

2. Referral means a request from a public or private agency or individual for assistance on behalf of another individual/family. All referrals must be recorded with appropriate facts, and the disposition noted.

3. Application means a written request for public assistance by an individual, couple without children, natural or adoptive parent(s), parent-person(s), parent-minor, or legal guardian acting on behalf of the individual/family.

(d) There are four types of applications: new application, reapplication, reopened application and transfer application (see N.J.A.C. 10:90-15 for definitions).

(e) The applicant(s) and/or his or her designee shall be assisted by the WFNJ worker in completing the Application and Affidavit for WFNJ and the Agreement to Repay pursuant to N.J.S.A. 44:10-64. The applicant shall be given the WFNJ Participant Handbook, an information card concerning the "Fair Hearings in the Work First New Jersey Program (WFNJ)", and written notification of his or her rights and responsibilities under the WFNJ program.

(f) Responsibilities of the county or municipal agency during the initial contact shall include, but not be limited to:

1. Determining the employability and/or type of assistance the applicant is seeking;

2. Explaining the programs/services and detailing the applicant's rights and responsibilities including immediate need, his or her mandatory cooperation with Child Support and Paternity (CSP) requirements, work requirements, family violence provisions, personal identification requirements, time limits, family cap provisions, requirements for affidavits regarding felony conviction, parole violation, drug conviction, and teen parent requirements;

3. The county or municipal agency, as appropriate, shall ensure the provision of necessary case management for all recipients. Case management means the provision of certain services to recipients, which shall include an assessment and development of an individual responsibility plan (IRP) for each adult recipient, parent minor, and 16 through 18 year old individual that is not attending school on a full time basis. (See N.J.A.C. 10:90-4.7 and 4.9 for provisions regarding assessment and N.J.A.C. 10:90-4.8 for provisions regarding IRP plan completion.) The most intensive case management shall be directed to those facing the most serious barriers to employment.

4. Providing an orientation to the WFNJ program to each applicant for assistance to explain the need for each individual to comply with WFNJ work requirements as a condition of eligibility for WFNJ benefits, unless deferred. All WFNJ applicants unless they are 60 years old or over, a victim of family violence, a child only case, or EEI eligible are required to register for work with the New Jersey One Stop Career Center (NJOSCC);

i. NJOSCC staff must be co-located with WFNJ/TANF intake staff, to insure that the work registration requirement does not delay the application process;

5. Informing the applicant how and where to apply and what verifications and documents are needed to complete the intake interview;

6. Advising the applicant that Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973 prohibit discrimination in determining eligibility for public assistance (see N.J.A.C. 10:90-1.7 regarding specific non-discrimination provisions) and furnishing him or her with a copy of the WFNJ Participant Handbook;

7. Determining whether the applicant does indeed wish to apply with full understanding of the need to verify essential eligibility factors and the requirement for a personal interview, which includes, as an initial step, a CSP interview;

i. County CSP staff shall be co-located with WFNJ/TANF intake staff, to insure that the child support interview does not delay the application process;

8. Informing the applicant of the availability of the Food Stamp (FS) Program, specifying the requirements for qualification and, if appropriate, assisting the applicant in applying if he or she so chooses and assisting the applicant in obtaining verification documentation;

i. When the applicant is applying for multiple benefits, for example, WFNJ, Medicaid and food stamps, the agency shall determine if the child support interview and work registration requirement can be completed on the day of initial contact with the agency. Where the child support interview and/or work requirement cannot be completed on the day of application, the applicant shall be afforded the opportunity to file the application, for food stamp purposes, that day. At a minimum, the applicant shall provide his or her name and signature, as well as the date of filing, on the application. The applicant shall also complete the questions on the PA-1J which are relevant in determining whether the household is entitled to food stamp expedited service. In addition, the applicant shall be provided with an appointment to return to the agency to comply with the CSP interview and/or the work registration requirement;

9. Advising a pregnant woman that she may make application for assistance for herself and the expected child up to 90 days before the expected birth date of her child as well as providing information regarding prenatal benefits available under Medicaid and supplemental benefits available under the Women, Infants and Children (WIC) program; and

10. Taking the WFNJ application at the county level, which includes an Agreement to Repay as well as an application for Food Stamps and an application for Medicaid or medical benefits, as appropriate; and

11. Taking the WFNJ application at the municipal level which includes an for financial assistance and medical benefits only.

