

SENATE, No. 38

STATE OF NEW JERSEY

INTRODUCED OCTOBER 24, 1996

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

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

15 "Benefits" means any assistance provided to needy persons and
16 their dependent children and single persons under the Work First New
17 Jersey program.

18 "Commissioner" means the Commissioner of Human Services.

19 "County agency" means the agency, including, but not limited to,
20 a county planning council, designated by a county and approved by the
21 commissioner to administer the Work First New Jersey program in that
22 county.

23 "Dependent child" means a child:

24 a. under the age of 18;

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

29 c. under the age of 21 and enrolled in a special education program,
30 who is living in New Jersey with the child's natural or adoptive parent

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.

1 or legal guardian, or with a relative designated by the commissioner in
2 a place of residence maintained by the relative as the relative's home.

3 "Eligible alien" means one of the following:

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

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

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

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

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

21 "Income" means, but is not limited to, commissions, salaries, self-
22 employed earnings, interest and dividend earnings, wages, receipts,
23 unemployment compensation, any legal or equitable interest or
24 entitlement owed that was acquired by a cause of action, suit, claim
25 or counterclaim, insurance benefits, temporary disability claims, estate
26 income, trusts, federal income tax refunds, State income tax refunds,
27 homestead rebates, lottery prizes, casino and racetrack winnings,
28 annuities, retirement benefits, veterans' benefits, union benefits, or
29 other sources that may be defined as income by the commissioner;
30 except that in the event that individual development accounts for
31 recipients are established by regulation of the commissioner, any
32 interest or dividend earnings from such an account shall not be
33 considered income.

34 "Income eligibility standard" means the income eligibility threshold
35 based on assistance unit size established by regulation of the
36 commissioner for benefits provided within the limit of funds
37 appropriated by the Legislature.

38 "Non-needy caretaker" means a relative caring for a dependent
39 child, or a legal guardian of a minor child who, in the absence of a
40 natural or adoptive parent, assumes parental responsibility and has
41 income which exceeds the income eligibility standard but is less than
42 150% of the State median income adjusted for household size.

43 "Recipient" means a recipient of benefits under the Work First New
44 Jersey program.

45 "Resources" means all real and personal property as defined by the
46 commissioner; except that in the event that individual development

1 accounts for recipients are established by regulation of the
2 commissioner, all funds in such an account, up to the limit determined
3 by the commissioner, including any interest or dividend earnings from
4 such an account, shall not be considered to be a resource.

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

7 "Work First New Jersey program" or "program" means the
8 program established pursuant to P.L. , c. (C.)(pending before the
9 Legislature as Senate Bill No. of 1996).

10

11 2. (New section) a. Benefits under the Work First New Jersey
12 program shall be determined according to standards of income and
13 resources established by the commissioner. These standards shall take
14 into account, for the determination of eligibility and the provision of
15 benefits, all income and resources of all persons in the assistance unit
16 of which the applicant or recipient is a member, except as provided by
17 law governing the Work First New Jersey program and as prescribed
18 by the commissioner. The benefits to be granted shall be governed by
19 standards established by regulation of the commissioner. The
20 commissioner may set income and resource eligibility and benefits
21 standards that differ with respect to types of assistance units.

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

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

44 d. A voluntary assignment or transfer of income or resources
45 within one year prior to the time of application for benefits for the
46 purpose of qualifying therefor shall render the applicant and the

1 applicant's assistance unit members ineligible for benefits for a period
2 of time determined by regulation of the commissioner.

3 e. Any income or resources that are exempted by federal law for
4 purposes of eligibility for benefits shall not reduce the amount of
5 benefits received by a recipient and shall not be subject to a lien or be
6 available for repayment to the State or county agency for benefits
7 received by the individual.

8

9 3. (New section) A recipient who has resided in New Jersey for
10 less than 12 consecutive months shall be eligible to receive cash
11 assistance benefits in the amount that the recipient would have
12 received from the recipient's immediately prior state of residence if
13 that amount is less than the cash assistance benefits provided by the
14 program. This limitation on cash assistance benefits shall apply until
15 the recipient has resided in New Jersey for 12 consecutive months.

16

17 4. (New section) Information concerning applicants or recipients
18 shall not be disclosed except for purposes directly connected with the
19 administration of the program, in accordance with regulations to be
20 adopted by the commissioner. Any person under contract to provide
21 services to the program shall comply with these regulations. The
22 provisions of this section shall not be construed to prohibit the
23 exchange of information among agencies, organizations, or other
24 entities as prescribed by the commissioner or pursuant to federal
25 requirements.

26

27 5. (New section) a. Only those persons who are United States
28 citizens or eligible aliens shall be eligible for benefits under the Work
29 First New Jersey program. Single adults or couples without dependent
30 children who are legal aliens who meet federal requirements and have
31 applied for citizenship, shall not receive benefits for more than six
32 months unless they attain citizenship. Legal aliens who arrived in the
33 United States on or after August 22, 1996 who are eligible for
34 citizenship and do not apply for citizenship, are not eligible for
35 benefits.

