

SENATE, No. 36

STATE OF NEW JERSEY

INTRODUCED OCTOBER 24, 1996

By Senators BRYANT, BASSANO, Zane, Casey, Girgenti, O'Connor, Kosco, Codey, Adler, Lipman, Connors, Bubba, Littell, Haines, Ewing, Lesniak, Kyrillos, Bennett, Kenny, Scott, Inverso, Matheussen, Ciesla, MacInnes, Lynch, Cardinale, Palaia, Sinagra, Gormley and Baer

1 AN ACT establishing the Work First New Jersey program,
2 supplementing Title 44 of the Revised Statutes and repealing parts
3 of the statutory law.

4

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

7

8 1. This act shall be known and may be cited as the "Work First
9 New Jersey Act."

10

11 2. The Legislature finds and declares that:

12 a. The federal "Personal Responsibility and Work Opportunity
13 Reconciliation Act of 1996," Pub.L.104-193, establishes the federal
14 block grant for temporary assistance for needy families and provides
15 the opportunity for a state to establish and design its own welfare
16 program;

17 b. Work and the earning of income promote the best interests of
18 families and children;

19 c. Working individuals and families needing temporary assistance
20 should have the transitional support necessary to obtain and keep a
21 job in order to be able to avoid cycling back onto public assistance;

22 d. Teenage pregnancy is counter to the best interests of children;

23 e. Successful welfare reform requires the active involvement of the
24 private sector as well as all departments of State government;

25 f. Personal and family security and stability, including the protection
26 of children and vulnerable adults, are important to the establishment
27 and maintenance of successful family life and childhood development;

28 g. Children and teenagers need the benefits of the support and
29 guidance which a family structure provides; the welfare system has
30 provided a vehicle for breaking up families by giving teenage mothers
31 the means to shift their financial dependence from their parents to the
32 State; in the process, these youths deprive themselves of the education
33 and family structure necessary to support themselves and their babies;

1 and the support and structure provided by families are important to the
2 development of a child's maximum potential; and

3 h. The Work First New Jersey program established pursuant to this
4 act incorporates and builds upon the fundamental concepts of the
5 Family Development Initiative established pursuant to P.L.1991, c.523
6 (C.44:10-19 et seq.) in a manner that is consistent with the federal
7 program of temporary assistance for needy families, by establishing
8 requirements for: time limits on cash assistance; the participation of
9 recipients in work activities; enhanced efforts to establish paternity and
10 establish and enforce child support obligations; sanctions for failure to
11 comply with program requirements; a cap on the use of funds for
12 administrative costs; the maintenance of State and county financial
13 support of the program; teenage parent recipients to live at home and
14 finish high school; and restrictions on eligibility for benefits for legal
15 aliens.

16

17 3. As used in this act:

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

20 "Assistance unit" means: a single person without dependent
21 children; a couple without dependent children; dependent children
22 only; or a person with one or more dependent children who are legally
23 or blood-related, or who is their legal guardian, and who live together
24 as a household unit.

25 "Benefits" means any assistance provided to needy persons and
26 their dependent children and single persons under the Work First New
27 Jersey program.

28 "Case management" means the provision of certain services to
29 Work First New Jersey recipients, which shall include an assessment
30 and development of an individual responsibility plan.

31 "Commissioner" means the Commissioner of Human Services.

32 "Community work experience" means unpaid work experience and
33 training with a public, private non-profit or private charitable employer
34 provided to a recipient when, and to the extent, that such experience
35 is necessary to enable the recipient to adjust to, and learn how to
36 function in, an employment setting.

37 "County agency" means the agency, including, but not limited to,
38 a county planning council, designated by a county and approved by the
39 commissioner to administer the Work First New Jersey program in that
40 county.

41 "Dependent child" means a child:

42 a. under the age of 18;

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

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

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

7 "Program" means the Work First New Jersey program established
8 pursuant to this act.

9 "Recipient" means a recipient of benefits under the Work First New
10 Jersey program.