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

In (e), added information detailing written notification of rights and responsibilities under WFNJ; in (f)2 added "immediate need" and "domestic violence provisions" and added (f)3; recodified former (f)3 to (f)4 and added (f)4i, recodified former (f)4 to (f)5 and former (f)5 to (f)6; recodified former (f)6 to (f)7 and added (f)7i; recodified former (f)7 to (f)8 and added (f)8i, recodified former (f)8 to (f)9 and former (f)9 to (f)10; and added (f)11.

Amended by R.2003 d.226, effective June 16, 2003.
See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

Rewrote (e) and (f).

Amended by R.2004 d.292, effective August 2, 2004.
See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (f)3, inserted "for each adult recipient, parent minor, and 16 through 18 year old individual that is not attending school on a full time basis" following "responsibility plan (IRP)".

10:90-1.3 Immediate need

(a) All applicants for WFNJ shall be evaluated for immediate need at the time of application. If the county or municipal agency determines that immediate need exists, based upon an applicant's written statement signed under oath and subject to the applicant appearing to meet all other program eligibility requirements, the agency shall ensure that the needs of the assistance unit are met until such time as the final eligibility determination is made.

1. Immediate need means that the assistance unit lacks shelter or imminently lacks shelter, essential utilities, or has no food or insufficient food for unit members' immediate needs, or lacks minimal clothing to protect their health and safety. In those situations where no other appropriate services are available to meet the needs of the assistance unit, cash assistance shall be provided but such monies shall not exceed the amount of the cash assistance payment level for the appropriate eligible assistance unit size for that period.

2. In situations where immediate need exists and other appropriate services are not immediately available to meet the needs of the assistance unit, or if the applicant expresses a need for emergency assistance, county/municipal agencies shall ensure that the application be processed that day in order to provide cash assistance.

i. In cases of immediate need, where the CSP interview and/or work registration requirement cannot be completed on the day of application, the application process is to continue with the applicant being provided an appointment to return to the agency to comply with the CSP interview and/or the work registration requirement.

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

Added 2 and 2i.

Amended by R.2003 d.226, effective June 16, 2003.
See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a), added the first sentence in the introductory paragraph and inserted "immediately" preceding "available" and "or if the applicant expresses a need for emergency assistance." following "assistance unit," in 2.

10:90-1.4 Notice and information to client

(a) If immediate need is not apparent and a decision of approval or disapproval is not reached within 30 days of application, the county/ municipal agency shall notify the applicant in writing of this fact and the reason for the delay (see N.J.A.C. 10:90-9). When a decision is reached, the applicant shall be notified in writing of this decision (approved or disapproved). If a county/municipal agency does not take action to approve or deny the application through no fault of the applicant then the agency shall act on the application in accordance with immediate need provisions at N.J.A.C. 10:90-1.3(a)1.

1. When the county/municipal agency has failed to take action to approve or deny the application through no fault of the applicant within 25 days of the date of application, the county/municipal agency shall send a notice to the client scheduling an interview within five days in order to determine if the applicant is in an immediate need situation and to make an appropriate determination as to the applicant's eligibility for WFNJ.

(b) In cases of family violence, rape or incest, corroboration shall not be sought from the perpetrator of the rape or incest or from the perpetrator of family violence so that any further risk of harm to the victim is not heightened in accordance with the intent of N.J.S.A. 2C:25-18 et seq.

(c) The client will also be advised in writing that if he or she is dissatisfied with any adverse action or inaction of the county/municipal agency, he or she may request a hearing. He or she shall be informed of the steps that are to be followed in making such a request (see N.J.A.C. 10:90-9).

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

Added (a)1.

Amended by R.2003 d.226, effective June 16, 2003.
See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (b), substituted "family" for "domestic" throughout.

