

ASSEMBLY, No. 15

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 7, 1996

By Assemblywoman VANDERVALK and Assemblyman  
CHARLES

1 AN ACT concerning welfare reform, supplementing Title 44 of the  
2 Revised Statutes and amending P.L.1994, c.147.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7 1. (New section) As used in this act:

8 "Applicant" means an applicant for benefits provided by the Work  
9 First New Jersey program.

10 "Assistance unit" means: a single person without dependent  
11 children; a couple without dependent children; dependent children  
12 only; or a person with one or more dependent children who are legally  
13 or blood-related, or who is their legal guardian, and who live together  
14 as a household unit.

15 "Benefits" means any assistance provided to needy persons and  
16 their dependent children and single persons under the Work First New  
17 Jersey program.

18 "Commissioner" means the Commissioner of Human Services.

19 "County agency" means the agency, including, but not limited to,  
20 a county planning council, designated by a county and approved by the  
21 commissioner to administer the Work First New Jersey program in that  
22 county.

23 "Dependent child" means a child:

24 a. under the age of 18;

25 b. under the age of 19 and a full-time student in a secondary school  
26 or an equivalent level of vocational or technical training, if, before the  
27 student attains age 19, the student may reasonably be expected to  
28 complete the student's program of secondary school or training; or

29 c. under the age of 21 and enrolled in a special education program,  
30 who is living in New Jersey with the child's natural or adoptive parent  
31 or legal guardian, or with a relative designated by the commissioner in  
32 a place of residence maintained by the relative as the relative's home.

33 "Eligible alien" means one of the following:

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 a. a qualified alien immigrant admitted to the United States prior  
2 to August 22, 1996, who is eligible for means-tested, federally funded  
3 public benefits pursuant to federal law;

4 b. a refugee, asylee, or person granted withholding of deportation  
5 under federal law for the person's first five years after receiving that  
6 classification in the United States pursuant to federal law;

7 c. a qualified alien immigrant who is a veteran of, or on active duty  
8 in, the armed forces of the United States, or the spouse or dependent  
9 child of that person pursuant to federal law;

10 d. a recipient of refugee and entrant assistance activities or a  
11 Cuban or Haitian entrant pursuant to federal law; or

12 e. a legal permanent resident alien who has worked 40 qualifying  
13 quarters of coverage as defined under Title II of the federal Social  
14 Security Act; except that, for any period after December 31, 1996, a  
15 quarter during which an individual received means-tested, federally  
16 funded public benefits shall not count toward the total number of  
17 quarters.

18 "Income" means, but is not limited to, commissions, salaries, self-  
19 employed earnings, interest and dividend earnings, wages, receipts,  
20 unemployment compensation, any legal or equitable interest or  
21 entitlement owed that was acquired by a cause of action, suit, claim  
22 or counterclaim, insurance benefits, temporary disability claims, estate  
23 income, trusts, federal income tax refunds, State income tax refunds,  
24 homestead rebates, lottery prizes, casino and racetrack winnings,  
25 annuities, retirement benefits, veterans' benefits, union benefits, or  
26 other sources that may be defined as income by the commissioner;  
27 except that in the event that individual development accounts for  
28 recipients are established by regulation of the commissioner, any  
29 interest or dividend earnings from such an account shall not be  
30 considered income.

31 "Income eligibility standard" means the income eligibility threshold  
32 based on assistance unit size established by regulation of the  
33 commissioner for benefits provided within the limit of funds  
34 appropriated by the Legislature.

35 "Non-needy caretaker" means a relative caring for a dependent  
36 child, or a legal guardian of a minor child who, in the absence of a  
37 natural or adoptive parent, assumes parental responsibility and has  
38 income which exceeds the income eligibility standard but is less than  
39 150% of the State median income adjusted for household size.

40 "Recipient" means a recipient of benefits under the Work First New  
41 Jersey program.

42 "Resources" means all real and personal property as defined by the  
43 commissioner; except that in the event that individual development  
44 accounts for recipients are established by regulation of the  
45 commissioner, all funds in such an account, up to the limit determined  
46 by the commissioner, including any interest or dividend earnings from

1 such an account, shall not be considered to be a resource.

2 "Services" means any Work First New Jersey benefits that are not  
3 provided in the form of cash assistance.

4 "Work First New Jersey program" or "program" means the  
5 program established pursuant to P.L. , c. (C. )(pending before the  
6 Legislature as Assembly Bill No. 12 of 1996).

