

CHAPTER 81

PUBLIC ASSISTANCE MANUAL

Authority

N.J.S.A. 44:10-3, Federal Family Support Act of 1988 (P.L. 100-485), 58 FR 49218, 57 FR 30407, 45 CFR 250.30(b)(a), 45 CFR 250.73(e)1 and 255.2.

Source and Effective Date

R.1994 d.429, effective July 25, 1994.
See: 26 N.J.R. 1573(a), 26 N.J.R. 3479(a).

Executive Order No. 66(1978) Expiration Date

Chapter 81, Public Assistance Manual, expires on July 25, 1999.

Chapter Historical Note

Chapter 81, Public Assistance Manual, was filed and became effective prior to September 1, 1969. Chapter 81 was repealed and new rules were adopted as R.1975 d.29. See: 6 N.J.R. 244(a), 7 N.J.R. 105(c). Pursuant to Executive Order No. 66(1978), Chapter 81 was readopted as R.1989 d.496. See: 21 N.J.R. 1795(a), 21 N.J.R. 3006(a). Subchapters 1 through 10, 12 and 14 were amended by R.1991 d.8, effective January 7, 1991. See: 22 N.J.R. 2405(b), 23 N.J.R. 63(b), based on the Family Support Act of 1988 (P.L. 100-485) (54 F.R. 42146).

Chapter 81 was readopted as R.1994 d.429. See: Source and Effective Date. As a part of R.1994 d.429, Subchapter 12, Newark/Camden Teen Progress Demonstration, was repealed effective August 15, 1994. See: 26 N.J.R.1573(a), 26 N.J.R. 3479(a). See, also, section annotations.

Cross References

New Jersey Care, special Medicaid programs manual, scope, see N.J.A.C. 10:72-1.1.

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APPENDIX A REACH HOME APPROVAL CHECKLIST**APPENDIX B AGREEMENT OF COOPERATION****APPENDIX C FORMS: RELATED TO INCOME MAINTENANCE****APPENDIX D FORM R22****SUBCHAPTER 1. PUBLIC ASSISTANCE IN NEW JERSEY****Subchapter Historical Note**

All provisions of this subchapter were filed and became effective prior to September 1, 1969. A new revised subchapter was filed February 11, 1975, as R.1975 d.29 to become effective April 15, 1975. See: 6 N.J.R. 244(a), 7 N.J.R. 105(c). Amendments were filed and became effective March 1, 1976 as R.1976 d.63. See: 8 N.J.R. 69(b), 8 N.J.R. 195(b). Further amendments were filed and became effective December 1, 1977 as R.1977 d.452. See: 9 N.J.R. 367(c), 10 N.J.R. 16(b). Further amendments were filed and became effective September 1, 1979 as R.1979 d.278. See: 11 N.J.R. 280(b), 11 N.J.R. 383(b). Further amendments were filed on an emergency basis effective September 30, 1981 to become operative October 1, 1981 to expire November 30, 1981 and to be readopted December 30, 1981 as R.1981 d.518. See: 13 N.J.R. 759(a), 14 N.J.R. 102(c). This subchapter was readopted, effective August 23, 1984 with amendments to become operative October 1, 1984 as R.1984 d.405. See: 16 N.J.R. 1446(a), 16 N.J.R. 2437(a). See chapter and section levels for further amendments.

10:81-1.1 Purpose and scope

(a) The purpose of this manual is to set forth the policies and procedures necessary for the orderly and equitable provision of public assistance on a Statewide basis. It is binding on the county welfare agencies (CWAs) and enforceable by the Division of Economic Assistance. Questions of interpretation will be resolved by the Division of Economic Assistance.

(b) The community recognizes that the security and welfare of each individual are essential to the security and welfare of the community as a whole. Therefore, it has established, among others, programs of social service and public assistance.

(c) Supplementary services under private auspices are also available in the community. To the greatest extent possible clients should be informed of these services as additional resources, not in lieu of public programs.

(d) Public assistance and social services programs are administered within the framework of Federal and State laws and regulations in accordance with equitable and objective standards. Policy is limited by Federal and State law and is effective only as it is consistent with those laws.

1. A recipient is required to be engaged in work, a work activity, self-directed job search or other work/educational activity as defined in N.J.A.C. 10:86, once it is determined that the recipient is ready to engage in work, or once the recipient has received cash assistance for 24 months (whether or not consecutive), whichever is earlier.

2. Recipients shall be required to engage in work and/or work activities for a minimum of 20 hours and up to a maximum of 40 hours per week except that a recipient who is a full time post-secondary education student in a course of study directly related to employment, shall be required to engage in another work activity for no more than 15 hours a week subject to the recipient making satisfactory progress toward completion of the post-secondary course of study. This requirement supersedes any rule in N.J.A.C. 10:81 or 10:86 that pertains to required hours of participation in work and/or work activities that conflicts with this requirement.

(e) Such assistance and services shall be rendered to all eligible individuals and families in an atmosphere of mutual respect between agency employees and the people they serve. Agencies shall ensure that assistance and services are:

1. Extended in a manner and environment which increases a person's sense of importance, dignity and self-esteem;

2. Designed and administered to respect the human and civil rights of persons applying for or receiving assistance;

3. Provided in the least restrictive, most appropriate setting.

(f) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, enacted August 22, 1996, enacted Federal welfare reform. The new Federal law eliminated the Aid to Families with Dependent Children (AFDC) program and created a Temporary Assistance for Needy Families (TANF) block grant for states to provide time-limited cash assistance. New Jersey's block grant program is established as Work First New Jersey (WFNJ) in accordance with the Work First New Jersey Act, P.L. 1997, c.13, c.14, c.37, and c.38. Pursuant to Public Law 104-193 and P.L. 1997, c.13, c.14, c.37, and c.38, the following provisions pertain to time-limited cash assistance:

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

i. 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.

ii. In the event that a recipient who has received cash assistance as a dependent child or minor parent and later becomes a head of household in the child's or parent's own right for the purposes of receiving benefits, the time during which such dependent child or minor parent had previously received benefits shall not count toward the 60 cumulative month lifetime limit.

2. A recipient's receipt of assistance from Federal TANF block grant funds provided by another state or territory shall count towards the 60 cumulative month lifetime limit, except for an adult recipient as described in (f)2i and ii below.

i. In determining the number of months for which an adult has received assistance, any month during which the adult lived on an Indian reservation or in an Alaskan Native village shall be disregarded if, during the month, at least 1,000 individuals were living on the reservation or in the village and at least 50 percent of the adults living on the reservation or in the village were unemployed.

ii. In determining the number of months for which an adult recipient has received cash assistance, the first 90 days of each period of a temporary disability resulting from injury or illness related to participation in a community work experience program (CWEP) or alternative work experience program (AWEP) shall be exempted from the 60 cumulative month time limit.

3. A recipient shall be exempted from the 60 cumulative month lifetime limit if the recipient is:

i. Over 60 years of age;

ii. The sole parent or other sole caretaker relative of a disabled child or other disabled dependent who must provide full-time care for the disabled child or other disabled dependent;

iii. Permanently disabled, including, but not limited to, a person eligible for disability insurance benefits under Title II of the Federal Social Security Act (42 U.S.C. §§ 401 et seq.) but not to include any period of non-permanent incapacity;

iv. Chronically unemployable (to be defined at a later date); or

v. Subject to domestic violence. As an interim measure, the exemption shall be based on the request of the recipient. An affidavit taken from the recipient indicating that she or he is a victim of domestic violence shall be accepted as documentation that this situation exists.

4. Extensions, as provided in WFNJ statute, are acknowledged and shall be defined at a later date.

Amended by R.1979 d.278, effective September 1, 1979.

See: 11 N.J.R. 280(b), 11 N.J.R. 383(b).

Amended by R.1979 d.426, effective December 1, 1979.

See: 11 N.J.R. 376(b), 11 N.J.R. 560(d).

Amended by R.1989 d.496, effective September 18, 1989.

See: 21 N.J.R. 1795(a), 21 N.J.R. 3006(a).

Emergency amendment R.1997 d.101, effective January 31, 1997 (operative February 1, 1997; to expire April 1, 1997).

See: 29 N.J.R. 701(a).

Inserted (d)1 and (d)2.

Emergency amendment R.1997 d.175, effective March 24, 1997 (operative March 31, 1997; to expire May 23, 1997).

See: 29 N.J.R. 1425(a).

In (d), inserted "Federal and State" preceding "law" and made a conforming change; in(d)2, rewrote the first sentence and added the second sentence; and added (f).

Adopted concurrent proposal, R.1997 d.184, effective April 1, 1997.

See: 29 N.J.R. 701(a), 29 N.J.R. 1511(a).

Provisions of emergency amendment R.1997 d.101 adopted without change.

Adopted concurrent proposal, R.1997 d.261, effective May 23, 1997.

See: 29 N.J.R. 1425(a), 29 N.J.R. 2702(a).

Changes upon adoption effective June 16, 1997.

Case Notes

Cited as example of expression of legislative desire to help the elderly grow old with dignity and independence. *Texter v. Dept. of Human Services*, 88 N.J. 376, 443 A.2d 178 (1982).

County welfare board's discretion is severely restricted by state and federal regulations. *Battaglia v. Union Cty. Welfare Bd.*, 88 N.J. 48, 438 A.2d 530 (1981) certiorari denied 102 S.Ct. 2045, 456 U.S. 965, 72 L.Ed.2d 490 (1982).

10:81-1.2 Opportunity and decision to apply

Any person who believes he or she and his or her children are eligible for public assistance must be given the opportunity to apply without delay. Applicants will be informed about the eligibility requirements and their rights and obligations in applying for and receiving assistance. The decision to apply rests with the applicant. The applicant has the

right to withdraw the application before eligibility or ineligibility has been determined.

Amended by R.1984 d.405, effective September 17, 1984 (operative October 1, 1984).

See: 16 N.J.R. 1446(a), 16 N.J.R. 2437(a).

10:81-1.3 Presumptive eligibility in cases of immediate need

When immediate need is apparent and applicant provides evidence of eligibility by a written statement signed under oath, the director of the county welfare board shall issue a grant effective as of the date of application. (Immediate need is defined in N.J.A.C. 10:81-9.1.)

Cross References

Initial payment, see N.J.A.C. 10:81-4.3.

Case Notes

Gilbert v. Tull, 145 N.J. Super. 53, 366 A.2d 1012, 59 (Law Div.1976) (regulation cited as PAM § 1120).

10:81-1.4 Prompt disposition by county welfare agency

County welfare agency staff shall move with all reasonable speed in accepting, processing and recommending action on applications for assistance. If applicant is eligible, payment shall be issued as soon as need is apparent. The agency's standards of promptness for acting on applications or re-determining eligibility shall not be a basis for delay in granting aid.

Amended by R.1979 d.278, effective September 1, 1979.

See: 11 N.J.R. 280(b), 11 N.J.R. 383(b).

10:81-1.5 Primary source of information

Applicants and recipients are in all instances the primary source of information about themselves and their families. It is the responsibility of the agency to determine eligibility and, as necessary, to secure verification from secondary sources. Such verification information shall be limited to those facts which are essential to establish eligibility and shall be obtained only with the consent of the client. It will be explained to the client that verification is necessary and lack of consent to obtain it will make processing of the application impossible.



(c) Participation services and reimbursement: The services of child care and transportation that are necessary to CWEP participation will be provided as part of the REACH Agreement. In cases where the county selected entity is unable to provide these necessary services, the county selected entity must provide reimbursement for necessary transportation and child care costs that are incurred by the recipient and directly related to participation in CWEP.

1. Transportation costs: Participants shall be reimbursed for transportation costs directly related to their participation by mutual agreement between the CWEP participant and the REACH case manager based on the availability of transportation in that locality.

2. Child care costs: Participants shall be reimbursed for child care costs in such amounts as are determined by the CWA or designee pursuant to Federal regulation to be reasonable, necessary, and cost-effective, or by direct payment to the child care provider. Child care payments shall be made in accordance with N.J.A.C. 10:81-14.18 and 10:82-5.3.

3. Additional \$10.00 CWEP reimbursement: The CWA must provide reimbursement for costs other than transportation and child care that the CWA determines are necessary and directly related to participation in CWEP incurred by the participant. Such costs include clothing and personal care items, materials and supplies and similar expenses related to applying for or accepting employment. For purposes of Federal Financial Participation, this amount shall not exceed \$10.00 per month per participant.

4. Participant's AFDC grant, income and resources: Participants may not be required to use their AFDC grant or their income or resources to pay CWEP participation costs which are within the limits specified as allowable in (c)1 through 3 above.

(d) Participant protection: Workers' compensation or other comparable protection shall be provided for CWEP participants. Workers' compensation shall be provided to those participants performing work for Federal offices or agencies to the same extent as is provided to other CWEP participants in the State. The cost of this protection shall be considered an administrative expense and matched accordingly.

(e) Participation requirements: The following additional participation requirements shall apply to CWEP:

1. Part-time participation: Part-time participation in CWEP combined with other REACH employment-directed activities may be required and negotiated in the REACH Agreement. Part-time CWEP participation is defined as less than 30 hours per week.

2. Maximum monthly participation: No eligible family may be required to participate in CWEP (as employment or training or both) more than the number of hours which

would result from dividing the family's monthly grant amount by the Federal minimum wage. The child support collection assigned to the CWA minus the \$50.00 pass-through, which represents a portion of the recipient's assistance payment, is deducted from the standard allowance (see N.J.A.C. 10:82-1) before computation of the maximum number of hours that the individual is required to participate in CWEP.

