

[First Reprint]
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
26 protection of children and vulnerable adults, are important to the
27 establishment and maintenance of successful family life and childhood

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 Senate SHU committee amendments adopted November 18, 1996.

1 development;

2 g. Children and teenagers need the benefits of the support and
3 guidance which a family structure provides; the welfare system has
4 provided a vehicle for breaking up families by giving teenage mothers
5 the means to shift their financial dependence from their parents to the
6 State; in the process, these youths deprive themselves of the education
7 and family structure necessary to support themselves and their babies;
8 and the support and structure provided by families are important to the
9 development of a child's maximum potential; and

10 h. The Work First New Jersey program established pursuant to this
11 act incorporates and builds upon the fundamental concepts of the
12 Family Development Initiative established pursuant to P.L.1991, c.523
13 (C.44:10-19 et seq.) in a manner that is consistent with the federal
14 program of temporary assistance for needy families, by establishing
15 requirements for: time limits on cash assistance; the participation of
16 recipients in work activities; enhanced efforts to establish paternity and
17 establish and enforce child support obligations; sanctions for failure to
18 comply with program requirements; a cap on the use of funds for
19 administrative costs; the maintenance of State and county financial
20 support of the program; teenage parent recipients to live at home and
21 finish high school; and restrictions on eligibility for benefits for
22 ¹[legal]¹ aliens.

23

24 3. As used in this act:

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

27 "Assistance unit" means: a single person without dependent
28 children; a couple without dependent children; dependent children
29 only; or a person ¹or couple¹ with one or more dependent children who
30 are legally or blood-related, or who is their legal guardian, and who
31 live together as a household unit.

32 "Benefits" means any assistance provided to needy persons and
33 their dependent children and ¹needy¹ single persons and couples
34 without dependent children¹ under the Work First New Jersey
35 program.

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

39 "Commissioner" means the Commissioner of Human Services.

40 "Community work experience" means unpaid work ¹[experience]¹
41 and training with a public, private ¹[non-profit]nonprofit¹ or private
42 charitable employer provided to a recipient when, and to the extent,
43 that such experience is necessary to enable the recipient to adjust to,
44 and learn how to function in, an employment setting.

45 "County agency" means ¹[the] a public¹ agency, including, but not
46 limited to, a county planning council, designated by a county and

1 approved by the commissioner to administer the Work First New
2 Jersey program in that county ¹for assistance units with dependent
3 children¹.

4 "Dependent child" means a child:

5 a. under the age of 18;

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

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

14 ¹ "Eligible alien" means one of the following:

15 a. a qualified alien admitted to the United States prior to August
16 22, 1996, who is eligible for means-tested, federally funded public
17 benefits pursuant to federal law;

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

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

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

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

32 f. a qualified alien admitted to the United States on or after August
33 22, 1996, who has lived in the United States for at least five years and
34 is eligible for means-tested, federally funded public benefits pursuant
35 to federal law.¹

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

38 ¹ "Income" means, but is not limited to, commissions, salaries, self-
39 employed earnings, child support and alimony payments, interest and
40 dividend earnings, wages, receipts, unemployment compensation, any
41 legal or equitable interest or entitlement owed that was acquired by a
42 cause of action, suit, claim or counterclaim, insurance benefits,
43 temporary disability claims, estate income, trusts, federal income tax
44 refunds, State income tax refunds, homestead rebates, lottery prizes,
45 casino and racetrack winnings, annuities, retirement benefits, veterans'
46 benefits, union benefits, or other sources that may be defined as

1 income by the commissioner; except that in the event that individual
2 development accounts for recipients are established by regulation of
3 the commissioner, any interest or dividend earnings from such an
4 account shall not be considered income.

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

9 "Program" means the Work First New Jersey program established
10 pursuant to this act.

11 "Recipient" means a recipient of benefits under the Work First New
12 Jersey program.

