

CHAPTER 90

WORK FIRST NEW JERSEY PROGRAM

Authority

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

Source and Effective Date

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

Executive Order No. 66(1978) Expiration Date

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

Chapter Historical Note

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 Chapter 90, The Handbook for Home Services Program, was repealed by R.1980 d.208, effective May 9, 1980.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

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

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

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

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

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SUBCHAPTER 1. GENERAL PROVISIONS

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

(a) The Work First New Jersey (WFNJ) program has been established to transform the design and purpose of the welfare system in New Jersey. For the first time, one comprehensive program has been created by the Legislature and the Governor to uniformly both inspire and require all able-bodied families with dependent children, single adults and couples without dependent children to WORK rather than receive welfare. WFNJ builds and expands upon the foundation of the basic principles set forth in the Federal Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, Public Law 104-193. The Act established the Temporary Assistance for Needy Families (TANF) block grant program which ended the Aid to Families with Dependent Children program and established the WFNJ Program pursuant to the Work First New Jersey Act, Public Law 1997 c.13, c.14, c.37 and c.38.

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

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

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

(e) In WFNJ, for the first time, a major commitment has been solicited from all arms of State and local government to pull together resources and philosophy to clearly demonstrate to all welfare and potential welfare clients that WORK is the answer and self-sufficiency is the key to a better life for all New Jerseyans. The changes brought about by this program are monumental. They require all adults to accept personal responsibility and immediately contribute something back to their community in return for the temporary helping hand WFNJ will provide them in their time of need or crisis. Welfare is not a way of life. Work, however, is a way of life for all able-bodied adults. WFNJ recognizes that working families and individuals need temporary supports such as child care, transportation and health care and has strengthened the State's commitments in these areas. Additionally, the WFNJ program is designed to increase the health and well-being of children and young adults reared within the welfare system as well as to instill in these children the dignity, value, pride and self-satisfaction that are derived from work and positively contributing to our society. While WFNJ maintains our commitment to protect the most vulnerable who are unable to care fully for themselves, the major focus in the New Jersey welfare system has definitely changed from welfare to work with the onset of WFNJ. This new era in the public welfare system should be made very clear by the focus and standards put forth in this manual.

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

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

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

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

2. The State has a responsibility to protect victims in these cases but it also has a responsibility to help promote the victim's self-sufficiency. Therefore, at the point of the first regular six-month case redetermination following disclosure of domestic violence victimization, unless the victim is in crisis and clearly indicates via affidavit that the inability to participate in work activities still exists, when reviewing the IRP, the individual will be scheduled to begin a regular work activity or, at a minimum, engage in 20 hours per week of community service. If the victim requests or if the victim selects to do only 20 hours of

community service, the victim will also be referred to the local DHS Designated Domestic Violence Program for core services, related support and/or community service placement in counties where arrangements have been made to assist such individuals through purchase of service agreements with the DHS Designated Domestic Violence Programs. The goals established in the individual's IRP shall be reviewed with the individual after three months to determine the status and progress the individual has made toward meeting the goals established in the IRP.

iii. Referral to affordable housing (if known) as well as referral to and/or application for other available benefits or services.

2. The county or municipal agency shall monitor compliance with the service plan at least quarterly.

3. The county or municipal agency shall reevaluate and/or revise the service plan as warranted by changes in the recipient's shelter needs and/or other pertinent circumstances.

i. When emergency assistance has been extended beyond the 12-month maximum found at N.J.A.C. 10:90-6.4(a) above for either an initial period of six months or a second period of six months (applicable to WFNJ/TANF recipients only), the service plan must be revised in order to address the special circumstances which have contributed to the hardship which caused the extension.

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

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

Deleted (a)iv.

10:90-6.7 Payment for emergency shelter

(a) The county or municipal agency shall issue payment for emergency housing provided in hotels and motels in accordance with the schedule of per diem rates as follows:

Emergency Assistance amounts per day	
1 Person/1 room	\$35.00
2 Persons/1 room	\$45.00
3 Persons/1 room	\$53.00
4 Persons/1 room	\$53.00
4 Persons/2 rooms	\$90.00
5 Persons/1 room	\$63.00
5 Persons/2 rooms	\$90.00

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), substituted "housing provided in hotels and motels" for "shelter"; inserted per diem rates; and deleted (b).

10:90-6.8 Intercounty/municipality transfer of EA cases

(a) Whenever a single adult, a couple without dependent children or a family with dependent children requiring the provision of EA benefits moves from one county or municipality (WFNJ/GA only) to another, the following provisions shall apply:

1. When the county or municipality of origin (that is, the county or municipality that granted the emergency assistance benefit) places the individual or family in out-of-county/municipality emergency housing, the county/municipality of origin shall retain financial responsibility for the shelter payments, regular assistance payments and issuance of food stamp benefits, if applicable, as well as other monitoring functions until the homelessness is resolved or permanent housing is obtained. If mutually agreed upon by the two counties or municipalities, the new county or municipality of residence may assume full

responsibility for administration of the case, provided transfer requirements promulgated by DFD have been fulfilled.