7

8 2. (New section) a. Benefits under the Work First New Jersey  
9 program shall be determined according to standards of income and  
10 resources established by the commissioner. These standards shall take  
11 into account, for the determination of eligibility and the provision of  
12 benefits, all income and resources of all persons in the assistance unit  
13 of which the applicant or recipient is a member, except as provided by  
14 law governing the Work First New Jersey program and as prescribed  
15 by the commissioner. The benefits to be granted shall be governed by  
16 standards established by regulation of the commissioner. The  
17 commissioner may set income and resource eligibility and benefits  
18 standards that differ with respect to types of assistance units.

19 b. A recipient, as a condition of eligibility for benefits, shall,  
20 subject to good cause exceptions as defined by the commissioner, be  
21 required to: do all acts stated herein necessary to establish the  
22 paternity of a child born out-of-wedlock, and to establish and  
23 participate in the enforcement of child support obligations; cooperate  
24 with work requirements established by the commissioner; make  
25 application for any other assistance for which members of the  
26 assistance unit may be eligible; be income and resource eligible as  
27 defined by the commissioner, including the deeming of income and  
28 resources as appropriate; provide all necessary documentation which  
29 shall include the federal Social Security number for all assistance unit  
30 members, except for an eligible alien who cannot be assigned a Social  
31 Security number due to his status, or make application for same; sign  
32 an agreement to repay benefits in the event of receipt of income or  
33 resources; and comply with personal identification requirements as a  
34 condition of receiving benefits, which may employ the use of high  
35 technology processes for the detection of fraud.

36 c. Notwithstanding any other provision of law or regulation to the  
37 contrary, an applicant shall not be eligible for benefits when the  
38 applicant's eligibility is the result of a voluntary cessation of  
39 employment without good cause, as determined by the commissioner,  
40 within 90 days prior to the date of application for benefits.

41 d. A voluntary assignment or transfer of income or resources  
42 within one year prior to the time of application for benefits for the  
43 purpose of qualifying therefor shall render the applicant and the  
44 applicant's assistance unit members ineligible for benefits for a period  
45 of time determined by regulation of the commissioner.

46 e. Any income or resources that are exempted by federal law for

1 purposes of eligibility for benefits shall not reduce the amount of  
2 benefits received by a recipient and shall not be subject to a lien or be  
3 available for repayment to the State or county agency for benefits  
4 received by the individual.

5  
6 3. (New section) A recipient who has resided in New Jersey for  
7 less than 12 consecutive months shall be eligible to receive cash  
8 assistance benefits in the amount that the recipient would have  
9 received from the recipient's immediately prior state of residence if  
10 that amount is less than the cash assistance benefits provided by the  
11 program. This limitation on cash assistance benefits shall apply until  
12 the recipient has resided in New Jersey for 12 consecutive months.

13  
14 4. (New section) Information concerning applicants or recipients  
15 shall not be disclosed except for purposes directly connected with the  
16 administration of the program, in accordance with regulations to be  
17 adopted by the commissioner. Any person under contract to provide  
18 services to the program shall comply with these regulations. The  
19 provisions of this section shall not be construed to prohibit the  
20 exchange of information among agencies, organizations, or other  
21 entities as prescribed by the commissioner or pursuant to federal  
22 requirements.

23  
24 5. (New section) a. Only those persons who are United States  
25 citizens or eligible aliens shall be eligible for benefits under the Work  
26 First New Jersey program. Single adults or couples without dependent  
27 children who are legal aliens who meet federal requirements and have  
28 applied for citizenship, shall not receive benefits for more than six  
29 months unless they attain citizenship. Legal aliens who arrived in the  
30 United States on or after August 22, 1996 who are eligible for  
31 citizenship and do not apply for citizenship, are not eligible for  
32 benefits.

