

SENATE, No. 661

STATE OF NEW JERSEY
212th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

Sponsored by:

Senator WAYNE R. BRYANT

District 5 (Camden and Gloucester)

SYNOPSIS

Renames Work First New Jersey program as Family Development Program and makes other revisions to program.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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2

1 AN ACT concerning public assistance and revising parts of the
2 statutory law.

3

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

6

7 1. The Title of P.L.1997, c.38 is amended to read as follows:

8 Title. **AN ACT** [establishing the Work First New Jersey program]
9 concerning the Family Development Program, supplementing Title
10 44 of the Revised Statutes and repealing and revising parts of the
11 statutory law.

12 (cf: P.L.1997, c.38, Title)

13

14 2. Section 1 of P.L.1997, c.38 (C.44:10-55) is amended to read
15 as follows:

16 1. This act shall be known and may be cited as the "[Work First
17 New Jersey] Family Development Program Act."

18 (cf: P.L.1997, c.38, s.1)

19

20 3. Section 2 of P.L.1997, c.38 (C.44:10-56) is amended to read
21 as follows:

22 2. The Legislature finds and declares that:

23 a. The federal "Personal Responsibility and Work Opportunity
24 Reconciliation Act of 1996," Pub.L.104-193, establishes the federal
25 block grant for temporary assistance for needy families and
26 provides the opportunity for a state to establish and design its own
27 welfare program;

28 b. Work and the earning of income promote the best interests of
29 families and children;

30 c. Working individuals and families needing temporary
31 assistance should have the transitional support necessary to obtain
32 and keep a job in order to be able to avoid cycling back onto public
33 assistance;

34 d. Teenage pregnancy is counter to the best interests of children;

35 e. Successful welfare reform requires the active involvement of
36 the private sector as well as all departments of State government;

37 f. Personal and family security and stability, including the
38 protection of children and vulnerable adults, are important to the
39 establishment and maintenance of successful family life and
40 childhood development; promoting the well-being of children is an
41 essential component of the Family Development Program operating
42 pursuant to P.L.1997, c.38 (C.44:10-55 et seq.), and a family's

43 inability or failure to qualify for benefits under [the Work First New

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

Matter underlined thus is new matter.

1 Jersey] that program [established pursuant to this act] shall not in
2 and of itself be the basis for the separation of a dependent child
3 from [his] that child's family or the justification for the foster care
4 placement of a dependent child;

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

14 h. The [Work First New Jersey program] Family Development
15 Program, formerly known as the Work First New Jersey program
16 that was established pursuant to [this act] P.L.1997, c.38 (C.44:10-
17 55 et seq.), incorporates and builds upon the fundamental concepts
18 of the Family Development Initiative established pursuant to
19 P.L.1991, c.523 (C.44:10-19 et seq.) in a manner that is consistent
20 with the federal program of temporary assistance for needy
21 families, by establishing requirements for: time limits on cash
22 assistance; the participation of recipients in work activities;
23 enhanced efforts to establish paternity and establish and enforce
24 child support obligations; sanctions for failure to comply with
25 program requirements; a cap on the use of funds for administrative
26 costs; the maintenance of State and county financial support of the
27 program; teenage parent recipients to live at home and finish high
28 school; and restrictions on eligibility for benefits for aliens.
29 (cf: P.L.1997, c.38, s.2)

30

31 4. Section 3 of P.L.1997, c.38 (C.44:10-57) is amended to read
32 as follows:

33 3. As used in this act:

34 "Alternative work experience" means unpaid work and training
35 only with a public, private nonprofit or private charitable employer
36 that provides a recipient with the experience necessary to adjust to,
37 and learn how to function in, an employment setting and the
38 opportunity to combine that experience with education and job
39 training. An alternative work experience participant shall not be
40 assigned to work for a private, for profit employer.

41 "Applicant" means an applicant for benefits provided by the
42 [Work First New Jersey program] Family Development Program.

43 "Assistance unit" means: a single person without dependent
44 children; a couple without dependent children; dependent children
45 only; or a person or couple with one or more dependent children
46 who are legally or blood-related, or who is their legal guardian, and

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1 who live together as a household unit.

2 "Benefits" means any assistance provided to needy persons and
3 their dependent children and needy single persons and couples
4 without dependent children under the [Work First New Jersey
5 program] Family Development Program.

6 "Case management" means the provision of certain services to
7 [Work First New Jersey] Family Development Program recipients,
8 which shall include an assessment and development of an individual
9 responsibility plan.

10 "Commissioner" means the Commissioner of Human Services.

11 "Community work experience" means unpaid work and training
12 only with a public, private nonprofit or private charitable employer
13 provided to a recipient when, and to the extent, that such experience
14 is necessary to enable the recipient to adjust to, and learn how to
15 function in, an employment setting. A community work experience
16 participant shall not be assigned to work for a private, for profit
17 employer.

18 "County agency" means the county agency that was
19 administering [the aid to families with dependent children program
20 at the time the federal "Personal Responsibility and Work
21 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
22 enacted and which, upon the enactment of P.L.1997, c.38 (C.44:10-
23 55 et seq.) shall also administer] in that county the Work First New
24 Jersey program [in that county] established pursuant to P.L.1997,
25 c.38 (C.44:10-55 et seq.) on the date of enactment of P.L. , c.
26 (pending before the Legislature as this bill), and which shall
27 continue to administer that program as the Family Development
28 Program.

29 "Dependent child" means a child:

30 a. under the age of 18;

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

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

41 "Eligible alien" means one of the following:

42 a. a qualified alien admitted to the United States prior to August
43 22, 1996, who is eligible for means-tested, federally funded public
44 benefits pursuant to federal law;

45 b. a refugee, asylee, or person granted withholding of deportation
46 under federal law for the person's first five years after receiving that

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- 1 classification in the United States pursuant to federal law;
- 2 c. a qualified alien who is a veteran of, or on active duty in, the
3 armed forces of the United States, or the spouse or dependent child
4 of that person pursuant to federal law;
- 5 d. a recipient of refugee and entrant assistance activities or a
6 Cuban or Haitian entrant pursuant to federal law;
- 7 e. a legal permanent resident alien who has worked 40 qualifying
8 quarters of coverage as defined under Title II of the federal Social
9 Security Act; except that, for any period after December 31, 1996, a
10 quarter during which an individual received means-tested, federally
11 funded public benefits shall not count toward the total number of
12 quarters;
- 13 f. a qualified alien admitted to the United States on or after
14 August 22, 1996, who has lived in the United States for at least five
15 years and is eligible for means-tested, federally funded public
16 benefits pursuant to federal law; or
- 17 g. a qualified alien who has been battered or subjected to
18 extreme cruelty in the United States by a spouse, parent or a
19 member of the spouse or parent's family residing in the same
20 household as the alien, or a qualified alien whose child has been
21 battered or subjected to extreme cruelty in the United States by a
22 spouse or parent of the alien, without the active participation of the
23 alien, or by a member of the spouse or parent's family residing in
24 the same household as the alien. In either case, the spouse or parent
25 shall have consented or acquiesced to the battery or cruelty and
26 there shall be a substantial connection between the battery or
27 cruelty and the need for benefits to be provided. The provisions of
28 this subsection shall not apply to an alien during any period in
29 which the individual responsible for the battery or cruelty resides in
30 the same household or assistance unit as the individual subjected to
31 the battery or cruelty. Benefits shall be provided to the extent and
32 for the period of time that the alien or alien's child is eligible for the
33 program.
- 34 For the purposes of this section, "qualified alien" is defined
35 pursuant to the provisions of section 431 of Title IV of Pub.L.104-
36 193.
- 37 "Full-time post-secondary student" means a student enrolled for
38 a minimum of 12 credit hours in a post-secondary school.
- 39 "Income" means, but is not limited to, commissions, salaries,
40 self-employed earnings, child support and alimony payments,
41 interest and dividend earnings, wages, receipts, unemployment
42 compensation, any legal or equitable interest or entitlement owed
43 that was acquired by a cause of action, suit, claim or counterclaim,
44 insurance benefits, temporary disability claims, estate income,
45 trusts, federal income tax refunds, State income tax refunds,
46 homestead rebates, lottery prizes, casino and racetrack winnings,
47 annuities, retirement benefits, veterans' benefits, union benefits, or
48 other sources that may be defined as income by the commissioner;

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

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

9 "Program" means the Family Development Program, formerly
10 known as the Work First New Jersey program [established],
11 operating pursuant to [this act] P.L.1997, c.38 (C.44:10-55 et seq.).

12 "Recipient" means a recipient of benefits under the [Work First
13 New Jersey program] Family Development Program.

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

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

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

42 (cf: P.L.1997, c.38, s.3)

43

44 5. Section 4 of P.L.1997, c.38 (C.44:10-58) is amended to read
45 as follows:

46 4. a. The Work First New Jersey program [is], which was

1 established in the Department of Human Services pursuant to
2 P.L.1997, c.38 (C.44:10-55 et seq.), is continued, and shall be
3 known, as the Family Development Program pursuant to P.L. , c.
4 (pending before the Legislature as this bill). The commissioner
5 shall take such actions as are necessary to implement and operate
6 the program in accordance with the provisions of the federal
7 "Personal Responsibility and Work Opportunity Reconciliation Act
8 of 1996," Pub.L.104-193. The commissioner may delegate to the
9 Commissioner of Labor, by agreement, any responsibility to assist a
10 person in the transition to a work activity.

