

[Second 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 ²[¹[the] a public¹] the county² agency² [²,
21 including, but not limited to, a county planning council, designated by
22 a county and approved by the commissioner to] that was administering
23 the aid to families with dependent children program at the time the
24 federal "Personal Responsibility and Work Opportunity Reconciliation
25 Act of 1996," Pub.L.104-193, was enacted and which, upon the
26 enactment of P.L. , c. (C.) (pending before the Legislature as this
27 bill) shall also² administer the Work First New Jersey program in that

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.

² Senate floor amendments adopted December 16, 1996.

- 1 county ²[for assistance units with dependent children¹] ².
- 2 "Dependent child" means a child:
- 3 a. under the age of 18;
- 4 b. under the age of 19 and a full-time student in a secondary school
- 5 or an equivalent level of vocational or technical training, if, before the
- 6 student attains age 19, the student may reasonably be expected to
- 7 complete the student's program of secondary school or training; or
- 8 c. under the age of 21 and enrolled in a special education program,
- 9 who is living in New Jersey with the child's natural or adoptive parent
- 10 or legal guardian, or with a relative designated by the commissioner in
- 11 a place of residence maintained by the relative as the relative's home.
- 12 "Eligible alien" means one of the following:
- 13 a. a qualified alien ¹[immigrant]¹ admitted to the United States
- 14 prior to August 22, 1996, who is eligible for means-tested, federally
- 15 funded public benefits pursuant to federal law;
- 16 b. a refugee, asylee, or person granted withholding of deportation
- 17 under federal law for the person's first five years after receiving that
- 18 classification in the United States pursuant to federal law;
- 19 c. a qualified alien ¹[immigrant]¹ who is a veteran of, or on active
- 20 duty in, the armed forces of the United States, or the spouse or
- 21 dependent child of that person pursuant to federal law;
- 22 d. a recipient of refugee and entrant assistance activities or a
- 23 Cuban or Haitian entrant pursuant to federal law; ¹[or]¹
- 24 e. a legal permanent resident alien who has worked 40 qualifying
- 25 quarters of coverage as defined under Title II of the federal Social
- 26 Security Act; except that, for any period after December 31, 1996, a
- 27 quarter during which an individual received means-tested, federally
- 28 funded public benefits shall not count toward the total number of
- 29 quarters¹[.];²[or]²
- 30 f. a qualified alien admitted to the United States on or after August
- 31 22, 1996, who has lived in the United States for at least five years and
- 32 is eligible for means-tested, federally funded public benefits pursuant
- 33 to federal law²[.] ; or
- 34 g. a qualified alien who has been battered or subjected to extreme
- 35 cruelty in the United States by a spouse, parent or a member of the
- 36 spouse or parent's family residing in the same household as the alien,
- 37 or a qualified alien whose child has been battered or subjected to
- 38 extreme cruelty in the United States by a spouse or parent of the alien,
- 39 without the active participation of the alien, or by a member of the
- 40 spouse or parent's family residing in the same household as the alien.
- 41 In either case, the spouse or parent shall have consented or acquiesced
- 42 to the battery or cruelty and there shall be a substantial connection
- 43 between the battery or cruelty and the need for benefits to be
- 44 provided. The provisions of this subsection shall not apply to an alien
- 45 during any period in which the individual responsible for the battery or
- 46 cruelty resides in the same household or assistance unit as the

1 individual subjected to the battery or cruelty. Benefits shall be
2 provided to the extent and for the period of time that the alien or
3 alien's child is eligible for the program.

4 For the purposes of this section, "qualified alien" is defined
5 pursuant to the provisions of section 431 of Title IV of Pub.L.104-
6 193.²

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

20 "Income eligibility standard" means the income eligibility threshold
21 based on assistance unit size established by regulation of the
22 commissioner for benefits provided within the limit of funds
23 appropriated by the Legislature.

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

28 "Non-needy caretaker" means a relative caring for a dependent
29 child, or a legal guardian of a minor child who, in the absence of a
30 natural or adoptive parent, assumes parental responsibility and has
31 income which exceeds the income eligibility standard but is less than
32 150% of the State median income adjusted for household size.

33 "Recipient" means a recipient of benefits under the Work First New
34 Jersey program.

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

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

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

46 "Work First New Jersey program" or "program" means the

1 program established pursuant to P.L. , c. (C.)(pending before the
2 Legislature as Senate Bill No. ¹36¹ of 1996).

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

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

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

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

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

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

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

18
19 5. (New section) a. ¹[Only those persons who are United States
20 citizens or eligible aliens shall be eligible for benefits under the Work
21 First New Jersey program. Single adults or couples without dependent
22 children who are legal aliens who meet federal requirements and have
23 applied for citizenship, shall not receive benefits for more than six
24 months unless they attain citizenship. Legal aliens who arrived in the
25 United States on or after August 22, 1996 who are eligible for
26 citizenship and do not apply for citizenship, are not eligible for
27 benefits.