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

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

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

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

45 b. The program shall ¹[provide benefits to recipients which were
46 provided,] replace programs which were in effect ¹ prior to the

1 enactment of this act, ¹[under the following programs]including¹ : aid
2 to families with dependent children (AFDC) pursuant to P.L.1959,
3 c.86 (C.44:10-1 et seq.) and emergency assistance for AFDC recipient
4 families; general public assistance (GA) pursuant to P.L.1947, c.156
5 (C.44:8-107 et seq.), emergency assistance for GA recipients, and the
6 GA employability program; and the Family Development Initiative
7 established pursuant to P.L.1991, c.523 (C.44:10-19 et seq.).

8 ¹c. Notwithstanding the provisions of this act or any other law to
9 the contrary, a legal alien who is otherwise ineligible for benefits under
10 the program who is a victim of domestic violence as defined pursuant
11 to P.L.1991, c.261 (C.2C:25-17 et seq.), shall be eligible for benefits
12 under the program if the victim is no longer residing in the same
13 household as the perpetrator of the domestic violence.¹

14

15 5. a. All adult persons, except as otherwise provided by law
16 governing the Work First New Jersey program, are charged with the
17 primary responsibility of supporting and maintaining themselves and
18 their dependents; the primary responsibility for the support and
19 maintenance of minor children is that of the parents and family of
20 those children; and benefits shall be provided only when other means
21 of support and maintenance are not present to support the assistance
22 unit.

23 b. Benefits shall be temporary and serve the primary goal of
24 fostering self-sufficiency. Failure to cooperate with any of the
25 program eligibility requirements without good cause, as determined by
26 the commissioner, ¹[may] shall¹ result in ineligibility for benefits for
27 ¹some or¹ all assistance unit members.

28 c. If the county agency ¹or municipal welfare agency, as
29 appropriate,¹ determines, based upon an applicant's written statement
30 signed under oath, that the applicant is in immediate need of benefits
31 because the applicant's available resources are insufficient ¹, as
32 determined by the commissioner,¹ to meet the minimal current living
33 expenses ¹ pursuant to regulations adopted by the commissioner,¹ of
34 the applicant's assistance unit, the county agency ¹or municipal welfare
35 agency¹ shall issue cash assistance benefits to the applicant on the date
36 of application, subject to the applicant meeting all other program
37 eligibility requirements.

38 ¹d. The commissioner shall establish by regulation, standards and
39 procedures to screen and identify recipients with a history of being
40 subjected to domestic violence and refer these recipients to counseling
41 and supportive services. The commissioner may waive program
42 requirements, including, but not limited to, the time limit on benefits
43 pursuant to section 2 of P.L. , c. (C.)(pending before the
44 Legislature as Senate Bill No. 35 of 1996), residency requirements
45 pursuant to section 6 of P.L. , c. (C.)(pending before the
46 Legislature as this bill), child support cooperation requirements

1 pursuant to subsection b. of section 2 of P.L. , c. (C.)(pending
2 before the Legislature as Senate Bill No. 38 of 1996) and the
3 limitation on increase of cash assistance benefits as a result of the birth
4 of a child pursuant to section 7 of P.L. , c. (C.)(pending before the
5 Legislature as this bill), in cases where compliance with such
6 requirements would make it more difficult for a recipient to escape
7 domestic violence or unfairly penalize the recipient who is or has been
8 victimized by such violence, or who is at risk of further domestic
9 violence.

10 e. The commissioner shall establish regulations determining
11 eligibility and other requirements of the Work First New Jersey
12 program. Regulations shall include provisions for the deeming of
13 income, when appropriate, which include situations involving the
14 sponsor of an eligible alien in accordance with federal law, and legally
15 responsible relatives of assistance unit members.¹

16

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

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

25 (2) regularly attend a high school or equivalency program of study;
26 or

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

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

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

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

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

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

45 c. In the case of an applicant or recipient and the applicant's or
46 recipient's dependent child who are exempted from the requirements

1 of paragraph (1) of subsection a. of this section, in accordance with
2 subsection b. of this section, the county agency¹, pursuant to
3 guidelines established by the commissioner.¹ shall make a
4 determination as to the most appropriate living arrangement that
5 would be in the best interest of the applicant or recipient and the
6 applicant's or recipient's dependent child.