11 b. The program shall replace programs which were in effect prior
12 to the enactment of this act, including : aid to families with
13 dependent children (AFDC) pursuant to P.L.1959, c.86 (C.44:10-1
14 et seq.) and emergency assistance for AFDC recipient families;
15 general public assistance (GA) pursuant to P.L.1947, c.156 (C.44:8-
16 107 et seq.), emergency assistance for GA recipients, and the GA
17 employability program; and the Family Development Initiative
18 established pursuant to P.L.1991, c.523 (C.44:10-19 et seq.).

19 c. Whenever the term "Work First New Jersey program" occurs
20 or any reference is made thereto in any law, contract or document,
21 the same shall be deemed to mean or refer to the Family
22 Development Program.

23 (cf: P.L.1997, c.38, s.4)

24

25 6. Section 5 of P.L.1997, c.38 (C.44:10-59) is amended to read
26 as follows:

27 5. a. All adult persons, except as otherwise provided by law
28 governing the [Work First New Jersey] program, are charged with
29 the primary responsibility of supporting and maintaining themselves
30 and their dependents; the primary responsibility for the support and
31 maintenance of minor children is that of the parents and family of
32 those children; and benefits shall be provided only when other
33 means of support and maintenance are not present to support the
34 assistance unit.

35 b. Benefits shall be temporary and serve the primary goal of
36 fostering self-sufficiency. Failure to cooperate with any of the
37 program eligibility requirements without good cause, as determined
38 by the commissioner, shall result in ineligibility for benefits for
39 some or all assistance unit members.

40 c. If the county agency or municipal welfare agency, as
41 appropriate, determines, based upon an applicant's written statement
42 signed under oath, that the applicant is in immediate need of
43 benefits because the applicant's available resources are insufficient,
44 as determined by the commissioner, to meet the minimal current
45 living expenses pursuant to regulations adopted by the
46 commissioner, of the applicant's assistance unit, the county agency
47 or municipal welfare agency shall issue cash assistance benefits to

1 the applicant on the date of application, subject to the applicant
2 meeting all other program eligibility requirements.

3 d. The commissioner shall establish by regulation, standards and
4 procedures to screen and identify recipients with a history of being
5 subjected to domestic violence and refer these recipients to
6 counseling and supportive services. The commissioner may waive
7 program requirements, including, but not limited to, the time limit
8 on benefits pursuant to section 2 of P.L.1997, c.37 (C.44:10-72),
9 [residency requirements pursuant to section 6 of P.L.1997, c.38
10 (C.44:10-60),] child support cooperation requirements pursuant to
11 subsection b. of section 2 of P.L.1997, c.14 (C.44:10-45) and the
12 limitation on increase of cash assistance benefits as a result of the
13 birth of a child pursuant to section 7 of P.L.1997, c.38 (C.44:10-
14 61), in cases where compliance with such requirements would make
15 it more difficult for a recipient to escape domestic violence or
16 unfairly penalize the recipient who is or has been victimized by
17 such violence, or who is at risk of further domestic violence.

18 e. The commissioner shall establish regulations determining
19 eligibility and other requirements of the [Work First New Jersey]
20 program. Regulations shall include provisions for the deeming of
21 income, when appropriate, which include situations involving the
22 sponsor of an eligible alien in accordance with federal law, and
23 legally responsible relatives of assistance unit members.
24 (cf: P.L.1997, c.38, s.5)

25

26 7. Section 7 of P.L.1997, c.38 (C.44:10-61) is amended to read
27 as follows:

28 7. a. The level of cash assistance benefits payable to an
29 assistance unit with dependent children shall not increase as a result
30 of the birth of a child during the period in which the assistance unit
31 is eligible for benefits, or during a temporary period in which the
32 assistance unit is ineligible for benefits pursuant to a penalty
33 imposed by the commissioner for failure to comply with benefit
34 eligibility requirements, subsequent to which the assistance unit is
35 again eligible for benefits.

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

41 c. In the case of an assistance unit with dependent children in
42 which the adult or minor parent recipient gives birth to an
43 additional child during the period in which the assistance unit is
44 eligible for benefits, or during a temporary penalty period of
45 ineligibility for benefits subsequent to which the assistance unit
46 again becomes eligible for benefits, the commissioner shall provide
47 that in computing the amount of cash assistance benefits to be

1 granted to the assistance unit, the following shall be deducted from
2 the monthly earned income of each employed person in the
3 assistance unit:

4 those earned income disregards provided for under section 4 of
5 P.L.1997, c.13 (C. 44:10-37); and after application of the earned
6 income disregards, the total countable income shall be compared for
7 eligibility purposes and subtracted for cash assistance benefit
8 calculation purposes from the eligibility standard for the assistance
9 unit size, adjusted to include any person for whom cash assistance
10 has not been received due to the application of the provisions of
11 subsection a. of this section.

12 d. Notwithstanding the provisions of subsection a. of this section
13 to the contrary, a person receiving AFDC benefits on the effective
14 date of this act whose AFDC benefits were limited pursuant to
15 P.L.1991, c.526 (C.44:10-3.5 et seq.) shall continue to be subject to
16 the same limitation as a recipient of [Work First New Jersey]
17 Family Development Program benefits, in accordance with
18 regulations adopted by the commissioner.

19 e. The provisions of this section shall not apply to an individual
20 in an assistance unit with dependent children who gives birth to a
21 child fewer than 10 months after applying for and receiving cash
22 assistance benefits.

23 f. The provisions of this section shall not apply to the birth of a
24 child that occurs as a result of rape or incest.
25 (cf: P.L.1997, c.38, s.7)

26

27 8. The Title of P.L.1997, c.37 is amended to read as follows:

28 Title. **AN ACT** concerning the [Work First New Jersey program]
29 Family Development Program, supplementing Title 44 of the
30 Revised Statutes and amending various parts of the statutory law.
31 (cf: P.L.1997, c.37, Title)

32

33 9. Section 1 of P.L.1997, c.37 (C.44:10-71) is amended to read
34 as follows:

35 1. As used in this act:

36 "Assistance unit" means: a single person without dependent
37 children; a couple without dependent children; dependent children
38 only; or a person or couple with one or more dependent children
39 who are legally or blood-related, or who is their legal guardian, and
40 who live together as a household unit.

41 "Benefits" means any assistance provided to needy persons and
42 their dependent children and needy single persons and couples
43 without dependent children under the [Work First New Jersey
44 program established pursuant to P.L.1997, c.38 (C.44:10-55 et
45 seq.)] Family Development Program.

46 "Commissioner" means the Commissioner of Human Services.

1 "County agency" means the county agency that was
2 administering [the aid to families with dependent children program
3 at the time the federal "Personal Responsibility and Work
4 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
5 enacted and which, upon the enactment of P.L.1997, c.37 (C.44:10-
6 71 et al.) shall also administer] in that county the Work First New
7 Jersey program [in that county] established pursuant to P.L.1997,
8 c.38 (C.44:10-55 et seq.) on the date of enactment of P.L. , c.
9 (pending before the Legislature as this bill), and which shall
10 continue to administer that program as the Family Development
11 Program.

12 "Department" means the Department of Human Services.

13 "Dependent child" means a child:

14 a. under the age of 18;

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

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

25 "Full-time employment" means employment unsubsidized by any
26 level of government in which a person is engaged for at least 35
27 hours a week.

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

32 "Program" means the Family Development Program, formerly
33 known as the Work First New Jersey program [established],
34 operating pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).

35 "Recipient" means a recipient of benefits under the [Work First
36 New Jersey program established pursuant to P.L.1997, c.38
37 (C.44:10-55 et seq.)] Family Development Program.
38 (cf: P.L.1997, c.37, s.1)

39

40 10. Section 2 of P.L.1997, c.37 (C.44:10-72) is amended to read
41 as follows:

42 2. a. Effective no later than the 30th day after the date of
43 enactment of [this act] P.L.1997, c.37 (C.44:10-71 et seq.), a
44 recipient's eligibility for benefits shall be limited to a total of 60
45 cumulative months, except as otherwise provided in this act,

1 regardless of whether the recipient meets more than one assistance
2 unit criteria during that 60-month period. Receipt of assistance
3 from federal block grant funds for temporary assistance for needy
4 families provided by another state or territory pursuant to the
5 federal "Personal Responsibility and Work Opportunity
6 Reconciliation Act of 1996," Pub.L.104-193, shall count towards
7 the 60-month time limit. Receipt of benefits as a dependent child
8 or minor parent shall not count towards the 60-month time limit in
9 the event that the dependent child or minor parent becomes a head
10 of household in the child's or parent's own right for the purposes of
11 receiving benefits.

12 b. A recipient shall be exempted from the 60-month time limit
13 established pursuant to subsection a. of this section if the recipient
14 is:

15 (1) over 60 years of age;

16 (2) the parent or other relative of a disabled child or other
17 disabled dependent who must provide full-time care for the disabled
18 child or other disabled dependent;

19 (3) permanently disabled, including, but not limited to, a person
20 eligible for disability insurance benefits under Title II of the federal
21 Social Security Act (42 U.S.C.s.401 et seq.), as defined by
22 regulation of the commissioner; or

23 (4) chronically unemployable as defined by regulation of the
24 commissioner.

25 c. A recipient may receive an extension of no more than 12
26 cumulative months beyond the 60-month time limit established
27 pursuant to subsection a. of this section, to be granted in increments
28 that shall not exceed six months, if the commissioner determines
29 that the recipient meets one of the following criteria:

30 (1) the recipient or the recipient's dependent child would be
31 subject to extreme hardship or incapacity, as defined by regulation
32 of the commissioner, in the event of a termination of benefits;

33 (2) the recipient is engaged in full-time employment but remains
34 eligible for benefits due to earned income disregards provided for
35 under section 4 of P.L.1997, c.13 (C.44:10-37);

36 (3) the recipient has not received an opportunity to engage in
37 work activities as specified in the individual responsibility plan
38 pursuant to subsection f. of section 8 of P.L.1997, c.38 (C.44:10-
39 62); or

40 (4) the recipient was engaged in full-time employment and was
41 income-ineligible for benefits but was terminated from the
42 employment through no fault of the recipient.