28 b.]¹ ²Only those persons who are United States citizens or eligible
29 aliens shall be eligible for benefits under the Work First New Jersey
30 program. Single adults or couples without dependent children who are
31 legal aliens who meet federal requirements and have applied for
32 citizenship, shall not receive benefits for more than six months unless
33 (1) they attain citizenship, or (2) they have passed the English
34 language and civics components for citizenship, and are awaiting final
35 determination of citizenship by the federal Immigration and
36 Naturalization Service.

37 b.² The following persons shall not be eligible ¹[to receive benefits]
38 for assistance¹ and shall not be considered to be members of an
39 assistance unit ²[¹; however, their income and resources may be used
40 in the determination of the assistance unit's eligibility and cash
41 assistance benefits¹]²:

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

45 (2) Supplemental Security Income recipients¹, except for the
46 purposes of receiving emergency assistance benefits pursuant to

- 1 section 8 of P.L. , c. (C.)(pending before the Legislature as this
2 bill¹;
- 3 (3) illegal aliens;
- 4 (4) other aliens who are not eligible aliens;
- 5 (5) a person ¹ absent from the home¹ who is incarcerated in a
6 federal, State, county or local ²[prison] corrective facility² or under
7 the custody of correctional authorities, except as provided by
8 regulation of the commissioner;
- 9 (6) a person who: is fleeing to avoid prosecution, custody or
10 confinement after conviction, under the laws of the jurisdiction from
11 which the person has fled, for a crime or an attempt to commit a crime
12 which is a felony or a high misdemeanor under the laws of the
13 jurisdiction from which the person has fled; or is violating a condition
14 of probation or parole imposed under federal or State law;
- 15 (7) a person convicted on or after August 22, 1996 under federal
16 or State law of any offense which is classified as a felony ² or crime,
17 as appropriate,² under the laws of the jurisdiction involved and which
18 has as an element the possession, use, or distribution of a controlled
19 substance as defined in section 102(6) of the federal "Controlled
20 Substances Act" (21 U.S.C.§802 (6))¹; except that a person convicted
21 of any such offense which has as an element the possession or use only
22 of such a controlled substance may be eligible for benefits if the person
23 [is enrolled in, or has completed,] has successfully completed² a drug
24 treatment program approved by the commissioner^{1 2}. Eligibility for
25 benefits shall commence upon completion of the drug treatment
26 program, except that during the first 60 days after completion of the
27 drug treatment program, the commissioner shall provide for testing of
28 the person to determine if the person is free of any controlled
29 substance. If the person is determined to not be free of any controlled
30 substance during the 60-day period, the person's eligibility for benefits
31 pursuant to this paragraph shall be terminated. The commissioner, in
32 consultation with the Commissioner of Health and Senior Services,
33 shall adopt regulations to carry out the provisions of this paragraph,
34 which shall include the criteria for determining completion of a drug
35 treatment program² ;
- 36 (8) a person found to have fraudulently misrepresented his
37 residence in order to obtain means-tested, ¹[federally funded]¹ public
38 benefits in two or more states ¹or jurisdictions¹, who shall be ineligible
39 for benefits for a period of 10 years from the date of conviction in a
40 federal or State court; or
- 41 (9) a person who intentionally makes a false or misleading
42 statement or misrepresents, conceals or withholds facts for the
43 purpose of receiving benefits, who shall be ineligible for benefits for
44 a period of six months for the first violation, 12 months for the second
45 violation, and permanently for the third violation.
- 46 ²[¹[c.]b.¹] c.² A person who makes a false statement with the intent

1 to qualify for benefits and by reason thereof receives benefits for which
2 the person is not eligible is guilty of a crime of the fourth degree.

3
4 6. (New section) a. The signing of an application for benefits
5 under the Work First New Jersey program shall constitute an
6 assignment of any child support rights pursuant to ¹[45 CFR 232.11]
7 Title IV-D¹ on behalf of individual assistance unit members to the
8 county agency. The assignment shall terminate with respect to current
9 support rights when a determination is made by the county agency that
10 the person in the assistance unit is no longer eligible for benefits. The
11 determination of the amount of repayment to the county agency and
12 distribution of any unpaid support obligations that have accrued during
13 the period of receipt of benefits shall be determined by regulation of
14 the commissioner in accordance with federal law.

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

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

26
27 7. (New section) a. A dependent child who has been or is
28 expected by a parent, legal guardian or caretaker relative to be absent
29 from the home for a period of time as established by regulation of the
30 commissioner, shall remain eligible for benefits during that period,
31 except that, an absence for periods or for reasons other than those
32 stipulated in regulations adopted by the commissioner shall be cause
33 for denial or termination of benefits for that dependent child.