3. Coordination of CWEP with other activities: The county must have procedures under which there is coordination among CWEP, the job search program and other REACH employment-directed activities, to ensure that job placement will have top priority over participation in CWEP, and that individuals eligible to participate in more than one program under REACH are not denied AFDC on the grounds of failure to participate in one such program if they are actively and satisfactorily participating in another.

4. Nothing in this section shall be construed as authorizing the payment of AFDC as compensation for work performed nor shall a participant be entitled to a salary or to any work or training expenses provided under any other provision of law by reason of the individual's participation in a CWEP program.

5. CWEP participants who perform work in the public interest for a Federal office or agency shall not be considered for any purpose as Federal employees.

6. CWEP participants who claim "good cause" for refusing or failing to participate in CWEP must meet the criteria set forth at N.J.A.C. 10:81-14.8(b).

7. Reevaluation of CWEP participation: Participation in CWEP shall be reevaluated at least once every three months and at the conclusion of each CWEP assignment by the case manager to determine if CWEP and the specific worksite are still appropriate for that individual. The agency shall provide a reassessment and revision, as appropriate, of the individual's employability plan.

(f) Sponsor requirements: The agency will designate a sponsor to operate each project or, at the agency's option, more than one project. Only public agencies, which include, but are not limited to, Federal offices or agencies, and nonprofit organizations may be sponsors. For purposes of this provision Federal offices or agencies include agencies of the Executive branches of the Federal government, Congressional offices, and Federal courts.

(g) Project requirements: REACH CWEP projects must satisfy all of the following requirements:

1. Serve a useful public purpose in fields such as health and social services, environmental protection, education, urban and rural development and redevelopment, welfare, recreation, public facilities, public safety and day care;

2. Do not result in the displacement of persons currently employed or the filling of established, unfilled position vacancies. This means that CWEP participants may not perform tasks which would have been undertaken by employees or which have the effect of reducing the work of employees. However, CWEP participants may perform the same type of tasks as performed by employees;

3. Are not in any way related to political, electoral or partisan activities;

4. Are not in violation of applicable Federal, State or local health and safety standards, and provide reasonable work conditions; and

5. Have not been developed in response to, or in any way associated with, the existence of a strike, lockout or other bona fide labor dispute, or violate any existing agreement between employees and employers.

(h) Project assignment criteria: Assignment of participants to REACH CWEP projects must conform to the following:

1. Assignments to REACH CWEP projects will take into consideration to the extent possible the prior training, proficiency, experience and skills of a participant;

2. Participants will not be assigned without their consent to projects which require that they travel unreasonable distances from their homes or remain away from their homes overnight; and

3. After an individual has been assigned to a CWEP position for a total of nine months, such individual may not be required to continue in that assignment unless the maximum number of hours of participation is no greater than the family's grant divided by the Federal minimum wage, or the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site, whichever is higher.

i. The portion of a recipient's aid for which the State is reimbursed by child support collection (minus the \$50.00 pass-through) shall be excluded in determining the number of hours that such individual may be required to work.

Amended by R.1988 d.551, effective November 21, 1988.
See: 20 N.J.R. 2222(b), 20 N.J.R. 2916(a).

Substantially amended.

Amended by R.1991 d.8, effective January 7, 1991.
See: 22 N.J.R. 2405(b), 23 N.J.R. 63(b).

In (c)2: added N.J.A.C. 10:82-4.4 reference.

Added text at (e)2, 3, 4, and 7; (g)1 and added new (h)3 and 3i.

Amended by R.1991 d.555, effective November 4, 1991.

See: 23 N.J.R. 2214(a), 23 N.J.R. 3365(a).

Revised text at (c)2 to clarify how payments for child care are made during participation in a REACH/JOBS CWEP component.

Amended by R.1997 d.75, effective February 18, 1997 (operative April 1, 1997).

See: 28 N.J.R. 4321(a), 29 N.J.R. 605(a).

In (c)2, inserted reference to designee.

10:81-14.13 Vocational assessment and counselling

(a) Purpose: Vocational assessment and counselling is intended to assist individuals in exploring their employment options.

1. Vocational assessment and counselling services must be provided in the county's REACH plan.

2. Vocational assessment and counselling is available to all REACH participants. It will primarily be provided to REACH participants who do not have a recent work history or marketable job skills.

(b) Parent with a child under age three: A special vocational assessment and counselling component may be required for any parent who is exempt from participation in REACH/JOBS due to care of his or her child under age three. The REACH/JOBS orientation may be used to satisfy this requirement.

1. Exempt REACH participants will be encouraged to participate in employment and/or employment-directed activities and to develop individual plans for economic self-sufficiency. REACH Agreements developed under this component will conform to N.J.A.C. 10:81-14.4.

2. Services available will include:

i. Basic instruction and counselling in parenting skills and caring for a child's physical and emotional well-being;

ii. Provision of information on the availability of community resources for protection and development of children; and

iii. The identification of future educational, training and employment goals of the parent.

Amended by R.1988 d.551, effective November 21, 1988.

See: 20 N.J.R. 2222(b), 20 N.J.R. 2916(a).

Added text to (b), "The REACH orientation . . ."

Amended by R.1991 d.8, effective January 7, 1991.

See: 22 N.J.R. 2405(b), 23 N.J.R. 63(b).

In (b)1: revised text to "Exempt REACH participants" from "Temporarily deferred."

Amended by R.1994 d.429, effective August 15, 1994.

See: 26 N.J.R. 1573(a), 26 N.J.R. 3479(a).

10:81-14.14 REACH employment and training services

(a) Purpose and scope: REACH employment and training services are designed to provide job training and other preparatory services for REACH participants. Such services include, but are not limited to, instructional skills training, on-the-job training, work experience and retraining. Education or training should be utilized wherever there is potential for upgrading a participant's skills and employment prospects.

1. Training and employment programs allowable under P.L. 97-300 Job Training Partnership Act sections 204, 205, 251 and 303 are permissible programs for REACH participation.

2. All occupational training programs funded through REACH will be in accordance with guidelines established by the private industry councils established under the Job Training Partnership Act.

3. REACH funded employment and training programs are intended to supplement, not supplant, existing programs and resources available to the REACH participant.

4. REACH employment and training services will be provided as set forth in the REACH Agreement.

(b) On-the-job training: REACH on-the-job training (OJT) is an employment opportunity which includes training. Under this component, a REACH participant is hired by a private or public employer and provided training which is subsidized under agreement between the employer and the county-designated provider agency. At the end of the OJT as established in contracts between the IV-A agency and the employer, the participant shall be retained by the employer as a regular employee if the individual has made satisfactory progress during the OJT contract period.

1. Employers will provide increased supervision and training through agreements with the provider agency, pursuant to which the provider agency will reimburse the employer for the extraordinary costs of such training and supervision. The agency shall monitor the satisfactory progress of the individual in the OJT assignment for an increase in a participant's skills and competencies.

i. Payments to an employer for on-the-job training shall not exceed 50 percent of the wages paid by the employer to the participant during the period of such training.

2. For purposes of AFDC benefits, REACH OJT participants are considered to be employed. However, REACH OJT participants shall be required to complete the OJT agreement period and are considered mandatory REACH participants during the agreement period.

3. A participant in OJT shall be compensated by the employer at the same rates, including benefits and periodic increases, as similarly situated employees or trainees and in accordance with applicable law but in no event less than the Federal minimum wage.

4. Wages paid to participants in OJT are considered to be earned income for purposes of these provisions.

5. If a participant in OJT becomes ineligible for AFDC pursuant to the rules applicable to earned income or pursuant to the 100-hour rule in the case of a principal earner in an AFDC-F case, he or she shall remain a REACH participant for the duration of the OJT contract.

i. If the family loses AFDC eligibility, they may be eligible for appropriate supportive services available to individuals with earned income (including the JOB and CAR allowances). Transportation costs shall be paid from the \$90.00 work expense disregard.

ii. Child care benefits may continue to the end of the OJT contract period. If the family loses AFDC eligibility while participating in OJT; the individual would continue participating in the OJT, however, child care payments after loss of AFDC eligibility shall be treated as transitional child care benefits if the individual meets those requirements set forth in N.J.A.C. 10:81-14.18. After fulfilling the OJT contract, the family shall be eligible for transitional child care benefits for the number of months remaining in the 12-month transitional child care period.

iii. When the family loses eligibility for AFDC, they may be eligible for extended Medicaid. Post-AFDC Medicaid coverage shall begin with the first month subsequent to the loss of AFDC eligibility subject to timely and adequate notice requirements. Individuals participating in OJT are eligible for Medicaid so long as the individual remains eligible for AFDC.

6. Eligibility for REACH OJT is dependent on the participant's previous knowledge and/or experience in the specific job position under consideration.

(c) Vocational training: Vocational training is a component involving institutional or other classroom training conducted by an instructor in either a worksite or non-worksite setting.

Amended by R.1988 d.551, effective November 21, 1988.

See: 20 N.J.R. 2222(b), 20 N.J.R. 2916(a).

Amended by R.1991 d.8, effective January 7, 1991.

See: 22 N.J.R. 2405(b), 23 N.J.R. 63(b).

In (b): added text regarding the employer's retaining the OJT participant at the end of the OJT. Added text at (b)1 and new (b)1i. Added new (b)3-5iii.

Amended by R.1997 d.75, effective February 18, 1997 (operative April 1, 1997).

See: 28 N.J.R. 4321(a), 29 N.J.R. 605(a).

In (b)5ii, substituted "transitional child care" for "post-AFDC child care".

10:81-14.15 REACH educational services

(a) Purpose and scope: REACH offers certain educational services directly. Other educational programs, although not offered directly through REACH, may nevertheless be a component of the REACH Agreement, and as such may satisfy REACH participation requirements. The need for educational services will be determined during assessment.

(b) The following educational services are available through the REACH program:

1. Preparatory educational services: Preparatory educational services are those designed to remedy educational deficiencies and to provide a REACH participant with the basic skills for entry to the labor market. A high school diploma, ability to speak and understand the English language, literacy, and minimum competency in basic mathematics and writing skills are desirable for

increasing employability potential. Preparatory educational services include the following:

i. Programs for completion of a high school education or the equivalent, such as a General Educational Development (G.E.D.) certificate, available to individuals who lack a high school education;

ii. English as a Second Language (ESL) programs for participants who are non-English speaking or who have limited competency in the English language and such competency is needed for the participant to obtain employment; and

iii. Adult Basic Education (ABE) programs for individuals who lack basic competency in reading, writing and mathematics necessary for achieving the basic literacy level or obtaining employment.

(c) Postsecondary education: Postsecondary educational opportunities are those programs at colleges, mostly community colleges, that lead to recognized careers for which there is or will be a demand in the job market. Such programs may be of longer duration than six months, including up to one year or longer in certain circumstances, and will often lead to a recognized college credential, such as a certificate or an associate degree.

1. Financial aid for postsecondary educational services will not be provided by REACH. However, any scholarships, grants or similar financial aid obtained by the participant in conjunction with REACH postsecondary educational services shall be treated in accordance with N.J.A.C. 10:82-1.7 through 1.9 in determining AFDC eligibility and grant amount.

Amended by R.1988 d.551, effective November 21, 1988.

See: 20 N.J.R. 2222(b), 20 N.J.R. 2916(a).

Deleted the word "directly" from (b).

Amended by R.1991 d.8, effective January 7, 1991.

See: 22 N.J.R. 2405(b), 23 N.J.R. 63(b).

In (b)1iii: added phrase "... achieving the basic literacy level or ..." to ABE text.

Case Notes

REACH participant could not pursue four-year college degree. A.D. v. Morris County Board of Social Services, 92 N.J.A.R.2d (DEA) 25.

10:81-14.16 Social services

(a) Social services as related to REACH participation are intended to address problems such as substance abuse (including alcohol and narcotic abuse) or behavioral problems that may prevent or seriously impair an individual's ability to participate in the REACH program. Examples include mental health services, vocational rehabilitation, drug and alcohol treatment programs, and health care.

(b) Participation: Acceptance of social services is optional. For the period the individual is receiving these services or participating in treatment programs, he or she will be deemed to be complying with REACH program requirements.

1. If an individual does not accept these services or stops participating in a treatment program, the individual will not be subject to sanctions at N.J.A.C. 10:81-14.8. In such instances, the individual will be required to participate in the next activity set forth in the REACH Agreement.

10:81-14.17 REACH supportive services: general provisions

(a) Purpose and scope: The agency shall pay for or reimburse the costs of transportation and other work/training-related supportive services through REACH, if the case manager or designee pursuant to Federal regulation determines that such services are not provided through existing resources and those services are necessary for an individual to participate in REACH. REACH supportive services are intended to supplement, not supplant, existing programs and resources available to the REACH participant. The services set forth at N.J.A.C. 10:81-14.18 through 14.20 are available to support REACH participation in employment and employment-directed activities (including the initial assessment of employability) under the principle of mutual obligation.

(b) Need for services: In determining need for the services, the participant will be encouraged to use all sources already available to him or her. The case manager will determine the projected need for support services based on the participation requirements in employment and employment-directed activities set forth in the REACH Agreement. The services available through the participant's sources will be compared to the projected service needs. Services will be available for child care, transportation and related expenses, and post-assistance medical coverage where the participant's resources do not provide the support needed for participation in REACH.

(c) Payment for services: In determining source of payment for the support services, the principle of REACH as payor of last resort will apply.

(d) Unavailability of support service: If a support service needed for participation in REACH is not available, the case manager shall proceed according to N.J.A.C. 10:81-14.4(i).