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

13 e. The commissioner may also exempt an applicant or recipient
14 from the provisions of subsection a. of this section, if the
15 commissioner otherwise determines that the exemption would be in the
16 best interest of that applicant or recipient and the applicant's or
17 recipient's dependent child.

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

21
22 7. a. The level of cash assistance benefits payable to an assistance
23 unit with dependent children¹ shall not increase as a result of the birth
24 of a child during the period in which the assistance unit is eligible for
25 benefits, or during a temporary period in which the assistance unit is
26 ineligible for benefits pursuant to a penalty imposed by the
27 commissioner for failure to comply with benefit eligibility
28 requirements, subsequent to which the assistance unit is again eligible
29 for benefits.

30 b. The provisions of subsection a. of this section shall not apply to
31 medical assistance, pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.),
32 or food stamp benefits, pursuant to the federal "Food Stamp Act of
33 1977," Pub.L.95-113 (7 U.S.C. §2011 et seq.), provided to an
34 assistance unit.

35 c. In the case of an assistance unit with dependent children¹ in
36 which the adult or minor parent¹ recipient gives birth to an additional
37 child during the period in which the assistance unit is eligible for
38 benefits, or during a temporary penalty period of ineligibility for
39 benefits subsequent to which the assistance unit again becomes eligible
40 for benefits, the commissioner shall provide that in computing the
41 amount of cash assistance benefits to be granted to the assistance unit,
42 the following shall be deducted from the monthly earned income of
43 each employed person in the assistance unit:

44 ¹[(1)]¹ those earned income disregards provided for under section
45 4 of P.L. , c. (C.)(pending before the Legislature as Senate
46 Bill No. 137¹ of 1996); and

1 ¹[(2) an additional amount earned by each employed person which,
2 at a maximum, is equal to the difference between the amount of the
3 grant determined pursuant to subsection a. of this section and 50% of
4 the monthly payment of cash assistance benefits, adjusted for family
5 size] after application of the earned income disregards, the total
6 countable income shall be compared for eligibility purposes and
7 subtracted for cash assistance benefit calculation purposes from the
8 eligibility standard for the assistance unit size, adjusted to include any
9 person for whom cash assistance has not been received due to the
10 application of the provisions of subsection a. of this section ¹ .

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 ¹[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 individual in an assistance unit with dependent children who gives birth
24 to a child fewer than 10 months after applying for and receiving cash
25 assistance benefits¹.

26 ¹f. The provisions of this section shall not apply to the birth of a
27 child that occurs as a result of rape or incest.¹

28
29 8. a. As defined by the commissioner, each adult recipient shall
30 continuously and actively seek employment in an effort to remove the
31 assistance unit of which the recipient is a member from the program.
32 ¹[If that employment is not secured, a] A¹ recipient may be assigned
33 to a work activity as determined by the commissioner. The recipient
34 shall sign an individual responsibility plan, as provided in subsection
35 f. of this section, in order to be able to participate in the program,
36 which shall indicate the terms of the work activity requirements that
37 the recipient must fulfill in order to continue to receive benefits.

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

1 completion of the post-secondary course of study as determined by
2 the commissioner.

3 c. A recipient shall comply with work activity participation
4 requirements as a condition of remaining eligible for benefits. In
5 accordance with the requirements of Pub.L.104-193, a minimum
6 participation rate¹ of 25% ¹[of all assistance units of persons with
7 dependent children receiving benefits shall participate in work
8 activities in] shall be realized in¹ federal fiscal year 1997. The
9 participation rate shall increase by 5% in each federal fiscal year to a
10 level of 50% in federal fiscal year 2002 and thereafter. For two-
11 parent assistance units with dependent children receiving benefits, the
12 participation rate shall be 75% for federal fiscal years 1997 and 1998
13 and 90% in federal fiscal year 1999 and thereafter. The participation
14 rate shall be calculated in accordance with federal requirements. A
15 recipient may be required to participate in one or more work activities
16 for a maximum aggregate hourly total of 40 hours per week.

