

ASSEMBLY, No. 1550

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Assemblyman DALTON

1 AN ACT concerning eligibility for aid to families with dependent
2 children benefits for certain persons and supplementing chapter 10
3 of Title 44 of the Revised Statutes.

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

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8 1. The Legislature finds and declares that children and teenagers
9 need the benefits of the support and guidance which a family structure
10 provides; that the welfare system has provided a vehicle for breaking
11 up families by giving teenage mothers the means to shift their financial
12 dependence from their parents to the State; that in the process, these
13 youths deprive themselves of the education and family structure
14 necessary to support themselves and their babies; that the support and
15 structure provided by families are important to the development of a
16 child's maximum potential; that the State has demonstrated its
17 commitment to the strengthening of families by establishing the Family
18 Development Initiative pursuant to the "Family Development Act,"
19 P.L.1991, c.523 (C.44:10-19 et seq.); and that the State needs to take
20 further action to build upon the provisions of that law by removing the
21 incentive for children to have children and encouraging families to stay
22 together.

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24 2. a. If an applicant for, or recipient of, benefits under the program
25 of aid to families with dependent children, or AFDC, established
26 pursuant to P.L.1959, c.86 (C.44:10-1 et seq.) is less than 18 years of
27 age, has never married, and is pregnant or is caring for a dependent
28 child, the applicant or recipient shall be required, as a condition of
29 eligibility for AFDC benefits for the applicant or recipient and the
30 applicant's or recipient's dependent child to:

31 (1) reside in a home maintained by, and have the AFDC benefits
32 paid to, the applicant's or recipient's parent, legal guardian, or other
33 adult relative; and

34 (2) regularly attend a high school or equivalency program of study.

35 b. The Commissioner of Human Services shall exempt from the
36 provisions of paragraph (1) of subsection a. of this section an AFDC
37 applicant or recipient who, as determined by the commissioner during

1 the application or eligibility redetermination process, as appropriate,
2 presents evidence that the parent, legal guardian or other adult relative
3 with whom the applicant or recipient would otherwise be required to
4 reside in order to be eligible for benefits:

5 (1) refuses or is unable to allow the applicant or recipient, or that
6 person's dependent child, to reside in that adult's home;

7 (2) poses a threat to the emotional health or physical safety of the
8 applicant or recipient;

9 (3) has physically or sexually abused the applicant or recipient, or
10 the applicant's or recipient's dependent child, or poses a risk of doing
11 so;

12 (4) has exhibited neglect with respect to the needs of the applicant
13 or recipient and the applicant's or recipient's dependent child; or

14 (5) has expended AFDC benefits in an improper manner.

15 c. In the case of an AFDC applicant or recipient and the applicant's
16 or recipient's dependent child who are exempted from the requirements
17 of paragraph (1) of subsection a. of this section, in accordance with
18 subsection b. of this section, the county welfare agency or the Family
19 Development Initiative representative who serves as their case
20 manager pursuant to the "Family Development Act," P.L.1992, c.523
21 (C.44:10-19 et seq.), shall make a determination as to the most
22 appropriate living arrangement that would be in the best interest of the
23 applicant or recipient and the applicant's or recipient's dependent child.

24 d. The commissioner shall exempt from the provisions of paragraph
25 (2) of subsection a. of this section an AFDC applicant or recipient who
26 the commissioner determines, based upon an assessment of the
27 person's ability and aptitude, lacks a reasonable prospect of being able
28 to successfully complete the academic requirements of a high school
29 or equivalency program of study.

30 e. The commissioner may also exempt an AFDC applicant or
31 recipient from the provisions of subsection a. of this section, if the
32 commissioner otherwise determines that the exemption would be in the
33 best interest of that person and the person's dependent child.

34 f. The commissioner shall provide an appropriate appeal
35 mechanism for an applicant or recipient to present evidence that would
36 provide the basis for an exemption pursuant to this section.

37 g. A recipient of AFDC benefits shall be subject to the provisions
38 of subsection a. of this section at the time of that person's
39 redetermination of eligibility for benefits.