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

40
41 8. (New section) a. Emergency assistance shall be provided only
42 to recipients of Work First New Jersey and persons receiving
43 Supplemental Security Income pursuant to P.L.1973, c.256 (C.44:7-85
44 et seq.) in emergent situations, as determined by the commissioner, for
45 up to 12 cumulative months; except that²:

46 (1)² the commissioner may provide for an extension of emergency

1 assistance ²[only for an additional six months to an assistance unit of
2 a recipient with dependent children, to be provided in three-month
3 increments, at the commissioner's discretion] for up to six additional
4 months to an assistance unit with dependent children, if the
5 commissioner determines that a case of extreme hardship exists. The
6 commissioner shall review each such case on a monthly basis during
7 the six-month period and shall continue the emergency assistance only
8 if the commissioner determines, based upon the monthly review, that
9 the extreme hardship continues to exist. If the extreme hardship
10 continues to exist at the end of the six-month period, the commissioner
11 may provide an additional six months of emergency assistance to no
12 more than 10% of those assistance units with dependent children
13 which are receiving temporary rental assistance under the emergency
14 assistance component of the program, based upon the most current
15 data available; and

16 (2) the commissioner may provide for an extension of emergency
17 assistance for up to six additional months to no more than 10% of
18 single adults and couples without dependent children who are
19 receiving temporary rental assistance under the emergency assistance
20 component of the program, if the commissioner determines that a case
21 of extreme hardship exists. The commissioner shall review each such
22 case on a monthly basis during the six-month period and shall continue
23 the emergency assistance only if the commissioner determines, based
24 upon the monthly review, that the extreme hardship continues to
25 exist².

26 Any form of emergency assistance provided pursuant to this section
27 shall count toward the ¹[maximum]¹ ²maximum² period of emergency
28 assistance allowed.

29 ²[¹The commissioner may grant a further extension of emergency
30 assistance to a recipient of Work First New Jersey or Supplemental
31 Security Income if the commissioner determines that the recipient or
32 his dependent child, if any, would be subject to extreme hardship or
33 incapacity, as defined by regulation of the commissioner, in the event
34 of a termination of emergency assistance.¹]²

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

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

46 d.¹ The provisions of this section shall apply to a person who

1 receives general public assistance pursuant to P.L.1947, c.156
 2 (C.44:8-107 et seq.) after the effective date of this act and is
 3 subsequently transferred directly into the Work First New Jersey
 4 program.

5
 6 9. (New section) The commissioner shall assure that an applicant
 7 or recipient shall be afforded the opportunity for a hearing if the
 8 applicant's or recipient's claim for benefits is denied, reduced,
 9 suspended, terminated or not acted upon within a reasonable time, in
 10 accordance with regulations adopted by the commissioner. A recipient
 11 shall continue to receive the recipient's current benefits pending the
 12 outcome of the hearing. The hearing shall be conducted by the Office
 13 of Administrative Law in accordance with the "Administrative
 14 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

15
 16 10. (New section) In the case of an experimental, pilot or
 17 demonstration project which in the judgment of the commissioner is
 18 likely to assist in promoting the objectives of the Work First New
 19 Jersey program, or to promote the objectives of the Title IV-D child
 20 support enforcement program in the State, the commissioner may
 21 waive compliance with the requirements of the Work First New
 22 ²[~~Jersey~~]Jersey² program to the extent the commissioner deems
 23 necessary to carry out the project and for a period of time not to
 24 exceed three years, during which time the commissioner shall report
 25 to the Legislature on the progress of the project at least every six
 26 months ²; except that the commissioner shall not waive compliance
 27 with the provisions of subsection h. of section 8 of P.L. , c.
 28 (C.)(pending before the Legislature as Senate Bill No.36 of 1996)
 29 or implement a pilot or demonstration project that circumvents or
 30 obstructs a collective bargaining agreement². The commissioner shall
 31 provide an opportunity for public comment prior to the
 32 implementation of the project. The commissioner shall establish any
 33 fiscal or evaluative terms and conditions for the project that he deems
 34 appropriate.

35
 36 11. Section 1 of P.L.1994, c.147 (C.44:8-111.1) is amended to
 37 read as follows:

38 1. The Commissioner of Human Services shall establish a
 39 centralized registry in the Division of Family Development of the
 40 Department of Human Services to contain the names and Social
 41 Security numbers, and such additional identifying information as the
 42 commissioner deems appropriate, of recipients of benefits under [the
 43 "General Public Assistance Law," P.L.1947, c.156 (C.44:8-107 et
 44 seq.)] P.L. , c. (C.)(pending before the Legislature as Senate
 45 Bill No. 136¹ of 1996). Each of the [municipal welfare agencies]
 46 ¹[administrative]¹ entities ¹administering public assistance¹ designated

1 by the commissioner shall provide such information and assistance as
2 the commissioner may request to carry out the provisions of ¹[this act]
3 P.L.1994, c.147 (C.44:8-111.1 et seq.)¹. The commissioner shall
4 provide for the periodic updating of the information contained in the
5 registry.

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

7

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

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

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

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

24

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

29

30 14. This act shall take effect immediately .

31

32

33

34

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