2. When an EA recipient residing in one county or municipality voluntarily takes up residence in another county or municipality, without county or municipal agency intercession, the new county or municipality of residence shall assume responsibility provided the client remains eligible for EA payments, as well as all other monitoring requirements, including any cash assistance benefits, pursuant to transfer requirements promulgated by DFD. The recipient must apply for cash assistance in the new county or municipality and for food stamps in the new county. The time requirements for such transfers as found at N.J.A.C. 10:90-7 shall apply.

3. When a WFNJ recipient voluntarily moves from one county or municipality to another, with or without county or municipal agency intercession, and a subsequent change in circumstances results in the need for EA, the new county or municipality of residence shall immediately assume responsibility to determine eligibility for EA payments, as well as all other monitoring functions, pursuant to case transfer provisions at N.J.A.C. 10:90-7.

4. Any case transfer management disputes which cannot be resolved locally shall be referred to DFD to determine which county or municipal agency has responsibility for administration of the case. The decision of DFD shall be considered final and binding upon all parties involved.

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

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

10:90-6.9 Commissioner's pilot project for WFNJ/GA emergency assistance extensions

(a) Pursuant to P.L. 1997, c.14, § 10 (Work First New Jersey act), approved January 29, 1997, the Commissioner is authorized to waive compliance with the requirements of the Work First New Jersey (WFNJ) program to the extent the Commissioner deems it necessary to conduct experimental, pilot or demonstration projects which are likely to help promote the objectives of the WFNJ program. The 12 cumulative month limit on receipt of Emergency Assistance imposed by law was implemented effective July 1, 1997 as was the 10 percent limit on WFNJ/General Assistance Emergency Assistance (GA EA) extensions. Consistent with the objectives of WFNJ to help individuals find employment and resolve emergency situations, a WFNJ/GA EA pilot project is being established for those WFNJ/GA individuals who are losing eligibility for EA effective July 1, 1998. Under this pilot project, the 10 percent limit on WFNJ EA extensions for the GA component of the program as stipulated at N.J.A.C. 10:90-6.4(c) is being waived only for those EA recipients losing eligibility for EA benefits effective July 1, 1998. Under the GA/EA initiative, such individuals may qualify for an EA extension as outlined in this section. This initiative will provide additional time for

county and municipal agencies to work with recipients who are granted an extension to resolve the recipient's emergency situation. In return for the granting of these extensions, all such EA recipients are expected to fully cooperate with their EA service plans and all other WFNJ requirements including the recipient's individual responsibility plan, if applicable.

(b) Those individuals who are losing eligibility for EA due to the 12 cumulative month limit effective July 1, 1998 shall be eligible for an EA extension of up to three months in accordance with the following provisions. Such individuals must make application for this extension.

1. Recipients who meet the criteria as delineated at N.J.A.C. 10:90-6.4(b), or (b)1i below and are in full compliance with their service plan, Individual Responsibility Plan (IRP), if applicable, and all other WFNJ requirements shall, as determined by the agency, receive an EA extension.

i. For purposes of this pilot project, when a recipient is participating in an approved work activity leading to employment or participating in a substance abuse program, the recipient shall be eligible to receive EA benefits.

2. In addition, recipients who are otherwise eligible and are complying with all WFNJ requirements shall be granted an extension if the agency determines that one of the following criteria exist:

i. The recipient does not have an EA service plan as required by N.J.A.C. 10:90-6.6(a)1 or the recipient has an EA service plan but the county or municipal agency has not reviewed, monitored and updated the EA service plan at least quarterly as required by N.J.A.C. 10:90-6.6(a)2. Upon granting of an extension, the county/municipal agency shall review, develop, and/or update the EA service plan, as appropriate, within five days of the granting of an extension; or

ii. The recipient does not have an IRP, if applicable, or the recipient has an IRP but the county or municipal agency has not reviewed, monitored and updated the IRP at the time of case redetermination as required by N.J.A.C. 10:90-4.8. Upon granting of an extension, the county/municipal agency shall develop, or review and update the IRP, as appropriate, within five days of the granting of an extension.

(c) When emergency assistance has been extended beyond the 12-month maximum in accordance with the provisions of this pilot project for a period of up to three months, the EA service plan must be developed, updated or revised in order to address the special circumstances which have contributed to the hardship which caused the extension.

(d) When EA extensions are granted, the county or municipal agency shall review each such case monthly to determine if the hardship continues to exist and to determine if the individual is fully complying with his or her EA service plan and IRP, if applicable.

(e) All recipient/agency responsibilities delineated at N.J.A.C. 10:90-6.6 shall be applicable to this pilot project.

(f) Recipients in EA extension who fail to comply with their EA service plans or with their IRP or other WFNJ requirements shall have their EA extension terminated.

(g) Recipients who are not granted an extension under the provisions of this pilot project may request a fair hearing if they are in full compliance with all other WFNJ requirements.

(h) Recipients who are granted up to a three-month extension under this pilot project may, when the WFNJ/GA EA pilot project extension ends, apply for a hardship extension subject to the 10 percent cap under the provisions set forth at N.J.A.C. 10:90-6.4(b) and (c).