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

17 "Work activity" includes, but is not limited to, the following, as
18 defined by regulation of the commissioner: employment, work
19 experience; on-the-job training; job search and job readiness
20 assistance; vocational educational training; job skills training related
21 directly to employment; community work experience; alternative work
22 experience; supportive work; community service programs, including
23 the provision of child care as a community service project; in the case
24 of a teenage parent or a recipient under the age of 19 who is expected
25 to graduate or complete their course of study by their 19th birthday,
26 satisfactory attendance at a secondary school or in a course of study
27 leading to a certificate of general equivalence; and education that is
28 necessary for employment in the case of a person who has not received
29 a high school diploma or a certificate of high school equivalency, a
30 course of study leading to a certificate of general equivalence, or post-
31 secondary education, when combined with community work
32 experience participation or another work activity approved by the
33 commissioner, including employment.

34
35 4. a. The Work First New Jersey program is established in the
36 Department of Human Services. The commissioner shall take such
37 actions as are necessary to implement and operate the program in
38 accordance with the provisions of the federal "Personal Responsibility
39 and Work Opportunity Reconciliation Act of 1996," Pub.L.104-193.

40 b. The program shall provide benefits to recipients which were
41 provided, prior to the enactment of this act, under the following
42 programs: aid to families with dependent children (AFDC) pursuant to
43 P.L.1959, c.86 (C.44:10-1 et seq.) and emergency assistance for
44 AFDC recipient families; general public assistance (GA) pursuant to
45 P.L.1947, c.156 (C.44:8-107 et seq.), emergency assistance for GA
46 recipients, and the GA employability program; and the Family

1 Development Initiative established pursuant to P.L.1991, c.523
2 (C.44:10-19 et seq.).

3

4 5. a. All adult persons, except as otherwise provided by law
5 governing the Work First New Jersey program, are charged with the
6 primary responsibility of supporting and maintaining themselves and
7 their dependents; the primary responsibility for the support and
8 maintenance of minor children is that of the parents and family of
9 those children; and benefits shall be provided only when other means
10 of support and maintenance are not present to support the assistance
11 unit.

12 b. Benefits shall be temporary and serve the primary goal of
13 fostering self-sufficiency. Failure to cooperate with any of the
14 program eligibility requirements without good cause, as determined by
15 the commissioner, may result in ineligibility for benefits for all
16 assistance unit members.

17 c. If the county agency determines, based upon an applicant's
18 written statement signed under oath, that the applicant is in immediate
19 need of benefits because the applicant's available resources are
20 insufficient to meet the minimal current living expenses of the
21 applicant's assistance unit, the county agency shall issue cash
22 assistance benefits to the applicant on the date of application, subject
23 to the applicant meeting all other program eligibility requirements.

24

25 6. a. If an applicant or recipient is less than 18 years of age, has
26 never married, and is pregnant or is caring for a dependent child, the
27 applicant or recipient shall be required, as a condition of eligibility for
28 benefits for the applicant or recipient and the applicant's or recipient's
29 dependent child to:

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

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

35 (3) engage in a work activity if the applicant or recipient has
36 completed secondary education.

37 b. The commissioner shall exempt from the provisions of paragraph
38 (1) of subsection a. of this section an applicant or recipient who, as
39 determined by the commissioner during the application or eligibility
40 redetermination process, as appropriate, presents evidence that the
41 parent, legal guardian or other adult relative with whom the applicant
42 or recipient would otherwise be required to reside in order to be
43 eligible for benefits:

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

46 (2) poses a threat to the emotional health or physical safety of the

1 applicant or recipient;

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

5 (4) has exhibited neglect with respect to the needs of the applicant
6 or recipient and the applicant's or recipient's dependent child.

7 c. In the case of an applicant or recipient and the applicant's or
8 recipient's dependent child who are exempted from the requirements
9 of paragraph (1) of subsection a. of this section, in accordance with
10 subsection b. of this section, the county agency shall make a
11 determination as to the most appropriate living arrangement that
12 would be in the best interest of the applicant or recipient and the
13 applicant's or recipient's dependent child.

14 d. The commissioner shall exempt from the provisions of paragraph
15 (2) of subsection a. of this section an applicant or recipient whom the
16 commissioner determines, based upon an assessment of the person's
17 ability and aptitude, lacks a reasonable prospect of being able to
18 successfully complete the academic requirements of a high school or
19 equivalency program of study.

20 e. The commissioner may also exempt an applicant or recipient
21 from the provisions of subsection a. of this section, if the
22 commissioner otherwise determines that the exemption would be in the
23 best interest of that applicant or recipient and the applicant's or
24 recipient's dependent child.