17 d. A recipient shall not be required to engage in a work activity if
18 child care ¹ , including the unavailability of after-school child care for
19 children over six years of age.¹ is unavailable for the recipient's
20 dependent child, as determined by regulation of the commissioner.

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

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

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

27 (3) the parent or relative of a child under the age of 12 weeks who
28 is providing care for that child ¹ , except that, the deferral may be
29 extended for an appropriate period of time if determined to be
30 medically necessary for the parent or child¹.

31 f. Upon a determination of eligibility for benefits, each adult
32 recipient not otherwise deferred or exempted under this act shall be
33 given an assessment of that person's potential and readiness for work,
34 including, but not limited to, skills, education, past work experience
35 and any barriers to securing employment, including a screening and
36 assessment for substance abuse, as appropriate. For all recipients not
37 deferred or exempt, an annual individual responsibility plan shall be
38 developed jointly by the county agency ¹or municipal welfare agency,
39 as appropriate,¹ and recipient specifying the steps that will be taken by
40 each to assist the recipient to secure employment. The individual
41 responsibility plan shall include specific goals for each adult member
42 ¹[of] or minor parent in¹ the assistance unit¹,¹ and may include specific
43 goals for a dependent child member of the assistance unit. The goals,
44 as determined by regulation of the commissioner, shall include, but
45 not be limited to, requirements for parental participation in a
46 dependent child's primary school program, immunizations for a

1 dependent child, and regular school attendance by a dependent child.
2 Recipients who are job ready shall be placed immediately in a self-
3 directed job search. Within the amount of funds allocated by the
4 commissioner for this purpose, other recipients shall be placed in an
5 appropriate work activity as indicated by their individual assessments.

6 g. The county agency ¹or municipal welfare agency, as
7 appropriate,¹ shall ensure the provision of necessary case management
8 for recipients, as appropriate to their degree of job readiness, pursuant
9 to regulations adopted by the commissioner. The most intensive case
10 management shall be directed to those recipients facing the most
11 serious barriers to employment.

12 h. ¹[An adult recipient engaged in a work activity shall not be
13 hired or assigned to fill a position when the position is vacant as a
14 result of another person being laid off or terminated without good
15 cause.] An employer shall not hire a recipient to fill a position or
16 perform similar work if an employee is on layoff from the same or a
17 similar position; there is an ongoing strike, lockout or labor dispute
18 involving the employer; or the vacancy was created by termination of
19 an employee without good cause. An adult recipient engaged in a paid
20 work activity shall earn the minimum wage as established by State or
21 federal law, whichever is higher.¹

22 The commissioner, in consultation with the Commissioner of Labor,
23 shall establish a procedure for the resolution of complaints of alleged
24 violations of the provisions of this subsection.

25 i. The commissioner, acting in conjunction with the Commissioners
26 of Banking and Insurance, Commerce and Economic Development,
27 Community Affairs, Education, Health and Senior Services, Labor and
28 Transportation, shall implement all elements of the program and
29 establish initiatives to assist in moving recipients towards self-
30 sufficiency.

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

34 k. The commissioner is authorized to seek such waivers from the
35 federal government as are necessary to accomplish the goals of the
36 program.

37
38 9. The failure of a recipient to actively cooperate with the program
39 or participate in work activities without good cause as determined by
40 the commissioner shall result in a loss of cash assistance benefits in
41 accordance with the provisions of this section.

