

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

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

19 "Commissioner" means the Commissioner of Human Services.

20 "County agency" means ¹[the] a public¹ agency, including, but not
21 limited to, a county planning council, designated by a county and
22 approved by the commissioner to administer the Work First New
23 Jersey program in that county ¹for assistance units with dependent
24 children¹.

25 "Dependent child" means a child:

26 a. under the age of 18;

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

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not
enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SHU committee amendments adopted November 18, 1996.

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

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

8 "Eligible alien" means one of the following:

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

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

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

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

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

26 f. a qualified alien admitted to the United States on or after August
27 22, 1996, who has lived in the United States for at least five years and
28 is eligible for means-tested, federally funded public benefits pursuant
29 to federal law.¹

30 "Income" means, but is not limited to, commissions, salaries, self-
31 employed earnings, ¹child support and alimony payments.¹ interest and
32 dividend earnings, wages, receipts, unemployment compensation, any
33 legal or equitable interest or entitlement owed that was acquired by a
34 cause of action, suit, claim or counterclaim, insurance benefits,
35 temporary disability claims, estate income, trusts, federal income tax
36 refunds, State income tax refunds, homestead rebates, lottery prizes,
37 casino and racetrack winnings, annuities, retirement benefits, veterans'
38 benefits, union benefits, or other sources that may be defined as
39 income by the commissioner; except that in the event that individual
40 development accounts for recipients are established by regulation of
41 the commissioner, any interest or dividend earnings from such an
42 account shall not be considered income.

43 "Income eligibility standard" means the income eligibility threshold
44 based on assistance unit size established by regulation of the
45 commissioner for benefits provided within the limit of funds
46 appropriated by the Legislature.

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

5 "Non-needy caretaker" means a relative caring for a dependent
6 child, or a legal guardian of a minor child who, in the absence of a
7 natural or adoptive parent, assumes parental responsibility and has
8 income which exceeds the income eligibility standard but is less than
9 150% of the State median income adjusted for household size.

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

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

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

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

23 "Work First New Jersey program" or "program" means the
24 program established pursuant to P.L. , c. (C.)(pending before the
25 Legislature as Senate Bill No. ¹³⁶ of 1996).

26
27 2. (New section) a. Benefits under the Work First New Jersey
28 program shall be determined according to standards of income and
29 resources established by the commissioner. These standards shall take
30 into account, for the determination of eligibility and the provision of
31 benefits, all income and resources of all persons in the assistance unit
32 of which the applicant or recipient is a member, except as provided by
33 law governing the Work First New Jersey program and as prescribed
34 by the commissioner. The benefits to be granted shall be governed by
35 standards established by regulation of the commissioner. The
36 commissioner may set income and resource eligibility and benefits
37 standards that differ with respect to types of assistance units.

38 b. A recipient, as a condition of eligibility for benefits, shall,
39 subject to good cause exceptions as defined by the commissioner, be
40 required to: do all acts stated herein necessary to establish the
41 paternity of a child born out-of-wedlock, and to establish and
42 participate in the enforcement of child support obligations; cooperate
43 with work requirements established by the commissioner; make
44 application for any other assistance for which members of the
45 assistance unit may be eligible; be income and resource eligible as
46 defined by the commissioner, including the deeming of income and

1 resources as appropriate; provide all necessary documentation which
2 shall include the federal Social Security number for all assistance unit
3 members, except for an eligible alien who cannot be assigned a Social
4 Security number due to his status, or make application for same; sign
5 an agreement to repay benefits in the event of receipt of income or
6 resources; and comply with personal identification requirements as a
7 condition of receiving benefits, which may employ the use of high
8 technology processes for the detection of fraud.

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

14 d. A voluntary assignment or transfer of income or resources
15 within one year prior to the time of application for benefits for the
16 purpose of qualifying therefor shall render the applicant and the
17 applicant's assistance unit members ineligible for benefits for a period
18 of time determined by regulation of the commissioner.

