payee’s electronic signature when performing Families First transactions. The LWA shall emphasize that the payee needs to maintain the security of the PIN.

(e) In no event shall Families First cards be mailed to payees.

Amended by R.1999 d.126, effective April 19, 1999.
See: 30 N.J.R. 2415(a), 31 N.J.R. 1065(a).
In (c), added 9 through 11.

SUBCHAPTER 3. CARD UTILIZATION

10:88-3.1 Obtaining benefits

(a) In Families First, each household shall receive its public assistance benefits by using its Families First card at a

location authorized to perform Families First transactions. The method by which the payee obtains benefits varies, dependent on whether the benefits are cash or food stamps. While public assistance benefits are accessed with one Families First card, food stamp and cash benefits are maintained within separate accounts in the Families First automated system.

(b) Cash benefits shall be obtained at MAC™ ATMs in New Jersey, and at other State-approved businesses and organizations equipped to conduct Families First transactions. In both situations, the payee shall use his or her PIN in order to obtain cash benefits.

1. After three free cash ATM withdrawals in a calendar month, a \$0.40 transaction fee will be deducted from the recipient's cash account for each subsequent ATM cash withdrawal. No transaction fees will be assessed for transactions at point of sale devices.

(c) Food stamp benefits shall be accessed at food retailers authorized to accept food stamps by the FCS of the USDA. Those retailers are equipped with POS devices which allow each payee to debit his or her Families First FS account by the amount of the food purchase. The payee shall be required to use his or her PIN in order to make a food stamp purchase, unless the retailer's access to validate the transaction is temporarily disrupted. In that case, the retailer shall call the Families First system to obtain an authorization to allow the manual voucher transaction to occur.

(d) Families First cash benefits may be used to purchase food at FCS-authorized retailers who have agreed to accept Families First cash transactions. The amount of cash which can be withdrawn during one transaction, as well as the number of cash withdrawals allowed each month, shall be dependent upon the individual retailer's contract with the State.

(e) Food stamp benefits shall not be converted into cash benefits.

(f) In the event that a retailer cannot access the Families First system to determine whether a household has sufficient funds in the household's Families First account to make a purchase with food stamp benefits, the household shall be allowed to make a \$40.00 maximum purchase per day. In the event that the household had insufficient funds in the account to make that purchase, the retailer shall be reimbursed, and the State's Families First contractor will be allowed to represent the transaction against the household (see N.J.A.C. 10:88-3.8).

(g) Families First transactions which are performed at ATMs or POS devices shall generate receipts containing the date and location of the transaction, the amount of the transaction, and any remaining account balance. Households shall retain each receipt for a minimum of a month from the date of the transaction.

Amended by R.1999 d.126, effective April 19, 1999.

See: 30 N.J.R. 2415(a), 31 N.J.R. 1065(a).

In (b), added 1.

10:88-3.2 Authorized representatives and payees

Each recipient household shall be allowed to designate a maximum of two payees to access cash benefits, and two payees to access food stamp benefits. The household may designate the same individual(s) to access both the household's cash and food stamp benefits. A Families First card shall be issued to each payee, each with its own PIN.

10:88-3.3 Staggered issuance

(a) Public assistance which represent a household's normal monthly assistance shall become available from the Families First account during the first five days of the month. The specific date of availability shall be dependent upon the household's case number, and the individual LWA's staggered issuance procedures. During Families First training, each recipient shall be advised of the day of the month in which each month's benefits shall be available.

(b) While staggered issuance is a method to disburse benefits over the first five days in the month, the establishment of AFDC and food stamp eligibility shall continue to be based upon a calendar month.

10:88-3.4 Non-traditional food retailers

Food stamp recipients shall be able to utilize their Families First card at authorized retailers who are not equipped with POS devices. These types of transactions shall be performed by having the recipient sign a manual debit voucher for the amount of the purchase, which authorizes the retailer to submit the voucher for payment to the Families First Program. The recipient shall receive a copy of the voucher for the recipient's records.

10:88-3.5 Authorized institutions

(a) Drug or alcoholic treatment centers, shelters for battered women, group living arrangements, and non-profit homeless feeding sites that are authorized by USDA to accept food stamps shall be provided with a POS device. Each food stamp household qualified under N.J.A.C. 10:87-3.12 shall be issued its own Families First card that shall be used to purchase meals from the meal provider, with drug or alcoholic treatment centers and group living arrangements acting as authorized representatives.

(b) When a household leaves an authorized institution which acted as an authorized representative, the facility shall immediately notify the LWA. The LWA shall then immediately inactivate the Families First card. The household shall visit the LWA to have any remaining benefits restored, including the issuance and training on the use of a Families First card if the household is still residing in a Families First jurisdiction.

10:88-3.6 Communal dining facilities

Recipients qualified under N.J.A.C. 10:87-3.12 may utilize their Families First food stamp benefits to purchase meals at communal dining facilities. These transactions are performed by having the recipient sign a debit voucher which authorizes the communal dining facility to submit the voucher for payment to the Families First Program. The recipient shall receive a copy of the voucher for the recipient's records.