Amended by R.1991 d.8, effective January 7, 1991.

See: 22 N.J.R. 2405(b), 23 N.J.R. 63(b).

In (a): revised REACH purpose and scope for supportive services.

Amended by R.1997 d.75, effective February 18, 1997 (operative April 1, 1997).

See: 28 N.J.R. 4321(a), 29 N.J.R. 605(a).

In (a), inserted reference to designee.

10:81-14.18 REACH/JOBS support services: child care

(a) General provisions: The general provisions in this subsection apply to all child care benefits available through the REACH/JOBS program including transitional child care benefits.

1. Availability of REACH child care benefits and transitional child care benefits: To the extent that such child care is necessary to permit an AFDC eligible family member to accept employment, to remain employed, to participate in a REACH employment-directed activity (including job search by an AFDC applicant) or to complete the initial assessment of employability, REACH child care is available based on the individual needs of each family.

i. REACH child care benefits and transitional child care benefits are guaranteed for the following children:

(1) A child who is under age 13; or is physically or mentally incapable of caring for himself or herself, based on a determination by a physician or a licensed or certified psychologist, as verified by the county or county welfare agency based on a determination by a physician or a licensed or certified psychologist; and who would be a dependent child, if needy;

(2) A child age 13 or older, as determined on a case by case basis, due to extenuating circumstances (for example, environmental conditions or maturity level of child), which shall be documented in the case record, through State funds only;

(3) A child who would be a dependent child except for the receipt of benefits under Supplemental Security Income under Title XVI or foster care under Title IV-E; and

(4) A child who meets the requirements of (a)1i(1), (2) or (3) above but who is excluded from the eligible unit for cash assistance purposes in accordance with N.J.A.C. 10:81-3.8(c) and who would otherwise be a dependent child.

ii. Payments through the REACH program for child care shall not be made for care provided by the child's own parents, legal guardians, or members of the participant's AFDC family unit (including essential persons) whose needs are met through AFDC benefits on the basis of their responsibility of caring for the child(ren).

2. Child care arrangements: The case manager or designee pursuant to Federal regulation, the participant, and the county based child care entity will mutually arrange for child care for the REACH participant's child(ren) while the individual is employed or participating in an employment-directed activity, as set forth in the REACH Agreement. Additional responsibilities of the case manager and county based child care entity are set forth in (h) and (i) below.

i. Child care arrangements shall be in the best interests of the child and shall consider the individual needs of the child, including the reasonable accessibility of the care to the child's home and school, and the appropriateness of the care to the age and special needs of the child.

ii. Child care arrangements shall be agreeable to the participant and located within reasonable commuting distance from the participant's home, place of employment or site of employment-directed activity. The hours provided or claimed for reimbursement are reasonably related to the hours of participation or employment and shall be sufficient to accommodate the hours required by the employer or employment-directed activity.

iii. The entity providing child care shall allow parental access.

iv. Child care arrangements shall meet applicable standards of State and local law.

3. County responsibilities: Each county, as delegated to the case manager or county based child care entity, shall:

i. Inform families requesting REACH child care benefits of their rights and responsibilities;

ii. Respond to a request for REACH child care benefits within a reasonable period of time; and

iii. Assist the caretaker relative to explore all types of child care arrangements authorized for payment through the REACH program (that is, licensed child care centers, registered family day care homes, in-home care, school-age child care programs, and summer camps) and provide the caretaker relative the opportunity to choose his or her child care arrangement from those available options, including those other programs for which the caretaker relative or child may be eligible under (a)4 below.

4. Required coordination: Each county shall coordinate REACH/JOBS child care activities and transitional child care with existing child care resource and referral agencies; with early childhood education programs in the county, including Head Start programs, preschool programs funded under Chapter 1 of the Education Consolidation and Improvement Act of 1981 (P.L. 97-35), school and nonprofit child care programs (including community-based organizations receiving funds designated for preschool programs for disabled children); and with Federal and/or State demonstration programs, such as the Good Starts program and the REACH Capital Expansion Program.

5. Hearings and notices: AFDC applicants and recipients are entitled to hearings and notices under the provisions at N.J.A.C. 10:81-6, 10:81-7, 10:81-14.7 and 10:90-2.5 on issues concerning the appropriateness of, denial of, prompt issuance of, or intended actions to

discontinue, terminate, suspend or reduce REACH child care benefits.

i. Changes in the manner of payment are not subject to timely notice requirements unless they result in a discontinuation, suspension, reduction or termination of benefits, or they force a change in child care arrangements.

ii. The provisions of N.J.A.C. 10:81-6.9 regarding aid paid pending a hearing do not apply. Therefore, if the individual had been receiving REACH child care benefits and is awaiting a hearing concerning those benefits because such benefits were reduced, he or she is not entitled to receive REACH child care benefits at the prior unreduced level. Benefits shall continue at the determined reduced level pending the hearing. If the individual had not been receiving any child care benefits and is awaiting a hearing due to nonreceipt of child care benefits, he or she is not entitled to receive any REACH child care benefits pending the hearing.

6. Refusal of REACH child care and transitional child care benefits: A mandatory REACH participant may refuse available appropriate REACH child care or transitional child care benefits, if the participant can arrange other child care or can show that such refusal will not prevent or interfere with participation in REACH or employment.

i. Inference of refusal of REACH child care benefits: Refusal of REACH child care benefits may be inferred if the participant does not select a child care provider within one month of the date the participant and the case manager or county based child care entity, as appropriate, evaluate the participant's child care needs and preference of providers and made referral(s) to appropriate child care provider(s).

ii. Inference of refusal of transitional child care: Refusal of transitional child care may be inferred if the participant does not request transitional child care benefits, that is, fails to respond to Form R-10, REACH Benefit Letter; does not provide the information necessary for determining eligibility and fee amount, including verification of earnings; does not sign a REACH Agreement for the period of transitional child care; or, does not report participation in post-AFDC REACH activities.

iii. Documentation: Refusal of REACH child care benefits and transitional child care benefits shall be documented in the case record.

iv. In instances where refusal of child care is disputed, it is the responsibility of the county based child care entity or case manager, as appropriate, to show that referrals for appropriate care were made, and it is the responsibility of the participant to show that he or she complied with the referrals timely and in good faith (see N.J.A.C. 10:81-14.18A and 14.18B).

7. The county or designee pursuant to Federal regulation shall take reasonable precautions to guard against fraud and abuse in the funding and provision of REACH child care benefits, including following the provisions of N.J.A.C. 10:81-7.40.

(b) Payment for the cost of child care to support participation is established by the Department of Human Services.

1. When child care that is in the best interests of the child has been arranged, the case manager or designee pursuant to Federal regulation has the responsibility to determine eligibility and authorize payment for the child care that will obtain the maximum Federal financial participation for the particular employment-directed activity. In determining payment of the cost of child care, the following sequence will be applied:

i. The participant's own sources of child care involving no REACH child care payment;

ii. Federally-matched child care costs while an individual is participating in REACH job search, work supplementation, and community work experience programs;

iii. Federally-matched child care costs while an individual is participating in training for employment or in a program of vocational rehabilitation;

iv. The participant's funds for the amount of the required transitional child care co-payment (see (e) below); and

v. State REACH funds.

2. Payment for child care using State REACH funds may be made when the participant's own source or Federally matched child care are not available or not sufficient to pay for the cost of child care. The priority of funding sources in (b)lii through v above will be automatically incorporated into every REACH child care payment through fiscal procedures and reporting from the CWA or designee pursuant to Federal regulation to DFD, unless otherwise specified.

3. Effective date: In all counties, REACH child care payments will be available as each begins the operation of the REACH program, as defined by the Department of Human Services. Payment of the required transitional child care fee will be effective for participants becoming ineligible for AFDC on or after April 1, 1990 in accordance with criteria at (e)3i below.

(c) Types of care and payments: REACH/JOBS child care payments are available for care in an infant, toddler, preschool child, school-age child or child with special needs in various types of arrangements, including full and part-time day care and care before and after school. The Statewide rates for REACH/JOBS child care payments are set forth at N.J.A.C. 10:82-5.3(g) and are also available from the Department of Human Services, CN 700, Trenton, NJ 08625, or the local Division of Youth and Family Services District Office or the county welfare agency.

1. "Special needs" is defined as serious physical, emotional, mental or cognitive conditions for which day care is recommended as part of a treatment plan.

i. Records of children referred because of special needs situations shall contain documentation of the result of a standardized developmental or psychological test given by a certified individual, written verification by a physician identifying and delineating the special needs of the child, or documentation by the case manager, approved by the case management supervisor, attesting to a child's special social or emotional needs.

2. Care during summers and school vacations: Payment for care of school-aged children, which is normally limited to part-time or after school care during the school year, shall be made at the full-day rates during summer vacations and recognized vacations and holidays during the school year, for example, Christmas, spring vacation, and so forth.

3. Costs of transportation: Payment in addition to the REACH/JOBS training-related expenses allotment may be made for the cost of transportation of a child to and from a day care center in accordance with N.J.A.C. 10:82-5.3(c)3.

(d) Duration of payment: REACH/JOBS child care benefits are routinely available to participants for participation in a REACH/JOBS employment-directed activity; for a limited time to bridge the period between participation in REACH/JOBS employment-directed activities or between a REACH/JOBS employment-directed activity and employment; for the post-employment period after commencement of employment that does not result in ineligibility for AFDC, that is, while a participant is employed and receiving AFDC, as a direct payment to supplement as necessary, child care paid by the participant as required by the Social Security Act (see (g)4 below); and, after the commencement of employment that results in ineligibility for AFDC, one year transitional child care, subject to payment of transitional child care co-payment.

1. Transitional child care: The transitional child care period shall start with the first week in which a participant is employed and receiving AFDC and shall expire when the participant is either ineligible for AFDC for reason other than sanction or penalty or is no longer employed. State REACH funds shall be used for child care costs of REACH/JOBS employed individuals. Such payments may be made as direct payment of child care costs or, as supplemental payments for families using the disregard process if the costs of child care exceed the Federal child care disregard limits set forth at N.J.A.C. 10:82-2.8(a). Payment is made only when the care is provided through a REACH/JOBS authorized child care arrangement (see (f) below).

i. If an employed participant becomes ineligible for AFDC for a reason other than a sanction or similar penalty for noncompliance with AFDC program re-

quirements, the participant shall be eligible for payment of child care through the REACH program for the one year transitional child care period while the participant is employed, subject to (e)3 below.

2. Transitional child care: Duration of transitional child care benefits is set forth in (e)4 below.

3. Bridge child care payments: For a participant who is waiting to enter a REACH employment-directed activity or to start employment, REACH child care benefits are available to bridge the period between REACH activities:

i. For a period not to exceed two weeks; or

ii. For a period not to exceed one month (defined as five weeks to accommodate calendar months of up to 31 days for operational purposes) where child care arrangements would otherwise be lost and the subsequent activity is scheduled to begin within that period.

4. Transitional support services for working families: Payment for child care after the one year transitional child care period may be available from the REACH program, as transitional support services for working families, subject to availability of State funds. Duration of payment and eligibility for transitional support services shall be based on criteria established by the Department of Human Services, and may include mandatory verification of income, size of household or family, shelter costs and similar factors.

(e) Transitional child care pertains to child care available to families whose eligibility for AFDC has ceased due to increased earnings, increased hours of employment (including new employment) which result in increased earnings, or as a result of the loss of earned income disregards due to the expiration of time limits at N.J.A.C. 10:82-4.

1. Availability of transitional child care: Transitional child care is available to the extent that transitional child care is necessary to permit a member of an AFDC family to accept or retain employment.

i. Transitional child care is guaranteed for the following:

(1) A child who is under age 13; or is physically or mentally incapable of caring for himself or herself, as verified by the county or county welfare agency, based on a determination by a physician or a licensed or certified psychologist; or under court supervision, and who would be a dependent child, if needy; and

(2) A child who would be a dependent child, except for the receipt of benefits under Supplemental Security Income under Title XVI or foster care under Title IV-E.

ii. Transitional child care is available for a child age 13 or older, determined on a case by case basis.

iii. Transitional child care is available for a child who meets the requirements of (e)1i or ii above but who is

excluded from the eligible unit for cash assistance purposes in accordance with N.J.A.C. 10:81-3.8(c) and who would otherwise be a dependent child.

2. Notice of potential eligibility for transitional child care: The county welfare agency or designee pursuant to Federal regulation must notify orally, as appropriate, and in writing all families whose AFDC eligibility has been or will be terminated due to the reasons in (e)3i below, of their potential eligibility for transitional child care benefits by Form R-10, REACH Benefit Letter. Form R-10 advises a family who loses or may lose AFDC eligibility due to income from employment, of potential eligibility for transitional child care and extended Medicaid benefits (see N.J.A.C. 10:81-14.20), and asks the family to request such benefits by contacting the REACH case manager or designee pursuant to Federal regulation whose name and telephone number are included in the letter. Form R-10 includes the steps the family must take to establish eligibility for transitional child care benefits and their rights and responsibilities with regard to those benefits.

3. Eligibility for transitional child care: A family is eligible for transitional child care provided the following conditions are met:

i. The family must have ceased to be eligible for AFDC as a result of increased hours of, or increased income from employment, including earnings from new employment, or the loss of earned income disregards, due to the time limitations at N.J.A.C. 10:82-4;

ii. The family must have received AFDC in the month preceding the first month of ineligibility (although Federal financial participation for transitional child care payments is available only if the family received AFDC in at least three of the six months preceding the first month of ineligibility);

iii. The family requests transitional child care benefits and provides the information necessary, including verification of earnings, for determining eligibility and fees;

iv. The participant signs a REACH Agreement covering the period during which the child care is to be provided;

v. The participant cooperates in post-AFDC activities set forth in the Agreement;

vi. The family pays the required co-payment, if the family ceased to be eligible for AFDC on or after April 1, 1990; and

vii. The family complies with REACH program requirements to report participation in post-AFDC activities.