19 e. Any income or resources that are exempted by federal law for
20 purposes of eligibility for benefits shall not reduce the amount of
21 benefits received by a recipient and shall not be subject to a lien or be
22 available for repayment to the State or county agency for benefits
23 received by the individual.

24
25 3. (New section) A recipient who has resided in New Jersey for
26 less than 12 consecutive months shall be eligible to receive cash
27 assistance benefits in the amount that the recipient would have
28 received from the recipient's immediately prior state of residence if
29 that amount is less than the cash assistance benefits provided by the
30 program. This limitation on cash assistance benefits shall apply until
31 the recipient has resided in New Jersey for 12 consecutive months.

32
33 4. (New section) Information concerning applicants or recipients
34 shall not be disclosed except for purposes directly connected with the
35 administration of the program, in accordance with regulations to be
36 adopted by the commissioner. Any person ¹or entity¹ under contract
37 to provide services to the program shall comply with these
38 regulations. The provisions of this section shall not be construed to
39 prohibit the exchange of information among agencies, organizations,
40 or other entities as prescribed by the commissioner or pursuant to
41 federal requirements.

42
43 5. (New section) a. ¹[Only those persons who are United States
44 citizens or eligible aliens shall be eligible for benefits under the Work
45 First New Jersey program. Single adults or couples without dependent
46 children who are legal aliens who meet federal requirements and have

1 applied for citizenship, shall not receive benefits for more than six
2 months unless they attain citizenship. Legal aliens who arrived in the
3 United States on or after August 22, 1996 who are eligible for
4 citizenship and do not apply for citizenship, are not eligible for
5 benefits.

6 b.]¹ The following persons shall not be eligible ¹[to receive
7 benefits] for assistance¹ and shall not be considered to be members of
8 an assistance unit ¹; however, their income and resources may be used
9 in the determination of the assistance unit's eligibility and cash
10 assistance benefits¹:

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

14 (2) Supplemental Security Income recipients ¹, except for the
15 purposes of receiving emergency assistance benefits pursuant to
16 section 8 of P.L. , c. (C.)(pending before the Legislature as this
17 bill)¹;

18 (3) illegal aliens;

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

20 (5) a person ¹absent from the home¹ who is incarcerated in a
21 federal, State, county or local prison or under the custody of
22 correctional authorities, except as provided by regulation of the
23 commissioner;

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

30 (7) a person convicted on or after August 22, 1996 under federal
31 or State law of any offense which is classified as a felony under the
32 laws of the jurisdiction involved and which has as an element the
33 possession, use, or distribution of a controlled substance as defined in
34 section 102(6) of the federal "Controlled Substances Act" (21 U.S.C.
35 §802 (6)) ¹; except that a person convicted of any such offense which
36 has as an element the possession or use only of such a controlled
37 substance may be eligible for benefits if the person is enrolled in, or
38 has completed, a drug treatment program approved by the
39 commissioner¹;

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

45 (9) a person who intentionally makes a false or misleading
46 statement or misrepresents, conceals or withholds facts for the

1 purpose of receiving benefits, who shall be ineligible for benefits for
2 a period of six months for the first violation, 12 months for the second
3 violation, and permanently for the third violation.

4 ¹[c.]b.¹ A person who makes a false statement with the intent to
5 qualify for benefits and by reason thereof receives benefits for which
6 the person is not eligible is guilty of a crime of the fourth degree.

7
8 6. (New section) a. The signing of an application for benefits
9 under the Work First New Jersey program shall constitute an
10 assignment of any child support rights pursuant to ¹[45 CFR 232.11]
11 Title IV-D¹ on behalf of individual assistance unit members to the
12 county agency. The assignment shall terminate with respect to current
13 support rights when a determination is made by the county agency that
14 the person in the assistance unit is no longer eligible for benefits. The
15 determination of the amount of repayment to the county agency and
16 distribution of any unpaid support obligations that have accrued during
17 the period of receipt of benefits shall be determined by regulation of
18 the commissioner in accordance with federal law.