Emergency New Rule, R.1998 d.363, effective June 24, 1998 (to expire August 23, 1998).

See: 30 N.J.R. 2778(a).

Adopted concurrent proposal, R.1998 d.476, effective August 21, 1998.

See: 30 N.J.R. 2778(a), 30 N.J.R. 3550(b).

Readopted the provisions of R.1998 d.363 without change.

10:90-6.10 Commissioner's pilot project for emergency assistance extensions for long term chronically impaired (LTCI) individuals

(a) This pilot project is established pursuant to P.L. 1997, c.14, § 10 (Work First New Jersey Act), approved January 29, 1997, wherein the Commissioner of the Department of Human Services is authorized to waive compliance with the requirements of the Work First New Jersey (WFNJ) program to the extent the Commissioner deems it necessary to conduct experimental, pilot or demonstration projects which are likely to help promote the objectives of the WFNJ program. The rules contained herein expand upon the provisions governing the granting of extensions of EA to recipients of WFNJ/General Assistance (GA) EA as found at N.J.A.C. 10:90-6.4(c), WFNJ/Temporary Assistance to Needy Families (TANF) EA and Federal Supplemental Security Income (SSI) payments, as found at N.J.A.C. 10:90-6.4(d), provided such individuals continue to need EA and are otherwise eligible for EA in accordance with N.J.A.C. 10:90-6.1.

(b) Under this pilot project, the following individuals shall be eligible to apply for an EA extension of up to 12 months: those WFNJ/TANF/GA and SSI recipients who are about to lose eligibility for EA due to the expiration of the three-month initial WFNJ/GA/EA pilot established at N.J.A.C. 10:90-6.9; or the expiration of the six-month 10 percent cap on WFNJ/GA/EA extensions; or who have received EA payments for 18 cumulative months (WFNJ/TANF or SSI); or whose EA was or will be terminated on or before September 30, 1999 due to a municipality's 10 percent capped limit on extensions having been met. In addition, individuals whose participation in the LTCI pilot project will expire on or before October 1, 1999 due to the 12-month limit enumerated in this subsection who are otherwise eligible for EA and continue to need EA benefits shall receive an additional extension of up to 12 months of EA. The need for these extended LTCI benefits shall be reevaluated at the time of the individual's next regularly scheduled redetermination.

1. All individuals enumerated in (b) above shall receive extended EA benefits for the month of October 1999, pending agency action on their application for an extension, provided that they continue to need EA; remain otherwise eligible for EA; and are in receipt of EA during the month of September 1999.

2. This pilot project shall continue intake through September 30, 2000. Between the date of implementation of this pilot and September 30, 2000, the county or municipal agency shall provide both Form WFNJ/EA-11, Application for the WFNJ Emergency Assistance Pilot Project for the Long Term Chronically Impaired, as well as Form WFNJ-76, Application for an Extension of Emergency Assistance, to all those individuals enumerated in (b) above when they are served with Form WFNJ-15 (EA), Notification Form (revised September 1998). Recipients must make application in accordance with the provisions contained in this section. EA benefits continue to be paid until eligibility for the pilot has been determined.

i. The county or municipal agency shall first evaluate the application for participation in the pilot project. Only if pilot eligibility is not certified shall the agency then determine if the individual is eligible for the 10 percent capped hardship extension based on the information provided by the applicant on Form WFNJ-76.

3. In addition to meeting the criteria as delineated in (b)4 below, applicants for an extension under this pilot shall, as a condition of eligibility, be required to be in full compliance with their EA service plan and all other WFNJ requirements, including their IRP, as appropriate.

i. The agency shall not deny or terminate EA benefits when the absence of an EA service plan is due to the agency's failure to develop a plan with the recipient or the agency has not monitored the plan, as required.

4. For purposes of this pilot project, an EA recipient shall be eligible to receive extended EA benefits when the

WFNJ/TANF/GA recipient who is about to lose EA benefits meets one or more of the following criteria:

i. There is documentation of long term medical or psychological problems, which indicates that the individual is unlikely to ever secure and/or maintain employment. The documentation must be for a period of at least two years and shall consist of at least one approved Form WFNJ-5S, Confidential Medical-Psychiatric Examining Physician's Report, along with actual medical/psychological evidence that was submitted during the two-year period;

ii. There is independent documentation of a history of clinical/medical diagnosis that the individual is mentally and/or physically incapable of self-care, resulting in serious actual or potential harm to the individual. Documentation may include, for example, an approved WFNJ-5S, actual medical/psychological evidence, or records of hospitalization;

iii. There is documentation of current participation in a substance abuse treatment program, including prescribed related aftercare. (Upon completion of a substance abuse program, including any prescribed follow-up plan for the individual, the individual shall be reevaluated to determine whether continued eligibility for EA exists). Documentation may include, for example, a copy of a completed Form WFNJ-90, Work First New Jersey Drug Treatment Report Form, or copies of attendance records/verification forms from the substance abuse treatment center;