43 d. The provisions of this section shall apply to a person who
44 receives general public assistance pursuant to P.L.1947, c.156
45 (C.44:8-107 et seq.) after the effective date of [this act] P.L.1997,
46 c.37 (C.44:10-71 et seq.) and is subsequently transferred directly
47 into the [Work First New Jersey] program.

1 (cf: P.L.1997, c.37, s.2)

2

3 11. Section 3 of P.L.1997, c.37 (C.44:10-73) is amended to read
4 as follows:

5 3. a. The county agency shall be responsible for implementing
6 the [Work First New Jersey] program in accordance with
7 regulations adopted by the commissioner and ensuring that all
8 eligible persons residing in the county have access to benefits;
9 except as otherwise provided in this subsection.

10 (1) A municipality may continue to administer general public
11 assistance for eligible single persons and couples without dependent
12 children through the program in accordance with the provisions of
13 P.L.1947, c.156 (C.44:8-107 et seq.), and fund the administrative
14 costs thereof upon passage of a resolution. The resolution shall be
15 passed no later than six months after the commissioner adopts
16 regulations to effectuate these provisions. A copy of the resolution
17 shall be filed with the Division of Local Government Services in the
18 Department of Community Affairs within three days after its
19 passage. The resolution shall include the reasons for the governing
20 body's decision to administer the program.

21 (2) The Division of Local Government Services in the
22 Department of Community Affairs shall not include the
23 municipality's general public assistance budget in its budget review
24 and approval process.

25 (3) A municipality which administers general public assistance
26 pursuant to the provisions of paragraph (1) of this subsection shall
27 be responsible for all administrative costs of providing benefits to
28 eligible single persons and couples without dependent children.
29 The State shall reimburse the municipality for 100% of cash
30 assistance benefits paid to recipients of general public assistance.

31 (4) If a municipality fails to comply with the provisions of
32 paragraph (1) of this subsection, the commissioner is authorized to
33 require the transfer of its administration of general public assistance
34 to the county.

35 (5) If the commissioner determines by financial or performance
36 audit that a municipality has failed to administer benefits pursuant
37 to this subsection in accordance with standards established by
38 regulation of the commissioner, the commissioner is authorized to:
39 take appropriate action pursuant to section 15 of P.L.1990, c.66
40 (C.30:1-12.2), recoup any funds identified by that audit, and require
41 the transfer by the municipality of its administration of general
42 public assistance to the county.

43 Prior to effecting such a transfer, the commissioner shall specify
44 in writing to the municipality the financial or performance
45 deficiencies determined by audit and provide the municipality with
46 a reasonable opportunity to correct those deficiencies, in accordance
47 with a process to be established by regulation of the commissioner.

1 The regulations shall include, but not be limited to, the form and
2 manner for submission of a plan of correction by the municipality
3 which sets forth the specific activities and time periods within
4 which the deficiencies are to be corrected. If the municipality fails
5 to correct these deficiencies, the commissioner may proceed with
6 the transfer.

7 (6) Within 30 days after the adoption of regulations to effectuate
8 the purposes of this section, the commissioner shall notify each
9 municipality in writing of its option to administer general public
10 assistance pursuant to the provisions of paragraph (1) of this
11 subsection or transfer its administration of general public assistance
12 to the county .

13 b. (1) The administration by county agencies of the program for
14 eligible single persons and couples without dependent children shall
15 commence January 1, 1998, in accordance with a schedule to be
16 determined by the commissioner for the respective geographic areas
17 of the State; except as provided in subsection a. of this section.

18 In accordance with procedures established by the commissioner,
19 the State shall reimburse the county for 100% of the administrative
20 costs incurred by the county agency with respect to the provision of
21 cash assistance benefits to the eligible single adults and couples
22 without dependent children residing in a municipality which has
23 transferred its administration of general public administration to the
24 county, up to the maximum amount allocated for that county by the
25 commissioner within the limits of available funds.

26 (2) With respect to a municipality which has opted to continue
27 to administer general public assistance pursuant to the provisions of
28 paragraph (1) of subsection a. of this section, the commissioner is
29 authorized to: provide for the issuance of cash assistance benefits,
30 in accordance with regulations adopted by the commissioner, by
31 paper check, electronic benefit distribution, or other appropriate
32 means; and to require the municipality to report information to the
33 commissioner which the commissioner deems necessary to the
34 proper administration of the program through electronic means, as
35 prescribed by regulation of the commissioner.

36 c. The county agency and municipal welfare agency, and any
37 other State, local, public or private entity or person working with
38 the department, county agency or municipal welfare agency to
39 effectuate the purposes of this act, shall collect and provide on a
40 timely basis to the commissioner any information requested by the
41 commissioner on the operation and administration of the program.

42 d. For the first 12 months following the enactment of P.L.1997,
43 c.37 (C.44:10-71 et al.), a county agency shall not enter into a
44 contract with a private nonprofit or a private for profit entity for
45 eligibility determination functions and benefit computation services
46 that the county agency's current employees are capable of
47 performing.

48 (cf: P.L.1997, c.37, s.3)

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2 12. Section 7 of P.L.1997, c.37 (C.44:10-77) is amended to read
3 as follows:

4 7. The commissioner, in consultation with the State Treasurer, is
5 authorized to establish and implement necessary technological
6 investments appropriate to create a Statewide community-based
7 electronic network designed to link federal, State and local
8 government agencies, nonprofit entities and private business
9 entities, for the effective and efficient exchange of information
10 relating to, and management of, the [Work First New Jersey
11 program] Family Development Program and other related programs.
12 (cf: P.L.1997, c.37, s.7)

13

14 13. Section 1 of P.L.1997, c.13 (C.44:10-34) is amended to read
15 as follows:

16 1. As used in this act:

17 "Alternative work experience" means unpaid work and training
18 only with a public, private nonprofit or private charitable employer
19 that provides a recipient with the experience necessary to adjust to,
20 and learn how to function in, an employment setting and the
21 opportunity to combine that experience with education and job
22 training. An alternative work experience participant shall not be
23 assigned to work for a private, for profit employer.

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

29 "Benefits" means any assistance provided to needy persons and
30 their dependent children and needy single persons and couples
31 without dependent children under the [Work First New Jersey
32 program] Family Development Program.

33 "Commissioner" means the Commissioner of Human Services.

34 "Community work experience" means unpaid work and training
35 only with a public, private nonprofit or private charitable employer,
36 provided to a recipient when, and to the extent, that such experience
37 is necessary to enable the recipient to adjust to, and learn how to
38 function in, an employment setting. A community work experience
39 participant shall not be assigned to work for a private, for profit
40 employer.

41 "Dependent child" means a child:

42 a. under the age of 18;

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

1 training; or

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

7 "Family Development Program" or "program" means the
8 program, formerly known as the Work First New Jersey program,
9 operating pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).

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

24 "Income eligibility standard" means the income eligibility
25 threshold based on assistance unit size established by regulation of
26 the commissioner for benefits provided within the limit of funds
27 appropriated by the Legislature.

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

32 "Poverty level" means the official poverty level based on family
33 size, established and adjusted under Section 673 (2) of Subtitle B of
34 the "Community Services Block Grant Act, " Pub.L.97-35 (42
35 U.S.C.s. 9902 (2)).

36 "Recipient" means a recipient of benefits under the [Work First
37 New Jersey program] Family Development Program.

38 "Services" means any [Work First New Jersey] Family
39 Development Program benefits that are not provided in the form of
40 cash assistance.

41 "Standard of need" means the minimum amount of income and
42 in-kind benefits or services needed by families and single persons
43 living in New Jersey in order to maintain a decent and healthy
44 standard of living, as established by regulation of the commissioner,
45 and shall include necessary items such as housing, utilities, food,
46 work-related transportation, clothing and personal and household
47 essentials.

1 "Title IV-A" means the provisions of Title IV-A of the federal
2 Social Security Act governing the program of aid to families with
3 dependent children established pursuant to P.L.1959, c.86 (C.44:10-
4 1 et seq.) and the State Plan to implement those provisions that
5 were in effect on July 16, 1996, including income methodologies
6 for determining eligibility under those provisions and plan.

7 "Title IV-D" means the provisions of Title IV-D of the federal
8 Social Security Act governing paternity establishment and child
9 support enforcement activities and requirements.

10 "Work activity" includes, but is not limited to, the following, as
11 defined by regulation of the commissioner: employment; on-the-
12 job training; job search and job readiness assistance; vocational
13 educational training; job skills training related directly to
14 employment; community work experience; alternative work
15 experience; supportive work; community service programs,
16 including the provision of child care as a community service
17 project; in the case of a teenage parent or a recipient under the age
18 of 19 who is expected to graduate or complete their course of study
19 by their 19th birthday, satisfactory attendance at a secondary school
20 or in a course of study leading to a certificate of general
21 equivalence; and education that is necessary for employment in the
22 case of a person who has not received a high school diploma or a
23 certificate of high school equivalency, a course of study leading to a
24 certificate of general equivalence, or post-secondary education,
25 when combined with community work experience participation or
26 other approved work activities, including employment.