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

28

29 7. a. The level of cash assistance benefits payable to an assistance
30 unit shall not increase as a result of the birth of a child during the
31 period in which the assistance unit is eligible for benefits, or during a
32 temporary period in which the assistance unit is ineligible for benefits
33 pursuant to a penalty imposed by the commissioner for failure to
34 comply with benefit eligibility requirements, subsequent to which the
35 assistance unit is again eligible for benefits.

36 b. The provisions of subsection a. of this section shall not apply to
37 medical assistance, pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.),
38 or food stamp benefits, pursuant to the federal "Food Stamp Act of
39 1977," Pub.L.95-113 (7 U.S.C. §2011 et seq.), provided to an
40 assistance unit.

41 c. In the case of an assistance unit in which the adult recipient
42 gives birth to an additional child during the period in which the
43 assistance unit is eligible for benefits, or during a temporary penalty
44 period of ineligibility for benefits subsequent to which the assistance
45 unit again becomes eligible for benefits, the commissioner shall
46 provide that in computing the amount of cash assistance benefits to be

1 granted to the assistance unit, the following shall be deducted from the
2 monthly earned income of each employed person in the assistance unit:

3 (1) those earned income disregards provided for under section 4
4 of P.L. , c. (C.)(pending before the Legislature as Senate
5 Bill No. of 1996); and

6 (2) an additional amount earned by each employed person which,
7 at a maximum, is equal to the difference between the amount of the
8 grant determined pursuant to subsection a. of this section and 50% of
9 the monthly payment of cash assistance benefits, adjusted for family
10 size.

11 d. Notwithstanding the provisions of subsection a. of this section to
12 the contrary, a person receiving AFDC benefits on the effective date
13 of this act whose AFDC benefits were limited pursuant to P.L.1991,
14 c.526 (C.44:10-3.5 et seq.) shall continue to be subject to the same
15 limitation as a recipient of Work First New Jersey benefits, in
16 accordance with regulations adopted by the commissioner.

17 e. The provisions of this section shall not apply to an adult
18 recipient who has received benefits for at least one month during a
19 period of 10 consecutive months immediately preceding the birth of a
20 child, including any period in which the recipient is ineligible for
21 benefits or the recipient's case is closed by action of the recipient or
22 the county agency, as determined by regulation of the commissioner.

23

24 8. a. As defined by the commissioner, each adult recipient shall
25 continuously and actively seek employment in an effort to remove the
26 assistance unit of which the recipient is a member from the program.
27 If that employment is not secured, a recipient may be assigned to a
28 work activity as determined by the commissioner. The recipient shall
29 sign an individual responsibility plan, as provided in subsection f. of
30 this section, in order to be able to participate in the program, which
31 shall indicate the terms of the work activity requirements that the
32 recipient must fulfill in order to continue to receive benefits.

33 b. In accordance with Pub.L.104-193, a recipient in an assistance
34 unit with dependent children shall commence participation in a work
35 activity, self-directed job search or other activities as determined by
36 the commissioner at some time prior to having received 24 months of
37 benefits; except that if the recipient is a full-time post-secondary
38 student in a course of study related to employment as defined by
39 regulation of the commissioner, the recipient shall be required to
40 engage in another work activity for no more than 15 hours a week,
41 subject to the recipient making satisfactory progress toward the
42 completion of the post-secondary course of study as determined by
43 the commissioner.

44 c. A recipient shall comply with work activity participation
45 requirements as a condition of remaining eligible for benefits. In
46 accordance with the requirements of Pub.L.104-193, a minimum of

1 25% of all assistance units of persons with dependent children
2 receiving benefits shall participate in work activities in federal fiscal
3 year 1997. The participation rate shall increase by 5% in each federal
4 fiscal year to a level of 50% in federal fiscal year 2002 and thereafter.
5 For two-parent assistance units with dependent children receiving
6 benefits, the participation rate shall be 75% for federal fiscal years
7 1997 and 1998 and 90% in federal fiscal year 1999 and thereafter.
8 The participation rate shall be calculated in accordance with federal
9 requirements. A recipient may be required to participate in one or
10 more work activities for a maximum aggregate hourly total of 40
11 hours per week.

12 d. A recipient shall not be required to engage in a work activity if
13 child care is unavailable for the recipient's dependent child, as
14 determined by regulation of the commissioner.