iv. There is agency documentation of a history of mental and/or physical inability to take care of oneself, resulting in serious potential or actual harm to the individual based on agency observation as documented in the case file. Documentation may be provided from the case record, worker's observations supported by a Form WFNJ-6, Work First New Jersey Medical-Social Information Report and/or verification from Community Based Organizations (CBOs) regarding the individual's mental and/or physical incapacity;

v. There is documentation of a history of recurrent inpatient hospital care or institutionalization due to a clinically/medically diagnosed chronic medical/psychological condition, which renders the individual functionally, incapacitated;

vi. The individual is age 60 or above. (These individuals shall be required to apply for other benefits for which they may be potentially eligible, such as Retirement, Survivors and Disability Insurance (RSDI) or SSI);

vii. The individual has been diagnosed as HIV positive with symptoms; or, has active AIDS; or, is terminally ill and unable to perform activities of daily living; or

viii. The individual is an RSDI/SSI applicant pending approval or appeal of a denial, who fully cooperates with all WFNJ requirements related to applying for RSDI/SSI.

(c) County/municipal agency responsibilities are as follows:

1. For purposes of this pilot, the county/municipal agencies shall be responsible for:

i. Determining eligibility by reviewing the pilot application and supporting documentation and documenting the agency's determination through use of Form WFNJ/EA-12, Certification Form for the WFNJ Emergency Assistance Pilot Project for the Long Term Chronically Impaired, for each eligible recipient.

(1) All supporting documentation, including the county/municipal agency's certification of eligibility for pilot participation, shall be maintained in the case record. Such documents shall be made available for DFD Quality Control Review. Such reviews shall be conducted to determine validity of agency eligibility decisions. County/municipal agencies shall be held liable for invalid EA payments made as a result of incorrect eligibility determinations. Invalid pilot EA payments, as well as the costs associated with any ineligible participant shall be ineligible for State financial participation;

ii. Notifying individuals of their eligibility status for an extension under the pilot through the use of Form WFNJ/EA-14, Notification Form for an Extension of Emergency Assistance in the Long Term Chronically Impaired Pilot Project;

iii. Making appropriate referrals to contracted attorneys and/or physicians to assist applicants in completion of SSI applications or appeals from denials of SSI applications; and

iv. Completing and submitting monthly reports on the WFNJ/EA pilot project. Form WFNJ/EA-13, Monthly Enrollment Report on the WFNJ/EA Pilot Project for the Long Term Chronically Impaired, shall be used for this purpose.

(d) All EA recipient/agency responsibilities delineated at N.J.A.C. 10:90-6.6 shall be applicable to this pilot project.

(e) Recipients of an EA extension under this pilot who fail to comply with their EA service plans or other WFNJ requirements, including their IRP, as appropriate, shall have their EA extension terminated.

(f) The county/municipal agency shall take all necessary steps to move those WFNJ/TANF/GA/EA or SSI/EA recipients who are residing in a hotel, motel, or shelter housing arrangement to a temporary rental assistance (TRA) housing arrangement as soon as possible but no later than 60 days from the date of granting an extension under this pilot project or from November 1, 1998, whichever is later. This provision shall not apply to special populations, such as victims of domestic violence and individuals with AIDS who reside in housing arrangements that meet their specific needs.

(g) Recipients who are not granted an extension under the provisions of this pilot project and who request a hearing concerning this denial shall receive continued EA pending a hearing decision if they are in full compliance with all other WFNJ requirements and signify their desire to receive continued EA benefits.

Emergency New Rule, R.1998 d.516, effective September 30, 1998 (operative October 1, 1998; to expire November 29, 1998).

See: 30 N.J.R. 3858(a).

Adopted concurrent proposal, R.1998 d.589, effective November 25, 1998.

See: 30 N.J.R. 3858(a), 30 N.J.R. 4384(a).

Emergency amendment R.1999 d.372, effective September 30, 1999 (to expire November 29, 1999).

See: 31 N.J.R. 3131(a).

In (b), substituted references to 1999 for references to 1998 throughout, added the second and third sentences in the introductory paragraph, and substituted references to 2000 for references to 1999 in the introductory paragraph in 2.

Adopted concurrent proposal, R.1999 d.447, effective November 29, 1999.

See: 31 N.J.R. 3131(a), 31 N.J.R. 4268(a).

SUBCHAPTER 7. ADDITIONAL AGENCY RESPONSIBILITIES

10:90-7.1 Establishment and maintenance of case records

(a) The case record is the official file, whether computerized or hard copy, of forms, chronological narrative, correspondence and other documents pertinent to the application and determination of eligibility for WFNJ benefits. It constitutes a complete record of the county/municipal agency's decisions and actions concerning eligibility for assistance in each case. Since it is the record on which decisions to grant, deny or continue assistance in accordance with law and regulations are made, it is mandatory that a case record be established and maintained for every individual who applies for and/or receives WFNJ benefits.

1. Records shall also be established and kept when emergency assistance or service payments are made to or on behalf of SSI recipients. Records shall likewise be established when burial expense payments are made on behalf of non-WFNJ recipients pursuant to the listing of persons who may be eligible for such payments as found in N.J.A.C. 10:90-8.2.