27 ["Work First New Jersey program" or "program" means the
28 program established pursuant to P.L. , c. (C.)(pending before
29 the Legislature as Assembly Bill No. 12 of 1996).]
30 (cf: P.L.1997, c.13, s.1)

31
32 14. Section 5 of P.L.1997, c.13 (C.44:10-38) is amended to read
33 as follows:

34 5. a. The program shall provide supportive services to a
35 recipient as a last resort when no other source of support is
36 available, except that the recipient shall be required to continuously
37 seek other sources of support. The commissioner shall determine
38 the amounts and extent of the support. The supportive services shall
39 include, but not be limited to, one or more of the following:

40 (1) child care services , including after-school child care in the
41 case of a child over six years of age, for eligible dependent
42 children, to be provided during the recipient's program eligibility
43 period and for 24 consecutive months following ineligibility for
44 benefits as a result of receipt of earned income.

45 An adult recipient who continues to be eligible to receive child
46 care services following ineligibility for benefits, and an adult
47 recipient who is employed but continues to receive benefits, shall

1 pay a copay for child care services in accordance with a sliding fee
2 scale established by the commissioner, which shall be no greater
3 than the child care co-payment schedule established pursuant to
4 N.J.A.C. 10:81-14.18A;

5 (2) transportation services to be provided directly by the
6 program or through an allowance or other means of subsidy by
7 which the recipient may purchase transportation; and

8 (3) a limited allowance for each assistance unit to cover work-
9 related expenses necessary to engage in required work activities, as
10 determined by the commissioner.

11 b. Medical assistance shall be provided to an assistance unit
12 with dependent children pursuant to P.L.1968, c.413 (C.30:4D-1 et
13 seq.), in accordance with the provisions of section 2 of P.L.1987,
14 c.283 (C.30:4D-6c) which provides for a continuation of medical
15 assistance for a period of 24 consecutive months under certain
16 circumstances, except that:

17 (1) coverage solely of the adult head of an assistance unit by an
18 employer's health insurance plan shall not preclude other members
19 of the assistance unit from receiving the additional 24 months of
20 medical assistance; [and]

21 (2) an assistance unit with dependent children which, using the
22 limits and methodologies contained in Title IV-A, would not be
23 eligible for cash assistance under Title IV-A as a result of the
24 collection of child or spousal support under Title IV-D of the
25 federal Social Security Act (42 U.S.C. § 651 et seq.), shall receive an
26 additional four consecutive months of medical assistance beginning
27 with the first month of ineligibility under the provisions of Title IV-
28 A; and

29 (3) the commissioner shall prescribe requirements for an adult
30 head of an assistance unit with dependent children that is receiving
31 benefits to meet in order to ensure that each dependent child
32 receives appropriate health care services, including, but not limited
33 to, Early and Periodic Screening, Diagnosis and Treatment
34 (EPSDT) services.

35 (cf: P.L.1997, c.13, s.5)

36
37 15. Section 8 of P.L.1997, c.13 (C.44:10-41) is amended to read
38 as follows:

39 8. a. The commissioner, in cooperation with other affected
40 agencies of State government, shall report biennially to the
41 Governor and the Legislature on the [Work First New Jersey
42 program] Family Development Program, and shall include in that
43 report any recommendations for changes in the law or regulations
44 governing the program that the commissioner deems necessary to
45 further the goals of the program. The commissioner shall determine
46 the manner and terms of the reporting in accordance with the
47 requirements of federal law.

1 b. The commissioner and the Commissioner of Labor shall
2 jointly issue a public report, on at least a quarterly basis
3 [concerning], which shall include:

4 (1) the following information with respect to recipients who are
5 participating in or have been terminated from the program, which
6 shall be furnished by the commissioner: the number of recipients in
7 the program, the number of recipients classified as exempt from
8 time limits or deferred from work requirements, the number of
9 recipients classified as to the degree of employability as defined by
10 the commissioner, [the number of recipients who have obtained
11 employment,] the number of recipients terminated from the program
12 and the reasons for the terminations, [the average wages and
13 benefits earned by recipients, the types of employment obtained by
14 recipients and whether the employment is in the public or private
15 sector, the average length of stay in their jobs by recipients who
16 reapply for benefits,] and the number of former recipients who have
17 re-entered the program after being terminated; and

18 (2) the following information with respect to recipients who
19 have been placed in employment or work activities by the program,
20 which shall be furnished by the Commissioner of Labor: the
21 number of recipients who have obtained employment, the types of
22 employment obtained by recipients and whether the employment is
23 in the public or private sector, the average wages and employer-
24 provided benefits earned by recipients, and the average length of
25 stay in their jobs by recipients who reapply for benefits.

26 c. To the extent not otherwise provided pursuant to subsection a.
27 or b. of this section, the commissioner shall conduct such research
28 as he deems appropriate to evaluate the outcomes for recipients, and
29 the benefits, costs and other effects of the program, and shall submit
30 any report resulting from that research to the Governor and the
31 Legislature and otherwise make copies available to the public.

32 In addition, the commissioner shall initiate a study of the
33 Michigan Civilian Conservation Corps program as a means of
34 offering employment to economically disadvantaged youth that
35 provides constructive work experience and training to increase their
36 ability to secure unsubsidized employment. The commissioner
37 shall study the effectiveness of the Michigan Civilian Conservation
38 Corps program and the possibility of establishing such a program in
39 this State. The commissioner shall submit a written report of his
40 findings and recommendations to the Governor and the Legislature
41 by January 1, 1998.

42 (cf: P.L.1997, c.13, s.8)

43

44 16. Section 1 of P.L.1997, c.14 (C.44:10-44) is amended to read
45 as follows:

46 1. As used in this act:

1 "Applicant" means an applicant for benefits provided by the
2 [Work First New Jersey program] Family Development Program.

3 "Assistance unit" means: a single person without dependent
4 children; a couple without dependent children; dependent children
5 only; or a person or couple with one or more dependent children
6 who are legally or blood-related, or who is their legal guardian, and
7 who live together as a household unit.

8 "Benefits" means any assistance provided to needy persons and
9 their dependent children and needy single persons and couples
10 without dependent children under the [Work First New Jersey
11 program] Family Development Program.

12 "Commissioner" means the Commissioner of Human Services.

13 "County agency" means the county agency that was
14 administering [the aid to families with dependent children program
15 at the time the federal "Personal Responsibility and Work
16 Opportunity Reconciliation Act of 1996," Pub.L.104-193, was
17 enacted and which, upon the enactment of P.L.1997, c.14 (C.44:10-
18 44 et al.) shall also administer] in that county the Work First New
19 Jersey program [in that county] established pursuant to P.L.1997,
20 c.38 (C.44:10-55 et seq.) on the date of enactment of P.L. , c.
21 (pending before the Legislature as this bill), and which shall
22 continue to administer that program as the Family Development
23 Program.

24 "Dependent child" means a child:

25 a. under the age of 18;

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

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

36 "Eligible alien" means one of the following:

37 a. a qualified alien admitted to the United States prior to August
38 22, 1996, who is eligible for means-tested, federally funded public
39 benefits pursuant to federal law;

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

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

46 d. a recipient of refugee and entrant assistance activities or a

- 1 Cuban or Haitian entrant pursuant to federal law;
- 2 e. a legal permanent resident alien who has worked 40 qualifying
3 quarters of coverage as defined under Title II of the federal Social
4 Security Act; except that, for any period after December 31, 1996, a
5 quarter during which an individual received means-tested, federally
6 funded public benefits shall not count toward the total number of
7 quarters;
- 8 f. a qualified alien admitted to the United States on or after
9 August 22, 1996, who has lived in the United States for at least five
10 years and is eligible for means-tested, federally funded public
11 benefits pursuant to federal law; or
- 12 g. a qualified alien who has been battered or subjected to
13 extreme cruelty in the United States by a spouse, parent or a
14 member of the spouse or parent's family residing in the same
15 household as the alien, or a qualified alien whose child has been
16 battered or subjected to extreme cruelty in the United States by a
17 spouse or parent of the alien, without the active participation of the
18 alien, or by a member of the spouse or parent's family residing in
19 the same household as the alien. In either case, the spouse or parent
20 shall have consented or acquiesced to the battery or cruelty and
21 there shall be a substantial connection between the battery or
22 cruelty and the need for benefits to be provided. The provisions of
23 this subsection shall not apply to an alien during any period in
24 which the individual responsible for the battery or cruelty resides in
25 the same household or assistance unit as the individual subjected to
26 the battery or cruelty. Benefits shall be provided to the extent and
27 for the period of time that the alien or alien's child is eligible for the
28 program.
- 29 For the purposes of this section, "qualified alien" is defined
30 pursuant to the provisions of section 431 of Title IV of Pub.L.104-
31 193.
- 32 "Family Development Program" or "program" means the
33 program, formerly known as the Work First New Jersey program,
34 operating pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).
- 35 "Income" means, but is not limited to, commissions, salaries,
36 self-employed earnings, child support and alimony payments,
37 interest and dividend earnings, wages, receipts, unemployment
38 compensation, any legal or equitable interest or entitlement owed
39 that was acquired by a cause of action, suit, claim or counterclaim,
40 insurance benefits, temporary disability claims, estate income,
41 trusts, federal income tax refunds, State income tax refunds,
42 homestead rebates, lottery prizes, casino and racetrack winnings,
43 annuities, retirement benefits, veterans' benefits, union benefits, or
44 other sources that may be defined as income by the commissioner;
45 except that in the event that individual development accounts for
46 recipients are established by regulation of the commissioner, any
47 interest or dividend earnings from such an account shall not be
48 considered income.

1 "Income eligibility standard" means the income eligibility
2 threshold based on assistance unit size established by regulation of
3 the commissioner for benefits provided within the limit of funds
4 appropriated by the Legislature.

