

§§ 1-10, 13
C. 44:10-44
To
44:10-54

P.L. 1997, CHAPTER 14, *approved January 29, 1997*
Assembly, No. 15 (*First Reprint*)

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 ¹or couple¹ with one or more dependent children
13 who are legally or blood-related, or who is their legal guardian, and
14 who live together as a household unit.

15 "Benefits" means any assistance provided to needy persons and
16 their dependent children and ¹needy¹ single persons ¹and couples
17 without dependent children¹ under the Work First New Jersey
18 program.

19 "Commissioner" means the Commissioner of Human Services.

20 "County agency" means the ¹county¹ agency ¹[, including, but not
21 limited to, a county planning council, designated by a county and
22 approved by the commissioner to]that was administering the aid to
23 families with dependent children program at the time the federal
24 "Personal Responsibility and Work Opportunity Reconciliation Act of
25 1996," Pub.L.104-193, was enacted and which, upon the enactment
26 of P.L. , c. (C.) (pending before the Legislature as this bill) shall
27 also¹ administer the Work First New Jersey program in that county.

28 "Dependent child" means a child:

29 a. under the age of 18;

30 b. under the age of 19 and a full-time student in a secondary school

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly APR committee amendments adopted December 5, 1996.

1 or an equivalent level of vocational or technical training, if, before the
2 student attains age 19, the student may reasonably be expected to
3 complete the student's program of secondary school or training; or

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

8 "Eligible alien" means one of the following:

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

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

15 c. a qualified alien ¹[immigrant]¹ who is a veteran of, or on active
16 duty in, the armed forces of the United States, or the spouse or
17 dependent child of that person pursuant to federal law;

18 d. a recipient of refugee and entrant assistance activities or a
19 Cuban or Haitian entrant pursuant to federal law; ¹[or]¹

20 e. a legal permanent resident alien who has worked 40 qualifying
21 quarters of coverage as defined under Title II of the federal Social
22 Security Act; except that, for any period after December 31, 1996, a
23 quarter during which an individual received means-tested, federally
24 funded public benefits shall not count toward the total number of
25 quarters¹[.];

26 f. a qualified alien admitted to the United States on or after August
27 22, 1996, who has lived in the United States for at least five years and
28 is eligible for means-tested, federally funded public benefits pursuant
29 to federal law; or

30 g. a qualified alien who has been battered or subjected to extreme
31 cruelty in the United States by a spouse, parent or a member of the
32 spouse or parent's family residing in the same household as the alien,
33 or a qualified alien whose child has been battered or subjected to
34 extreme cruelty in the United States by a spouse or parent of the alien,
35 without the active participation of the alien, or by a member of the
36 spouse or parent's family residing in the same household as the alien.
37 In either case, the spouse or parent shall have consented or acquiesced
38 to the battery or cruelty and there shall be a substantial connection
39 between the battery or cruelty and the need for benefits to be
40 provided. The provisions of this subsection shall not apply to an alien
41 during any period in which the individual responsible for the battery or
42 cruelty resides in the same household or assistance unit as the
43 individual subjected to the battery or cruelty. Benefits shall be
44 provided to the extent and for the period of time that the alien or
45 alien's child is eligible for the program.

46 For the purposes of this section, "qualified alien" is defined

1 pursuant to the provisions of section 431 of Title IV of Pub.L.104-
2 193.¹

3 "Income" means, but is not limited to, commissions, salaries, self-
4 employed earnings, ¹child support and alimony payments,¹ interest and
5 dividend earnings, wages, receipts, unemployment compensation, any
6 legal or equitable interest or entitlement owed that was acquired by a
7 cause of action, suit, claim or counterclaim, insurance benefits,
8 temporary disability claims, estate income, trusts, federal income tax
9 refunds, State income tax refunds, homestead rebates, lottery prizes,
10 casino and racetrack winnings, annuities, retirement benefits, veterans'
11 benefits, union benefits, or other sources that may be defined as
12 income by the commissioner; except that in the event that individual
13 development accounts for recipients are established by regulation of
14 the commissioner, any interest or dividend earnings from such an
15 account shall not be considered income.

16 "Income eligibility standard" means the income eligibility threshold
17 based on assistance unit size established by regulation of the
18 commissioner for benefits provided within the limit of funds
19 appropriated by the Legislature.

