

ASSEMBLY, No. 1401

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman CARABALLO

1 AN ACT concerning attorney fees and supplementing Title 44 of the
2 Revised Statutes.

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

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7 1. The Division of Family Development in the Department of
8 Human Services shall disburse funds for reasonable attorney's fees to
9 an attorney who represents a recipient of public assistance pursuant to
10 P.L.1947, c.156 (C.44:8-107 et seq.) in an appeal of a claim for
11 federal Supplemental Security Income benefits pursuant to the federal
12 Social Security Act, Publ.92-603 (42 U.S.C.§1381 et seq.), if the
13 appeal is decided in favor of the recipient.

14 The disbursement shall not be made unless a petition and a copy of
15 the favorable decision is submitted by the attorney to the Division of
16 Family Development within 60 days of the date of the appeal decision.
17 The disbursement of the fees to the attorney shall be made within 30
18 days of the date of the submission by the attorney of the required
19 information.

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21 2. The Division of Family Development shall reduce the amount of
22 Supplemental Security Income funds otherwise obliged to be paid to
23 the municipal welfare department as reimbursement for the public
24 assistance provided while the Supplemental Security Income claim was
25 appealed by the amount disbursed as a reasonable fee to the attorney
26 representing the recipient of the public assistance.

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28 3. The Director of the Division of Family Development in the
29 Department of Human Services shall promulgate rules and regulations
30 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
31 (C.52:14B-1 et seq.) to effectuate the purposes of this act.

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33 4. This act shall take effect on the 60th day following enactment.

STATEMENT

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3 The bill requires that the Division of Family Development in the
4 Department of Human Services pay the reasonable attorneys' fees of
5 attorneys who represent recipients of public assistance in successful
6 appeals of claims for federal Supplemental Security Income (SSI)
7 benefits. Funding for the payment of these fees would come from the
8 amount otherwise obliged to be paid to the municipal welfare
9 department from the initial SSI payment. This SSI payment is made
10 to the municipal welfare department pursuant to a contract between
11 the federal Department of Health and Human Services and the State
12 and is reimbursed to the municipal welfare department for the public
13 assistance provided while the SSI claim was being appealed.

14 This bill will encourage attorney representation in SSI appeals.
15 With increased attorney representation a larger number of public
16 assistance recipients will be able to receive federal SSI benefits and
17 leave the municipal welfare rolls.

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Provides for attorneys' fees in SSI claim appeals.