4. Period of eligibility for transitional child care: Notwithstanding when the family requests transitional child care, eligibility for transitional child care begins with the first month for which the family is ineligible for AFDC for the reasons at (e)3i above, and continues for a period of 12 consecutive months computed according to (e)4i below. The 12-month transitional child care period shall consist of 52 consecutive weeks, if the participant remains employed and does not receive AFDC during that period of time. Families may begin to receive transitional child care in any month during the 12-month eligibility period.

i. The 12-month transitional child care eligibility period shall begin with the month AFDC is terminated due to income from employment, but no later than the payment month corresponding to the budget month in which the family becomes ineligible due to earnings from employment. If the family fails to report the earnings causing ineligibility, the 12-month eligibility period shall begin with the first month in which the family became ineligible for AFDC.

(1) Example: A participant starts employment and first receives earnings in the January budget month and reports the earning timely in the February processing month. The earnings render the family ineligible for AFDC; assistance is terminated effective for the March payment month. The eligibility period for transitional child care benefits will start on March 1, the effective date of AFDC case closing.

(2) Example: In January a participant starts working and receives earnings that cause ineligibility for AFDC. However, the family does not report the earnings until April. Assistance is terminated effective May 1. The eligibility period for transitional child care benefits will start on January 1, the month in which the family first became ineligible for AFDC due to income from employment.

(3) Example: In January a participant starts working and receives earnings that cause ineligibility for AFDC but fails to report the earnings to the CWA. In May the agency discovers the unreported earnings and terminates assistance for June, effective June 1. The eligibility period for transitional child care benefits will start on January 1, the month in which the family first became ineligible for AFDC due to income from employment.

(4) Example: In February an AFDC recipient voluntarily requests that the AFDC case be closed. The agency processes the request and terminates assistance for March, effective March 1. It is later determined that the recipient has been and is currently employed, and the earnings would have rendered the family ineligible for AFDC starting in January. If the individual applies for transitional child care benefits, the eligibility period for transitional child care benefits will start on January 1, the month in which the family first became ineligible for AFDC due to income from employment.

- ii. Only weeks during which the participant is employed and not receiving AFDC shall be counted toward the 12-month transitional child care period. Employment shall be presumed unless the participant reports otherwise.
5. Ineligibility for transitional child care: The family is not eligible for transitional child care for any remaining portion of the 12-month period if the caretaker relative:
- i. Terminates employment without good cause, as defined at N.J.A.C. 10:81-14.8(b);
 - ii. Fails to cooperate with the county welfare agency or designee pursuant to Federal regulation in establishing payments and enforcing child support obligations; or
 - iii. Fails to pay required co-payment (see (e)7iii below).
6. Reestablishing eligibility for transitional child care: If the caretaker relative loses a job with good cause, and then finds another job, the family can qualify for the remaining portion of the 12-month transitional child care eligibility period.
- i. If the family reestablishes AFDC eligibility during this period, it may qualify for a new 12-month period of transitional child care. To be eligible for a new 12-month period, the family must have received AFDC in at least three of the six months preceding the first month of ineligibility for AFDC, and must satisfy all other conditions of eligibility at (e)3 above.
7. Co-payment requirement for transitional child care: Each family receiving transitional child care is required to contribute a co-payment toward the cost of such care.
- i. Co-payment scale: A co-payment scale established by the Department of Human Services will provide for some level of contribution by all recipients of transitional child care. The co-payment scale shall consider: family income, family size, number of children, and number of children in care. The co-payment scale is set forth in N.J.A.C. 10:81-14.18A.
 - ii. Collection of co-payments: Pursuant to requirements established by the Department of Human Services, each county must establish methods and procedures for the collection of co-payments, and may vary the period of collection for different fee levels. The requirements for co-payments collection are set forth in N.J.A.C. 10:81-14.18B.
 - iii. Failure to pay the required co-payment: Individuals who fail to cooperate in paying the required co-payments will, subject to appropriate notice and hearing requirements, lose eligibility for transitional child care benefits for so long as back co-payments are owed, unless satisfactory arrangements are made to make full payment.

8. Refusal of transitional child care: A mandatory REACH participant may refuse available appropriate transitional child care if the participant can arrange other child care or can show that such refusal will not prevent or interfere with employment.

- i. Inference of refusal: Refusal of transitional child care may be inferred if the participant does not request transitional child care benefits, that is, fails to respond to Form R-10 by the end of the first month of AFDC ineligibility; does not provide the information necessary for determining eligibility and fee amount, including verification of earnings; does not sign a REACH Agreement for the period of transitional child care; or, does not report participation in post-AFDC REACH activities.

9. Notice and hearings for transitional child care: Provision of transitional child care benefits is subject to timely and adequate notice and hearing requirements at N.J.A.C. 10:81-6, 10:81-7, and 10:90-2.5 (also see N.J.A.C. 10:81-14.7).

- i. Timely and adequate notice must be given if transitional child care benefits are reduced, discontinued or suspended due to nonpayment of the co-payment; or if a change in the manner of payment results in a discontinuance, suspension, reduction or termination of benefits; or forces a change in child care arrangements.

- ii. Timely and adequate notice is not required for a change in the manner of payment that does not result in an action in (e)9i above.

(f) Provider requirements: REACH/JOBS payments to providers of child care are available according to the following conditions:

1. Child care centers: To qualify for REACH child care payments, a child care center or program shall meet one of the following requirements as set forth at N.J.A.C. 10:122, Manual of Requirements for Child Care Centers, (see also N.J.A.C. 10:15A-1.3(b)):

- i. Centers providing care for infant, pre-school and school-age children up to age 13 years, which meet the definition of a child care center shall be licensed by DYFS, Bureau of Licensing or shall have a letter of exemption from DYFS, Bureau of Licensing; or shall be operated under the auspices of the public school system; or

- ii. Summer camps shall be approved by the New Jersey Department of Health and Senior Services pursuant to N.J.S.A. 26:12-1 et seq. and N.J.A.C. 8:25.

2. Family day care providers—registered homes: All family day care providers who serve three or more nonsibling children must be registered pursuant to the Family Day Care Provider Registration Act (see N.J.A.C. 10:126) in order to qualify for payment through the REACH program for child care provided to children of REACH participants.

i. Family day care providers of one or two children may choose to register under the Family Day Care Provider Registration Act or to provide family day care as an approved home.

ii. Payment shall be made to the provider who has secured a temporary registration certificate, as defined by rules promulgated under the Family Day Care Provider Registration Act.

3. Family day care providers—approved homes: Providers of family day care who are not living in the home of the REACH/JOBS participant and who are not registered under (f)2 above shall be approved by the Department of Human Services in order to qualify for payment through the REACH/JOBS program. Unregistered relatives, friends or neighbors are eligible for approved home status.

i. The minimum requirements for approval of the home are an inspection of the home using the "Self-Arranged Care Inspection and Interview Checklist" (see Appendix A, incorporated herein by reference), and standard interview procedure with the provider and family members.

ii. As an approved home, providers may receive payment for a maximum of two nonsibling children or of all the sibling children of one family.

4. Providers of in-home care: Providers of in-home care, that is, care of a REACH/JOBS participant's children in the participant's own home, shall be evaluated using the "Self-Arranged Care Inspection and Interview Checklist", in order to qualify for payment through the REACH/JOBS program.

5. Providers of child care not in the categories (f)1 through 4 above are not entitled to payment through the REACH/JOBS program for child care provided to children of REACH/JOBS participants.

(g) Payment procedures: REACH/JOBS funds are expended for child care as direct vendor payments to providers or as direct payments to participants.

1. Vendor payments: Vendor payments to providers are the primary method for issuing child care payments in REACH/JOBS. Under this method, a voucher is issued to the child care provider. The provider completes the voucher, indicates appropriate attendance code for the child and payment required, and returns it to the agency responsible for issuing payment. Upon verification of the voucher information, the agency issues a REACH/JOBS child care payment to the provider. The agency shall only issue payment to a child care provider for vouchers which have been received no later than 60 days from the end of the designated service period or from the date of issuance, whichever is later. Failure to submit completed voucher forms for receipt by the county agency within the established timeframe shall result in loss of payment to the child care provider for services claimed on the voucher.

2. Direct payment to participant: In exceptional or emergency situations, payment for child care provided may be made directly to the participant. As with the child care voucher, payment is issued upon verification of the child's attendance and care provided.

3. Special payments for child care: Payments for child care at other than the standard payment rates may be made for special circumstances such as, emergency needs, drop-in care and approved interim care, as deemed appropriate by the case manager.

4. Employed REACH/JOBS participants receiving AFDC-C or -F: The preferred method of payment of REACH/JOBS child care benefits for employed AFDC-C or -F REACH/JOBS participants shall be by direct vendor payment to authorized providers of service that meet those requirements set forth in (f) above.

i. When the REACH/JOBS participant reports the start of employment, the income maintenance worker shall determine eligibility for AFDC prospectively by deducting the work expense disregard and the applicable \$30.00 and one-third disregard as set forth at N.J.A.C. 10:82-2.8 and 4.4. Additionally, actual expenditures made by the REACH/JOBS family for care of an incapacitated adult living in the AFDC-C or -F household shall be disregarded in the eligibility determination and benefit calculation up to a maximum of \$175.00 per month per incapacitated adult during full-time employment of the REACH/JOBS participant, or up to \$135.00 per month for part-time employment (see N.J.A.C. 10:82-2.8). Cost of care of the incapacitated adult remains the responsibility of the REACH/JOBS family; no supplemental monies for incapacitated adult care are provided through REACH/JOBS in excess of the disregard limits. Such adult care costs if incurred by the family shall always be disregarded regardless of the method of payment of REACH/JOBS child care costs. No disregard shall be applied in the prospective eligibility determination for REACH/JOBS child care purposes (except as delineated in (g)5 below) as those costs are made by direct vendor payment by the agency.

ii. If the employed REACH/JOBS family remains prospectively eligible for AFDC, the costs of REACH/JOBS child care shall not be disregarded in the computation of the family's AFDC assistance benefit except in situations as delineated in (g)5 below. The income maintenance worker shall explain to the participant that actual REACH/JOBS child care costs shall be paid directly to the child care provider.

iii. For participants in Work Supplementation, the child care disregard and payment of child care shall be handled in accordance with N.J.A.C. 10:81-14.11(g) and 14.21(d).

iv. The income maintenance worker shall inform the case manager or designee pursuant to Federal regulation verbally and in writing via Form R-3, REACH Referral Form, or a similar agency developed form, of the participant's eligibility status. The worker shall file a copy of the R-3 (or agency form) in the AFDC case record and forward two copies to REACH case management for filing in the REACH case record and distribution to the county based child care entity. The income maintenance worker, case manager, and county based child care entity must work together to ensure timely receipt by the provider, of the REACH transitional child care payment.

v. If the family is prospectively ineligible for AFDC due to the earnings from employment, the AFDC case will be closed and the participant referred for transitional child care benefits in accordance with (e) above.

(1) The period of eligibility for transitional child care is set forth in (e)4, 5 and 6 above.

(2) The income maintenance worker or designee pursuant to Federal regulation shall notify orally, as appropriate, and in writing, all families whose AFDC eligibility has been or will be terminated for the above reason, of their potential eligibility for transitional child care benefits via Form R-10, REACH Benefit Letter, or a similar locally-developed letter (subject to DFD approval). A copy of the R-10 or similar letter shall be sent to case management or designee pursuant to Federal regulation as verification that the potential participant has been notified of the transitional child care benefits and for the possible initiation of the post-AFDC REACH benefits (see (e)2 above for procedures to be followed in such instances).

(3) The IM worker shall code FAMIS with the correct reason code for case closing due to earnings.

(4) Voluntary case closings at the request of the participant shall be explored by the IM worker for the true reason of closing to determine if employment is a possible reason for the voluntary termination of assistance benefits. The IM worker or designee pursuant to Federal regulation shall contact the participant by phone (if possible) and by sending Form R-10 or similar locally-developed letter. A copy of the letter shall be sent to case management or designee pursuant to Federal regulation for possible initiation of the post-AFDC REACH benefits.

(5) As soon as case management or designee pursuant to Federal regulation receives the Form R-10, the case manager or designee pursuant to Federal regulation shall contact the participant to advise of available post-AFDC REACH benefits and to ascertain whether the participant needs child care. The case manager or designee pursuant to Federal regulation shall advise the participant of the need to sign

a REACH agreement and provide verification of earnings for transitional child care benefits.

vi. If an employed participant receiving AFDC pays for child care not approved by the REACH program, the actual expenditures for unauthorized child care shall not exceed the child care disregard limits set forth at N.J.A.C. 10:82-4.4 in the determination of eligibility and in the calculation of benefits. In such circumstances, no supplemental payments for child care are provided through REACH in excess of the disregards.