10:88-3.7 Meals-on-Wheels

Recipients qualified under N.J.A.C. 10:87-3.12 may utilize their Families First food stamp benefits to purchase meals from Meals-on-Wheels. These transactions are performed by having the recipient sign a debit voucher which authorizes Meals-on-Wheels to submit the voucher for payment to the Families First Program. The recipient shall receive a copy of the voucher for the recipient's records.

10:88-3.8 Representation

(a) When there are insufficient funds in the food stamp EBT account to cover a manual Families First transaction, representation of the manual voucher amount shall be permitted under the following circumstances:

1. The manual transaction occurred because the Families First system was inaccessible, and the retailer obtained authorization for the transaction; or
2. The manual transaction occurred because telephone lines were down.

(b) Representation of manual vouchers is not to be permitted when the Families First card or POS device fails, and telephone lines are operational. Manual transactions shall not be utilized to extend credit to a household when the household's account balance is insufficient to cover the planned purchase.

(c) The State shall debit the benefit allotment of a household during the first month following the insufficient funds transaction in the amount of \$50.00. If the household's monthly allotment is less than \$50.00, the State shall debit the account for \$10.00. For each subsequent month, the deduction from the monthly allotment shall be the greater of \$10.00 and 10 percent until the representation is completely repaid.

(d) The State, the State's Families First system contractor, and the LWAs shall identify those households which are subject to representation. The LWAs shall establish the validity of each representation within their jurisdiction, and shall report this to the State's Families First system contractor. The State's Families First system contractor shall then issue representation notices to those households who will be subject to representation, and shall then perform the representation with the next month's benefits.

(e) The State shall ensure that retailers provide notice to households at the time of the manual transaction that representation may occur if there are insufficient benefits in the account to cover the transaction. The statement shall be printed on the paper voucher or on a separate sheet of paper. The State shall also provide notice to the household prior to the month when a benefit allotment is reduced when a representation is necessary. Notice shall be provided to the household for each insufficient transaction that is to be represented in a future month. The notice shall be provided prior to the month it occurs and shall state the amount of the reduction in the benefit allotment.

**SUBCHAPTER 4. INACTIVE ACCOUNTS
(AGING)**
10:88-4.1 Overview

The Families First system shall terminate those Families First cash and food stamp accounts, as well as close AFDC and/or food stamp cases on FAMIS, which have not been accessed for at least 45 days. This process is called Aging. The Aging process is generally the same for AFDC and food stamp cases, with certain specific differences.

10:88-4.2 Aging of food stamp cases

(a) On or about the 13th day of each month, the Families First system shall identify those food stamp Families First accounts that have not been accessed by payees for more than one month.

1. The FSP-907A F-1 or F-1S (English and Spanish versions, respectively), Notices of Expiration of Certification Period, shall be mailed, forewarning the payee that his or her food stamp case shall have its certification period shortened unless the payee either uses his or her Families First food stamp benefits, or contacts the LWA to explain why the household has not used those benefits. The FSP-907A F-1/F-1S shall be received by the household at least 30 days prior to the end of the certification period.

2. The food stamp case shall be closed effective the first day of the following month, and all Families First food stamp benefits shall be Aged unless the payee either contacts the LWA, or accesses the Families First FS benefits.

3. Food stamp benefits shall be Aged from the Families First system on or about the 13th day after the food stamp certification period expires.

Amended by R.1999 d.126, effective April 19, 1999.
See: 30 N.J.R. 2415(a), 31 N.J.R. 1065(a).

In (a), deleted a former 2, recodified former 3 and 4 as 2 and 3, and rewrote the new 2.

10:88-4.3 Aging of WFNJ cases

(a) On or about the 13th day of each month, the Families First system shall identify those WFNJ Families First accounts that have not been accessed by payees for more than one month.

1. If the payee has not accessed his or her WFNJ benefits after two consecutive months, the LWA shall issue a PA-15/PA-15S Adverse Action Notice to the payee, advising that all Families First WFNJ benefits shall be removed if the payee does not access the Families First WFNJ benefits, and that his or her WFNJ case will close unless the payee uses his or her Families First benefits.

2. The WFNJ case shall be closed effective the first day of the following month.

3. The payee shall not be entitled to receive any Aged WFNJ benefits once the WFNJ case is closed due to Aging, which occurs on or about the 13th day after the WFNJ case is closed.

Amended by R.1999 d.126, effective April 19, 1999.

See: 30 N.J.R. 2415(a), 31 N.J.R. 1065(a).

Substituted references to WFNJ for references to AFDC throughout; and in (a), deleted a former 1, recodified former 2 through 4 as 1 through 3, and rewrote the new 1.

10:88-4.4 Cancellation of the Aging process

Prior to the effective date of FAMIS case closure, if a payee contacts the LWA after receiving one of the notices at N.J.A.C. 10:88-4.2 or 4.3, the worker shall determine whether or not the closing of the public assistance case, as well as the Families First account, should be voided. If the termination actions are voided, the LWA shall take action to cancel the Aging process.

10:88-4.5 Obtaining Aged food stamp benefits

The household shall be entitled to receive Aged food stamp benefits for up to one year from the date the benefits were Aged (see N.J.A.C. 10:88-4.2(a)4). If the payee does not request replacement of those food stamp benefits within one year after the benefits were Aged, the benefits shall be expunged and reported back to FCS.