15 e. A recipient may temporarily be deferred from work activity
16 requirements as provided for by the commissioner if the recipient is:

17 (1) a woman in the third trimester of pregnancy;

18 (2) a person certified by an examining physician to be unable, by
19 reason of a physical or mental defect, disease or impairment, to engage
20 in any gainful occupation for any period less than 12 months; or

21 (3) the parent or relative of a child under the age of 12 weeks who
22 is providing care for that child.

23 f. Upon a determination of eligibility for benefits, each adult
24 recipient not otherwise deferred or exempted under this act shall be
25 given an assessment of that person's potential and readiness for work,
26 including, but not limited to, skills, education, past work experience
27 and any barriers to securing employment, including a screening and
28 assessment for substance abuse, as appropriate. For all recipients not
29 deferred or exempt, an annual individual responsibility plan shall be
30 developed jointly by the county agency and recipient specifying the
31 steps that will be taken by each to assist the recipient to secure
32 employment. The individual responsibility plan shall include specific
33 goals for each adult member of the assistance unit and may include
34 specific goals for a dependent child member of the assistance unit.
35 The goals, as determined by regulation of the commissioner, shall
36 include, but not be limited to, requirements for parental participation
37 in a dependent child's primary school program, immunizations for a
38 dependent child, and regular school attendance by a dependent child.
39 Recipients who are job ready shall be placed immediately in a self-
40 directed job search. Within the amount of funds allocated by the
41 commissioner for this purpose, other recipients shall be placed in an
42 appropriate work activity as indicated by their individual assessments.

43 g. The county agency shall ensure the provision of necessary case
44 management for recipients, as appropriate to their degree of job
45 readiness, pursuant to regulations adopted by the commissioner. The
46 most intensive case management shall be directed to those recipients

1 facing the most serious barriers to employment.

2 h. An adult recipient engaged in a work activity shall not be hired
3 or assigned to fill a position when the position is vacant as a result of
4 another person being laid off or terminated without good cause. The
5 commissioner, in consultation with the Commissioner of Labor, shall
6 establish a procedure for the resolution of complaints of alleged
7 violations of the provisions of this subsection.

8 i. The commissioner, acting in conjunction with the Commissioners
9 of Banking and Insurance, Commerce and Economic Development,
10 Community Affairs, Education, Health and Senior Services, Labor and
11 Transportation, shall implement all elements of the program and
12 establish initiatives to assist in moving recipients towards self-
13 sufficiency.

14 j. The commissioner shall take such actions as are necessary to
15 ensure that the program meets the requirements to qualify for the
16 maximum amount of federal funds due the State under Pub.L.104-193.

17 k. The commissioner is authorized to seek such waivers from the
18 federal government as are necessary to accomplish the goals of the
19 program.

20

21 9. The failure of a recipient to actively cooperate with the program
22 or participate in work activities without good cause as determined by
23 the commissioner shall result in a loss of cash assistance benefits in
24 accordance with the provisions of this section.

25 a. (1) In an assistance unit with a single adult or couple without
26 dependent children or a single adult with dependent children, the
27 person in noncompliance shall be subject to a loss of cash assistance
28 benefits for a minimum of one month for a first offense. If an intent
29 to comply by the person in noncompliance, as defined by regulation of
30 the commissioner, is not evidenced by the end of the one-month
31 period, continued suspension of cash assistance benefits for the person
32 shall remain in effect for up to two more months. If an intent to
33 comply by the person in noncompliance is not evidenced by the end of
34 the third month, the assistance unit's case shall be closed for cash
35 assistance benefits, and a reapplication shall be required by the
36 assistance unit in order to receive cash assistance benefits.

37 (2) In a two-parent assistance unit with dependent children, if one
38 parent is in noncompliance for a first offense, the needs of both adults
39 shall be deleted from the cash assistance benefits provided to the
40 assistance unit for a minimum of one month when the other parent is
41 not otherwise participating in a work activity, or is otherwise exempt
42 as determined by the commissioner. If an intent to comply by the
43 person in noncompliance, as defined by regulation of the
44 commissioner, is not evidenced by the end of the one-month period,
45 continued suspension of cash assistance benefits for both parents shall
46 remain in effect for up to two more months. If an intent to comply by

1 the person in noncompliance is not evidenced by the end of the third
2 month, the assistance unit's case shall be closed for cash assistance
3 benefits, and a reapplication shall be required by the assistance unit in
4 order to receive cash assistance benefits.