20 ¹"Legal guardian" means a person who exercises continuing control
21 over the person or property, or both, of a child, including any specific
22 right of control over an aspect of the child's upbringing, pursuant to
23 a court order.¹

24 "Non-needy caretaker" means a relative caring for a dependent
25 child, or a legal guardian of a minor child who, in the absence of a
26 natural or adoptive parent, assumes parental responsibility and has
27 income which exceeds the income eligibility standard but is less than
28 150% of the State median income adjusted for household size.

29 "Recipient" means a recipient of benefits under the Work First New
30 Jersey program.

31 "Resources" means all real and personal property as defined by the
32 commissioner; except that in the event that individual development
33 accounts for recipients are established by regulation of the
34 commissioner, all funds in such an account, up to the limit determined
35 by the commissioner, including any interest or dividend earnings from
36 such an account, shall not be considered to be a resource.

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

39 ¹"Title IV-D" means the provisions of Title IV-D of the federal
40 Social Security Act governing paternity establishment and child
41 support enforcement activities and requirements.¹

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

45

46 2. (New section) a. Benefits under the Work First New Jersey

1 program shall be determined according to standards of income and
2 resources established by the commissioner. These standards shall take
3 into account, for the determination of eligibility and the provision of
4 benefits, all income and resources of all persons in the assistance unit
5 of which the applicant or recipient is a member, except as provided by
6 law governing the Work First New Jersey program and as prescribed
7 by the commissioner. The benefits to be granted shall be governed by
8 standards established by regulation of the commissioner. The
9 commissioner may set income and resource eligibility and benefits
10 standards that differ with respect to types of assistance units.

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

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

33 d. A voluntary assignment or transfer of income or resources
34 within one year prior to the time of application for benefits for the
35 purpose of qualifying therefor shall render the applicant and the
36 applicant's assistance unit members ineligible for benefits for a period
37 of time determined by regulation of the commissioner.

38 e. Any income or resources that are exempted by federal law for
39 purposes of eligibility for benefits shall not reduce the amount of
40 benefits received by a recipient and shall not be subject to a lien or be
41 available for repayment to the State or county agency for benefits
42 received by the individual.

43

44 3. (New section) A recipient who has resided in New Jersey for
45 less than 12 consecutive months shall be eligible to receive cash
46 assistance benefits in the amount that the recipient would have

1 received from the recipient's immediately prior state of residence if
2 that amount is less than the cash assistance benefits provided by the
3 program. This limitation on cash assistance benefits shall apply until
4 the recipient has resided in New Jersey for 12 consecutive months.

5
6 4. (New section) Information concerning applicants or recipients
7 shall not be disclosed except for purposes directly connected with the
8 administration of the program, in accordance with regulations to be
9 adopted by the commissioner. Any person ¹or entity¹ under contract
10 to provide services to the program shall comply with these
11 regulations. The provisions of this section shall not be construed to
12 prohibit the exchange of information among agencies, organizations,
13 or other entities as prescribed by the commissioner or pursuant to
14 federal requirements.

15
16 5. (New section) a. Only those persons who are United States
17 citizens or eligible aliens shall be eligible for benefits under the Work
18 First New Jersey program. Single adults or couples without dependent
19 children who are legal aliens who meet federal requirements and have
20 applied for citizenship, shall not receive benefits for more than six
21 months unless ¹(1)¹ they attain citizenship¹, or (2) they have passed
22 the English language and civics components for citizenship, and are
23 awaiting final determination of citizenship by the federal Immigration
24 and Naturalization Service¹. ¹[Legal aliens who arrived in the United
25 States on or after August 22, 1996 who are eligible for citizenship and
26 do not apply for citizenship, are not eligible for benefits.]¹

27 b. The following persons shall not be eligible ¹[to receive benefits]
28 for assistance¹ and shall not be considered to be members of an
29 assistance unit:

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

33 (2) Supplemental Security Income recipients¹, except for the
34 purposes of receiving emergency assistance benefits pursuant to
35 section 8 of P.L. , c. (C.)(pending before the Legislature as this
36 bill¹;

37 (3) illegal aliens;