10:90-1.5 Prompt disposition by the county or municipal agency

Persons shall be given the opportunity to comply with the eligibility requirements and apply for WFNJ benefits without delay. Staff of the county or municipal agency shall accept, process and recommend action on applications for assistance within 30 days. If the applicant is eligible, payment shall be issued as soon as eligibility is established. The county or municipal agency shall act promptly and timely on applications as long as the WFNJ participant is eligible for assistance and is complying with program requirements. Failure of the county or municipal agency to act promptly and timely shall not be a basis for denying or delaying the issuance of benefits. The county and municipal agency shall also act promptly and timely on redetermining eligibility, but failure of the county or municipal agency to act promptly and timely shall not be a basis for delay in granting assistance.

10:90-1.6 Primary source of information

(a) Applicants and recipients are in all instances the primary source of information about themselves and their families. It is the responsibility of the county or municipal agency to determine eligibility and, as necessary, to secure verification from secondary sources. The applicant will be informed that the county or municipal agency needs to document the facts regarding certain eligibility criteria and that this process will include contacting collateral sources as necessary.

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

2. Sources of collateral evidence to establish eligibility may include, as appropriate, but are not limited to, the following:

i. Birth, death and marriage certificates, records from religious institutions, immigration and naturalization papers, census records, school records, military service records, court records, employment records, records of public or private welfare agencies, voting records, medical records, personal records, and affidavits from knowledgeable persons. Whenever possible, the WFNJ worker shall assist the applicant in securing these documents, or shall verify such information through interagency contacts.

(b) Only evidence to corroborate facts essential to eligibility shall be sought. In determining the relative validity of the above sources of evidence in (a) above, the county or municipal agency shall bear in mind the type and source of document.

(c) While it is usually desirable to obtain evidence in written form, personal inspection of records by the agency personnel, where permission can be secured, is an acceptable practice and is often quicker and simpler.

(d) In situations concerning family violence, rape or incest, documentation shall be obtained from the person(s) who has factual knowledge of the relevant circumstances through the use of an affidavit. At no time shall documentation be sought from the perpetrator of the rape or incest or from the perpetrator of family violence in accordance with the intent of N.J.S.A. 2C:25-18 et seq.

(e) With respect to "enumeration at birth," for WFNJ/TANF clients, the county agency shall request proof of receipt of the Social Security number (SSN) after six months from the child's birth have lapsed or at time of the recipient's next redetermination, whichever occurs first.

(f) At the time of application, the WFNJ worker shall provide the applicant with a written list of the verification needed to determine eligibility. The WFNJ worker shall review this list with the applicant and shall inform the applicant that the worker will, whenever possible, assist the applicant in obtaining documentation. The WFNJ worker shall take appropriate action and/or provide appropriate direction to the applicant to assure that all relevant documentation is promptly obtained. The WFNJ worker shall assist the applicant in obtaining verification documentation, whenever necessary.

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

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

In (a) 2i, deleted "church" and inserted "from religious institutions"; and in (d) deleted "abusive partner or ex-partner of a victim" and inserted "perpetrator".

Amended by R.2003 d.226, effective June 16, 2003.

See: 34 N.J.R. 2713(a), 35 N.J.R. 2670(a).

In (a)2i, added a second sentence; in (d), substituted "family" for "domestic" throughout; and in (f), added the first two sentences.

10:90-1.7 Nondiscrimination

(a) There shall be no discrimination on grounds of race, creed, color, religion, ancestry, age, sex, national origin, marital, parental, familial or birth status, affectional or sexual orientation, liability for service in the Armed Forces of the United States, nationality or handicap/disability, in accordance with all discrimination laws, including, but not limited to, State and Federal provisions in (b) through (k) below, by the State or the county or municipal agency in the administration of any public assistance program.

(b) The New Jersey Legislature has declared that practices of discrimination against any of its inhabitants, because of race, creed, color, national origin, ancestry, age, sex, affectional or sexual orientation, marital status, familial status, handicap, liability for service in the Armed Forces of the United States, or nationality are matters of concern to the government of the State, and that such discrimination threatens not only the rights and proper privileges of the inhabitants of the State but menaces the institutions and foundation of a free democratic State; provided, however, that nothing in this expression of policy prevents the making of legitimate distinctions between citizens and aliens when required by Federal law or otherwise necessary to promote the national interest.