(b) The case record shall be kept confidential as described in N.J.A.C. 10:90-7.7.

(c) It is the right of every applicant for or recipient of WFNJ or his or her authorized representative to review the contents of his or her case file. Applicants or recipients or their authorized representatives shall make an appointment with appropriate agency staff when review of the case file is desired so that the review may take place at the convenience of all the parties. Requests for review shall be responded to in a reasonable amount of time. See N.J.A.C. 10:90-9.11 concerning access to the case file and related documents prior to a fair hearing.

10:90-7.2 Contents of the case record

(a) The validity of all case action rests primarily on the corroborating data in the case record, whether computerized or hard copy. The following items shall be part of the case record:

1. All completed forms necessary for the appropriate assistance programs;
2. A record of any contact with the WFNJ client and a summary of the information obtained;
3. All related referrals, correspondence, memoranda and documents, except those which are required by law or regulation to be maintained in some other files; and
4. A record of all pertinent verifications, such as, but not limited to, birth certificates, Social Security numbers, driver's licenses, and so forth.

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

10:90-7.3 Maintenance, custody, movement and transfer of case records

(a) The county/municipal agency shall maintain an up-to-date record of all cases of recipients approved to receive assistance while out of the State.

(b) There shall be a supervisory review of the status of these cases to assure that no payments are issued beyond the period for which approval has been given, unless and until an extension of continued assistance is approved by the DFD, and that payments are terminated when and if eligibility ceases.

(c) Recipients who are receiving assistance out-of-State shall be afforded the same full advance notice, including information about their hearing rights, in accordance with present policy. A copy of any such notice shall be sent to any out-of-State agency with which there has been communication regarding the case.

(d) Responsibility for WFNJ benefits shall be transferred from one county to another when a recipient/family moves to another county.

(e) A temporary visit by the assistance unit shall not be considered to be a change of county/municipal residence until that visit has continued for more than a one-month period.

(f) Those WFNJ/TANF cases which receive only Medicaid or a Medicaid extension shall also be transferred to the

new county of residence in the same manner as active WFNJ/TANF cases when the family moves from the county of origin.

(g) The well-being of recipients shall not be adversely affected by a transfer from one county/municipality to another and their right to uninterrupted assistance shall not be prejudiced by any disagreement that arises between the county/municipality of origin and the receiving county/municipality.

(h) Any case transfer management disputes which cannot be resolved locally shall be referred to the DFD to determine which county/municipal agency has responsibility for the case. In such instances, the decision of the DFD shall be considered final and binding on all parties involved.

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

10:90-7.4 Issuance of photo identification cards and fingerprinting

(a) Each WFNJ/TANF adult recipient shall be required, as a condition of eligibility, either to participate in the fingerprinting process or to accept a photo identification (ID) card, as appropriate, and agree to be photographed for the purpose of placing a photo on an ID card unless refusal to do so is based on the reasons found in (e)3 and 4 below. Agencies administering the WFNJ/GA program shall have the option of issuing a photo ID card to recipients.

(b) Until the electronic benefit transfer system (EBT) has been implemented Statewide, the county agency shall continue to issue a photo ID card to each assistance payee. Once a county begins to implement the EBT system, the county agency shall no longer be required to issue a photo ID card to each adult recipient but will have the option of continuing the issuance of photo ID cards separate from the EBT cards. The photo ID card shall be used as proof of eligibility and to make check cashing possible.

(c) The county agency shall establish a procedure for completion of the ID card that shall ensure that the WFNJ recipient need make only one visit to the agency for that purpose.

(d) Each photo ID card shall, at a minimum, include the name, case number, color photograph and signature of the recipient. The county seal or other type of logo produced via a validation plate shall overlap upon the ID card and the photo to preclude substitution of the photo.

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

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

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

1. If the administrative cost exceeds \$25.00 in a quarter, the billing shall be conducted on a quarterly basis;
2. If the administrative cost is less than \$25.00 in a quarter, the billing shall be conducted on an annual basis;
3. If the administrative cost is more than \$25.00 in the current quarter and there is an outstanding amount from any preceding quarter where the administrative cost was less than \$25.00, the total outstanding amount in aggregate (current quarter amount and total amount from any preceding quarters) shall be billed to the agency for that quarter;
4. Administrative costs charged for identified erroneous claims shall be adjusted in accordance with time frames stipulated at (b)1 above.

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

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

10:90-14.9 Computerized match reports

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

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

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

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

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

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

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

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

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

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

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

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

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

SUBCHAPTER 15. DEFINITIONS

10:90-15.1 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Cooperation with child support” means making a good faith effort to establish parentage and establish, modify and/or enforce a support order(s) and/or health care coverage.

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

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

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

“CSP” means the Child Support and Paternity Program.

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

“Date of eligibility” means for an eligible applicant, the date of the application or as soon thereafter as there is evidence of financial need; or when verification of eligibility has been satisfactorily completed.

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

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

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

“Dismissed application” means recognition that eligibility need not be considered further because the applicant moved to another state during the application process or cannot be located, or the application was registered in error.