36 b. The following persons shall not be eligible to receive benefits and
37 shall not be considered to be members of an assistance unit:

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

41 (2) Supplemental Security Income recipients;

42 (3) illegal aliens;

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

44 (5) a person who is incarcerated in a federal, State, county or local
45 prison or under the custody of correctional authorities, except as
46 provided by regulation of the commissioner;

1 (6) a person who: is fleeing to avoid prosecution, custody or
2 confinement after conviction, under the laws of the jurisdiction from
3 which the person has fled, for a crime or an attempt to commit a crime
4 which is a felony or a high misdemeanor under the laws of the
5 jurisdiction from which the person has fled; or is violating a condition
6 of probation or parole imposed under federal or State law;

7 (7) a person convicted on or after August 22, 1996 under federal
8 or State law of any offense which is classified as a felony under the
9 laws of the jurisdiction involved and which has as an element the
10 possession, use, or distribution of a controlled substance as defined in
11 section 102(6) of the federal "Controlled Substances Act" (21 U.S.C.
12 §802 (6));

13 (8) a person found to have fraudulently misrepresented his
14 residence in order to obtain means-tested, federally funded public
15 benefits in two or more states, who shall be ineligible for benefits for
16 a period of 10 years from the date of conviction in a federal or State
17 court; or

18 (9) a person who intentionally makes a false or misleading
19 statement or misrepresents, conceals or withholds facts for the
20 purpose of receiving benefits, who shall be ineligible for benefits for
21 a period of six months for the first violation, 12 months for the second
22 violation, and permanently for the third violation.

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

26

27 6. (New section) a. The signing of an application for benefits under
28 the Work First New Jersey program shall constitute an assignment of
29 any child support rights pursuant to 45 CFR 232.11 on behalf of
30 individual assistance unit members to the county agency. The
31 assignment shall terminate with respect to current support rights when
32 a determination is made by the county agency that the person in the
33 assistance unit is no longer eligible for benefits. The determination of
34 the amount of repayment to the county agency and distribution of any
35 unpaid support obligations that have accrued during the period of
36 receipt of benefits shall be determined by regulation of the
37 commissioner in accordance with federal law.

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

42 c. An assistance unit eligible for benefits and in receipt of child
43 support shall receive, in addition to its regular grant of cash assistance
44 benefits, an amount up to \$50 per month based on the amount of
45 current child support received for that month. If the amount of child
46 support received is less than \$50, the family shall receive that amount.

1 If the amount of child support received is \$50 or more, the family shall
2 receive \$50.

3

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

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

17

18 8. (New section) a. Emergency assistance shall be provided only
19 to recipients of Work First New Jersey and persons receiving
20 Supplemental Security Income pursuant to P.L.1973, c.256 (C.44:7-85
21 et seq.) in emergent situations, as determined by the commissioner, for
22 up to 12 cumulative months; except that the commissioner may
23 provide for an extension of emergency assistance only for an additional
24 six months to an assistance unit of a recipient with dependent children,
25 to be provided in three-month increments, at the commissioner's
26 discretion. Any form of emergency assistance provided pursuant to
27 this section shall count toward the maximum period of emergency
28 assistance allowed.

29 b. A person receiving emergency assistance shall contribute from
30 the person's income toward the payment of all emergency shelter
31 arrangements, including temporary housing and temporary rental
32 assistance, in accordance with regulations adopted by the
33 commissioner. As a condition of receipt of emergency assistance, a
34 person shall be required to take all reasonable steps to end the person's
35 dependency on emergency assistance and take all other actions
36 required by the commissioner.

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

42

43 9. (New section) The commissioner shall assure that an applicant
44 or recipient shall be afforded the opportunity for a hearing if the
45 applicant's or recipient's claim for benefits is denied, reduced,
46 suspended, terminated or not acted upon within a reasonable time, in

1 accordance with regulations adopted by the commissioner. A recipient
2 shall continue to receive the recipient's current benefits pending the
3 outcome of the hearing. The hearing shall be conducted by the Office
4 of Administrative Law in accordance with the "Administrative
5 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

6
7 10. (New section) In the case of an experimental, pilot or
8 demonstration project which in the judgment of the commissioner is
9 likely to assist in promoting the objectives of the Work First New
10 Jersey program, or to promote the objectives of the Title IV-D child
11 support enforcement program in the State, the commissioner may
12 waive compliance with the requirements of the Work First New
13 Jersey program to the extent the commissioner deems necessary to
14 carry out the project and for a period of time not to exceed three
15 years, during which time the commissioner shall report to the
16 Legislature on the progress of the project at least every six months.
17 The commissioner shall provide an opportunity for public comment
18 prior to the implementation of the project. The commissioner shall
19 establish any fiscal or evaluative terms and conditions for the project
20 that he deems appropriate.