(c) All persons shall have the opportunity to obtain employment, and to obtain all the accommodations, advantages, facilities, and privileges of any place of public accommodation, publicly assisted housing accommodation, and other real property without discrimination because of race, creed, color, national origin, ancestry, age, marital status, affectional or sexual orientation, familial status, or sex, subject only to conditions and limitations applicable alike to all persons. This opportunity is recognized as and declared to be a civil right. Additionally, this also shall be construed to prohibit any unlawful discrimination against any person because such person is or has been at any time handicapped or any unlawful employment practice against such person, unless the nature and extent of the handicap reasonably precludes the performance of the particular employment.

(d) In general, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any public assistance program receiving Federal assistance. The Department of Human Services, Division of Family Development or any political subdivisions of the State, or an instrumentality of any state or political subdivision, any public or private agency, institution, or organization, or other entity, or any individual, in any state, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, shall not engage in specific discriminatory actions, directly or through contractual or other arrangements, as follows:

1. Deny an individual any service, financial aid, or other benefit provided under the program;
2. Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the same program;
3. Subject an individual to segregation or separate treatment in any manner related to his or her receipt of any service, financial aid, or other benefit under the program;
4. Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving the same service, financial aid or benefit under the program;
5. Treat an individual differently from others in determining whether he or she satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;

6. Deny an individual an opportunity to participate in the program through the provision of services or otherwise, or afford him or her an opportunity to do so which is different from that afforded others under the program; or

7. Deny a person an opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(e) Additionally, the Department of Human Services, Division of Family Development or any other recipient to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, directly or through contractual or other arrangements, may not utilize criteria or methods of administration or determine a site location which will have the effect of subjecting individuals to discrimination or have the effect of defeating or substantially impairing accomplishment of the objectives of the program. Where the primary objective of the program is to provide employment, a recipient may not directly or through contractual or other arrangements, subject an individual to discrimination in its employment practices, including recruitment, advertising, employment, layoff, or termination, upgrading, demotion or transfer, rates of pay or other forms of compensation, and use of facilities.

(f) The U.S. Department of Health and Human Services, Office for Civil Rights (OCR) provides in its official guidance on Limited English Proficiency (LEP), OCR Guidance, August 29, 2000, and April 12, 2002, that all recipients of Federal financial assistance, such as State and local agencies, private institutions or organizations, or any public or private individual in health or social services, must ensure that LEP persons are given meaningful opportunities to participate in their programs, services and benefits. Where such language differences prevent meaningful access on the basis of national origin, the law requires that recipient agencies provide oral and written language assistance at no cost to the LEP person. Meaningful access for an LEP person is established by ensuring that the relevant circumstances of the LEP person's situation can be effectively communicated to the service provider and the LEP person is able to understand the services and benefits available and is able to receive those services and benefits for which he or she is eligible in a timely manner. The Office for Civil Rights assesses compliance on a case by case basis, taking into consideration the size of the recipient agency, the size of the eligible LEP population it serves, the nature of the program or service, the objectives of the program, the total resources, the frequency with which languages are encountered and the frequency with which LEP persons come into contact with the program.

1. The Department of Human Services (DHS) may, subject to the availability of funding, provide payments for assessments associated with obtaining kinship legal guardianship for caregivers meeting the definition of a Temporary Assistance for Needy Families (TANF) parent person with family incomes of less than or equal to 150 percent of the FPL. The costs for the assessment shall be borne by DHS in cases where an eligible individual is applying for cash assistance provided by the Division of Family Development for which kinship legal guardianship is a requirement and for the Division of Youth and Family Services cases. In cases where DHS is paying for the assessment associated with obtaining kinship legal guardianship, after filing an application for child support services the caregiver may contact the Kinship Navigator Program for a referral to an appropriate entity. The caregiver assessment shall be conducted by a designated entity contracted by the DHS or by the Division of Youth and Family Services.

(d) Kinship legal guardianship terminates when the child reaches 18 years of age or when the child is no longer continuously enrolled in a secondary education program, whichever event occurs later, or when kinship legal guardianship is otherwise terminated.