5. Exceptions to direct payment of REACH/JOBS child care for employed REACH/JOBS AFDC-C and -F participants: The earned income disregard procedure for expenditures made for care of a child (see N.J.A.C. 10:82-2.8 for disregard limits) shall remain available to eligible families participating in REACH/JOBS in the situations delineated in (g)5i through iv below:

i. The REACH/JOBS child care payment is made to a child care provider selected by the AFDC-C or -F family participating in REACH/JOBS and that provider does not meet the criteria set forth in (f) above as an authorized child care arrangement for direct payment through REACH/JOBS funds. In addition, no supplemental monies over the disregard limits are provided through REACH/JOBS for such unauthorized arrangements.

ii. Any AFDC-C or -F REACH/JOBS family who has an employed family member who has been participating in REACH/JOBS prior to April 1, 1991 and who has been utilizing the disregard method on or before April 1, 1991, for payment of child care costs (see (g)5iii(1), (2) and (3) below for applicable procedures).

iii. Any employed AFDC-C or -F family who has been continuously eligible for and was receiving AFDC-C or -F benefits on October 13, 1988 and had earnings on that date whereby the child care disregard was the method of payment for child care costs, and who would be financially disadvantaged due to the loss of AFDC eligibility as a result of the direct payment of child care costs rather than the use of the disregard when employed and participating in REACH/JOBS.

(1) The employed REACH/JOBS AFDC-C or -F participant shall pay actual child care costs up to the Federal disregard limits directly to the provider of care. The child care disregard shall be applied to that first budget month in which the REACH/JOBS employed participant begins payment for child care costs. Cost of care in excess of the Federal disregard limits may be supplemented by the REACH/JOBS program as a REACH/JOBS transitional child care payment up to the maximum rates authorized by DHS (see N.J.A.C. 10:82-5.3(g)). Supplemental REACH/JOBS payments are issued as vendor payments to the child care providers when the child(ren) is in an authorized child care arrangement (see (f) above). Such REACH/JOBS supplemental payments shall not be counted as income or resources in any month received.

(2) Direct vendor payment by the agency is available as a bridge payment (see (d)3 above) for families using the disregard payment procedure, to assist the REACH/JOBS family in transition to work. That bridge payment through REACH/JOBS may be paid by the agency as a direct payment to the provider for care in authorized arrangements up to the receipt of the first pay check or for a period not to exceed one month. Child care costs paid through a bridge payment shall not be disregarded in the calculation of the REACH/JOBS family's assistance payment.

(3) REACH/JOBS families may voluntarily request direct payment of child care costs rather than the use of the disregard process. Upon request, a prospective AFDC eligibility determination shall be made to determine if continued eligibility exists if the child care disregard is not applied. The participant shall be informed of the result of the determination and of the consequences. If eligibility continues to exist and the client decides to have direct payment rather than the disregard, the case record shall be documented as to the request and appropriate action taken.

iv. Any AFDC-C or -F applicant family which has an employed family member who is defined as a REACH/JOBS mandatory participant (that is, not exempt from REACH/JOBS participation) shall utilize the disregard procedure for costs of child care due to employment during the interim time period covering referral of that mandatory individual to REACH/JOBS case management; and, until such time (subject to timely and adequate notice provisions at N.J.A.C. 10:81-7.1 and 14.7) that income maintenance is subsequently advised by case management of the direct payment of child care costs through REACH/JOBS.

6. Payments for employed participants receiving AFDC-N: Payments of REACH child care benefits for AFDC-N participants shall be by vendor payment to the provider of service from State REACH funds for actual costs of care up to the maximum rates established by DHS.

(h) Case manager responsibilities: The case manager or designee pursuant to Federal regulation shall be responsible for assessing and determining the need for child care and referral to the county based child care entity and authorizing issuance of REACH child care payments.

1. Before the period of transitional child care expires, the case manager or designee shall advise the participant, the provider and the county based child care entity of the expiration date of REACH child care payments and that the participant shall be responsible for payment of the entire cost of child care. The county based child care entity will work with the participant to ease the transition to payment of child care not subsidized by REACH.

(i) County based child care entity responsibilities: The county based child care entity will assist the participant in obtaining appropriate child care based on the parent's and child's needs; will assist in identifying child care resources available for a participant during orientation, assessment, participation in employment-directed activities and employment; and shall verify and document that the child care arrangements meet the criteria as specified in (f) and (g) above.

(j) If the total amount of the REACH child care payment for a given period is insufficient to secure appropriate and agreed upon child care necessary to support participation in REACH, then the participant shall be under no obligation to participate in REACH for the time period that such child care is unavailable.

Amended by R.1988 d.551, effective November 21, 1988.
See: 20 N.J.R. 2222(b), 20 N.J.R. 2916(a).

Substantially amended.

Amended by R.1989 d.353, effective July 3, 1989.
See: 21 N.J.R. 1086(b), 21 N.J.R. 1908(b).

Post-AFDC and post-employment child care provisions specified at (d). Maximum limits for child care disregards increased to \$175.00 per month for a child over age two and \$200.00 per month for a child under age two, at (d) and (f).

Amended by R.1990 d.206, effective April 2, 1990.
See: 22 N.J.R. 136(a), 22 N.J.R. 1140(b).

In (b)1, added new iv. regarding participant's Funds and recodified iv. as new v. In (b)3, added sentence with April 1, 1990 deadline. In (d), added language, "one-year post-AFDC . . . child care fee." In (d)3, deleted text regarding the one-year post-AFDC period and added reference to new (e)4.

Added new (e) with post-AFDC child care provisions, and recodified (e) through (i) as (f) through (j) with stylistic changes.

Amended by R.1990 d.340, effective July 2, 1990.

See: 22 N.J.R. 1054(a), 22 N.J.R. 2010(a).

In (e), clarified applicable criteria regarding loss of AFDC eligibility; added new (e)7 and renumbered existing (e)7 and 8 as 8 and 9. Amended by R.1991 d.8, effective January 7, 1991.

See: 22 N.J.R. 2405(b), 23 N.J.R. 63(b).

Revised extensively subsection (a) and reformatted text throughout rule to explain REACH child care benefits and FSA amendments. Repealed and replaced with new text at (a) and (a)1, adding (a)2 through (a)7.

In (d): deleted (d)1 and recodified (d)2 and 3 as 1. and 2. Deleted (d)5. Deleted (g)1; adding "... In exceptional emergency situations . . ." to direct payment text. Added new (g)4-5.

Amended by R.1991 d.555, effective November 4, 1991.

See: 23 N.J.R. 2214(a), 23 N.J.R. 3365(a).

Revised subsections (d) and (g) to be consistent with FSA provisions to set forth preferred option of direct vendor payments. Added citations to subsection (c) and (c)3.

Added new (g)4i and ii and recodified ii-v as iii-vi. Added new text as (g)5, and recodified existing (g)5 as new (g)6.

Amended by R.1991 d.601, effective December 16, 1991.

See: 23 N.J.R. 2981(a), 23 N.J.R. 3791(a).

Co-payment (was sliding scale) fees schedule standardized throughout Human Services.

Amended by R.1992 d.366, effective September 21, 1992.

See: 24 N.J.R. 2147(a), 24 N.J.R. 3345(a).

Elimination of automatic entitlement upon birth of child.

Amended by R.1994 d.429, effective August 15, 1994.

See: 26 N.J.R. 1573(a), 26 N.J.R. 3479(a).

Amended by R.1995 d.448, effective August 21, 1995.

See: 27 N.J.R. 1929(b), 27 N.J.R. 3231(a).

Established mandatory voucher submittal time and forfeiture provisions for untimely submittals.

Amended by R.1997 d.75, effective February 18, 1997 (operative April 1, 1997).

See: 28 N.J.R. 4321(a), 29 N.J.R. 605(a).

Inserted references to designee, substituted references to "transitional" care, benefits, or periods for references to "post-AFDC" care, benefits, or periods, and substituted "county based" for "lead" throughout; in (d)1 and (g)5iii(1), substituted "transitional child care" for "post-employment child care", in (f)1, inserted N.J.A.C. references; in (f)1i, inserted reference to infant and school-age children up to 13 years; deleted (f)1ii, relating to child care programs for school-age children; recodified (f)1iii as (f)1ii and inserted N.J.A.C. reference; in (h)1, deleted "case manager, with the assistance of the" preceding "county based child care entity"; and in (i), deleted "case manager and" following "will assist the".

10:81-14.18A REACH transitional child care co-payment scale

(a) By the adoption of a Statewide co-payment fee scale for REACH transitional child care benefits provided to families ineligible for AFDC as a result of increased earnings, increased hours of work or the loss of time-limited earned income disregards on or after April 1, 1990, the REACH Program seeks to:

1. Enable an AFDC family to accept and maintain employment;
2. Ensure that the parent has freedom of choice in selecting child care arrangements and is provided with flexibility to choose the location and type of provider that best meets their child care needs; and
3. Require that all recipients of REACH transitional child care benefits pay a portion of the cost of care based on ability to pay, as required by the Federal Family Support Act of 1988.

(b) The REACH transitional child care co-payment scales, based on the family size and gross income of the AFDC eligible unit at case closing, are used to determine the co-payment. Once assessed, the co-payment is deducted from the amount to be paid to the provider by the REACH Program up the maximum REACH rates. This assessed co-payment for child care services is then paid

directly by the parent to the provider of care. Any balance remaining (up to the maximum REACH rates) is paid by the REACH Program for the total cost of care. The REACH transitional child care co-payment policy and procedures are applicable for all types of care arrangements available through the REACH Program and approved by the appropriate child care evaluating agency, as follows:

1. Licensed child care centers;
2. Registered family day care homes;
3. Self-arranged care (including in-home care);
4. Summer camps which are approved by the Department of Health (see N.J.A.C. 8:25); and
5. School-age child care programs as set forth at N.J.A.C. 10:81-14.18(e)1.

(c) All AFDC families who become ineligible for AFDC on or after April 1, 1990 due to (increased) income from employment shall pay a co-payment toward the cost of REACH transitional child care services.

(d) The co-payment scales are as follows:

1. The amount of the required co-payment is based on the family's income level, family size, number of children, and number of children in care. There are two co-payment scales:
 - i. Co-payment Scale Table I—Full-Time Care; and
 - ii. Co-payment Scale Table II—Part-Time Care.
2. Assessed co-payments are apportioned weekly and are due for the entire 52-week period that subsidized child care assistance is received. Holidays, emergency closings, and absences do not exclude or reduce the required fee co-payment.

Table I
CHILD CARE CO-PAYMENT SCHEDULE
FULL TIME CARE *

Weekly Full Time Co-Payment		Monthly Full Time Co-Payment**		Percent of State 1989 Median Family Income	Family Size and Annual Income****					
First Child	Second Child***	First Child	Second Child***		1 or 2	3	4	5	6	
\$0	\$0	\$0	\$0	0%	0	0	0	0	0	
\$1.10	\$0.55	\$4.76	\$2.38	1%- 5%	1- 1,768	1- 2,184	1- 2,600	1- 3,016	1- 3,432	
\$4.40	\$2.20	\$19.05	\$9.53	6%-10%	1,769- 3,536	2,185- 4,368	2,601- 5,200	3,017- 6,031	3,433- 6,863	
\$6.60	\$3.30	\$28.58	\$14.29	11%-15%	3,537- 5,304	4,369- 6,552	5,201- 7,799	6,032- 9,047	6,864-10,295	
\$9.90	\$4.95	\$42.87	\$21.43	16%-20%	5,305- 7,071	6,553- 8,735	7,800-10,399	9,048-12,063	10,296-13,727	
\$12.10	\$6.05	\$52.39	\$26.20	21%-25%	7,072- 8,839	8,736-10,919	10,400-12,999	12,064-15,079	13,728-17,159	
\$15.40	\$7.70	\$66.68	\$33.34	26%-30%	8,840-10,607	10,920-13,103	13,000-15,599	15,080-18,094	17,160-20,590	
\$19.80	\$9.90	\$85.73	\$42.87	31%-35%	10,608-12,375	13,104-15,287	15,600-18,198	18,095-21,110	20,591-24,022	
\$24.20	\$12.10	\$104.79	\$52.39	36%-40%	12,376-14,143	15,288-17,471	18,199-20,798	21,111-24,126	24,023-27,454	
\$29.70	\$14.85	\$128.60	\$64.30	41%-45%	14,144-15,911	17,472-19,655	20,799-23,398	24,127-27,141	27,455-30,885	
\$35.20	\$17.60	\$152.42	\$76.21	46%-50%	15,912-17,679	19,656-21,839	23,399-25,998	27,142-30,157	30,886-34,317	
\$40.70	\$20.35	\$176.23	\$88.12	51%-55%	17,680-19,446	21,840-24,022	25,999-28,597	30,158-33,173	34,318-37,749	
\$47.30	\$23.65	\$204.81	\$102.40	56%-60%	19,447-21,214	24,023-26,206	28,598-31,197	33,174-36,188	37,750-41,180	
\$55.00	\$27.50	\$238.15	\$119.08	61%-65%	21,215-22,982	26,207-28,390	31,198-33,797	36,189-39,204	41,181-44,612	
\$62.70	\$31.35	\$271.49	\$135.75	66%-70%	22,983-24,750	28,391-30,574	33,798-36,397	39,205-42,220	44,613-48,044	
\$67.10	\$33.55	\$290.54	\$145.27	71%-75%	24,751-26,518	30,575-32,758	36,398-38,996	42,221-45,236	48,045-51,476	