21
22 11. Section 1 of P.L.1994, c.147 (C.44:8-111.1) is amended to
23 read as follows:

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

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

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

46 b. The commissioner shall also provide for the use of the registry

1 to conduct comparison checks of [general] public assistance recipient
2 records between [municipalities] administrative entities within the
3 State[, as well as comparison checks of general public assistance
4 recipient records with those of recipients of aid to families with
5 dependent children benefits under P.L.1959, c.86 (C.44:10-1 et seq.)].
6 (cf: P.L.1994, c.147, s.2)

7
8 13. The commissioner, pursuant to the "Administrative Procedure
9 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
10 regulations to effectuate the purposes of this act and to comply with
11 the requirements of Pub.L.104-193.

12
13 14. This act shall take effect immediately .
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16 STATEMENT

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18 This bill is part of a legislative package which establishes the "Work
19 First New Jersey" program in the Departmentstandard of of Human
20 Services as the State's consolidated public assistance program,
21 replacing the current programs of aid to families with dependent
22 children, (AFDC), AFDC emergency assistance, general assistance
23 (GA), GA emergency assistance, the GA employability program, and
24 the Family Development Initiative.

25 The bill establishes the basic eligibility requirements for the
26 program and authorizes the Commissioner of Human Services to
27 determine the income and resource eligibility levels for each type of
28 assistance unit eligible for the program. The bill sets limits on the
29 amount of monthly cash assistance benefits a recipient who has lived
30 in the State for less than 12 months, may receive.

31 The bill provides for the confidentiality of information concerning
32 applicants and recipients of Work First New Jersey benefits. Also, the
33 bill specifies that only United States citizens and eligible aliens shall be
34 eligible for benefits under the program. Eligible aliens include:

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

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

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

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

46 e. a legal permanent resident alien who has worked 40 qualifying

1 quarters of coverage as defined under Title II of the federal Social
2 Security Act; except that, for any period after December 31, 1996, a
3 quarter during which an individual received means-tested, federally
4 funded public benefits shall not count toward the total number of
5 quarters.

6 The bill also provides that legal aliens who arrived in the United
7 States after August 22, 1996 who are eligible for citizenship and do
8 not apply for citizenship, are not eligible for benefits. Single adults or
9 couples without dependent children who are legal aliens who meet
10 federal requirements and have applied for citizenship, shall be eligible
11 for benefits for only six months unless they attain citizenship.
12 Individuals who are not eligible to receive benefits under the program
13 include:

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

17 (2) Supplemental Security Income recipients;

18 (3) illegal aliens;

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

20 (5) a person who is incarcerated in a federal, State, county or local
21 prison or under the custody of correctional authorities, except as
22 provided by regulation of the commissioner;

23 (6) a person who: is fleeing to avoid prosecution, custody or
24 confinement after conviction for felony or a high misdemeanor; or is
25 violating a condition of probation or parole imposed under federal or
26 State law;

27 (7) a person convicted on or after August 22, 1996 under federal
28 or State law of any felony offense involving the possession, use, or
29 distribution of a controlled substance;

30 (8) a person found to have fraudulently misrepresented his
31 residence in order to obtain means-tested, federally funded public
32 benefits in two or more states, who shall be ineligible for benefits for
33 a period of 10 years from the date of conviction in a federal or State
34 court; or

35 (9) a person who intentionally makes a false or misleading
36 statement or misrepresents, conceals or withholds facts for the
37 purpose of receiving benefits, who shall be ineligible for benefits for
38 a period of six months for the first violation, 12 months for the second
39 violation, and permanently for the third violation.

40 The bill specifies that a signing of an application for benefits under
41 the Work First New Jersey program constitutes an assignment of child
42 support rights on behalf of individual recipients, to the county agency
43 administering the program.

44 The bill requires a parent, legal guardian or caretaker relative to
45 report the absence of a dependent child to the county administering
46 agency by the end of the five-day period that the adult becomes aware

1 that the child will be absent.

2 The bill provides that emergency assistance will be provided to
3 recipients of Work First New Jersey and to persons receiving
4 Supplemental Security Income in emergent situations for up to 12
5 cumulative months. The commissioner is authorized to provide for an
6 extension of assistance for an additional six months (in three month
7 increments) to a recipient with dependent children. A person receiving
8 emergency assistance shall contribute from the person's income toward
9 the payment of all emergency shelter arrangements.

10 The bill provides applicants and recipients with an opportunity for
11 a hearing in the event the person's claim for benefits is denied,
12 reduced, suspended, terminated or not acted upon within a reasonable
13 time.

14 The bill authorizes the commissioner to waive compliance with the
15 requirements of the Work First New Jersey program for up to three
16 years in the case of an experimental, pilot or demonstration project
17 which the commissioner determines is likely to assist in promoting the
18 objectives of the program or the Title IV-D child support enforcement
19 program in the State.

20 Finally, the bill amends P.L.1994, c.147 concerning the centralized
21 registry of single persons and couples without dependent children
22 (General Assistance recipients) to conform its provisions with the
23 Work First New Jersey program.

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