42 a. (1) In an assistance unit with a single adult or couple without
43 dependent children or a single adult with dependent children, the
44 person in noncompliance ¹and spouse in a couple without dependent
45 children¹ shall be subject to a loss of cash assistance benefits for a
46 minimum of one month for a first offense. If an intent to comply by

1 the person in noncompliance, as defined by regulation of the
2 commissioner, is not evidenced by the end of the one-month period,
3 continued suspension of cash assistance benefits for the person shall
4 remain in effect for up to two more months. If an intent to comply by
5 the person in noncompliance is not evidenced by the end of the third
6 month, the assistance unit's case shall be closed for cash assistance
7 benefits, and a reapplication shall be required by the assistance unit in
8 order to receive cash assistance benefits.

9 (2) In a two-parent assistance unit with dependent children, if one
10 parent is in noncompliance for a first offense, the needs of both adults
11 shall be deleted from the cash assistance benefits provided to the
12 assistance unit for a minimum of one month when the other parent is
13 not otherwise participating in a work activity, or is ¹not¹ otherwise
14 exempt as determined by the commissioner. If an intent to comply by
15 the person in noncompliance, as defined by regulation of the
16 commissioner, is not evidenced by the end of the one-month period,
17 continued suspension of cash assistance benefits for both parents shall
18 remain in effect for up to two more months. If an intent to comply by
19 the person in noncompliance is not evidenced by the end of the third
20 month, the assistance unit's case shall be closed for cash assistance
21 benefits, and a reapplication shall be required by the assistance unit in
22 order to receive cash assistance benefits.

23 (3) If the noncompliance for a first offense is due to the inaction of
24 a minor parent in the assistance unit, the needs of the minor parent and
25 the minor parent's spouse, if any, in the assistance unit shall be deleted
26 from the cash assistance benefits provided to the assistance unit for a
27 minimum of one month. If an intent to comply by the minor parent in
28 noncompliance is not evidenced by the end of the first-month period,
29 suspension of the cash assistance benefits shall remain in effect for up
30 to two additional months. If an intent to comply by the minor parent
31 in noncompliance is not evidenced by the end of the third month, the
32 minor parent and the minor parent's spouse, if any, in the assistance
33 unit, as well as the dependent child of the minor parent in the
34 assistance unit, shall be excluded from the assistance unit for cash
35 assistance benefits.

36 (4) A dependent child ¹16 years of age or older¹ who fails to
37 comply with the requirement for school attendance or other work
38 activity participation pursuant to this act for a first offense shall be
39 subject to a loss of cash assistance benefits for one month. If an
40 intent to comply by the dependent child is not evidenced by the end of
41 the one-month period, cash assistance benefits shall be suspended for
42 that person for up to two additional months. If an intent to comply by
43 the dependent child is not evidenced by the end of the third month, the
44 dependent child shall be excluded from the assistance unit for cash
45 assistance benefits.

46 b. (1) In an assistance unit with a single adult or couple without

1 dependent children or a single adult with dependent children, the
2 person in noncompliance shall be subject to a loss of cash assistance
3 benefits for a minimum of one month for a second offense. If an intent
4 to comply by the person in noncompliance, as defined by regulation of
5 the commissioner, is evidenced by the end of the one-month period,
6 only that person's needs shall be deleted from the cash assistance
7 benefits provided to the assistance unit for the following month. If an
8 intent to comply by the person in noncompliance is not evidenced by
9 the end of the one-month period, the entire assistance unit shall be
10 subject to a loss of cash assistance benefits for the following month.
11 If an intent to comply by the person in noncompliance is not
12 evidenced by the end of the second month, the assistance unit's case
13 shall be closed for cash assistance benefits, and a reapplication shall be
14 required by the assistance unit in order to receive cash assistance
15 benefits.