Weekly Full Time Co-Payment		Monthly Full Time Co-Payment**		Percent of State 1989 Median Family Income	Family Size and Annual Income****					
First Child	Second Child***	First Child	Second Child***		7	8	9	10	11	12
\$0	\$0	\$0	\$0	0%	0	0	0	0	0	0
\$1.10	\$0.55	\$4.76	\$2.38	1%-5%	1- 3,510	1- 3,588	1- 3,666	1- 3,744	1- 3,822	1- 3,900
\$4.40	\$2.20	\$19.05	\$9.53	6%-10%	3,511- 7,019	3,589- 7,176	3,667- 7,332	3,745- 7,488	3,823- 7,644	3,901- 7,800
\$6.60	\$3.30	\$28.58	\$14.29	11%-15%	7,020-10,529	7,177-10,763	7,333-10,997	7,489-11,231	7,645-11,465	7,801-11,699
\$9.90	\$4.95	\$42.87	\$21.43	16%-20%	10,530-14,039	10,764-14,351	10,998-14,663	11,232-14,975	11,466-15,287	11,700-15,599
\$12.10	\$6.05	\$52.39	\$26.20	21%-25%	14,040-17,548	14,352-17,939	14,664-18,329	14,976-18,719	15,288-19,109	15,600-19,499
\$15.40	\$7.70	\$66.68	\$33.34	26%-30%	17,549-21,058	17,940-21,527	18,330-21,995	18,720-22,463	19,110-22,931	19,500-23,399
\$19.80	\$9.90	\$85.73	\$42.87	31%-35%	21,059-24,568	21,528-25,114	21,996-25,660	22,464-26,206	22,932-26,752	23,400-27,298
\$24.20	\$12.10	\$104.79	\$52.39	36%-40%	24,569-28,077	25,115-28,702	25,661-29,326	26,207-29,950	26,753-30,574	27,299-31,198
\$29.70	\$14.85	\$128.60	\$64.30	41%-45%	28,078-31,587	28,703-32,290	29,327-32,992	29,951-33,694	30,575-34,396	31,199-35,098
\$35.20	\$17.60	\$152.42	\$76.21	46%-50%	31,588-35,097	32,291-35,878	32,993-36,658	33,695-37,438	34,397-38,218	35,099-38,998
\$40.70	\$20.35	\$176.23	\$88.12	51%-55%	35,098-38,606	35,879-39,465	36,659-40,323	37,439-41,181	38,219-42,039	38,999-42,897
\$47.30	\$23.65	\$204.81	\$102.40	56%-60%	38,607-42,116	39,466-43,053	40,324-43,989	41,182-44,925	42,040-45,861	42,898-46,797
\$55.00	\$27.50	\$238.15	\$119.08	61%-65%	42,117-45,625	43,054-46,641	43,990-47,655	44,926-48,669	45,862-49,683	46,798-50,697
\$62.70	\$31.35	\$271.49	\$135.75	66%-70%	45,626-49,135	46,642-50,229	47,656-51,321	48,670-52,413	49,684-53,505	50,698-54,597
\$67.10	\$33.55	\$290.54	\$145.27	71%-75%	49,136-52,645	50,230-53,816	51,322-54,986	52,414-56,156	53,506-57,326	54,598-58,496

* Full time care is defined as six (6) or more hours of care per day.

** The monthly co-payment is calculated by multiplying the weekly co-payment by 4.33.

*** The co-payments listed are for the first and second child of the family receiving care. The co-payment for the second child receiving care is calculated at one-half of the full co-payment for that child. No additional co-payment is charged for the third or subsequent child(ren) in the family receiving care.

**** Families with a maximum gross income for their family size in excess of their scale will be assessed an additional weekly fee of \$1.00 (\$2.00 for a Bi-weekly fee) for each \$1,000 of gross income above their scale.

Table II
CHILD CARE CO-PAYMENT SCHEDULE
PART-TIME CARE *

Weekly Part-Time Co-Payment		Monthly Part-Time Co-Payment**		Percent of State 1989 Median Family Income	Family Size and Annual Income****					
First Child	Second Child***	First Child	Second Child***		1 or 2	3	4	5	6	0
\$0	\$0	\$0	\$0	0%	0	0	0	0	0	0
\$0.00	\$0.00	\$0.00	\$0.00	1%-5%	1- 1,768	1- 2,184	1- 2,600	1- 3,016	1- 3,432	
\$2.20	\$1.10	\$9.53	\$4.76	6%-10%	1,769- 3,536	2,185- 4,368	2,601- 5,200	3,017- 6,031	3,433- 6,863	
\$3.30	\$1.65	\$14.29	\$7.14	11%-15%	3,537- 5,304	4,369- 6,552	5,201- 7,799	6,032- 9,047	6,864-10,295	
\$4.40	\$2.20	\$19.05	\$9.53	16%-20%	5,305- 7,071	6,553- 8,735	7,800-10,399	9,048-12,063	10,296-13,727	
\$5.50	\$2.75	\$23.82	\$11.91	21%-25%	7,072- 8,839	8,736- 10,919	10,400-12,999	12,064-15,079	13,728-17,159	
\$7.70	\$3.85	\$33.34	\$16.67	26%-30%	8,840-10,607	10,920-13,103	13,000-15,599	15,080-18,094	17,160-20,590	
\$9.90	\$4.95	\$42.87	\$21.43	31%-35%	10,608-12,375	13,104-15,287	15,600-18,198	18,095-21,110	20,591-24,022	
\$12.10	\$6.05	\$52.39	\$26.20	36%-40%	12,376-14,143	15,288-17,471	18,199-20,798	21,111-24,126	24,023-27,454	
\$14.30	\$7.15	\$61.92	\$30.96	41%-45%	14,144-15,911	17,472-19,655	20,799-23,398	24,127-27,141	27,455-30,885	
\$17.60	\$8.80	\$76.21	\$38.10	46%-50%	15,912-17,679	19,656-21,839	23,399-25,998	27,142-30,157	30,886-34,317	
\$19.80	\$9.90	\$85.73	\$42.87	51%-55%	17,680-19,446	21,840-24,022	25,999-28,597	30,158-33,173	34,318-37,749	
\$23.10	\$11.55	\$100.02	\$50.01	56%-60%	19,447-21,214	24,023-26,206	28,598-31,197	33,174-36,188	37,750-41,180	
\$27.50	\$13.75	\$119.08	\$59.54	61%-65%	21,215-22,982	26,207-28,390	31,198-33,797	36,189-39,204	41,181-44,612	
\$30.80	\$15.40	\$133.36	\$66.68	66%-70%	22,983-24,750	28,391-30,574	33,798-36,397	39,205-42,220	44,613-48,044	
\$33.00	\$16.50	\$142.89	\$71.45	71%-75%	24,751-26,518	30,575-32,758	36,398-38,996	42,221-45,236	48,045-51,476	

Weekly Part-Time Co-Payment		Monthly Part-Time Co-Payment**		Percent of State 1989 Median Family Income	Family Size and Annual Income****					
First Child	Second Child***	First Child	Second Child***		7	8	9	10	11	12
\$0	\$0	\$0	\$0	0%	0	0	0	0	0	0
\$0.00	\$0.00	\$0.00	\$0.00	1%-5%	1- 3,510	1- 3,588	1- 3,666	1- 3,744	1- 3,822	1- 3,900
\$2.20	\$1.10	\$9.53	\$4.76	6%-10%	3,511- 7,019	3,589- 7,176	3,667- 7,332	3,745- 7,488	3,823- 7,644	3,901- 7,800
\$3.30	\$1.65	\$14.29	\$7.14	11%-15%	7,020-10,529	7,177-10,763	7,333-10,997	7,489-11,231	7,645-11,465	7,801-11,699
\$4.40	\$2.20	\$19.05	\$9.53	16%-20%	10,530-14,039	10,764-14,351	10,998-14,663	11,232-14,975	11,466-15,287	11,700-15,599
\$5.50	\$2.75	\$23.82	\$11.91	21%-25%	14,040-17,548	14,352-17,939	14,664-18,329	14,976-18,719	15,288-19,109	15,600-19,499
\$7.70	\$3.85	\$33.34	\$16.67	26%-30%	17,549-21,058	17,940-21,527	18,330-21,995	18,720-22,463	19,110-22,931	19,500-23,399
\$9.90	\$4.95	\$42.87	\$21.43	31%-35%	21,059-24,568	21,528-25,114	21,996-25,660	22,464-26,206	22,932-26,752	23,400-27,298
\$12.10	\$6.05	\$52.39	\$26.20	36%-40%	24,569-28,077	25,115-28,702	25,661-29,326	26,207-29,950	26,753-30,574	27,299-31,198
\$14.30	\$7.15	\$61.92	\$30.96	41%-45%	28,078-31,587	28,703-32,290	29,327-32,992	29,951-33,694	30,575-34,396	31,199-35,098
\$17.60	\$8.80	\$76.21	\$38.10	46%-50%	31,588-35,097	32,291-35,878	32,993-36,658	33,695-37,438	34,397-38,218	35,099-38,998
\$19.80	\$9.90	\$85.73	\$42.87	51%-55%	35,098-38,606	35,879-39,465	36,659-40,323	37,439-41,181	38,219-42,039	38,999-42,897
\$23.10	\$11.55	\$100.02	\$50.01	56%-60%	38,607-42,116	39,466-43,053	40,324-43,989	41,182-44,925	42,040-45,861	42,898-46,797
\$27.50	\$13.75	\$119.08	\$59.54	61%-65%	42,117-45,625	43,054-46,641	43,990-47,655	44,926-48,669	45,862-49,683	46,798-50,697
\$30.80	\$15.40	\$133.36	\$66.68	66%-70%	45,626-49,135	46,642-50,229	47,656-51,321	48,670-52,413	49,684-53,505	50,698-54,597
\$33.00	\$16.50	\$142.89	\$71.45	71%-75%	49,136-52,645	50,230-53,816	51,322-54,986	52,414-56,156	53,506-57,326	54,598-58,496

* Part-time care is defined as less than six (6) hours of care per day.

** The monthly co-payment is calculated by multiplying the weekly co-payment by 4.33.

*** The co-payments listed are for the first and second child of the family receiving care. The co-payment for the second child receiving care is calculated at one-half of the full co-payment for that child. No additional co-payment is charged for the third or subsequent child(ren) in the family receiving care.

**** Families with a maximum gross income for their family size in excess of their scale will be assessed an additional weekly fee of \$.50 (\$1.00 for a Bi-weekly fee) for each \$1,000 of gross income above their scale.

(e) The criteria for determination and re-determination of the co-payment are as follows:

1. The criteria for determining the amount of the co-payment are family size and family annual gross income.

i. Family size consists of all members of the AFDC eligible unit at the time the AFDC case is closed.

ii. Family income includes all gross earned and unearned income, as defined at N.J.A.C. 10:82-4, received by all members of the AFDC eligible unit. The gross amount of family income must be verified by wage stubs or similar documentation, as a condition of receiving transitional child care benefits.

2. The co-payment scale is determined by the number of hours child care services are being provided to the child.

i. Full-time care is defined as care for 30 hours or more per week.

ii. Part-time care is defined as care for less than 30 hours per week.

iii. In no case may the co-payment exceed the cost of care.

3. Once the co-payment is determined, it will remain unchanged for the duration of the eligibility period for the 12-month transitional child care period, unless there is an increase in family size, or a reduction in gross family income. The participant must notify the CWA or designee pursuant to Federal regulation of any such changes occurring in the family. The CWA (case management) or designee pursuant to Federal regulation shall determine any changes in the co-payment based on reported circumstances affecting co-payment calculation.

(f) The process for co-payment assessment is as follows:

1. The process for co-payment assessment is based on up to two children in care in a family. If more than two children in a family are in care, no co-payment is required for the third and subsequent children. The co-payment is determined on a per week basis.

2. The weekly co-payment is based on whether the care is full-time or part-time care, on the number of children (up to two per family) in the family needing such care through the program, and on the family's annual gross income level.

3. If only one child is in care, the weekly co-payment is the payment which results from Table I or Table II in (d)1 above. That co-payment is assessed on that family's size, the family's annual gross income, and whether the care is full-time or part-time care for that child, resulting in the co-payment from Table I or Table II.

4. If two or more children in the family receive child care services through the Program, the weekly co-payment amount is a composite total payment for up to two children in the family receiving such service.

i. The weekly co-payment sum equals the full co-payment assessed for the first child from Table I or Table II plus one-half of the full assessed co-payment for the second child in care from Table I or Table II.

The two children are selected for determination of the co-payment from all children in the family in care, based first, on the number of children in the family in full-time care arrangements.

(1) If two or more children in the family are in full-time care arrangements, the full co-payment amount is assessed on two children in full-time care. A full co-payment amount is assessed for the first child in full-time care from Table I; to that co-payment amount is added one-half of the full co-payment amount for the second child in full-time care from Table I. The resulting composite co-payment equals one and one-half of the full-time co-payment amount from Table I based on the family's size and annual income level.

(2) If at least one child in the family is in a full-time care arrangement and the second and subsequent children are in part-time care arrangements, the full weekly co-payment amount is assessed from Table I on the first child in full-time care; to that co-payment amount is added one-half of the part-time co-payment amount from Table II for the second child in part-time care. The resulting composite co-payment equals the full-time co-payment assessed amount from Table I plus one-half of the part-time co-payment amount from Table II.

(3) If all children in the family are in part-time care arrangements, the full weekly co-payment amount is based on up to two children in care and is one and one-half times the part-time co-payment amount from Table II for the family's size and income amount.