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

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

14 "Recipient" means a recipient of benefits under the [Work First
15 New Jersey program] Family Development Program.

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

23 "Services" means any [Work First New Jersey] Family
24 Development Program benefits that are not provided in the form of
25 cash assistance.

26 "Title IV-D" means the provisions of Title IV-D of the federal
27 Social Security Act governing paternity establishment and child
28 support enforcement activities and requirements.

29 ["Work First New Jersey program" or "program" means the
30 program established pursuant to P.L.1997, c.38 (C.44:10-55 et
31 seq.).]

32 (cf: P.L.1997, c.14, s.1)

33

34 17. Section 2 of P.L.1997, c.14 (C.44:10-45) is amended to read
35 as follows:

36 2. a. Benefits under the [Work First New Jersey] program shall
37 be determined according to standards of income and resources
38 established by the commissioner. These standards shall take into
39 account, for the determination of eligibility and the provision of
40 benefits, all income and resources of all persons in the assistance
41 unit of which the applicant or recipient is a member, except as
42 provided by law governing the [Work First New Jersey] program
43 and as prescribed by the commissioner. The benefits to be granted
44 shall be governed by standards established by regulation of the
45 commissioner. The commissioner may set income and resource

1 eligibility and benefits standards that differ with respect to types of
2 assistance units.

3 b. A recipient, as a condition of eligibility for benefits, shall,
4 subject to good cause exceptions as defined by the commissioner,
5 be required to: do all acts stated herein necessary to establish the
6 paternity of a child born out-of-wedlock, and to establish and
7 participate in the enforcement of child support obligations;
8 cooperate with work requirements established by the commissioner;
9 make application for any other assistance for which members of the
10 assistance unit may be eligible; be income and resource eligible as
11 defined by the commissioner, including the deeming of income and
12 resources as appropriate; provide all necessary documentation
13 which shall include the federal Social Security number for all
14 assistance unit members, except for an eligible alien who cannot be
15 assigned a Social Security number due to his status, or make
16 application for same; sign an agreement to repay benefits in the
17 event of receipt of income or resources; [and] comply with personal
18 identification requirements as a condition of receiving benefits,
19 which may employ the use of high technology processes for the
20 detection of fraud; consent to any effort made by the program to
21 obtain attendance and school performance records for a dependent
22 child in the assistance unit as determined necessary by the program;
23 and comply with requirements adopted by the commissioner for
24 participation in school-related activities at a school where the
25 recipient's child is enrolled if the recipient resides in a school
26 district as described in section 52 of P.L. , c. (C.) (pending before
27 the Legislature as this bill).

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

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

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

44 (cf: P.L.1997, c.14, s.2)

45

46 18. Section 5 of P.L.1997, c.14 (C.44:10-48) is amended to read
47 as follows:

1 5. a. Only those persons who are United States citizens or
2 eligible aliens shall be eligible for benefits under the [Work First
3 New Jersey] program. Single adults or couples without dependent
4 children who are legal aliens who meet federal requirements and
5 have applied for citizenship, shall not receive benefits for more than
6 [six] 18 months unless: (1) they attain citizenship[,]; or (2) they
7 have passed the English language and civics components for
8 citizenship, or have been determined by the federal Bureau of
9 Citizenship and Immigration Services to have a physical or mental
10 incapacity that renders them unable to take or pass these
11 components, and are awaiting final determination of citizenship by
12 the [federal Immigration and Naturalization Service] bureau.

13 b. The following persons shall not be eligible for assistance and
14 shall not be considered to be members of an assistance unit:

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

18 (2) Supplemental Security Income recipients, except for the
19 purposes of receiving emergency assistance benefits pursuant to
20 section 8 of P.L.1997, c.14 (C.44:10-51);

21 (3) illegal aliens;

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

23 (5) a person absent from the home who is incarcerated in a
24 federal, State, county or local corrective facility or under the
25 custody of correctional authorities, except as provided by regulation
26 of the commissioner;

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

33 (7) a person convicted on or after August 22, 1996 under federal
34 or state law of any offense which is classified as a felony or crime,
35 as appropriate, under the laws of the jurisdiction involved and
36 which has as an element the possession, use, or distribution of a
37 controlled substance as defined in section 102(6) of the federal
38 "Controlled Substances Act" (21 U.S.C.s.802 (6)); except that a
39 person convicted of any such offense which has as an element the
40 possession or use only of such a controlled substance, or a person
41 convicted of no more than one such offense which has as an
42 element the distribution of such a controlled substance, may be

43 eligible for [Work First New Jersey] Family Development Program
44 benefits, and food stamp benefits under the federal "Food Stamp
45 Act of 1977," Pub.L.95-113 (7 U.S.C.s.2011 et seq.), if the person
46 enrolls in or has completed a licensed residential drug treatment

1 program. Eligibility for benefits shall commence upon the person's
2 enrollment in the drug treatment program, and shall continue during
3 the person's active participation in, and upon completion of, the
4 drug treatment program, except that during the person's active
5 participation in a drug treatment program and the first 60 days after
6 completion of a drug treatment program, the commissioner [shall]
7 may provide for testing of the person to determine if the person is
8 free of any controlled substance. If the person is determined to not
9 be free of any controlled substance during the 60-day period, the
10 person's eligibility for benefits pursuant to this paragraph shall be
11 terminated; except that this provision shall not apply to the use of
12 methadone by a person who is actively participating in a drug
13 treatment program, as prescribed by the drug treatment program.
14 The commissioner, in consultation with the Commissioner of Health
15 and Senior Services, shall adopt regulations to carry out the
16 provisions of this paragraph, which shall include the criteria for
17 determining active participation in and completion of a drug
18 treatment program.

19 Cash benefits, less a personal needs allowance, for a person
20 receiving benefits under the [Work First New Jersey] program who
21 is enrolled in and actively participating in a licensed residential
22 drug treatment program shall be issued directly to the drug
23 treatment provider to offset the cost of treatment. Upon completion
24 of the drug treatment program, the cash benefits shall be then issued
25 to the person. In the case of a delay in issuing cash benefits to a
26 person receiving [Work First New Jersey] benefits who has
27 completed the drug treatment program, the drug treatment provider
28 shall transmit to the person those funds received on behalf of that
29 person after completion of the drug treatment program;

30 (8) a person found to have fraudulently misrepresented his
31 residence in order to obtain means-tested, public benefits in two or
32 more states or jurisdictions, 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
38 for a period of six months for the first violation, 12 months for the
39 second violation, and permanently for the third violation.

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

44 (cf: P.L.1999, c.427, s.2)

45

46 19. Section 3 of P.L.1999, c.427 (C.44:10-48.1) is amended to
47 read as follows:

1 3. a. Notwithstanding any other provision of law to the
2 contrary, a person convicted of any offense that has as an element
3 the distribution of a controlled substance as defined in section
4 102(6) of the federal "Controlled Substances Act" (21 U.S.C.s.802
5 (6)), who meets the eligibility criteria for [WFNJ-GA or WFNJ-
6 TANF] benefits under the Family Development Program as defined
7 in section 3 of P.L.1997, c.38 (C.44:10-57) may receive food stamp
8 benefits under the federal "Food Stamp Act of 1977," Pub.L.95-113
9 (7 U.S.C. s.2011 et seq.). Eligibility for food stamps shall be
10 determined by the [department] Department of Human Services and
11 may continue upon the completion of a licensed residential drug
12 treatment program.

13 b. Notwithstanding any other provision of law to the contrary,
14 a person convicted of any offense that has as an element the
15 distribution of a controlled substance as defined in section 102(6) of
16 the federal "Controlled Substances Act" (21 U.S.C.s.802 (6)), who
17 meets the eligibility criteria for [WFNJ-GA] general public
18 assistance benefits may receive medical services only. The medical
19 services shall not exceed benefits [offered in the WFNJ-GA]
20 program] available to general public assistance recipients pursuant
21 to P.L.1947, c.156 (C.44:8-107 et seq.). Access to these medical
22 services is limited to the time a person is receiving treatment in a
23 licensed residential drug treatment program.

24 c. Eligibility for benefits under subsection a. or b. of this
25 section shall commence upon the person's enrollment in the drug
26 treatment program, and shall continue during the person's active
27 participation in a licensed residential drug treatment program, and
28 eligibility for benefits under subsection a. of this section shall
29 continue upon completion of[,] the drug treatment program, except
30 that during a person's active participation in a drug treatment
31 program and the first 60 days after completion of a drug treatment
32 program, the commissioner [shall] may provide for testing of the
33 person to determine if the person is free of any controlled
34 substance. If the person is determined to not be free of any
35 controlled substance during the 60-day period, the person's
36 eligibility for benefits pursuant to this section shall be terminated;
37 except that this provision shall not apply to the use of methadone by
38 a person who is actively participating in a drug treatment program,
39 as prescribed by the drug treatment program. The Commissioner of
40 Human Services, in consultation with the Commissioner of Health
41 and Senior Services, shall adopt regulations to carry out the
42 provisions of this section, which shall include the criteria for
43 determining active participation in and completion of a drug
44 treatment program.