SUBCHAPTER 5. BENEFIT CONVERSION**10:88-5.1 Overview**

Food stamp benefit conversion shall be limited to situations where the household is moving out of a county participating in the Families First Program to a non-Families First jurisdiction.

10:88-5.2 Moving into EBT jurisdiction

If a food stamp household moves from a non-Families First jurisdiction to a Families First jurisdiction, the household shall use any remaining food stamp coupons which were received in the previous jurisdiction at retailers in the Families First county.

10:88-5.3 Moving out of EBT jurisdiction

(a) When a household moves out of a jurisdiction participating in Families First, the household's food stamp benefits shall be converted into benefits which shall be negotiable in the household's new place of residence.

(b) Cash benefits remaining in Families First accounts shall be accessible throughout New Jersey via MACTM ATMs, and thus will not require conversion to cash unless the family moves out-of-state. If the family is moving out of New Jersey, the LWA shall convert the family's Families First cash account balance into a cash payment.

(c) Within one business day of the date of notification to the LWA that a household is moving from a Families First county, the LWA shall cancel the household's Families First account using the client's Families First card, and convert any balance in the household's Families First food stamp account to an ATP, provided that the LWA maintains a coupon inventory on site. For LWAs which do not maintain coupon inventories on location, the conversion time-frame shall be three business days. The recipient shall visit the LWA in order to provide the LWA with his or her PIN and Families First card.

(d) CWAs shall ensure that a recipient has access to a location which shall transact the ATP into food stamp coupons.

10:88-5.4 Conversion restrictions

The payee shall not have the option of converting its Families First food stamp account to paper-based benefits merely to accommodate the household's convenience.

SUBCHAPTER 6. REPLACEMENT OF BENEFITS AND CARDS**10:88-6.1 Replacement of benefits**

Cash and food stamp benefits shall not be replaced once they are posted to a household's Families First account. Benefits shall be replaced, however, if an ATM does not give the correct amount of cash, or a retailer overcharges the payee.

10:88-6.2 Replacement of lost/stolen EBT cards

(a) Replacement Families First cards shall be made available no later than two business days from the date that the loss is reported to the LWA. Since payees, as part of the card replacement procedure, must visit the LWA's Card Issuance Site (CIS) in order to select a new PIN, it is critical that payees be referred to CIS in an expeditious manner.

(b) A replacement fee shall be collected from food stamp or cash assistance recipients who are issued more than one replacement of a lost or misplaced Families First card within a one-calendar year period. Recipients have the option of paying the card replacement fee in cash or have the fee deducted from their Families First benefits.

1. The schedule of fees for card replacement is as follows:

<u>Card replacement</u>	<u>Fee</u>
First	Free
Second	\$2.00 + repeat training
Third	\$3.00 + repeat training
Fourth or subsequent	\$5.00 + repeat training

(c) The total fee for replacing a non-public assistance (NPA) food stamp recipient's card shall be deducted from food stamp benefits. The total fee shall be deducted from the cash benefits for cash-only cases. For household's receiving both WFNJ assistance and food stamp benefits, the fee shall be divided equally.

Amended by R.1999 d.126, effective April 19, 1999.

See: 30 N.J.R. 2415(a), 31 N.J.R. 1065(a).

Designated the former section as (a); and added (b) and (c).

10:88-6.3 Forgotten PINs

Payees who forget their PINs shall not be required to obtain replacement cards, provided they possess their original cards. Such payees, however, shall be referred to the CIS within two business days to select new PINs.

SUBCHAPTER 8. FISCAL PROCEDURES

10:88-8.1 Food stamp card replacement fees

Collected Families First card replacement fees are to be reported as a refund to the Administrative Account, specifically the Food Stamp Program.

10:88-8.2 Food stamp claims

(a) Households shall be allowed to repay recipient claims using Families First benefits as they are currently able to do with paper food coupons.

(b) Any payments made using Families First benefits should be reported on line 15 of the FNS-209, Status of Claims Against Households report.

(c) CWAs shall ensure that involuntary claims repayments are not deducted from Families First accounts.

(d) The CWA must secure and retain an FNS-135, Affidavit of Return or Exchange of Food Coupons, signed by the household.

(e) CWAs may offset Families First benefits which are about to be expunged against outstanding claims if the CWA is able to secure the household's written permission prior to expunging the benefits from the account. This collection would then be reported on line 15 of the FNS-209 report.

10:88-8.3 Aged Families First cash benefits

Aged Families First cash benefits shall be credited on the CWA's fiscal reports.

SUBCHAPTER 7. (RESERVED)

Subchapter Historical Note

Subchapter 7, Regulation E Demonstration (Hudson County Only), was repealed by R.1999 d.126, effective April 19, 1999. See: 30 N.J.R. 2415(a), 31 N.J.R. 1065(a).

APPENDIX

(RESERVED)

Repealed by R.1999 d.126, effective April 19, 1999.

See: 30 N.J.R. 2415(a), 31 N.J.R. 1065(a).