16 (2) In a two-parent assistance unit with dependent children, if one
17 parent is in noncompliance for a second offense, the needs of both
18 adults shall be deleted from the cash assistance benefits provided to
19 the assistance unit for a period of one month when the other parent is
20 not otherwise participating in a work activity, or is otherwise exempt
21 as determined by the commissioner. If an intent to comply by the
22 person in noncompliance, as defined by regulation of the
23 commissioner, is not evidenced by the end of the one-month period,
24 the entire assistance unit shall be subject to a loss of cash assistance
25 benefits for the following month. If an intent to comply by the person
26 in noncompliance is not evidenced by the end of the second month, the
27 assistance unit's case shall be closed for cash assistance benefits, and
28 a reapplication shall be required by the assistance unit in order to
29 receive cash assistance benefits.

30 (3) If the noncompliance for a second offense is due to the inaction
31 of a minor parent in the assistance unit, the needs of the minor parent
32 and the minor parent's spouse, if any, in the assistance unit shall be
33 deleted from the cash assistance benefits provided to the assistance
34 unit for a minimum of one month. If an intent to comply by the minor
35 parent in noncompliance is not evidenced by the end of the one-month
36 period, the minor parent and the minor parent's spouse, if any, in the
37 assistance unit, as well as the dependent child of the minor parent in
38 the assistance unit, shall be subject to a loss of cash assistance benefits
39 for the following month. If an intent to comply by the minor parent in
40 noncompliance is not evidenced by the end of the second month, the
41 minor parent and the minor parent's spouse in the assistance unit, as
42 well as the dependent child of the minor parent in the assistance unit,
43 shall be excluded from the assistance unit for cash assistance benefits.

44 (4) A dependent child '16 years of age or older'¹ who is in
45 noncompliance with the requirement for school attendance or other
46 work activity participation pursuant to this act for a second offense

1 shall be subject to a loss of cash assistance benefits for a minimum of
2 two months. If an intent to comply by the dependent child is not
3 evidenced by the end of the two-month period, the dependent child
4 shall be excluded from the assistance unit for cash assistance benefits.

5 (5) A person sanctioned for a second offense pursuant to this
6 subsection shall be counseled by a county agency ¹or municipal
7 welfare agency¹ employee¹, as appropriate,¹ prior to the reinstatement
8 of eligibility for cash assistance benefits.

9 c. (1) The person in noncompliance and all other members of the
10 person's assistance unit shall be subject to a loss of cash assistance
11 benefits for a minimum of three months for a third and subsequent
12 offense. If an intent to comply by the person in noncompliance is not
13 evidenced by the end of the three-month period, the assistance unit's
14 case shall be closed for cash assistance benefits, and a reapplication
15 shall be required by the assistance unit in order to receive cash
16 assistance benefits.

17 (2) A dependent child ¹16 years of age or older¹ who is in
18 noncompliance with the requirement for school attendance or other
19 work activity participation pursuant to this act for a third or
20 subsequent offense shall be subject to a loss of cash assistance benefits
21 for a minimum of three months. If an intent to comply by the
22 dependent child is not evidenced by the end of the three-month period,
23 the dependent child shall be excluded from the assistance unit for cash
24 assistance benefits.

25 d. The county agency ¹or municipal welfare agency, as
26 appropriate,¹ shall maintain a record of the number of sanctions which
27 have accrued to an assistance unit. The number of sanctions accruing
28 to an assistance unit shall be reduced by one for each continuous 12-
29 month period in which no sanction has been imposed on a member of
30 that assistance unit.

31 e. ¹[A]An adult¹ recipient who voluntarily quits a job without good
32 cause, as defined by regulation of the commissioner, shall render the
33 entire assistance unit ineligible for cash assistance benefits for a period
34 of two months from the date ¹the county agency or municipal welfare
35 agency, as appropriate, makes the determination that¹ the recipient
36 quit the job ¹[; except that, if the recipient is a dependent child
37 engaged in a work activity, only the needs of that dependent child shall
38 be deleted from the cash assistance benefit provided to the assistance
39 unit for the two-month period]¹.