45 d. [As used in this section:

1 "WFNJ-GA" means Work First New Jersey benefits provided to
2 an assistance unit composed of a single person without dependent
3 children or a couple without dependent children pursuant to
4 P.L.1997, c.38 (C.44:10-55 et seq.); and

5 "WFNJ-TANF" means Work First New Jersey benefits provided
6 to an assistance unit composed of dependent children only, or a
7 person or couple with one or more dependent children who are
8 legally or blood-related, or who is their legal guardian, and who live
9 together as a household unit pursuant to P.L.1997, c.38 (C.44:10-55
10 et seq.)] (Deleted by amendment, P.L. , c. (pending before the
11 Legislature as this bill).
12 (cf: P.L.1999, c.427, s.3)

13
14 20. Section 6 of P.L.1997, c.14 (C.44:10-49) is amended to read
15 as follows:

16 6. a. The signing of an application for benefits under the [Work
17 First New Jersey] program shall constitute an assignment of any
18 child support rights pursuant to Title IV-D on behalf of individual
19 assistance unit members to the county agency. The assignment
20 shall terminate with respect to current support rights when a
21 determination is made by the county agency that the person in the
22 assistance unit is no longer eligible for benefits. The determination
23 of the amount of repayment to the county agency and distribution of
24 any unpaid support obligations that have accrued during the period
25 of receipt of benefits shall be determined by regulation of the
26 commissioner in accordance with federal law.

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

31 c. An assistance unit eligible for benefits and in receipt of child
32 support shall receive, in addition to its regular grant of cash
33 assistance benefits, an amount up to \$50 per month based on the
34 amount of current child support received for that month. If the
35 amount of child support received is less than \$50, the assistance
36 unit shall receive that amount. If the amount of child support
37 received is \$50 or more, the assistance unit shall receive \$50.

38 (cf: P.L.1997, c.14, s.6)

39
40 21. Section 8 of P.L.1997, c.14 (C.44:10-51) is amended to read
41 as follows:

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

1 except that:

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

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

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

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

37 c. The commissioner shall adopt regulations to establish
38 classifications for hotel or motel per diem rates in accordance with
39 the level of enhanced services provided at a participating hotel or
40 motel.

41 d. The provisions of this section shall apply to a person who
42 receives general public assistance pursuant to P.L.1947, c.156
43 (C.44:8-107 et seq.) after the effective date of [this act] P.L.1997,
44 c.14 (C.44:10-44 et seq.) and is subsequently transferred directly
45 into the [Work First New Jersey] program.

46 (cf: P.L.1997, c.14, s.8)

47

1 22. Section 10 of P.L.1997, c.14 (C.44:10-53) is amended to
2 read as follows:

3 10. In the case of an experimental, pilot or demonstration
4 project which in the judgment of the commissioner is likely to assist
5 in promoting the objectives of the [Work First New Jersey]
6 program, or to promote the objectives of the Title IV-D child
7 support enforcement program in the State, the commissioner may
8 waive compliance with the requirements of the [Work First New
9 Jersey] program to the extent the commissioner deems necessary to
10 carry out the project and for a period of time not to exceed three
11 years, during which time the commissioner shall report to the
12 Legislature on the progress of the project at least every six months;
13 except that the commissioner shall not waive compliance with the
14 provisions of subsection h. of section 8 of P.L.1997, c.38 (C.44:10-
15 62) or implement a pilot or demonstration project that circumvents
16 or obstructs a collective bargaining agreement. The commissioner
17 shall provide an opportunity for public comment prior to the
18 implementation of the project. The commissioner shall establish
19 any fiscal or evaluative terms and conditions for the project that
20 [he] the commissioner deems appropriate.

21 (cf: P.L.1997, c.14, s.10)

22

23 23. Section 8 of P.L.1997, c.38 (C.44:10-62) is amended to read
24 as follows:

25 8. a. As defined by the commissioner, each adult recipient shall
26 continuously and actively seek employment in an effort to remove
27 the assistance unit of which the recipient is a member from the
28 program. A recipient may be assigned to a work activity as
29 determined by the commissioner. The recipient shall sign an
30 individual responsibility plan, as provided in subsection f. of this
31 section, in order to be able to participate in the program, which
32 shall indicate the terms of the work activity requirements that the
33 recipient must fulfill in order to continue to receive benefits.

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

45 c. A recipient shall comply with work activity participation
46 requirements as a condition of remaining eligible for benefits. In

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

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

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

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

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

24 (3) the parent or relative of a child under the age of 12 [weeks]
25 months who is providing care for that child[, except that, the
26 deferral may be extended for an appropriate period of time if
27 determined to be medically necessary for the parent or child] and
28 actively participating in parenting and other appropriate activities as
29 prescribed by regulation of the commissioner, except that a parent
30 or relative shall be limited to a cumulative total of 12 months of
31 deferral during that person's lifetime pursuant to this paragraph.

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

1 primary school program, immunizations for a dependent child,
2 [and] regular school attendance by a dependent child, and
3 requirements for participation in school-related activities as
4 described in section 52 of P.L. , c. (C.)(pending before the
5 Legislature as this bill). Recipients who are job ready shall be
6 placed immediately in a self-directed job search. Within the
7 amount of funds allocated by the commissioner for this purpose,
8 other recipients shall be placed in an appropriate work activity as
9 indicated by their individual assessments.

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

16 h. (1) A recipient shall not be placed or utilized in a position at
17 a particular workplace:

18 (a) that was previously filled by a regular employee if that
19 position, or a substantially similar position at that workplace, has
20 been made vacant through a demotion, substantial reduction of
21 hours or a layoff of a regular employee in the previous 12 months,
22 or has been eliminated by the employer at any time during the
23 previous 12 months;

24 (b) in a manner that infringes upon a wage rate or an
25 employment benefit, or violates the contractual overtime provisions
26 of a regular employee at that workplace;

27 (c) in a manner that violates an existing collective bargaining
28 agreement or a statutory provision that applies to that workplace;

29 (d) in a manner that supplants or duplicates a position in an
30 existing, approved apprenticeship program;

31 (e) by or through an employment agency or temporary help
32 service firm as a community work experience or alternative work
33 experience worker;

34 (f) if there is a contractual or statutory recall right to that
35 position at that workplace; or

36 (g) if there is an ongoing strike or lockout at that workplace.

37 (2) A person who believes that he has been adversely affected
38 by a violation of this subsection, or the organization that is duly
39 authorized to represent the collective bargaining unit to which that
40 person belongs, shall be afforded an opportunity to meet with a
41 designee of the Commissioner of Labor or the Governor's Office of
42 Employee Relations, as appropriate. The designee shall attempt to
43 resolve the complaint of the alleged violation within 30 days of the
44 date of the request for the meeting. The Commissioner of Labor, in
45 consultation with the Governor's Office of Employee Relations,
46 shall adopt regulations to effectuate the provisions of this
47 subsection. In the event that the complaint is not resolved within

1 the 30-day period, the complainant may appeal to the New Jersey
2 State Board of Mediation in the Department of Labor for expedited
3 binding arbitration in accordance with the rules of the board. If the
4 arbitrator determines that a violation has occurred, he shall provide
5 an appropriate remedy. The cost of the arbitration shall be borne
6 equally by both parties to the dispute.

7 (3) Nothing in this subsection shall be construed to prevent a
8 collective bargaining agreement from containing additional
9 protections for a regular employee.

10 i. The commissioner, acting in conjunction with the
11 Commissioners of Banking and Insurance, Commerce and
12 Economic Development, Community Affairs, Education, Health and
13 Senior Services, Labor and Transportation, shall implement all
14 elements of the program and establish initiatives to assist in moving
15 recipients towards self-sufficiency.

16 j. The commissioner shall take such actions as are necessary to
17 ensure that the program meets the requirements to qualify for the
18 maximum amount of federal funds due the State under Pub.L.104-
19 193.

20 k. The commissioner is authorized to seek such waivers from the
21 federal government as are necessary to accomplish the goals of the
22 program.

23 (cf: P.L.1997, c.38, s.8)

24
25 24. Section 9 of P.L.1997, c.38 (C.44:10-63) is amended to read
26 as follows:

27 9. The failure of a recipient to actively cooperate with the
28 program or participate in work activities without good cause as
29 determined by the commissioner shall result in a loss of cash
30 assistance benefits in accordance with the provisions of this section.

31 a. (1) In an assistance unit with a single adult or couple without
32 dependent children or a single adult with dependent children, the
33 person in noncompliance shall be subject to a loss of cash
34 assistance benefits for a minimum of one month for a first offense.
35 If an intent to comply by the person in noncompliance, as defined
36 by regulation of the commissioner, is not evidenced by the end of
37 the one-month period, continued suspension of cash assistance
38 benefits for the person shall remain in effect for up to two more
39 months. If an intent to comply by the person in noncompliance is
40 not evidenced by the end of the third month, the assistance unit's
41 case shall be closed for cash assistance benefits, and a reapplication
42 shall be required by the assistance unit in order to receive cash
43 assistance benefits.

44 (2) In a two-parent assistance unit with dependent children, if
45 one [parent is] or both parents are in noncompliance for a first
46 offense, the needs of the parent in noncompliance shall be deleted
47 from the cash assistance benefits provided to the assistance unit for

1 a minimum of one month [when the other parent is not otherwise
2 participating in a work activity, or is not otherwise exempt as
3 determined by the commissioner]. If an intent to comply by the
4 parent in noncompliance, as defined by regulation of the
5 commissioner, is not evidenced by the end of the one-month period,
6 continued suspension of cash assistance benefits for the parent shall
7 remain in effect for up to two more months. If an intent to comply
8 by the parent in noncompliance is not evidenced by the end of the
9 third month, the assistance unit's case shall be closed for cash
10 assistance benefits, and a reapplication shall be required by the
11 assistance unit in order to receive cash assistance benefits.