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

23 c. An assistance unit eligible for benefits and in receipt of child
24 support shall receive, in addition to its regular grant of cash assistance
25 benefits, an amount up to \$50 per month based on the amount of
26 current child support received for that month. If the amount of child
27 support received is less than \$50, the ¹[family]assistance unit¹ shall
28 receive that amount. If the amount of child support received is \$50 or
29 more, the ¹[family]assistance unit¹ shall receive \$50.

30
31 7. (New section) a. A dependent child who has been or is
32 expected by a parent, legal guardian or caretaker relative to be absent
33 from the home for a period of time as established by regulation of the
34 commissioner, shall remain eligible for benefits during that period,
35 except that, an absence for periods or for reasons other than those
36 stipulated in regulations adopted by the commissioner shall be cause
37 for denial or termination of benefits for that dependent child.

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

44
45 8. (New section) a. Emergency assistance shall be provided only
46 to recipients of Work First New Jersey and persons receiving

1 Supplemental Security Income pursuant to P.L.1973, c.256 (C.44:7-85
2 et seq.) in emergent situations, as determined by the commissioner, for
3 up to 12 cumulative months; except that the commissioner may
4 provide for an extension of emergency assistance only for an additional
5 six months to an assistance unit of a recipient with dependent children,
6 to be provided in three-month increments, at the commissioner's
7 discretion. Any form of emergency assistance provided pursuant to
8 this section shall count toward the ¹[maximum]¹ period of emergency
9 assistance allowed.

10 ¹The commissioner may grant a further extension of emergency
11 assistance to a recipient of Work First New Jersey or Supplemental
12 Security Income if the commissioner determines that the recipient or
13 his dependent child, if any, would be subject to extreme hardship or
14 incapacity, as defined by regulation of the commissioner, in the event
15 of a termination of emergency assistance.¹

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

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

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

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

42
43 10. (New section) In the case of an experimental, pilot or
44 demonstration project which in the judgment of the commissioner is
45 likely to assist in promoting the objectives of the Work First New
46 Jersey program, or to promote the objectives of the Title IV-D child

1 support enforcement program in the State, the commissioner may
2 waive compliance with the requirements of the Work First New
3 Jersey program to the extent the commissioner deems necessary to
4 carry out the project and for a period of time not to exceed three
5 years, during which time the commissioner shall report to the
6 Legislature on the progress of the project at least every six months.
7 The commissioner shall provide an opportunity for public comment
8 prior to the implementation of the project. The commissioner shall
9 establish any fiscal or evaluative terms and conditions for the project
10 that he deems appropriate.

11

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

14 1. The Commissioner of Human Services shall establish a
15 centralized registry in the Division of Family Development of the
16 Department of Human Services to contain the names and Social
17 Security numbers, and such additional identifying information as the
18 commissioner deems appropriate, of recipients of benefits under [the
19 "General Public Assistance Law," P.L.1947, c.156 (C.44:8-107 et
20 seq.)] P.L. _____, c. _____ (C. _____)(pending before the Legislature as Senate
21 Bill No. 136¹ of 1996). Each of the [municipal welfare agencies]
22 ¹[administrative]¹ entities ¹administering public assistance¹ designated
23 by the commissioner shall provide such information and assistance as
24 the commissioner may request to carry out the provisions of ¹[this act]
25 P.L.1994, c.147 (C.44:8-111.1 et seq.)¹. The commissioner shall
26 provide for the periodic updating of the information contained in the
27 registry.

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

29

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

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

38 b. The commissioner shall also provide for the use of the registry
39 to conduct comparison checks of [general] public assistance
40 recipient records between [municipalities ¹[administrative]¹ entities
41 ¹administering public assistance within the State[, as well as
42 comparison checks of general public assistance recipient records with
43 those of recipients of aid to families with dependent children benefits
44 under P.L.1959, c.86 (C.44:10-1 et seq.)].

45 (cf: P.L.1994, c.147, s.2)

46 13. The commissioner, pursuant to the "Administrative Procedure

1 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and
2 regulations to effectuate the purposes of this act and to comply with
3 the requirements of Pub.L.104-193.

4

5 14. This act shall take effect immediately .

6

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8

9

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