1. An order or judgment awarding kinship legal guardianship may be vacated by the court prior to the child's 18th birthday if the court finds that the kinship legal guardianship is no longer in the best interests of the child or, based upon clear and convincing evidence, the court finds that the parental incapacity or inability to care for the child that led to the original award of kinship legal guardianship is no longer the case, and termination of kinship legal guardianship is in the child's best interests.

2. An order or judgment awarding kinship legal guardianship may be vacated by the court if, based upon clear and convincing evidence, the court finds that the guardian failed or is unable, unavailable or unwilling to provide proper care and custody of the child, or that the guardianship is no longer in the child's best interests (see N.J.A.C. 10:90-19.3(h)).

10:90-19.3 Determining eligibility for the KCSP

(a) When it has been confirmed that kinship legal guardianship has been granted, eligibility for KCSP participation shall be approved if the kinship legal guardian's family income is less than or equal to 150 percent of the FPL and funds are available.

(b) Based upon the total gross income of the kinship legal guardian's family and the child, the designated entity shall calculate the annual income to determine if the family's income is less than or equal to 150 percent of FPL eligibility requirement. Income definitions reflective of those used to determine WFNJ/TANF eligibility will be utilized when determining eligibility for the KCSP.

1. All countable earned and unearned income of the kinship legal guardian's family and the child, with the exception of Work First New Jersey (WFNJ)/TANF benefits received on behalf of the child, is to be counted in the financial determination. Kinship subsidy eligibility shall not exist if the total countable gross annual income exceeds 150 percent of the FPL guidelines 66 Fed. Reg. 10,695 (February 16, 2001) for the appropriate family size.

(c) For purposes of determining eligibility for the kinship care subsidy, the kinship legal guardian's family shall include the kinship legal guardian(s), his or her spouse, his or her children and the child or children for whom kinship legal guardianship has been awarded. The family also includes dependent children who are over the age of 18 or other adults who are not legally responsible for the children for whom kinship legal guardianship has been awarded but who are dependent on the kinship legal guardian and who live in the household.

(d) Sources of countable income reflect WFNJ/TANF income definitions found at N.J.A.C. 10:90-3.9(b) and include, but are not limited to, employment (including self-employment), rental income, Social Security (disability, retirement or survivor's) benefits, State disability, rental property managed by an agent, worker's compensation, pensions/annuity/401K payments, alimony received, railroad retirement, General Assistance payments, TANF payments (excluding payments for the kinship child), unemployment, interest and dividend income, veterans benefits and any child support received.

1. For purposes of determining kinship family eligibility, exempt income, as stipulated at N.J.A.C. 10:90-3.19, includes, but is not limited to, SSI benefits, and foster care payments and shall be excluded from the 150 percent FPL income eligibility test in the same manner that such benefits are excluded when determining WFNJ/TANF eligibility. Any member of the family who receives SSI or foster care benefits is not counted as a member of the kinship family for this determination.

(e) Resources shall not be considered when determining financial eligibility for the kinship subsidy.

(f) Kinship subsidy eligibility calculations shall be based on an estimate of the gross annual income of the kinship legal guardian's family, using income averaging and a prospective budgeting methodology reflective of that used to determine WFNJ/TANF eligibility as stipulated at N.J.A.C. 10:90-3.11. To determine the estimated income of the family, all earned and unearned income shall be considered.

1. For purposes of determining financial eligibility for the kinship subsidy, the entity shall determine earnings by obtaining wage information for the four consecutive week period immediately preceding the date of application or redetermination. Likewise, all unearned income received within this four-week period shall be verified and documented in the case file.

(g) Once it is determined that a kinship legal guardian meets the criteria for participation in the KCSP, the designated entity shall refer him or her to the appropriate county welfare agency (CWA) to apply for the subsidy benefit for the child.

1. Eligibility for the kinship subsidy shall be redetermined on an annual basis (12 months from the date of application) by the designated entity.

i. Once determined KCSP eligible, the recipient shall continue to receive the subsidy for the remaining balance of the 12-month eligibility period. However, there are circumstances that may result in termination of the kinship subsidy payment prior to the 12-month redetermination date. These include, but are not limited to, termination of kinship legal guardianship, if the child leaves the kinship legal guardian's home, if the child moves out of New Jersey or if the child's countable income exceeds \$250.00 per month.