12 (3) If the noncompliance for a first offense is due to the inaction
13 of a minor parent in the assistance unit, the needs of the minor
14 parent and the minor parent's spouse, if any, in the assistance unit
15 shall be deleted from the cash assistance benefits provided to the
16 assistance unit for a minimum of one month. If an intent to comply
17 by the minor parent in noncompliance is not evidenced by the end
18 of the first-month period, suspension of the cash assistance benefits
19 shall remain in effect for up to two additional months. If an intent
20 to comply by the minor parent in noncompliance is not evidenced
21 by the end of the third month, the minor parent and the minor
22 parent's spouse, if any, in the assistance unit, as well as the
23 dependent child of the minor parent in the assistance unit, shall be
24 excluded from the assistance unit for cash assistance benefits.

25 (4) A dependent child 16 years of age or older who fails to
26 comply with the requirement for school attendance or other work
27 activity participation pursuant to this act for a first offense shall be
28 subject to a loss of cash assistance benefits for one month. If an
29 intent to comply by the dependent child is not evidenced by the end
30 of the one-month period, cash assistance benefits shall be
31 suspended for that person for up to two additional months. If an
32 intent to comply by the dependent child is not evidenced by the end
33 of the third month, the dependent child shall be excluded from the
34 assistance unit for cash assistance benefits.

35 b. (1) In an assistance unit with a single adult or couple without
36 dependent children or a single adult with dependent children, the
37 person in noncompliance shall be subject to a loss of cash
38 assistance benefits for a minimum of one month for a second
39 offense. If an intent to comply by the person in noncompliance, as
40 defined by regulation of the commissioner, is evidenced by the end
41 of the one-month period, only that person's needs shall be deleted
42 from the cash assistance benefits provided to the assistance unit for
43 the following month. If an intent to comply by the person in
44 noncompliance is not evidenced by the end of the one-month
45 period, the entire assistance unit shall be subject to a loss of cash
46 assistance benefits for the following month. If an intent to comply
47 by the person in noncompliance is not evidenced by the end of the

1 second month, the assistance unit's case shall be closed for cash
2 assistance benefits, and a reapplication shall be required by the
3 assistance unit in order to receive cash assistance benefits.

4 (2) In a two-parent assistance unit with dependent children, if
5 one [parent is] or both parents are in noncompliance for a second
6 offense, the needs of the parent in noncompliance shall be deleted
7 from the cash assistance benefits provided to the assistance unit for
8 a period of one month [when the other parent is not otherwise
9 participating in a work activity, or is otherwise exempt as
10 determined by the commissioner]. If an intent to comply by the
11 parent in noncompliance, as defined by regulation of the
12 commissioner, is not evidenced by the end of the one-month period,
13 the entire assistance unit shall be subject to a loss of cash assistance
14 benefits for the following month. If an intent to comply by the
15 person in noncompliance is not evidenced by the end of the second
16 month, the assistance unit's case shall be closed for cash assistance
17 benefits, and a reapplication shall be required by the assistance unit
18 in order to receive cash assistance benefits.

19 (3) If the noncompliance for a second offense is due to the
20 inaction of a minor parent in the assistance unit, the needs of the
21 minor parent and the minor parent's spouse, if any, in the assistance
22 unit shall be deleted from the cash assistance benefits provided to
23 the assistance unit for a minimum of one month. If an intent to
24 comply by the minor parent in noncompliance is not evidenced by
25 the end of the one-month period, the minor parent and the minor
26 parent's spouse, if any, in the assistance unit, as well as the
27 dependent child of the minor parent in the assistance unit, shall be
28 subject to a loss of cash assistance benefits for the following month.
29 If an intent to comply by the minor parent in noncompliance is not
30 evidenced by the end of the second month, the minor parent and the
31 minor parent's spouse in the assistance unit, as well as the
32 dependent child of the minor parent in the assistance unit, shall be
33 excluded from the assistance unit for cash assistance benefits.

34 (4) A dependent child 16 years of age or older who is in
35 noncompliance with the requirement for school attendance or other
36 work activity participation pursuant to this act for a second offense
37 shall be subject to a loss of cash assistance benefits for a minimum
38 of two months. If an intent to comply by the dependent child is not
39 evidenced by the end of the two-month period, the dependent child
40 shall be excluded from the assistance unit for cash assistance
41 benefits.

42 (5) A person sanctioned for a second offense pursuant to this
43 subsection shall be counseled by a county agency or municipal
44 welfare agency employee, as appropriate, prior to the reinstatement
45 of eligibility for cash assistance benefits.

46 c. (1) The person in noncompliance and all other members of
47 the person's assistance unit shall be subject to a loss of cash

1 assistance benefits for a minimum of three months for a third and
2 subsequent offense. If an intent to comply by the person in
3 noncompliance is not evidenced by the end of the three-month
4 period, the assistance unit's case shall be closed for cash assistance
5 benefits, and a reapplication shall be required by the assistance unit
6 in order to receive cash assistance benefits.

7 (2) A dependent child 16 years of age or older who is in
8 noncompliance with the requirement for school attendance or other
9 work activity participation pursuant to this act for a third or
10 subsequent offense shall be subject to a loss of cash assistance
11 benefits for a minimum of three months. If an intent to comply by
12 the dependent child is not evidenced by the end of the three-month
13 period, the dependent child shall be excluded from the assistance
14 unit for cash assistance benefits.

15 d. The county agency or municipal welfare agency, as
16 appropriate, shall maintain a record of the number of sanctions
17 which have accrued to an assistance unit. The number of sanctions
18 accruing to an assistance unit shall be reduced by one for each
19 continuous 12-month period in which no sanction has been imposed
20 on a member of that assistance unit.

21 e. An adult recipient who voluntarily quits a job without good
22 cause, as defined by regulation of the commissioner, shall render
23 the entire assistance unit ineligible for cash assistance benefits for a
24 period of two months from the date the county agency or municipal
25 welfare agency, as appropriate, makes the determination that the
26 recipient quit the job.

27 (cf: P.L.1997, c.38, s.9)

28

29 25. Section 1 of P.L.1947, c.156 (C.44:8-107) is amended to
30 read as follows:

31 1. a. This act may be cited as the "[Work First New Jersey]
32 Family Development/General Public Assistance Act."

33 b. Whenever the term "General Public Assistance Law" or
34 "Work First New Jersey General Public Assistance Act" occurs or
35 any reference is made thereto in any law, contract or document, the
36 same shall be deemed to mean or refer to the "[Work First New
37 Jersey] Family Development/General Public Assistance Act."

38 c. Whenever the term "general public assistance" or "WFNJ-
39 GA" occurs or any reference is made thereto in any law, contract or
40 document, the same shall be deemed to mean or refer to benefits
41 provided to single adults and couples without dependent children
42 through the [Work First New Jersey program established] Family
43 Development Program pursuant to P.L.1997, c.38 (C.44:10-55 et
44 seq.).

45 (cf: P.L.1997, c.37, s.13)

46

1 26. Section 2 of P.L.1947, c.156 (C.44:8-108) is amended to
2 read as follows:

3 2. As used in this act:

4 "Commissioner" means the Commissioner of the Department of
5 Human Services;

6 "Department" means the Department of Human Services;

7 "Employable person" means any person applying for or
8 receiving public assistance under this act who is not unable to
9 perform work due to physical or mental disability as such terms
10 shall be defined in regulations established by the commissioner;

11 "Municipality" shall include any city, borough, township, town,
12 village or municipality governed by a board of commissioners or
13 an improvement commission which administers general public
14 assistance to single adults and couples without dependent children
15 through the [Work First New Jersey program established] Family
16 Development Program pursuant to P.L.1997, c.38 (C.44:10-55 et
17 seq.);

18 "Public assistance" means assistance rendered to needy single
19 adults and couples without dependent children who are willing to
20 work but are unable to secure employment due either to physical or
21 mental disability or inability to find employment, and includes what
22 is commonly called "relief" or "emergency relief," which shall be
23 provided under the [Work First New Jersey program established]
24 Family Development Program pursuant to P.L.1997, c.38 (C.44:10-
25 55 et seq.) in the form of benefits as defined in section 3 of
26 P.L.1997, c.38 (C.44:10-57);

27 "State aid" means State aid for public assistance or relief as in
28 this act prescribed and provided for;

29 "Unemployable person" means any person applying for or
30 receiving public assistance who is not an employable person as
31 defined by the commissioner;

32 "Year" means calendar year.

33 (cf: P.L.1997, c.37, s.14)

34

35 27. Section 8 of P.L.1947, c.156 (C.44:8-114) is amended to
36 read as follows:

37 8. a. The State shall provide, through each municipality or
38 county, as appropriate, public assistance to the persons eligible
39 therefor, residing therein or otherwise when so provided by law,
40 which assistance shall be fully funded by the State and administered
41 by a local assistance board or the county welfare agency according
42 to law and in accordance with P.L.1947, c.156 (C.44:8-107 et seq.)
43 and with such rules and regulations as may be promulgated by the
44 commissioner.

45 b. An employable person who is receiving public assistance
46 shall be required, except when good cause exists, to comply with
47 the requirements of the [Work First New Jersey program] Family

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1 Development Program pursuant to P.L.1997, c.38 (C.44:10-55 et
2 seq.).

3 c. The commissioner may exempt a person from the provisions
4 of subsection b. of this section for reasons of physical or mental
5 impairment, age, illness or injury, caretaker responsibilities,
6 employment or unsuitability, as determined by the commissioner.