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

“DDD” means the Division of Developmental Disabilities.

“Division of Employment Services (DES)” means the office within the State Department of Labor and Industry responsible for administration of Unemployment Insurance and Temporary Disability Benefits programs and for operation of the State Employment Service.

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

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

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

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

“Eligible medical institution” means a facility or specified section thereof certified as an approved institution for the purpose of treating acute illness (private or general hospitals) or providing care for the chronically ill (long term care facilities).

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

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

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

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

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

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

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

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

"Good faith effort for WFNJ/GA" means that the GA individual shall provide oral, written or additional information and documentary evidence known to, possessed by or reasonably obtainable by that individual, which leads to the identification of his or her child(ren) and the identification of the custodial parent(s), and is relevant to establishing paternity when applicable, and to obtaining a support order(s) and/or health care coverage.

"Good faith effort for WFNJ/TANF" means that the TANF individual shall provide oral, written or additional information and documentary evidence known to, possessed by or reasonably obtainable by that individual, that may lead to the identification and/or location of the non-custodial parent(s), and is relevant to establishing paternity when applicable, and to obtaining a support order(s) and/or health care coverage.

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

"Head of household" means the individual who is recognized by other members of the household as having primary responsibility for financial control and direction of the household.

"Homelessness, state of" means when the physical health and safety of an assistance unit, through no fault of its members, is imperiled by substantial loss of shelter.

"IM" means income maintenance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Recipient" means a recipient of benefits under the WFNJ program.

"Recovery" means the repayment of assistance improperly obtained.

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

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

"Refugee Resettlement Program (RRP)" means a Federally funded program designed to help meet the needs of refugees as defined by the Immigration and Naturalization Service.

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

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

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

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

"Resources" means all real and personal property.

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

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

"Restricted payments" means checks drawn to the order of a specified person and subject to some condition or restriction which prevents immediate and unconditional negotiation and use by the payee upon delivery; checks drawn to the order of a third person or a vendor and intended for use on behalf of the client.

"Retirement, Survivors and Disability Insurance (RSDI)" means the Federal program administered by the Social Security Administration (SSA) which provides protection to workers and their families against loss or stoppage of earnings resulting from retirement at age 62 or older, death or disability.

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

"RSDI" means Retirement, Survivors and Disability Insurance.

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

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

"Social Security payment" means RSDI benefit.

"Spouse" means a husband or wife of a specified individual.

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

"SSA" means Social Security Administration.

"SSI" means Federal Supplemental Security Income Program.

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

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

"State office" means the Division of Family Development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Inserted “Substance abuse research demonstration (SARD)”.

Amended by R.2000 d.347, effective August 21, 2000.

See: 32 N.J.R. 2031(a), 32 N.J.R. 3070(a).

Inserted “Cooperation with child support”, “Good faith effort for WFNJ/GA” and “Good faith effort for WFNJ/TANF”.

SUBCHAPTER 16. CHILD SUPPORT AND PATERNITY

10:90-16.1 Introduction

(a) P.L. 93-647 establishes Title IV-D of the Social Security Act, which mandates procedures for locating non-custodial parents, establishing paternity for children born out-of-wedlock and establishing, enforcing and/or modifying support obligations owed by non-custodial parents to their children. Title IV-D services with regard to paternity determinations and support collections shall be available to a WFNJ individual, a Medicaid individual, a Title IV-E individual or any other individual not receiving WFNJ who files an application for child support services.

(b) The WFNJ program is designed to promote self-sufficiency. Support collections are a vital financial resource to all individuals attempting to attain and/or maintain self-sufficiency. Applicant/ recipient cooperation with the county welfare agency child support (CWA/CSP) unit is a necessary step in obtaining support collections. Child support cooperation is an interactive ongoing process based on individual case circumstances. The applicant/recipient has a continuing responsibility to provide all necessary and new information available to them. The CWA/CSP unit is responsible for assisting the clients in obtaining information in its efforts to make paternity determinations and to obtain support collections from their responsible parent(s).

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

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

Added the second sentence.

Amended by R.2000 d.347, effective August 21, 2000.

See: 32 N.J.R. 2031(a), 32 N.J.R. 3070(a).

Rewrote the section.

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

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

1. The application process for WFNJ benefits for both WFNJ/TANF and WFNJ/GA individuals begins with the agency worker assigned to ascertain cooperation requirements of child support. For TANF purposes, at the time of the IV-D interview with the WFNJ/TANF applicant/recipient, the CSP worker shall explain the child support cooperation requirements set out in this section and N.J.A.C. 10:90-16.3, the good faith effort requirement set out in N.J.A.C. 10:90-16.4, and what constitutes a claim for good cause exceptions to cooperation, as outlined at N.J.A.C. 10:90-16.5. Except in extraordinary circumstances, the IV-D interview shall be conducted at the time of application.

i. For TANF purposes, the IV-D interview to establish cooperation shall begin with the applicant/recipient signing the affidavit of cooperation and completing the child support questionnaire which includes providing information related to the non-custodial parent in accordance with N.J.A.C. 10:90-16.4(b) and (c), unless a good cause exception to cooperate is established.