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

39 (5) a person ¹absent from the home¹ who is incarcerated in a
40 federal, State, county or local ¹[prison] corrective facility¹ or under
41 the custody of correctional authorities, except as provided by
42 regulation of the commissioner;

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

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

3 (7) a person convicted on or after August 22, 1996 under federal
4 or State law of any offense which is classified as a felony ¹or crime,
5 as appropriate,¹ under the laws of the jurisdiction involved and which
6 has as an element the possession, use, or distribution of a controlled
7 substance as defined in section 102(6) of the federal "Controlled
8 Substances Act" (21 U.S.C. §802 (6))¹; except that a person convicted
9 of any such offense which has as an element the possession or use only
10 of such a controlled substance may be eligible for benefits if the person
11 has successfully completed a drug treatment program approved by the
12 commissioner. Eligibility for benefits shall commence upon
13 completion of the drug treatment program, except that during the first
14 60 days after completion of the drug treatment program, the
15 commissioner shall provide for testing of the person to determine if the
16 person is free of any controlled substance. If the person is determined
17 to not be free of any controlled substance during the 60-day period,
18 the person's eligibility for benefits pursuant to this paragraph shall be
19 terminated. The commissioner, in consultation with the Commissioner
20 of Health and Senior Services, shall adopt regulations to carry out the
21 provisions of this paragraph, which shall include the criteria for
22 determining completion of a drug treatment program¹;

23 (8) a person found to have fraudulently misrepresented his
24 residence in order to obtain means-tested, ¹[federally funded]¹ public
25 benefits in two or more states ¹or jurisdictions¹, who shall be ineligible
26 for benefits for a period of 10 years from the date of conviction in a
27 federal or State court; or

28 (9) a person who intentionally makes a false or misleading
29 statement or misrepresents, conceals or withholds facts for the
30 purpose of receiving benefits, who shall be ineligible for benefits for
31 a period of six months for the first violation, 12 months for the second
32 violation, and permanently for the third violation.

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

36
37 6. (New section) a. The signing of an application for benefits
38 under the Work First New Jersey program shall constitute an
39 assignment of any child support rights pursuant to ¹[45 CFR 232.11]
40 Title IV-D¹ on behalf of individual assistance unit members to the
41 county agency. The assignment shall terminate with respect to current
42 support rights when a determination is made by the county agency that
43 the person in the assistance unit is no longer eligible for benefits. The
44 determination of the amount of repayment to the county agency and
45 distribution of any unpaid support obligations that have accrued during
46 the period of receipt of benefits shall be determined by regulation of

1 the commissioner in accordance with federal law.

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

6 c. An assistance unit eligible for benefits and in receipt of child
7 support shall receive, in addition to its regular grant of cash assistance
8 benefits, an amount up to \$50 per month based on the amount of
9 current child support received for that month. If the amount of child
10 support received is less than \$50, the ¹[family]assistance unit¹ shall
11 receive that amount. If the amount of child support received is \$50 or
12 more, the ¹[family]assistance unit¹ shall receive \$50.

13

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

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

27

28 8. (New section) a. Emergency assistance shall be provided only
29 to recipients of Work First New Jersey and persons receiving
30 Supplemental Security Income pursuant to P.L.1973, c.256 (C.44:7-85
31 et seq.) in emergent situations, as determined by the commissioner, for
32 up to 12 cumulative months; except that¹:

33 (1) ¹the commissioner may provide for an extension of emergency
34 assistance ¹[only for an additional six months to an assistance unit of
35 a recipient with dependent children, to be provided in three-month
36 increments, at the commissioner's discretion] for up to six additional
37 months to an assistance unit with dependent children, if the
38 commissioner determines that a case of extreme hardship exists. The
39 commissioner shall review each such case on a monthly basis during
40 the six-month period and shall continue the emergency assistance only
41 if the commissioner determines, based upon the monthly review, that
42 the extreme hardship continues to exist. If the extreme hardship
43 continues to exist at the end of the six-month period, the commissioner
44 may provide an additional six months of emergency assistance to no
45 more than 10% of those assistance units with dependent children
46 which are receiving temporary rental assistance under the emergency

1 assistance component of the program, based upon the most current
2 data available; and

3 (2) the commissioner may provide for an extension of emergency
4 assistance for up to six additional months to no more than 10% of
5 single adults and couples without dependent children who are
6 receiving temporary rental assistance under the emergency assistance
7 component of the program, if the commissioner determines that a case
8 of extreme hardship exists. The commissioner shall review each such
9 case on a monthly basis during the six-month period and shall continue
10 the emergency assistance only if the commissioner determines, based
11 upon the monthly review, that the extreme hardship continues to
12 exist¹.