33 b. The following persons shall not be eligible to receive benefits and  
34 shall not be considered to be members of an assistance unit:

35 (1) non-needy caretakers, except that the eligibility of a dependent  
36 child shall not be affected by the income or resources of a non-needy  
37 caretaker;

38 (2) Supplemental Security Income recipients;

39 (3) illegal aliens;

40 (4) other aliens who are not eligible aliens;

41 (5) a person who is incarcerated in a federal, State, county or local  
42 prison or under the custody of correctional authorities, except as  
43 provided by regulation of the commissioner;

44 (6) a person who: is fleeing to avoid prosecution, custody or  
45 confinement after conviction, under the laws of the jurisdiction from  
46 which the person has fled, for a crime or an attempt to commit a crime

1 which is a felony or a high misdemeanor under the laws of the  
2 jurisdiction from which the person has fled; or is violating a condition  
3 of probation or parole imposed under federal or State law;

4 (7) a person convicted on or after August 22, 1996 under federal  
5 or State law of any offense which is classified as a felony under the  
6 laws of the jurisdiction involved and which has as an element the  
7 possession, use, or distribution of a controlled substance as defined in  
8 section 102(6) of the federal "Controlled Substances Act" (21 U.S.C.  
9 §802 (6));

10 (8) a person found to have fraudulently misrepresented his  
11 residence in order to obtain means-tested, federally funded public  
12 benefits in two or more states, who shall be ineligible for benefits for  
13 a period of 10 years from the date of conviction in a federal or State  
14 court; or

15 (9) a person who intentionally makes a false or misleading  
16 statement or misrepresents, conceals or withholds facts for the  
17 purpose of receiving benefits, who shall be ineligible for benefits for  
18 a period of six months for the first violation, 12 months for the second  
19 violation, and permanently for the third violation.

20 c. A person who makes a false statement with the intent to qualify  
21 for benefits and by reason thereof receives benefits for which the  
22 person is not eligible is guilty of a crime of the fourth degree.

23

24 6. (New section) a. The signing of an application for benefits under  
25 the Work First New Jersey program shall constitute an assignment of  
26 any child support rights pursuant to 45 CFR 232.11 on behalf of  
27 individual assistance unit members to the county agency. The  
28 assignment shall terminate with respect to current support rights when  
29 a determination is made by the county agency that the person in the  
30 assistance unit is no longer eligible for benefits. The determination of  
31 the amount of repayment to the county agency and distribution of any  
32 unpaid support obligations that have accrued during the period of  
33 receipt of benefits shall be determined by regulation of the  
34 commissioner in accordance with federal law.

35 b. Effective no later than July 1, 1997, the county agency shall pass  
36 through to the assistance unit the full amount of the current child  
37 support collected on behalf of a child in those circumstances defined  
38 by the commissioner.

39 c. An assistance unit eligible for benefits and in receipt of child  
40 support shall receive, in addition to its regular grant of cash assistance  
41 benefits, an amount up to \$50 per month based on the amount of  
42 current child support received for that month. If the amount of child  
43 support received is less than \$50, the family shall receive that amount.  
44 If the amount of child support received is \$50 or more, the family shall  
45 receive \$50.

1       7. (New section) a. A dependent child who has been or is expected  
2 by a parent, legal guardian or caretaker relative to be absent from the  
3 home for a period of time as established by regulation of the  
4 commissioner, shall remain eligible for benefits during that period,  
5 except that, an absence for periods or for reasons other than those  
6 stipulated in regulations adopted by the commissioner shall be cause  
7 for denial or termination of benefits for that dependent child.

8       b. A parent, legal guardian or caretaker relative who does not  
9 report the absence of a dependent child to the county agency by the  
10 end of the five-day period beginning on the day that the parent, legal  
11 guardian or caretaker relative becomes aware that the child will be  
12 absent, shall be ineligible for benefits pursuant to federal law for a  
13 period of time as determined by the commissioner.

14  
15       8. (New section) a. Emergency assistance shall be provided only  
16 to recipients of Work First New Jersey and persons receiving  
17 Supplemental Security Income pursuant to P.L.1973, c.256 (C.44:7-85  
18 et seq.) in emergent situations, as determined by the commissioner, for  
19 up to 12 cumulative months; except that the commissioner may  
20 provide for an extension of emergency assistance only for an additional  
21 six months to an assistance unit of a recipient with dependent children,  
22 to be provided in three-month increments, at the commissioner's  
23 discretion. Any form of emergency assistance provided pursuant to  
24 this section shall count toward the maximum period of emergency  
25 assistance allowed.

26       b. A person receiving emergency assistance shall contribute from  
27 the person's income toward the payment of all emergency shelter  
28 arrangements, including temporary housing and temporary rental  
29 assistance, in accordance with regulations adopted by the  
30 commissioner. As a condition of receipt of emergency assistance, a  
31 person shall be required to take all reasonable steps to end the person's  
32 dependency on emergency assistance and take all other actions  
33 required by the commissioner.