(g) The requirements for a provider's receipt of co-payment are as follows:

1. The composite co-payment is paid to only one provider of care based on the care arrangements of the family. That is, the composite co-payment amount is paid in total to the provider of the highest cost of care arrangement (that is, either the full-time care provider or the provider with the highest reimbursement rate per category of care). The following situations may result and the co-payment is distributed as follows:

i. When one child is receiving child care services through the Program, the full assessed co-payment from Table I or Table II is made by the recipient to that provider of care.

ii. If one child is receiving child care services through the Program but more than one provider is involved in giving care, the co-payment from Table I or Table II is paid by the recipient to that child care provider who provides the highest cost of care arrangement.

iii. When two children are receiving child care services from the same provider, the composite co-pay-

ment amount is determined in accordance with (f) above, and the sum total is paid by the recipient to that provider of care. The composite total is based on the respective type of care (full-time or part-time) provided each child; the full assessed co-payment fee from Table I or Table II for the first child is added to one-half of the full assessed fee from Table I or Table II for the second child in care with the provider, for the total co-payment amount.

iv. When both children are receiving different child care services from separate providers, the child care provider providing either full-time care or who receives the highest reimbursement rate per category of care will receive from the recipient the full amount of the composite co-payment assessed for both children from Table I and Table II based on the respective type of care provided (full-time or part-time care) for both children.

v. When both children are receiving the same child care services but from different providers (for example, both receiving full-time care), the provider assessed at the highest cost of care arrangement receives the full composite assessed co-payment from the recipient.

vi. No co-payment shall be assessed for the third and additional children in a family receiving child care service program benefits.

vii. Fees shall be rounded down to the nearest dollar.

(h) The requirements for refunds of co-payments are as follows:

1. Refunds are made to the participant by the REACH program as a lump sum payment when:

i. A fair hearing decision results in a reduced co-payment; or

ii. An error in co-payment computation has resulted in overcharges to the participant.

2. Overcharges are refunded within 30 calendar days of the fair hearing decision or discovery of the error.

New Rule, R.1990 d.340, effective July 2, 1990.

See: 22 N.J.R. 1054(a), 22 N.J.R. 2010(a).

Amended by R.1991 d.601, effective December 16, 1991.

See: 23 N.J.R. 2981(a), 23 N.J.R. 3791(a).

Co-payment (was sliding scale) fees schedule standardized throughout Human Services.

Amended by R.1993 d.396, effective August 16, 1993.

See: 25 N.J.R. 1692(a), 25 N.J.R. 3772(b).

Amended by R.1994 d.206, effective April 18, 1994.

See: 26 N.J.R. 296(a), 26 N.J.R. 1636(a).

Amended by R.1997 d.75, effective February 18, 1997 (operative April 1, 1997).

See: 28 N.J.R. 4321(a), 29 N.J.R. 605(a).

Substituted "transitional child care" for "post-AFDC child care" throughout; and in (e)3, inserted references to designee.

10:81-14.18B Co-payment determination, collection and monitoring

(a) This section sets forth procedures for determining the amount of a REACH participant's co-payment toward the cost of transitional child care, for the collection of the co-payment, monitoring payment (and nonpayment) of the co-payment, and for notification of nonpayment of co-payments, and termination of transitional child care benefits for continued nonpayment of co-payments.

1. The procedures are listed according to the entities involved in the co-payment determination and collection process: the county welfare agency income maintenance staff, the county REACH case management staff, the provider of child care, and the county based child care entity.

2. Counties are responsible for the entire co-payment determination and collection process and functions, according to the standard procedures detailed in this section. Counties may adapt the procedures to local operations, and may reassign functions among the entities listed below. However, counties must make sure that the tasks are completed, benefits are processed in a timely manner that affords participants maximum benefits, co-payments are accurately determined, and participants are not denied benefits they are otherwise eligible to receive.

(b) Procedures for determining REACH transitional child care co-payments are as follows:

1. County welfare agency (CWA), income maintenance (IM) or designee pursuant to Federal regulation functions are as follows:

i. When the AFDC recipient becomes employed, she must report employment to the CWA or designee pursuant to Federal regulation and provide documentation to verify employment—the start date and amount of earnings—as a condition of eligibility for REACH post-AFDC benefits of one year of extended Medicaid coverage and transitional child care.

ii. When the IM worker receives the documentation referenced in (b)1i above, the worker will determine if the family will continue to be eligible for AFDC based on income.

iii. If earned income received or expected to be received renders the family ineligible for AFDC, the IM worker will initiate AFDC case closing and the processing of post-AFDC REACH benefits, including extended Medicaid benefits and transitional child care.

(1) The IM worker or designee pursuant to Federal regulation will do the following:

(A) Enter the amount of verified earnings into FAMIS at the time the action is taken on computer to close the AFDC case. These earnings will be used to compute the co-payment that the participant must pay toward cost of transitional child care, if the participant elects to apply for such benefits.

(B) Send out Form PA-15, Notification Form, advising of the termination of AFDC benefits and effective date.

(C) Send out Form R-10, REACH Benefit Letter, advising the participant of:

(I) The availability of post-AFDC REACH benefits—extended Medicaid and transitional child care;

(II) The requirement to pay a co-payment toward the cost of transitional child care; and

(III) The need to apply for transitional child care by contacting (by phone, mail or in-person) the REACH case manager or designee pursuant to Federal regulation listed at the bottom of Form R-10.

(D) Forward one copy of Form R-10 to REACH case management.

(2) If the participant has not provided verification of earnings at time of case closing, the IM worker or designee pursuant to Federal regulation will complete steps (b)1iii(1)(A) through (B) above, inserting estimated earning in FAMIS, and including a statement in the Form R-10 of the need to provide such verification of earnings as a condition of eligibility for the extended benefits.

iv. To the extent possible, the IM worker or designee pursuant to Federal regulation should complete the AFDC case closing, income verification process and mailing of Form R-10 before the AFDC case is closed. This will ensure that participants receive child care benefits in a timely and uninterrupted manner, and ensure that providers receive payment of co-payments and REACH voucher payments. If this is not possible, the process should be completed as soon as possible after the AFDC case is closed, during the first month of AFDC ineligibility.

v. Computation of eligibility period for transitional child care benefits: The eligibility period for transitional child care benefits will be computed in accordance with N.J.A.C. 10:81-14.18(e)4i.

2. REACH case management or designee pursuant to Federal regulation functions are as follows:

i. Upon receipt of the Form R-10 from IM, case management or designee pursuant to Federal regulation will monitor the form to see if the REACH participant contacts case management or designee pursuant to Federal regulation.

ii. The date the REACH participant contacts case management or designee pursuant to Federal regulation in response to the Form R-10 will be considered the date of application for REACH transitional child care benefits. In order to begin receiving payments for

transitional child care, the participant must make a complete application, which includes providing verification of earnings.

iii. The period of eligibility for transitional child care benefits is computed according to N.J.A.C. 10:81-14.18(e)4. A REACH participant will begin receiving transitional child care benefits when a complete application is received, computed according to (b)2iii(1) and (2) below:

(1) If the participant submits a complete application within 30 days of the effective date of AFDC case closing, that is, by the end of the month for which the case was closed, the participant will start receiving transitional child care benefits as of the effective date of case closing. The benefit period will be 12 months.

(2) If the participant submits a complete application after the AFDC case has been closed for one calendar month, the participant will start receiving transitional child care benefits commencing with the date the complete application was received by the CWA. The benefit period will be the balance of the 12-month period. In such situations, transitional child care benefits will not be retroactive to the first day of the month the complete application was received.

iv. Upon receipt of a response from a participant requesting REACH transitional child care benefits, the REACH case manager or designee pursuant to Federal regulation and the participant will discuss the child care arrangements, including the requirement to pay a co-payment toward the cost of care. The REACH case manager or designee pursuant to Federal regulation will determine the amount of the participant's co-payment based on verified earnings, family size and the number of children in transitional child care. The case manager or designee pursuant to Federal regulation and participant will then complete a REACH Agreement for Support Services indicating the child(ren) for whom child care is to be provided, the duration of the child care benefits, the name(s) and address(es) of the child care provider(s), and the amount of the child care benefits.

(1) The case manager or designee pursuant to Federal regulation will give the participant a copy of the Agreement and forward a copy of the REACH Agreement to the county based child care entity.

(2) Once the REACH Agreement is signed, case management or designee pursuant to Federal regulation will process the support agreement, and mail out vouchers to the provider(s) listed in the REACH Agreement(s).

v. The case manager or designee pursuant to Federal regulation, in consultation with the REACH participant, will complete Form R-20. Notification of REACH Transitional Child Care co-payment. Form R-20 is a four-part form which contains information about the REACH transitional child care co-payment arrangement. It sets forth the requirement of the REACH participant to pay a co-payment toward the cost of care and of the REACH program to pay the balance of the approved cost of child care. It contains the amount(s) of co-payment(s) computed for the first and, if necessary, second child in care, the total co-payment to be paid. It provides instructions about co-payment arrangements, proof of payment and accounting of co-payments collected. The form specifies actions to be taken for nonpayment of the co-payment, including written notice from case management and termination of all transitional child care benefits for continued nonpayment (with right to a fair hearing). Form R-20 is signed by the REACH case manager or designee pursuant to Federal regulation, and may be signed by additional agency representatives.

(1) The purposes of Form R-20 are to:

(A) Provide the participant receiving REACH transitional child care benefits with written documentation of his or her co-payment obligation;

(B) Establish the responsibilities of the participant and the provider; and

(C) Establish a basis for monitoring compliance with the REACH transitional co-payment policy.

(2) Form R-20 is to be completed and signed for each child for whom a co-payment is assessed.

(3) Case management or designee pursuant to Federal regulation must immediately send copies of Form R-20 to the participant, child care provider(s), county based child care entity, and must retain one copy.

vi. The biweekly REACH child care voucher process will be used to report transitional child care co-payment collection and nonpayment. Case management (or other entity designated by the county REACH program to process its REACH vouchers) will issue the voucher biweekly listing the name(s) of the transitional child care participant's child(ren). Case management or the county entity will ensure that a method for recording payment or nonpayment of the fee is included in this voucher issuance. Acceptable methods include a separate form attached to the voucher, a computer-printed message on the voucher, or any other method approved in writing by the county's Division of Family Development representative.

3. Child care service provider functions are as follows:

i. Upon receipt of the Form R-20, Notification of REACH Transitional Child Care Fee, from case management or designee pursuant to Federal regulation, the participant and the provider must negotiate the frequency of co-payments and collection (either weekly or biweekly), and date or day of co-payment. Frequency and day of co-payment can be based on individual circumstances, including the participant's source and frequency of income and the co-payment procedures already established by the provider, but the co-payment must be paid by the last day of the voucher service period. Collection periods must coincide with the periods covered by the REACH transitional child care voucher.

(1) The voucher service period is the two week period listed on the REACH voucher for which REACH child care services are provided.

ii. The provider should implement a system designed to ensure an efficient, error-free method of recording and accounting for all co-payment collections. The county based child care entity is available to provide technical assistance to providers in establishing such a system. The provider may wish to adapt recordkeeping systems used in the Social Services Block Grant (SSBG) system, such as the One-Write Fee Collection System or a comparable method.

(1) Providers must establish procedures for the collection of the co-payment from the participant.

iii. The provider and REACH participant will then follow the terms of the Form R-20 notification. The provider will collect the assessed co-payments from the participant during the voucher service period. The child care provider has the responsibility to make reasonable efforts to collect assessed co-payments from the transitional child care participant.

iv. At the end of the voucher service period the provider will complete the voucher indicating the child(ren)'s attendance, the amount of the REACH payment due for child care services provided and whether the REACH participant(s) paid the required co-payments. The provider must return the voucher to obtain payment for REACH services provided, to document co-payments not paid and thereby to preserve his or her right to possible reimbursement for unpaid co-payments.

v. The income and co-payment information recorded on the Form R-20 notification is confidential. The provider, county based child care entity, and REACH Case Manager or designee pursuant to Federal regulation are responsible for ensuring that access to this information is restricted to those individuals responsible for assessing and collecting co-payments.

4. REACH county based child care entity functions are as follows:

i. The county based child care entity is responsible for advising the provider at time of recruitment into REACH of the transitional co-payment requirements, including the requirement that the participant must pay a portion of the cost of care; training the provider in voucher completion; and providing assistance in co-payment collection and monitoring, as determined by the county.

ii. The functions of the REACH county based child care entity are as follows:

(1) To maintain a file of the completed REACH Agreements for Support Services for all participants receiving transitional child care as part of the overall provision of child care services;

(2) To maintain a file of the completed Forms R-20 for the same reason; and

(3) To offer technical assistance to child care providers as needed and when requested.

5. Reassignment of functions shall be accomplished as follows:

i. A county may opt to reassign functions set forth in this subsection to county entities other than those listed, for example, the county based child care entity, if, given the county's REACH operations, those functions would be more appropriately handled by that other entity. A county must obtain approval from the Division of Family Development assistance representative for the county prior to any reassignment.

(1) Functions that may not be reassigned to entities other than those listed in this subsection include: determining eligibility or ineligibility for REACH transitional child care benefits, or sending adverse action notices to the REACH participant advising of the termination of REACH transitional child care benefits.

ii. A county must use the Form R-20 in its REACH post-AFDC operations. Each county must provide to the Division of Family Development a copy of its notice of co-payment and nonpayment that is completed by the provider and its notice of termination of REACH transitional child care benefits.

(c) Co-payment collection, monitoring, and procedures for late payment or nonpayment of co-payments and termination of REACH transitional child care benefits are as follows:

1. The following are provider functions:

i. It is the responsibility of the child care service provider to collect co-payments and report nonpayment of co-payments in accordance with the terms of the R-20 notification.

ii. Whenever the REACH transitional child care co-payment has not been paid to the provider by the end

of the voucher service period, the co-payment is considered unpaid.

iii. In the event of nonpayment of assessed co-payments by the participant, the provider will complete the voucher, indicate on the voucher the child(ren) for whom the participant(s) failed to pay the required co-payment; and return the voucher to the designated entity in the county REACH program. This action by the provider in conjunction with the REACH case manager or designee pursuant to Federal regulation will initiate the process for terminating REACH transitional child care benefits.

iv. The provider must continue to attempt to collect co-payments from the participant and must document such collection efforts.

v. Under no circumstances may the participant be charged a late co-payment penalty.

