

SENATE, No. 1010

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1996

By Senator MARTIN

1 AN ACT concerning attorney fees and supplementing Title 44 of the  
2 Revised Statutes.

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

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7 1. The Division of Family Development in the Department of  
8 Human Services shall disburse funds from the Payments to  
9 Municipalities for Cost of General Assistance fund for fees to an  
10 attorney or a legal entity providing legal services who represents a  
11 recipient of public assistance pursuant to P.L.1947, c.156 (C.44:8-107  
12 et seq.) in an appeal of a claim for federal Supplemental Security  
13 Income benefits pursuant to the federal Social Security Act, Publ.92-  
14 603 (42 U.S.C.§1381 et seq.), if the appeal is decided in favor of the  
15 recipient. The fees to the attorney or legal entity providing legal  
16 services shall be a fixed amount set by the rules and regulations  
17 promulgated by the Commissioner of Human Services.

18 The disbursement shall not be made unless a petition and a copy of  
19 the favorable decision is submitted by the attorney or by the legal  
20 entity providing legal services to the Division of Family Development  
21 within 60 days of the date of receipt of the favorable appeal  
22 decision. The disbursement of the fees to the attorney or to the  
23 legal entity providing legal services shall be made within 30 days of  
24 the date of the submission by the attorney of the required information.

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26 2. The Division of Family Development shall reduce the amount of  
27 Payments to Municipalities for Cost of General Assistance funds  
28 otherwise obliged to be paid to the municipal welfare department as  
29 reimbursement for the public assistance provided while the  
30 Supplemental Security Income claim was appealed by the fixed fee  
31 amount disbursed to the attorney or to the legal entity representing  
32 the recipient of public assistance from that municipal welfare  
33 department.

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35 3. The Commissioner of the Department of Human Services shall  
36 promulgate rules and regulations pursuant to the "Administrative  
37 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate

1 the purposes of this act.

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3 4. This act shall take effect on the 60th day following enactment.

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STATEMENT

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8 The bill would require that the Division of Family Development in  
9 the Department of Human Services pay the fees of attorneys or any  
10 legal entity, such as Community Health Law Project, which represent  
11 recipients of public assistance in successful appeals of claims for  
12 federal Supplemental Security Income (SSI) benefits. The bill  
13 provides that the fee paid would be an amount fixed by rules and  
14 regulations promulgated by the Commissioner of Human Services.

15 Funding for the payment of these fees would be disbursed from the  
16 Payments to Municipalities for Cost of General Assistance fund. This  
17 SSI payment is made to the municipal welfare department pursuant to  
18 a contract between the federal Department of Health and Human  
19 Services and the State and is reimbursed to the municipal welfare  
20 department for the public assistance provided while the SSI claim was  
21 being appealed.

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26 Provides for attorneys' fees in SSI claim appeals.