5 (3) If the noncompliance for a first offense is due to the inaction of
6 a minor parent in the assistance unit, the needs of the minor parent and
7 the minor parent's spouse, if any, in the assistance unit shall be deleted
8 from the cash assistance benefits provided to the assistance unit for a
9 minimum of one month. If an intent to comply by the minor parent in
10 noncompliance is not evidenced by the end of the first-month period,
11 suspension of the cash assistance benefits shall remain in effect for up
12 to two additional months. If an intent to comply by the minor parent
13 in noncompliance is not evidenced by the end of the third month, the
14 minor parent and the minor parent's spouse, if any, in the assistance
15 unit, as well as the dependent child of the minor parent in the
16 assistance unit, shall be excluded from the assistance unit for cash
17 assistance benefits.

18 (4) A dependent child who fails to comply with the requirement for
19 school attendance or other work activity participation pursuant to this
20 act for a first offense shall be subject to a loss of cash assistance
21 benefits for one month. If an intent to comply by the dependent child
22 is not evidenced by the end of the one-month period, cash assistance
23 benefits shall be suspended for that person for up to two additional
24 months. If an intent to comply by the dependent child is not evidenced
25 by the end of the third month, the dependent child shall be excluded
26 from the assistance unit for cash assistance benefits.

27 b. (1) In an assistance unit with a single adult or couple without
28 dependent children or a single adult with dependent children, the
29 person in noncompliance shall be subject to a loss of cash assistance
30 benefits for a minimum of one month for a second offense. If an intent
31 to comply by the person in noncompliance, as defined by regulation of
32 the commissioner, is evidenced by the end of the one-month period,
33 only that person's needs shall be deleted from the cash assistance
34 benefits provided to the assistance unit for the following month. If an
35 intent to comply by the person in noncompliance is not evidenced by
36 the end of the one-month period, the entire assistance unit shall be
37 subject to a loss of cash assistance benefits for the following month.
38 If an intent to comply by the person in noncompliance is not
39 evidenced by the end of the second month, the assistance unit's case
40 shall be closed for cash assistance benefits, and a reapplication shall be
41 required by the assistance unit in order to receive cash assistance
42 benefits.

43 (2) In a two-parent assistance unit with dependent children, if one
44 parent is in noncompliance for a second offense, the needs of both
45 adults shall be deleted from the cash assistance benefits provided to
46 the assistance unit for a period of one month when the other parent is

1 not otherwise participating in a work activity, or is otherwise exempt
2 as determined by the commissioner. If an intent to comply by the
3 person in noncompliance, as defined by regulation of the
4 commissioner, is not evidenced by the end of the one-month period,
5 the entire assistance unit shall be subject to a loss of cash assistance
6 benefits for the following month. If an intent to comply by the person
7 in noncompliance is not evidenced by the end of the second month, the
8 assistance unit's case shall be closed for cash assistance benefits, and
9 a reapplication shall be required by the assistance unit in order to
10 receive cash assistance benefits.

11 (3) If the noncompliance for a second offense is due to the inaction
12 of a minor parent in the assistance unit, the needs of the minor parent
13 and the minor parent's spouse, if any, in the assistance unit shall be
14 deleted from the cash assistance benefits provided to the assistance
15 unit for a minimum of one month. If an intent to comply by the minor
16 parent in noncompliance is not evidenced by the end of the one-month
17 period, the minor parent and the minor parent's spouse, if any, in the
18 assistance unit, as well as the dependent child of the minor parent in
19 the assistance unit, shall be subject to a loss of cash assistance benefits
20 for the following month. If an intent to comply by the minor parent in
21 noncompliance is not evidenced by the end of the second month, the
22 minor parent and the minor parent's spouse in the assistance unit, as
23 well as the dependent child of the minor parent in the assistance unit,
24 shall be excluded from the assistance unit for cash assistance benefits.

25 (4) A dependent child who is in noncompliance with the
26 requirement for school attendance or other work activity participation
27 pursuant to this act for a second offense shall be subject to a loss of
28 cash assistance benefits for a minimum of two months. If an intent to
29 comply by the dependent child is not evidenced by the end of the two-
30 month period, the dependent child shall be excluded from the
31 assistance unit for cash assistance benefits.

32 (5) A person sanctioned for a second offense pursuant to this
33 subsection shall be counseled by a county agency employee prior to
34 the reinstatement of eligibility for cash assistance benefits.