2. The county based child care entity will provide technical assistance to the provider in cooperation with REACH case management as needed.

3. REACH case management or designee pursuant to Federal regulation, functions are as follows:

i. It is the responsibility of case management or designee pursuant to Federal regulation to monitor co-payment collection by examining the completed REACH transitional child care vouchers returned by providers and responding to nonpayment of co-payments reported in the voucher.

ii. Following receipt of a REACH child care voucher from a provider indicating nonpayment of assessed co-payments by the participant, the REACH case manager or designee pursuant to Federal regulation will do the following:

(1) Determine the effective date that REACH transitional child care benefits will be terminated; and

(2) Complete a letter notifying the participant of termination of REACH transitional child care services. A county may develop a letter specifically for this purpose or may amend an existing notification letter. The letter must contain at a minimum the information in the sample form, Notice of Termination of REACH Child Care Support Agreement, in Appendix A. The purpose of this notice is to provide written notice to:

(A) Advise the participant of a child receiving REACH transitional child care services of the amount of assessed co-payments which have not been paid;

(B) Advise the participant of the right to request and obtain a fair hearing;

(C) Serve as formal notice to the participant that REACH transitional child care services will be terminated by a specific date unless overdue co-payments are paid;

(D) Serve as written confirmation for the provider and county based child care entity that child care services will be terminated due to the late or nonpayment status of the REACH post-AFDC participant; and

(E) Advise the participant to pay the required co-payments and to contact the county REACH program or designee pursuant to Federal regulation, immediately if she has already paid the overdue co-payment(s) so that benefits may be continued.

(3) Four copies of the notification of termination must be completed and signed by the REACH case manager or designee pursuant to Federal regulation. The REACH Case Manager or designee pursuant to Federal regulation will:

(A) Send the original to the participant;

(B) Distribute copies to the provider and the county based child care entity; and

(C) Retain a copy for the participant's files.

4. When transitional child care services are terminated due to nonpayment of co-payments, the participant of a child receiving REACH transitional child care services retains the right to request a fair hearing. If timely request (within 10 days) is made, the REACH Program will continue to make payment to the provider for the REACH portion of child care services rendered until a fair hearing is held, and a final determination is made.

i. In all cases where a fair hearing is requested, the procedures outlined in N.J.A.C. 10:81-6, 10:81-7, and 10:90-2.5 (see N.J.A.C. 10:81-14.7) are to be followed.

5. Reassignment of functions shall be accomplished as follows:

i. A county may opt to reassign functions set forth in this subsection to county entities other than those listed, for example, the county based child care entity, if, given the county's REACH operations, those functions would be more appropriately handled by that other entity. Prior to any reassignment, a county must obtain approval from the Division of Family Development representative for the county.

(1) Functions that may not be reassigned to entities other than those listed in this subsection include: determining care benefits, sending adverse action notices to the REACH participant advising of the termination of REACH transitional child care benefits, or involvement in the fair hearing process.

ii. A county must use the Form R-20 in its REACH post-AFDC operations. Each county must provide to the Division of Family Development a copy of its notice of co-payment and nonpayment that is completed by the provider and its notice of termination of REACH transitional benefits.

6. Reimbursement of unpaid co-payments shall be accomplished as follows:

i. If a REACH participant fails to pay assessed co-payments for care provided to her child(ren), the provider(s) may be reimbursed by the REACH program for the amount of unpaid co-payments subject to the following.

(1) Reimbursement by the REACH program will be made if all of the following conditions are met:

(A) The child's attendance at the provider's facility was documented on the REACH voucher;

(B) The provider has documented on the REACH voucher nonpayment of the co-payments for each voucher service period for which a claim of nonpayment is made; and

(C) The participant's REACH transitional child care benefits were actually terminated.

(2) Reimbursement of unpaid co-payments is limited to a maximum period of two months. Exceptions may be granted in extreme circumstances with prior written approval by the Division of Economic Assistance representative for the county.

(3) Reimbursement of unpaid co-payments to the provider must be paid from State REACH funds.

ii. If a participant whose REACH transitional child care benefits have been terminated due to nonpayment of co-payments reapplies for transitional child care benefits, the participant must reimburse the amount of the unpaid co-payments before eligibility for transitional child care benefits will be granted for the balance of the transitional child care benefit period.

(1) If the county REACH program has already paid the provider(s) for previous unpaid co-payments, the participant must reimburse the county for the full amount of co-payment arrearages due. Reimbursement may be in the form of a lump sum or installment payments as determined by the county.

(2) If the county REACH program has not yet paid the provider(s) for previous unpaid co-payment arrearages, the participant must reimburse the provider(s) for the full amount of co-payments due. Reimbursement may be in the form of a lump sum or installment payments as determined by the county and the provider(s).

New Rule, R.1990 d.340, effective July 2, 1990.
See: 22 N.J.R. 1054(a), 22 N.J.R. 2010(a).

Amended by R.1991 d.601, effective December 16, 1991.

See: 23 N.J.R. 2981(a), 23 N.J.R. 3791(a).

Co-payment (was sliding scale) fees schedule standardized throughout Human Services.

Amended by R.1997 d.75, effective February 18, 1997 (operative April 1, 1997).

See: 28 N.J.R. 4321(a), 29 N.J.R. 605(a).

Inserted references to designee and substituted "transitional" for "post-AFDC" and "county based" for "lead" throughout; in (a)1, substituted "county based" for "county REACH lead"; and in (c)3ii, inserted "child care" following "receipt of a REACH".

**10:81-14.19 REACH/JOBS supportive services:
participant allowances (PALs) for
transportation and work/training-related
expenses**

(a) REACH participant allowances (PALs) shall be paid or reimbursed to the participant for costs of transportation and other work/training-related supportive services if the case manager determines that such services are not provided through existing resources and those services are necessary for an individual to participate in REACH. The PALs are allowances to cover expenses incidental to REACH participation or employment. Transportation-related expenses (TREs), allowances for employment-directed activities (EDAs), expenses required to accept or maintain employment (JOBS), REACH cumulative payments for automobile-related expenses (CARs) and the CWEP allowance are the various types of participant allowances, and are detailed as follows.

(b) Transportation-related expenses (TREs): The agency shall provide payment or reimbursement for transportation costs (which includes meals) for participation in training as approved by the case manager, when determined necessary to enable participation in REACH, under conditions specified below. The participant shall be encouraged to make use of his or her available transportation resources.

1. Transportation costs shall be provided for the following:

i. REACH preparation activities: REACH applicants and recipients, in preparation activities such as evaluation, assessment, and REACH Agreement conferences, for the duration of participation in such activities, for costs of transportation that are reasonably necessary for attendance;

ii. Employment-directed activities (EDAs): EDAs include educational and non-educational activities;

(1) Educational activities—training programs or education services: Participants in approved education and training courses preparatory to employment, such as General Education Development (GED), English as a Second Language (ESL), and Adult Basic Education (ABE), job skills training and job readiness activities, for the duration of their participation in such educational programs/services;

(2) Non-educational employment-directed activities: Approved REACH non-educational employ-

ment-directed activities, including but not limited to, Job Search and Community Work Experience Programs (CWEP) (see N.J.A.C. 10:81-14.10 and 14.12);

(A) Transportation costs for participation in Work Supplementation (WSP) and REACH On-the-Job Training (OJT) are not covered under this section as those costs are accounted for through the \$90.00 work expense disregard of earnings (see N.J.A.C. 10:81-14.11(g) and 14.14(b));

iii. Employment: Payments for transportation for employed individuals are issued only in instances when a participant is starting employment. For such participants, transportation payments may be issued until the first paycheck is received to ease the transition into employment. Those payments shall not exceed one month.

(1) Transportation costs for regularly employed individuals shall not be covered under this section as those costs are accounted for through the \$90.00 work expense disregard of earnings (see N.J.A.C. 10:82-2.3(a)2, 2.8(a), and 4.4).

2. Transportation allowances are utilized when such costs are not available from or paid by any other existing funding source and it is determined that a need to help defray such costs exists. REACH remains the payor of last resort, outside of any REACH contractual agreements.

i. In determining necessary transportation expenses, the case manager shall consider the most available and economical means of transportation based on the accessibility of private and public transportation from the individual's home to the site of the activity.

ii. Transportation allowances shall be provided to the REACH participant during the period of need which may begin with participation in the first REACH activity following orientation by income maintenance, and may end with the receipt of the first paycheck from employment. However, payment for transportation is based on the actual length of the participation period for the specific activity.

3. Transportation allowance: An allowance of up to \$6.00 per day (\$30.00 per week) may be paid for transportation needs (including meals as determined necessary for attendance in training). However, payment shall be the actual cost of transportation/meals incurred by the participant. The \$6.00 per day allowance (\$15.00 in special instances) shall not be apportioned between meals and transportation. The allowance is the maximum flat fee amount for those combined expenses and as such, the TRE payment is inclusive of both costs (meals and transportation), transportation only or meals only, as applicable to the individual's needs for the REACH activity. If actual transportation costs exceed the above limit, a higher amount to cover actual costs may be provided up to a maximum of \$15.00 per day (up to a maximum of \$60.00

per week) with the approval of the case management supervisor provided that:

i. The actual cost of the transportation exceeds \$6.00 per day;

ii. The transportation to be used is the lowest priced transportation reasonably available and accessible to the participant;

iii. The activity or service needed by the participant is not available in the vicinity of the participant's home or at a location accessible to the participant by less expensive means of transportation; and

iv. The county has documented the circumstances, including costs of transportation, surrounding the need for the higher TRE in the REACH case record and approval has been given by the supervisor of the case manager.

4. Increased transportation allowance for extraordinary situations: Allowances in excess of \$15.00 per day (capped, up to a maximum of \$60.00 per week) may be provided in extraordinary situations determined on a case-by-case basis by the case manager. Before a county issues allowances in excess of the \$15.00 maximum standard or \$60.00 per week maximum, the county must have obtained written approval from DEA.

5. Method of payment: Transportation costs are usually direct reimbursement payments made retrospectively to participants. Transportation costs, however, shall be paid prospectively for sessions involving evaluation and assessment, development of the REACH Agreement, or for the initial two weeks of an activity if the individual is unable to participate without the payment, or requires the payment to cover the expense of New Jersey Transit vouchers for the purchase of discounted monthly passes on bus and rail routes. However, if a county has arranged for transportation for participants by means other than established transportation (through the contracting process) then the participant may request to use that source of transportation and direct that his or her transportation allowance be paid directly to the county or the provider of the transportation as a vendor payment.

i. Example: A rural county with minimum public transportation has contracted with a vendor to provide transportation in a specific geographic area for REACH participants from their homes to training and job search sites. To offset the cost of this transportation and to ensure availability of transportation, the participant would request that the \$6.00 per day transportation allowance would be paid directly to this vendor. Once the participant completed the activity in the geographic area served by this vendor, he or she would discontinue the arrangement of payment to the vendor.

6. Amounts paid to REACH participants for transportation related expenses incident to participation in REACH activities are excluded as income for purposes of the Food Stamp Program.

7. Transportation-related expenses (TREs) shall be paid through OMEGA.

(c) Transportation costs for transporting children to child care facilities (TCCs)—Non-REACH, Title IV-A funds: In addition to the standard transportation allowances for participation in REACH as delineated in (b) above, a Title IV-A transportation allowance may be made for actual costs up to the rate of \$10.00 per week maximum per child, for the cost of transportation of a REACH participant's child(ren) to and from a licensed child care center or day camp (see N.J.A.C. 10:82-5.2(e)1). The payment for the cost of transporting a "special needs" child of a REACH participant to and from the child care site may be authorized through Title IV-A funds for actual costs up to a maximum of \$10.00 per week per child as set forth at N.J.A.C. 10:82-5.2(e)2. Amounts paid for such transportation costs are excluded as income for purposes of the Food Stamp Program. Such payments are made through FAMIS.

(d) \$100.00 cumulative allowance for participation in REACH employment-directed activities (EDAs): Allowance payments based on need up to a maximum cumulative total of \$100.00 per eligibility participation period (see (g) below) are provided for necessary expenditures to permit participation in approved REACH employment-directed activities (EDAs) during the participation period, including training programs, educational services and non-educational employment-directed activities. Such payments shall be made in preparation of and during participation in the specific activity. EDA allowances are not an entitlement and are issued based on need only.

1. Employment-directed activities: Approved non-educational REACH employment-directed activities, include, but are not limited to, Job Search and CWEP (see N.J.A.C. 10:81-14.10 and 14.12). Non-educational employment directed activities not eligible for \$100.00 cumulative EDA allowance payments are WSP and OJT programs as those activities are classified as subsidized employment activities per Federal requirements. Participants in those activities may be considered for the JOB allowance described in (e) below (see N.J.A.C. 10:81-14.11 and 14.14(b)).

2. Allowable expenditures include, but are not limited to, the following: books; supplies; equipment; uniforms; tools for a particular training or employment-directed activity; licensing fees; testing fees; clothing (that is, special shoes or boots, protective devices such as safety glasses, gloves and helmets or other clothing necessary or within reason for a participant to attend training); and other materials required for participation in REACH EDA activities. Payment for regular clothing items is not permitted. Items purchased become the property of the participant.