(1) The applicant/recipient is required to provide information related to the non-custodial parent at the time of the IV-D interview but no later than 30 calendar days from the date of the notice of initial cooperation with child support in accordance with N.J.A.C. 10:90-16.4(d).

(2) If at any time during the IV-D interview or case processing, the CWA/CSP unit determines, based on statements made by the individual, that the applicant/recipient is a victim of domestic violence, rape or incest and fears emotional or physical harm will result to him or herself or to his or her child(ren), the corroboration of the circumstance shall be met and a determination of good cause shall be made without further involvement of the individual in accordance with N.J.A.C. 10:90-16.5(b)1iv.

ii. The CWA/CSP unit shall make the determination as to whether or not the applicant/recipient has initially cooperated in good faith in accordance with N.J.A.C. 10:90-16.3.

iii. During the period after initial cooperation has been determined, if the CWA/CSP unit finds that the information provided by the applicant/recipient is insufficient and additional information is necessary, the CWA/CSP unit shall make a determination as to whether or not the applicant/recipient has continued to cooperate in meeting the good faith effort requirement in accordance with N.J.A.C. 10:90-16.4.

iv. If later CWA/CSP unit efforts to verify an applicant's/ recipient's information show that inaccurate information related to the non-custodial parent was deliberately provided, the applicant/ recipient shall be found to have failed to cooperate.

v. At the point of initial intake, for WFNJ/GA applicants, initial cooperation in good faith with the child support requirements shall be established by the completion and signing of the affidavit of cooperation which shall include the identification of his or her child(ren) and their respective custodial parent(s).

vi. At the time of any adverse action, the applicant/recipient shall be advised of his or her rights to a fair hearing and to appeal any adverse action in accordance with N.J.A.C. 10:90-9.3.

2. At the time of application, it may not be possible to complete the IV-D interview due to extraordinary circumstances.

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

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

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

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

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

(k) If the participant fails to cooperate with the terms of the EEI, in accordance with (a)1 above, without good cause (see good cause provisions at N.J.A.C. 10:90-4.10), the EEI entity shall report the incident of noncooperation to the WFNJ agency by completing Form WFNJ/EEI-2, EEI Agency Report/Referral. Upon receipt of the EEI entity's report of noncooperation, the WFNJ agency shall review the report to determine if the EEI agency correctly determined noncooperation and, if appropriate, send an adequate notice

in accordance N.J.A.C. 10:90-9.1, to the WFNJ/TANF family advising that the WFNJ/TANF application for cash assistance for the participant and the participant's entire family is being denied because of noncooperation with the EEI and reapplication for WFNJ/TANF shall be required. The notice shall also include the family's right to a fair hearing.

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

Amended by R.2000 d.205, effective May 15, 2000.

See: 32 N.J.R. 639(a), 32 N.J.R. 1771(a).

Inserted (b)2i.

SUBCHAPTER 18. ESSEX/ATLANTIC SUBSTANCE ABUSE RESEARCH DEMONSTRATION

Authority

N.J.S.A. 44:10-3; and P.L. 1997, c.14 (Work First New Jersey Act).

Source and Effective Date

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

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

10:90-18.1 General provisions and purpose

(a) Pursuant to P.L. 1997, c.14 (Work First New Jersey Act), approved January 29, 1997, the Commissioner is authorized to waive compliance with the requirements of the Work First New Jersey (WFNJ) program to the extent the Commissioner deems it necessary to conduct special experimental, pilot or demonstration projects which are likely to help promote the objectives of the WFNJ program. This subchapter is for the use of the county welfare agencies (CWAs) and municipal welfare agencies in the administration of the Substance Abuse Research Demonstration (SARD). Intake into SARD will take place in Essex and Atlantic CWAs. The SARD is a three-year demonstration project. The project will involve 1,200 female WFNJ/TANF recipients who have substance abuse problems and are subject to the work requirements as contained in N.J.A.C. 10:90-4. A total of 600 individuals will comprise a treatment group and an additional 600 persons will comprise a control group to be utilized for research purposes. Enrollment into the SARD project shall be over a two-year period commencing in March 1999. The participants shall be selected from both applicants for and recipients of WFNJ/TANF and shall be distributed equally between Essex and Atlantic counties. See N.J.A.C. 10:90-18.2 regarding the selection process for individuals participating in the project.

(b) The purposes of the demonstration are as follows:

1. To determine whether a limited number of counseling sessions conducted by the case manager for hazardous users (individuals determined to be abusing alcohol and/or drugs) is cost effective and results in participants being able to obtain and maintain employment;

2. To determine whether mandatory participation in substance abuse rehabilitation programs is effective and results in participants being able to obtain and maintain employment;

3. To determine whether intensive case management and participation in wrap-around social services creating a holistic approach to the treatment of substance abuse is effective and results in participants being able to obtain and maintain employment;

4. To determine whether a combined contingency management of incentives and sanctions has a positive effect on the treatment of substance abuse and results in participants being able to obtain and maintain employment; and

5. To determine whether a combined program of work activities and substance abuse treatment results in participants being able to obtain and maintain employment.