35 c. (1) The person in noncompliance and all other members of the
36 person's assistance unit shall be subject to a loss of cash assistance
37 benefits for a minimum of three months for a third and subsequent
38 offense. If an intent to comply by the person in noncompliance is not
39 evidenced by the end of the three-month period, the assistance unit's
40 case shall be closed for cash assistance benefits, and a reapplication
41 shall be required by the assistance unit in order to receive cash
42 assistance benefits.

43 (2) A dependent child who is in noncompliance with the
44 requirement for school attendance or other work activity participation
45 pursuant to this act for a third or subsequent offense shall be subject
46 to a loss of cash assistance benefits for a minimum of three months. If

1 an intent to comply by the dependent child is not evidenced by the end
2 of the three-month period, the dependent child shall be excluded from
3 the assistance unit for cash assistance benefits.

4 d. The county agency shall maintain a record of the number of
5 sanctions which have accrued to an assistance unit. The number of
6 sanctions accruing to an assistance unit shall be reduced by one for
7 each continuous 12-month period in which no sanction has been
8 imposed on a member of that assistance unit.

9 e. A recipient who voluntarily quits a job without good cause, as
10 defined by regulation of the commissioner, shall render the entire
11 assistance unit ineligible for cash assistance benefits for a period of
12 two months from the date the recipient quit the job; except that, if the
13 recipient is a dependent child engaged in a work activity, only the
14 needs of that dependent child shall be deleted from the cash assistance
15 benefit provided to the assistance unit for the two-month period.

16
17 10. a. A person shall be required to satisfy any sanction or
18 repayment obligation incurred pursuant to any federal or State law
19 governing public assistance, including any act repealed by this act, as
20 a condition of eligibility for benefits.

21 b. (1) Whenever a parent or relative with whom a dependent child
22 is living applies for or is receiving benefits for that child, and it appears
23 that there is pending entitlement to a payment to the child or to either
24 or both of his parents of funds arising from a claim or interest legally
25 or equitably owned by the child or by either or both of his parents,
26 other than that portion of a personal injury award which a court
27 specifically awards to a child to make him whole as a result of an
28 injury, the county agency may, as a condition of eligibility or
29 continuation of eligibility for benefits, require either or both parents,
30 or relative, to execute a written promise to repay, from the funds
31 anticipated, the amount of benefits to be granted from the date of
32 entitlement to that payment. Upon any refusal to make repayment,
33 including refusal by any person acting for or on behalf of either or both
34 parents, or relative, in accordance with the written promise, the county
35 agency may take all necessary and proper action under State law to
36 enforce that promise, and the granting or continuing of benefits, as
37 the case may be, shall be deemed due consideration therefor. Any
38 payments from the settlement of the claim or interest legally or
39 equitably owned by the child or by either or both of his parents made
40 by any person acting for or on behalf of either or both parents, or
41 relative, subsequent to notice of claim of the county agency and prior
42 to express written approval by the county agency shall cause that
43 person to be liable to the county agency in the amount of the payment.

44 (2) Whenever any child with respect to whom benefits have been
45 paid pursuant to this act or assistance paid pursuant to any act
46 repealed by this act, shall die prior to the attainment of his 21st

1 birthday, and shall leave an estate, the total amount of benefits paid
2 with respect to that child pursuant to this act and the total amount of
3 assistance paid pursuant to any act repealed by this act, shall be a valid
4 and enforceable claim against that estate, with priority over all other
5 unsecured claims except reasonable funeral expenses and terminal
6 medical and hospital expenses, and the county agency shall take all
7 necessary and proper action under State law to enforce that claim.

8 (3) The county agency may, with the consent and approval of the
9 Division of Family Development in the Department of Human
10 Services, compromise and settle any claim for repayment of benefits
11 paid pursuant to this act or assistance paid pursuant to any act
12 repealed by this act.

13 (4) The Division of Family Development shall determine and cause
14 to be made such financial adjustments as are necessary to maintain a
15 correct proportional participation in any repayment among the
16 counties, State and federal government, and shall pay to the Treasurer
17 of the United States the determined federal portion.

18
19 11. The commissioner, pursuant to the "Administrative Procedure
20 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
21 regulations to effectuate the purposes of this act and to comply with
22 the requirements of Pub.L.104-193.