(h) Kinship subsidy eligibility shall extend beyond the age of 18 if the child is a full-time student in a secondary school (or equivalent level of vocational or technical training) and expected to complete the program before reaching age 19. Kinship subsidy eligibility shall be extended to age 21 if the child is enrolled in a special education program per N.J.A.C. 10:90-2.7(a). If the court terminates kinship legal guardianship prior to the child's 18th birthday, eligibility for the KCSP shall no longer exist.

(i) Continued participation in the KCSP shall not be affected by time limitations on WFNJ/TANF benefits for the kinship legal guardian's family. If a TANF recipient who has kinship legal guardianship reaches the 60 month time limit, the child may continue to receive the kinship subsidy with the caregiver continuing to act as the "payee." If the family meets WFNJ/TANF exemption or extension criteria, the case continues unchanged. The child remains eligible for the subsidy until eligibility is redetermined.

10:90-19.4 Kinship Care Subsidy Program application process

The Kinship Care subsidies shall be administered through the CWAs. The kinship legal guardian must apply for the KCSP in order to receive the kinship subsidy benefit for the child. All kinship legal guardians are considered the "payee" for a related child in his or her care when the child is not their natural or adopted child. The applicant shall provide his or her case file papers that were completed by the designated entity, including the original eligibility determination, which shall be retained and attached to the kinship subsidy application. In order to receive an attending school on a full-time basis and 16 through 18 year old children must be attending school on a full-time basis or participating in an appropriate work activity (see N.J.A.C. 10:90-1.2(f)3, 2.2(c) and (d)1, 4.2(f) and 4.8(a)). To receive the kinship subsidy for the eligible child, the kinship legal guardian shall sign the application and agree to cooperate with efforts to collect child support from the parents of the child. The decision to apply rests with the applicant.

Amended by R.2004 d.292, effective August 2, 2004.
See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).
Added the fifth sentence.

10:90-19.5 Kinship Care subsidy payments

(a) A calculation utilizing WFNJ/TANF income definitions will be performed by the CWA to determine the amount of the kinship subsidy. Any countable income (see N.J.A.C. 10:90-3.9) the child receives shall be considered and will reduce the subsidy benefit. If there is more than one child eligible for a kinship subsidy in one household, the children shall be considered a "kinship unit." In a kinship unit, the combined subsidy amount is reduced by the combined countable income of the kinship unit members.

1. The subsidy amount shall be the full subsidy benefit of \$250.00, multiplied by the number of eligible children in the unit, less all combined countable income of the eligible children.

(b) When calculating the subsidy for children living with kinship legal guardians receiving WFNJ/TANF cash benefits, the CWA worker will re-calculate the TANF benefit for the assistance unit without counting the kinship child(ren) or the kinship subsidy income. The kinship child is not a member of the TANF unit for purposes of cash assistance. An additional calculation will issue the kinship subsidy for each child. The subsidy issuance will be sent to EBT along with the TANF issuance, if applicable, for the designated payee on the case.

(c) When calculating the subsidy for children who do not receive WFNJ/TANF benefits, the CWA worker shall initiate the application process for the kinship subsidy as a child only case at the request of the kinship legal guardian. If the child is already receiving a WFNJ/TANF child only benefit, the CWA worker will re-calculate the payment to issue the kinship subsidy.

10:90-19.6 Kinship subsidy supportive services

(a) Although a child who is eligible to receive the kinship subsidy is not a member of the assistance unit for purposes of receipt of WFNJ cash assistance, the child is considered a member of the WFNJ/TANF assistance unit for all benefits and support services. These include, but are not limited to, child care, medical assistance, emergency assistance and food stamp benefits.

1. Any penalties imposed on the assistance unit related to a WFNJ sanction shall not affect eligibility for or issuance of the kinship subsidy.

(b) The CWA worker shall determine Medicaid eligibility for the kinship child. The kinship subsidy shall be disregarded in determining Medicaid eligibility.

Amended by R.2004 d.292, effective August 2, 2004.
See: 36 N.J.R. 1695(a), 36 N.J.R. 3545(a).

In (a), inserted ". emergency assistance" after "medical assistance" in the second sentence.