40
41 10. a. A person shall be required to satisfy any sanction or
42 repayment obligation incurred pursuant to any federal or State law
43 governing public assistance, including any act repealed by this act, as
44 a condition of eligibility for benefits.

45 b. (1) Whenever a parent or relative with whom a dependent child
46 is living applies for or is receiving benefits for that child, and it appears

1 that there is pending entitlement to a payment to the child or to either
2 or both of his parents of funds arising from a claim or interest legally
3 or equitably owned by the child or by either or both of his parents,
4 other than that portion of a personal injury award which a court
5 specifically awards to a child to make him whole as a result of an
6 injury, the county agency may, as a condition of eligibility or
7 continuation of eligibility for benefits, require either or both parents,
8 or relative, to execute a written promise to repay, from the funds
9 anticipated, the amount of benefits to be granted from the date of
10 entitlement to that payment. Upon any refusal to make repayment,
11 including refusal by any person acting for or on behalf of either or both
12 parents, or relative, in accordance with the written promise, the county
13 agency may take all necessary and proper action under State law to
14 enforce that promise, and the granting or continuing of benefits, as
15 the case may be, shall be deemed due consideration therefor. Any
16 payments from the settlement of the claim or interest legally or
17 equitably owned by the child or by either or both of his parents made
18 by any person acting for or on behalf of either or both parents, or
19 relative, subsequent to notice of claim of the county agency and prior
20 to express written approval by the county agency shall cause that
21 person to be liable to the county agency in the amount of the payment.

22 (2) Whenever any child with respect to whom benefits have been
23 paid pursuant to this act or assistance paid pursuant to any act
24 repealed by this act, shall die prior to the attainment of his 21st
25 birthday, and shall leave an estate, the total amount of benefits paid
26 with respect to that child pursuant to this act and the total amount of
27 assistance paid pursuant to any act repealed by this act, shall be a valid
28 and enforceable claim against that estate, with priority over all other
29 unsecured claims except reasonable funeral expenses and terminal
30 medical and hospital expenses, and the county agency shall take all
31 necessary and proper action under State law to enforce that claim.

32 (3) The county agency may, with the consent and approval of the
33 Division of Family Development in the Department of Human
34 Services, compromise and settle any claim for repayment of benefits
35 paid pursuant to this act or assistance paid pursuant to any act
36 repealed by this act.

37 (4) The Division of Family Development shall determine and cause
38 to be made such financial adjustments as are necessary to maintain a
39 correct proportional participation in any repayment among the
40 counties ¹[,]and¹ State ¹[and federal government, and shall pay to the
41 Treasurer of the United States the determined federal portion]¹.

42

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

1 12. The following are repealed:
2 Section 1 of P.L.1987, c.283 (C.30:4D-6b);
3 P.L.1941, c.34 (C.44:8-104);
4 P.L.1959, c.86 (C.44:10-1 et seq.);
5 P.L.1983, c.85 (C.44:10-3.1 et seq.);
6 P.L.1985, c.501 (C.44:10-5.1 et seq.);
7 P.L.1991, c.523 (C.44:10-19 through 44:10-33);
8 P.L.1991, c.525 (C.44:10-3.3 et seq.);
9 P.L.1991, c.526 (C.44:10-3.5 et seq.); and
10 P.L.1991, c.527 (C.44:10-3.7 et seq.).

11
12 13. The following are repealed:
13 ¹[P.L.1947, c.156 (C.44:8-107 et seq.);]¹
14 P.L.1950, c.303 (C.44:8-146 et seq.);
15 P.L.1988, c.79 (C.44:8-153 et seq.); ¹and¹
16 Section 27 of P.L.1994, c.182 (C.44:8-158)¹];
17 P.L.1993, c.305 (C.44:8-117.1); and
18 Sections 28 through 32 of P.L.1995, c.259 (C.44:8-145.1 et seq.)¹.

19
20 14. This act shall take effect immediately, except that section 13
21 shall take effect on January 1, 1998.

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Designated the "Work First New Jersey Act."