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41 3. The Commissioner of Human Services, pursuant to the
42 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
43 seq.), shall adopt rules and regulations to effectuate the purposes of
44 this act.

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46 4. This act shall take effect immediately.

STATEMENT

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3 This bill provides that if an applicant for, or recipient of, benefits
4 under the program of aid to families with dependent children (AFDC),
5 is less than 18 years of age, has never married, and is pregnant or is
6 caring for a dependent child, the applicant or recipient shall be
7 required, as a condition of eligibility for AFDC benefits for the
8 applicant or recipient and the applicant's or recipient's dependent child
9 to:

10 (1) reside in a home maintained by, and have the AFDC benefits
11 paid to, the applicant's or recipient's parent, legal guardian, or other
12 adult relative; and

13 (2) regularly attend a high school or equivalency program of study.

14 The bill provides that the Commissioner of Human Services shall
15 exempt from the first requirement, an AFDC applicant or recipient
16 who, in the determination of the commissioner, presents evidence that
17 the parent, legal guardian or other adult relative with whom the
18 applicant or recipient would otherwise be required to reside in order
19 to be eligible for benefits:

20 (1) refuses or is unable to allow the applicant or recipient, or that
21 person's dependent child, to reside in that adult's home;

22 (2) poses a threat to the emotional health or physical safety of the
23 applicant or recipient;

24 (3) has physically or sexually abused the applicant or recipient, or
25 the applicant's or recipient's dependent child, or poses a risk of doing
26 so;

27 (4) has exhibited neglect with respect to the needs of the applicant
28 or recipient and the applicant's or recipient's dependent child; or

29 (5) has expended AFDC benefits in an improper manner.

30 In the case of an AFDC applicant or recipient and the applicant's or
31 recipient's dependent child who are exempted from the requirement
32 that the applicant or recipient live with and have the benefits paid to,
33 a parent, legal guardian, or other relative, the county welfare agency
34 or the Family Development Initiative representative who serves as
35 their case manager pursuant to the "Family Development Act,"
36 P.L.1991, c.523 (C.44:10-19 et seq.), shall make a determination as
37 to the most appropriate living arrangement that would be in the best
38 interest of the applicant or recipient and the applicant's or recipient's
39 dependent child.

40 The commissioner shall exempt from the requirement to attend
41 school an AFDC applicant or recipient who the commissioner
42 determines, based upon an assessment of the person's ability and
43 aptitude, lacks a reasonable prospect of being able to successfully
44 complete the academic requirements of a high school or equivalency
45 program of study.

46 The commissioner may also exempt an AFDC applicant or recipient

1 from either or both of the requirements, if the commissioner otherwise
2 determines that the exemption would be in the best interest of that
3 person and the person's dependent child.

4 The bill directs the commissioner to provide an appropriate appeal
5 mechanism for an AFDC applicant or recipient to present evidence that
6 would provide the basis for an exemption from the requirements of the
7 bill.

8 The bill stipulates that an AFDC recipient is subject to the
9 requirements of this bill at the time of that person's redetermination of
10 eligibility for benefits.

11 This bill is intended to reverse the effect which the AFDC program
12 has had in terms of breaking up recipient families, and to strengthen
13 these families instead, by augmenting the family supports which are
14 part of the Family Development Initiative established pursuant to
15 P.L.1991, c.523. The bill will reduce the incentive for teenagers to
16 have babies in order to qualify for AFDC benefits and to drop out of
17 school and encourage them to wait until they are emotionally and
18 financially capable of caring for an infant and to at least complete their
19 high school education.

20 This bill is designed to build upon the AFDC reform initiatives
21 enacted into law during the 1990-91 legislative session, in order to
22 effect further significant reforms in that program that will strengthen
23 families, restore the dignity and hope of AFDC recipients, encourage
24 them to exercise personal responsibility, and facilitate the efforts of
25 these persons to escape the bonds of welfare dependency and achieve
26 economic independence.

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31 Conditions AFDC eligibility for certain persons under age 18 on
32 residing with a parent, guardian or other adult, and pursuing high
33 school diploma or equivalent, unless exempted.