23
24 12. The following are repealed:
25 Section 1 of P.L.1987, c.283 (C.30:4D-6b);
26 P.L.1941, c.34 (C.44:8-104);
27 P.L.1959, c.86 (C.44:10-1 et seq.);
28 P.L.1983, c.85 (C.44:10-3.1 et seq.);
29 P.L.1985, c.501 (C.44:10-5.1 et seq.);
30 P.L.1991, c.523 (C.44:10-19 through 44:10-33);
31 P.L.1991, c.525 (C.44:10-3.3 et seq.);
32 P.L.1991, c.526 (C.44:10-3.5 et seq.); and
33 P.L.1991, c.527 (C.44:10-3.7 et seq.).

34
35 13. The following are repealed:
36 P.L.1947, c.156 (C.44:8-107 et seq.);
37 P.L.1950, c.303 (C.44:8-146 et seq.);
38 P.L.1988, c.79 (C.44:8-153 et seq.);
39 Section 27 of P.L.1994, c.182 (C.44:8-158);
40 P.L.1993, c.305 (C.44:8-117.1); and
41 Sections 28 through 32 of P.L.1995, c.259 (C.44:8-145.1 et seq.).

42
43 14. This act shall take effect immediately, except that section 13
44 shall take effect on January 1, 1998.

STATEMENT

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3 This bill establishes the "Work First New Jersey" program in the
4 Department of Human Services (DHS) as the State's consolidated
5 public assistance program, replacing the current programs of aid to
6 families with dependent children (AFDC), AFDC emergency
7 assistance, general assistance (GA), GA emergency assistance, the GA
8 employability program, and the Family Development Initiative.

9 The bill repeals:

10 C P.L.1959, c.86 (C.44:10-1 et seq.), the statute which established
11 the AFDC program as the basic cash assistance program for
12 custodial parents and their dependent children, and replaces AFDC
13 with the Work First New Jersey program, which is time-limited and
14 work-oriented in nature;

15 C the "Family Development Act," P.L.1991, c.523 (C.44:10-19
16 through 44:10-33), which established the Family Development
17 Initiative that will also be replaced by the Work First New Jersey
18 program, since the provisions of that statute are obviated by this
19 bill;

20 C effective January 1, 1998, the "General Public Assistance Law,"
21 P.L.1947, c.156 (C.44:8-107 et seq.), since the GA program is to
22 be folded into the Work First New Jersey program; and

23 C ancillary statutes pertaining to the AFDC and GA programs.

24 The bill provides that, with respect to the Work First New Jersey
25 program:

26 C A recipient is not entitled to receive an increase in cash assistance
27 provided by the program solely as a result of parenting an
28 additional child during the period that the recipient is eligible for
29 benefits.

30 C A recipient is required to engage in one or more of the following
31 work activities, as defined by regulation of the Commissioner of
32 Human Services (unless exempted or deferred under this bill):
33 employment; work experience; on-the-job training; job search and
34 job readiness assistance; vocational educational training; job skills
35 training directly related to employment; community work
36 experience; alternative work experience; supportive work;
37 community service; high school or an equivalency program of study
38 (mandatory for teenage recipients); and education that is necessary
39 for employment in the case of a person who has not received a high
40 school diploma or a certificate of high school equivalency, a course
41 of study leading to a certificate of general equivalence, or post-
42 secondary education, when combined with community work
43 experience participation or another work activity approved by the
44 commissioner, including employment.

45 C The program shall meet federal requirements for the participation

1 of recipients in work activities established pursuant to Pub.L.104-
2 193.

3 C A teenage parent shall be required to live with a parent or guardian,
4 or in an adult supervised setting, and to complete a high school or
5 equivalency program of study, as a condition of eligibility for the
6 program.

7 C A recipient who fails to actively cooperate with the program or
8 participate in required work activities is subject to a loss of cash
9 assistance.

10 Many of the provisions of this bill, including the requirements for
11 participation in work activities under the Work First New Jersey
12 program, are intended to implement requirements which the State must
13 adopt under the recently enacted federal welfare reform law,
14 Pub.L.104-193, the "Personal Responsibility and Work Opportunity
15 Reconciliation Act of 1996." The new federal law eliminates the open-
16 ended entitlement program of aid to families with dependent children
17 and creates a temporary assistance for needy families (TANF) block
18 grant for states to provide time-limited cash assistance. The Work
19 First New Jersey program will serve as the TANF program for New
20 Jersey pursuant to Pub.L.104-193.

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25 Designated the "Work First New Jersey Act."