34       c. The provisions of this section shall apply to a person who  
35 receives general public assistance pursuant to P.L.1947, c.156  
36 (C.44:8-107 et seq.) after the effective date of this act and is  
37 subsequently transferred directly into the Work First New Jersey  
38 program.

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40       9. (New section) The commissioner shall assure that an applicant  
41 or recipient shall be afforded the opportunity for a hearing if the  
42 applicant's or recipient's claim for benefits is denied, reduced,  
43 suspended, terminated or not acted upon within a reasonable time, in  
44 accordance with regulations adopted by the commissioner. A  
45 recipient shall continue to receive the recipient's current benefits  
46 pending the outcome of the hearing. The hearing shall be conducted

1 by the Office of Administrative Law in accordance with the  
2 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
3 seq.).

4  
5 10. (New section) In the case of an experimental, pilot or  
6 demonstration project which in the judgment of the commissioner is  
7 likely to assist in promoting the objectives of the Work First New  
8 Jersey program, or to promote the objectives of the Title IV-D child  
9 support enforcement program in the State, the commissioner may  
10 waive compliance with the requirements of the Work First New  
11 Jersey program to the extent the commissioner deems necessary to  
12 carry out the project and for a period of time not to exceed three  
13 years, during which time the commissioner shall report to the  
14 Legislature on the progress of the project at least every six months.  
15 The commissioner shall provide an opportunity for public comment  
16 prior to the implementation of the project. The commissioner shall  
17 establish any fiscal or evaluative terms and conditions for the project  
18 that he deems appropriate.

19  
20 11. Section 1 of P.L.1994, c.147 (C.44:8-111.1) is amended to  
21 read as follows:

22 1. The Commissioner of Human Services shall establish a  
23 centralized registry in the Division of Family Development of the  
24 Department of Human Services to contain the names and Social  
25 Security numbers, and such additional identifying information as the  
26 commissioner deems appropriate, of recipients of benefits under [the  
27 "General Public Assistance Law," P.L.1947, c.156 (C.44:8-107 et  
28 seq.)] P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_)(pending before the Legislature as  
29 Assembly Bill No. 12 of 1996). Each of the [municipal welfare  
30 agencies] administrative entities designated by the commissioner shall  
31 provide such information and assistance as the commissioner may  
32 request to carry out the provisions of this act. The commissioner shall  
33 provide for the periodic updating of the information contained in the  
34 registry.

35 (cf: P.L.1994, c.147, s.1)

36  
37 12. Section 2 of P.L.1994, c.147 (C.44:8-111.2) is amended to read  
38 as follows:

39 2. a. The commissioner shall make the information in the  
40 centralized registry established pursuant to section 1 of [this act]  
41 P.L.1994, c.147 (C.44:8-111.1) available to those states which are  
42 contiguous to New Jersey and shall seek to establish an arrangement  
43 for the reciprocal provision of similar information from these states to  
44 the Division of Family Development.

45 b. The commissioner shall also provide for the use of the registry  
46 to conduct comparison checks of [general] public assistance recipient

1 records between [municipalities] administrative entities within the  
2 State[, as well as comparison checks of general public assistance  
3 recipient records with those of recipients of aid to families with  
4 dependent children benefits under P.L.1959, c.86 (C.44:10-1 et seq.)].  
5 (cf: P.L.1994, c.147, s.2)

6  
7 13. The commissioner, pursuant to the "Administrative Procedure  
8 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
9 regulations to effectuate the purposes of this act and to comply with  
10 the requirements of Pub.L.104-193.

11  
12 14. This act shall take effect immediately .

#### 13 14 15 STATEMENT

16  
17 This bill is part of a legislative package which establishes the "Work  
18 First New Jersey" program in the Departmentstandard of of Human  
19 Services as the State's consolidated public assistance program,  
20 replacing the current programs of aid to families with dependent  
21 children, (AFDC), AFDC emergency assistance, general assistance  
22 (GA), GA emergency assistance, the GA employability program, and  
23 the Family Development Initiative.

24 The bill establishes the basic eligibility requirements for the  
25 program and authorizes the Commissioner of Human Services to  
26 determine the income and resource eligibility levels for each type of  
27 assistance unit eligible for the program. The bill sets limits on the  
28 amount of monthly cash assistance benefits a recipient who has lived  
29 in the State for less than 12 months, may receive.