13 Any form of emergency assistance provided pursuant to this section
14 shall count toward the maximum period of emergency assistance
15 allowed.

16 b. A person receiving emergency assistance shall contribute from
17 the person's income toward the payment of all emergency shelter
18 arrangements, including temporary housing and temporary rental
19 assistance, in accordance with regulations adopted by the
20 commissioner. As a condition of receipt of emergency assistance, a
21 person shall be required to take all reasonable steps to end the person's
22 dependency on emergency assistance and take all other actions
23 required by the commissioner.

24 c. ¹The commissioner shall adopt regulations to establish
25 classifications for hotel or motel per diem rates in accordance with the
26 level of enhanced services provided at a participating hotel or motel.

27 d.¹ The provisions of this section shall apply to a person who
28 receives general public assistance pursuant to P.L.1947, c.156
29 (C.44:8-107 et seq.) after the effective date of this act and is
30 subsequently transferred directly into the Work First New Jersey
31 program.

32
33 9. (New section) The commissioner shall assure that an applicant
34 or recipient shall be afforded the opportunity for a hearing if the
35 applicant's or recipient's claim for benefits is denied, reduced,
36 suspended, terminated or not acted upon within a reasonable time, in
37 accordance with regulations adopted by the commissioner. A
38 recipient shall continue to receive the recipient's current benefits
39 pending the outcome of the hearing. The hearing shall be conducted
40 by the Office of Administrative Law in accordance with the
41 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
42 seq.).

43
44 10. (New section) In the case of an experimental, pilot or
45 demonstration project which in the judgment of the commissioner is
46 likely to assist in promoting the objectives of the Work First New

1 Jersey program, or to promote the objectives of the Title IV-D child
 2 support enforcement program in the State, the commissioner may
 3 waive compliance with the requirements of the Work First New
 4 ¹[Jersery]Jersey¹ program to the extent the commissioner deems
 5 necessary to carry out the project and for a period of time not to
 6 exceed three years, during which time the commissioner shall report
 7 to the Legislature on the progress of the project at least every six
 8 months ¹; except that the commissioner shall not waive compliance
 9 with the provisions of subsection h. of section 8 of P.L. , c. (C.)
 10 (pending before the Legislature as Assembly Bill No.12 of 1996) or
 11 implement a pilot or demonstration project that circumvents or
 12 obstructs a collective bargaining agreement.¹ The commissioner shall
 13 provide an opportunity for public comment prior to the
 14 implementation of the project. The commissioner shall establish any
 15 fiscal or evaluative terms and conditions for the project that he deems
 16 appropriate.

17

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

20 1. The Commissioner of Human Services shall establish a
 21 centralized registry in the Division of Family Development of the
 22 Department of Human Services to contain the names and Social
 23 Security numbers, and such additional identifying information as the
 24 commissioner deems appropriate, of recipients of benefits under [the
 25 "General Public Assistance Law," P.L.1947, c.156 (C.44:8-107 et
 26 seq.)] P.L. , c. (C.)(pending before the Legislature as
 27 Assembly Bill No. 12 of 1996). Each of the [municipal welfare
 28 agencies] ¹[administrative]¹ entities ¹administering public assistance¹
 29 designated by the commissioner shall provide such information and
 30 assistance as the commissioner may request to carry out the provisions
 31 of ¹[this act] P.L.1994, c.147 (C.44:8-111.1 et seq.)¹. The
 32 commissioner shall provide for the periodic updating of the
 33 information contained in the registry.

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

35

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

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

44 b. The commissioner shall also provide for the use of the registry
 45 to conduct comparison checks of [general] public assistance recipient
 46 records between [municipalities] ¹[administrative]¹ entities

1 administering public assistance¹ within the State[, as well as
2 comparison checks of general public assistance recipient records with
3 those of recipients of aid to families with dependent children benefits
4 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

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15

16

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