(c) The SARD project provides for the following requirements:

1. Mandatory participation in the completion of the initial screening process for all female applicants/recipients of WFNJ/ TANF who are determined to be part of the intake pool;

2. Mandatory participation in a short-term intervention treatment by those individuals determined to be hazardous users (abusing alcohol and/or drugs) and assigned to the treatment group;

3. Mandatory participation in the drug or alcohol rehabilitation program as determined by the SARD case manager for those individuals determined to be dependent on alcohol and/or drugs including cooperation with the treatment plan;

4. Mandatory participation by individuals in both the control and treatment groups in periodic follow-up interviews by the research team;

5. Assessment of the existence and severity of drug or alcohol abuse by a case manager using nationally recognized, standardized assessment tools.

10:90-18.2 SARD participation requirements

(a) WFNJ/TANF applicants/recipients who are SARD participants shall participate in WFNJ work requirements, in addition to the SARD requirements.

(b) WFNJ/TANF applicants/recipients who meet the following conditions shall participate in the initial intake and screening for the SARD:

1. Female applicants/recipients of WFNJ/TANF in Essex and Atlantic counties;

2. Living with biological or adoptive children or step-children;

3. Not deferred from participating in the work requirements; and

4. Fall within the parameters defined for intake into the SARD to achieve the numbers of participants necessary for the control and treatment groups. (See N.J.A.C. 10:90-18.3.)

(c) Individuals defined in (a) above shall undergo assessment by a SARD case manager using one or more nationally recognized standardized assessment tools.

1. Individuals determined, as a result of the assessment, not to have a substance abuse problem shall cease involvement with the SARD at that time.

2. Individuals determined, as a result of the assessment, to be hazardous users (abusing alcohol and/or drugs) or dependent on alcohol and/or drugs shall be randomly assigned to control and treatment groups for the purposes of the demonstration.

3. Individuals assigned to the control group shall be offered a referral to the Substance Abuse Initiative Care Coordinator. The SARD case manager shall advise the appropriate agency staff of the individual's status as a control group member. Members of the control group shall be required to cooperate with research evaluation activities which may include follow-up interviews, in person or by phone, completion of written questionnaires and/or participation in focus groups. No biological testing shall be required of control group participants unless the individual is a participant in the SAI and biological testing is a requirement of the treatment program he or she is participating in. Failure to comply with these requirements shall result in a sanction as defined at N.J.A.C. 10:90-4.11.

4. Individuals assigned to the treatment group shall be referred to a substance abuse treatment program as determined by the SARD case manager. Failure to comply with the requirements of the treatment program (including biological testing, if appropriate) shall result in a sanction as defined at N.J.A.C. 10:90-4.11.

10:90-18.3 Registration for SARD

(a) Each month, the Essex and Atlantic CWAs shall establish a random start date for selection of SARD participants. Commencing on that date, and continuing until the research sample has been selected, as stated at (a)1 below, all female applicants for or recipients of WFNJ/TANF who are subject to the work requirement, shall be screened for substance abuse in accordance with this subchapter. Those scoring above an established threshold for substance abuse shall be randomly assigned to control or treatment groups by use of a Social Security Number.

1. The research sample shall consist of the following groups:

i. The "control group" shall consist of a total of 600 participants in the research project. Each month, over a two year time frame, a minimum of 25 participants will be randomly assigned.

ii. The "hazardous user treatment group" shall consist of a maximum of 300 participants in the research project. Each month, over a two year time frame, a maximum of 13 participants will be randomly assigned; and

iii. The "dependent user treatment group" shall consist of a minimum of 300 participants in the research project. Each month, over a two year time frame, a minimum of 13 participants will be randomly assigned.

(b) Once an individual is selected as a SARD participant, for either the control or treatment group, then the individual shall be required to continue to participate, even if the individual has moved to another county.

10:90-18.4 Assessment

Each individual determined to be a member of the selection pool for the SARD project shall cooperate with a substance abuse assessment by the SARD case manager. Failure to cooperate shall result in the imposition of the

appropriate sanction in accordance with N.J.A.C. 10:90-4.11.

10:90-18.5 Sanctions

Failure to cooperate in the initial SARD screening, compliance with a treatment program, or with follow-up interviews, shall result in the imposition of the appropriate sanction in accordance with N.J.A.C. 10:90-4.11. See N.J.A.C. 10:90-4.10(b) for good cause for temporary excused participation.

10:90-18.6 Incentives

The SARD project includes incentives such as vouchers to be awarded to participants at various stages in the treatment program by the treatment providers or SARD case managers. The vouchers can be cashed in for needed products or services or may include actual products. The receipt of any SARD incentives shall not impact on WFNJ eligibility or benefit level.

10:90-18.7 Fair hearings

Individuals determined to be a part of the initial intake pool in Essex and Atlantic counties and participants in the SARD control and treatment groups have a right to a fair hearing on any adverse action in accordance with the provisions at N.J.A.C. 10:90-9.