30 The bill provides for the confidentiality of information concerning  
31 applicants and recipients of Work First New Jersey benefits. Also, the  
32 bill specifies that only United States citizens and eligible aliens shall be  
33 eligible for benefits under the program. Eligible aliens include:

34 a. a qualified alien immigrant admitted to the United States prior  
35 to August 22, 1996, who is eligible for means-tested, federally funded  
36 public benefits pursuant to federal law;

37 b. a refugee, asylee, or person granted withholding of deportation  
38 under federal law for the person's first five years after receiving that  
39 classification in the United States pursuant to federal law;

40 c. a qualified alien immigrant who is a veteran of, or on active duty  
41 in, the armed forces of the United States, or the spouse or dependent  
42 child of that person pursuant to federal law;

43 d. a recipient of refugee and entrant assistance activities or a  
44 Cuban or Haitian entrant pursuant to federal law; or

45 e. a legal permanent resident alien who has worked 40 qualifying  
46 quarters of coverage as defined under Title II of the federal Social

1 Security Act; except that, for any period after December 31, 1996, a  
2 quarter during which an individual received means-tested, federally  
3 funded public benefits shall not count toward the total number of  
4 quarters.

5 The bill also provides that legal aliens who arrived in the United  
6 States after August 22, 1996 who are eligible for citizenship and do  
7 not apply for citizenship, are not eligible for benefits. Single adults or  
8 couples without dependent children who are legal aliens who meet  
9 federal requirements and have applied for citizenship, shall be eligible  
10 for benefits for only six months unless they attain citizenship.  
11 Individuals who are not eligible to receive benefits under the program  
12 include:

13 (1) non-needy caretakers, except that the eligibility of a dependent  
14 child shall not be affected by the income or resources of a non-needy  
15 caretaker;

16 (2) Supplemental Security Income recipients;

17 (3) illegal aliens;

18 (4) other aliens who are not eligible aliens;

19 (5) a person who is incarcerated in a federal, State, county or local  
20 prison or under the custody of correctional authorities, except as  
21 provided by regulation of the commissioner;

22 (6) a person who: is fleeing to avoid prosecution, custody or  
23 confinement after conviction for felony or a high misdemeanor; or is  
24 violating a condition of probation or parole imposed under federal or  
25 State law;

26 (7) a person convicted on or after August 22, 1996 under federal  
27 or State law of any felony offense involving the possession, use, or  
28 distribution of a controlled substance;

29 (8) a person found to have fraudulently misrepresented his  
30 residence in order to obtain means-tested, federally funded public  
31 benefits in two or more states, who shall be ineligible for benefits for  
32 a period of 10 years from the date of conviction in a federal or State  
33 court; or

34 (9) a person who intentionally makes a false or misleading  
35 statement or misrepresents, conceals or withholds facts for the  
36 purpose of receiving benefits, who shall be ineligible for benefits for  
37 a period of six months for the first violation, 12 months for the second  
38 violation, and permanently for the third violation.

39 The bill specifies that a signing of an application for benefits under  
40 the Work First New Jersey program constitutes an assignment of child  
41 support rights on behalf of individual recipients, to the county agency  
42 administering the program.

43 The bill requires a parent, legal guardian or caretaker relative to  
44 report the absence of a dependent child to the county administering  
45 agency by the end of the five-day period that the adult becomes aware  
46 that the child will be absent.

1 The bill provides that emergency assistance will be provided to  
2 recipients of Work First New Jersey and to persons receiving  
3 Supplemental Security Income in emergent situations for up to 12  
4 cumulative months. The commissioner is authorized to provide for an  
5 extension of assistance for an additional six months (in three month  
6 increments) to a recipient with dependent children. A person receiving  
7 emergency assistance shall contribute from the person's income toward  
8 the payment of all emergency shelter arrangements.

9 The bill provides applicants and recipients with an opportunity for  
10 a hearing in the event the person's claim for benefits is denied,  
11 reduced, suspended, terminated or not acted upon within a reasonable  
12 time.

13 The bill authorizes the commissioner to waive compliance with the  
14 requirements of the Work First New Jersey program for up to three  
15 years in the case of an experimental, pilot or demonstration project  
16 which the commissioner determines is likely to assist in promoting the  
17 objectives of the program or the Title IV-D child support enforcement  
18 program in the State.

19 Finally, the bill amends P.L.1994, c.147 concerning the centralized  
20 registry of single persons and couples without dependent children  
21 (General Assistance recipients) to conform its provisions with the  
22 Work First New Jersey program.

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27 Enacts various provisions of welfare reform, including program  
28 eligibility, legal immigrants and emergency assistance.