7 Any person who without good cause fails or refuses to comply
8 with the requirements of the [Work First New Jersey program]
9 Family Development Program, according to rules and regulations
10 adopted by the commissioner, shall be subject to the provisions of
11 section 9 of P.L.1997, c.38 (C.44:10-63).
12 (cf: P.L.1997, c.37, s.15)

13

14 28. Section 1 of P.L.1993, c.305 (C.44:8-117.1) is amended to
15 read as follows:

16 1. Notwithstanding any provisions of law to the contrary, the
17 governing body of a municipality shall have the authority to
18 establish staffing levels for the municipality's welfare department
19 for the purpose of administering public assistance pursuant to the
20 "[Work First New Jersey] Family Development/General Public

1 Assistance Act," P.L.1947, c.156 (C.44:8-107 et seq.).
2 (cf: P.L.1997, c.37, s.16)

3
4 29. Section 1 of P.L.1999, c.309 (C.44:8-140.1) is amended to
5 read as follows:

6 1. A person who willfully obtains benefits to which he is not
7 entitled and a provider who willfully receives payments to which he
8 is not entitled under the "[Work First New Jersey] Family
9 Development/General Public Assistance Act," P.L.1947, c.156
10 (C.44:8-107 et seq.), shall be subject to the applicable civil and
11 criminal penalties contained in the "New Jersey Medical Assistance
12 and Health Services Act," P.L.1968, c.413 (C.30:4D-1 et seq.).
13 (cf: P.L.1999, c.309, s.1)

14
15 30. Section 30 of P.L.1994, c.182 (C.44:10-5.9) is amended to
16 read as follows:

17 30. The director or other chief administrative officer of each
18 agency or office administering assistance under the [Work First
19 New Jersey program established] Family Development Program
20 pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) shall:

21 a. cause copies of the voter registration forms and instructions
22 provided for under subsections e. and f. of section 16 of P.L.1974,
23 c.30 (C.19:31-6.4) and the declination form provided for in
24 subsection b. of section 26 of P.L.1994, c.182 (C.19:31-6.11) to be
25 distributed at each such agency or office to each person appearing
26 in person thereat to apply for services or assistance provided
27 thereby or to seek a recertification, renewal or change of address
28 relative to the assistance provided at such office. An employee of
29 the agency or office shall inquire of every such person whether the
30 person, if not already registered to vote from the place of his or her
31 present residence, wishes to be so registered and shall inform the
32 person that whether or not the applicant chooses to register will not
33 affect the person's eligibility for those services. The employee shall
34 subsequently review the forms to determine whether or not the
35 person wishes to register to vote. If the person does not wish to
36 register, the employee shall provide the person with any assistance
37 necessary to complete the declination form and then inform the
38 person that the form will be retained by the employee. If the person
39 wishes to register, the employee shall provide the person with any
40 assistance necessary in completing the voter registration form; shall
41 inform the applicant that the applicant may leave the completed
42 form with the employee or mail it personally to the Secretary of
43 State; and if the applicant chooses to leave the form, shall accept
44 the completed form, stamp or otherwise mark the lower right hand
45 corner of the document with the date on which it was so received,
46 and forward it to the Secretary of State. The employee shall
47 provide to each applicant who does not decline to register to vote

1 the same degree of assistance with regard to the completion of the
2 voter registration form as is provided by the office with regard to
3 the completion of its own forms, unless the applicant refuses such
4 assistance;

5 b. provide for the continuous supply of the forms and
6 instructions specified in subsection a. of this section to every
7 agency and office which provides assistance under P.L.1997, c.38
8 (C.44:10-55 et seq.), 42 U.S.C. s.601 et seq. and the federal "Food
9 Stamp Act of 1977," Pub.L.95-113 (7 U.S.C. s.2011 et seq.);

10 c. provide the forms and instructions specified in subsection a.
11 of this section in both the English and Spanish languages to the
12 agencies and offices which are located in any county in which
13 bilingual sample ballots must be provided pursuant to R.S.19:14-21,
14 R.S.19:49-4 or section 2 of P.L.1965, c.29 (C.19:23-22.4);

15 d. provide for the collection of completed voter registration
16 forms by any employee of the agency or office for the transmittal of
17 the forms to the Secretary of State;

18 e. provide that the forms, instructions and assistance specified in
19 subsection a. of this section shall be provided to any person with a
20 disability who receives assistance or services at that person's home
21 from an employee of the agency or office;

22 f. inform each employee of the agency or office who assists in
23 registering a person to vote that employee shall not:

24 (1) seek to influence an applicant's political preference or party
25 registration;

26 (2) display any such political preference or party allegiance;

27 (3) make any statement to an applicant or take any action the
28 purpose or effect of which is to discourage the applicant from
29 registering to vote; or

30 (4) make any statement to an applicant or take any action the
31 purpose or effect of which is to lead the applicant to believe that a
32 decision to register or not to register has any bearing on the
33 availability of services or benefits; and

34 g. make certain that no information relating to a declination to
35 register to vote by an individual in connection with any type of
36 application for service made by that individual at any agency or
37 office is used for any purpose other than voter registration.

38 (cf: P.L.1997, c.13, s.12)

39

40 31. Section 4 of P.L.1998, c.32 (C.44:10-82) is amended to read
41 as follows:

42 4. a. A noncitizen shall be eligible for participation in the
43 program if that person was: lawfully admitted into the United States
44 prior to August 22, 1996, remains lawfully present in the United
45 States, is ineligible for the federal food stamp program, and is one
46 of the following:

47 (1) under 18 years of age;

48 (2) 65 years of age or over;

- 1 (3) receiving benefits under the supplemental security income
2 program established pursuant to the federal Social Security Act,
3 Pub.L.92-603 (42 U.S.C.s.1381 et seq.), or determined to be an
4 essential person under the supplemental security income program;
- 5 (4) mentally or physically incapacitated, as defined by
6 regulation of the commissioner, including being blind;
- 7 (5) considered unemployable under the [Work First New Jersey
8 program established] Family Development Program operating
9 pursuant to P.L.1997, c.38 (C.44:10-55 et seq.); or
- 10 (6) a natural or adoptive parent, stepparent or legal guardian
11 residing with that person's dependent child under the age of 18.
12 Unless employed, this person: shall be required to participate in a
13 work activity as defined in section 3 of P.L.1997, c.38 (C.44:10-
14 57), which may include a program that is designed to assist the
15 person in securing employment or preparing for employment, in
16 accordance with the provisions of subsection f. of section 8 of
17 P.L.1997, c.38 (C.44:10-62); and shall be eligible for child care and
18 other services under the [Work First New Jersey program] Family
19 Development Program related to the work activity, except that:
 - 20 (a) the person shall not be required to engage in a work activity
21 if child care is unavailable for the person's dependent child in
22 accordance with the provisions of subsection d. of section 8 of
23 P.L.1997, c.38 (C.44:10-62); and
 - 24 (b) the person may be temporarily deferred from the work
25 activity requirement in accordance with the provisions of subsection
26 e. of section 8 of P.L.1997, c.38 (C.44:10-62).
 - 27 b. To be eligible for the program, a noncitizen shall also meet
28 one of the following criteria:
 - 29 (1) lawfully admitted for permanent residence as an immigrant;
 - 30 (2) entered the United States prior to January 1, 1972, or some
31 later date as required by law, and continuously maintained
32 residency in the United States since then, and is not ineligible for
33 citizenship but is considered to be lawfully admitted for permanent
34 residence as a result of an exercise of discretion by the United
35 States Attorney General;
 - 36 (3) was qualified by the federal Immigration and Naturalization
37 Service for conditional entry into the United States after March 31,
38 1980 because of persecution or fear of persecution on account of
39 race, religion, or political opinion;
 - 40 (4) was qualified by the federal Immigration and Naturalization
41 Service for conditional entry into the United States prior to April 1,
42 1980;
 - 43 (5) was granted asylum through an exercise of discretion by the
44 United States Attorney General;
 - 45 (6) is lawfully present in the United States as a result of an
46 exercise of discretion by the United States Attorney General for
47 emergent reasons or reasons deemed strictly in the public interest,

1 or as a result of a grant of parole by the United States Attorney
2 General;

3 (7) the United States Attorney General has withheld deportation
4 of the noncitizen because of the judgment of the United States
5 Attorney General that the noncitizen would otherwise be subject to
6 persecution on account of race, religion, or political opinion;

7 (8) has been determined as aged, blind or disabled in
8 accordance with the supplemental security income program
9 established pursuant to the federal Social Security Act, Pub.L.92-
10 603 (42 U.S.C.s.1381 et seq.), and is considered by the federal
11 Bureau of Citizenship and Immigration [and Naturalization Service]
12 Services to be lawfully admitted for temporary residence;

13 (9) was granted lawful temporary resident status at least five
14 years prior to applying for the program and subsequently gained
15 lawful permanent resident status; or

16 (10) is, as of June 1, 1987 or thereafter, a special agricultural
17 worker as defined by federal law and lawfully admitted for
18 temporary residence.

19 c. A noncitizen who is certified as eligible for the program by
20 the department, or the agency designated by the department, shall
21 be required to apply for United States citizenship within 60 days of
22 the date that the noncitizen is certified as eligible for the program or
23 within 60 days of the date the noncitizen is eligible to apply for
24 citizenship, whichever is later, except that a noncitizen shall be
25 exempt from the citizenship application requirement if that person
26 is:

27 (1) unable to either apply for or obtain citizenship due to a
28 medical or physical condition as defined by regulation of the
29 commissioner; or

30 (2) a child under 18 years of age.

31 d. An eligible noncitizen may continue to receive program
32 benefits until that person meets the minimum residency
33 requirements provided in federal law to apply for citizenship.

34 e. A person who is required to apply for citizenship to retain
35 eligibility for the program, but who fails to supply adequate proof to
36 the department, or the agency designated by the department, that he
37 has made timely application for citizenship, shall have his
38 eligibility for the program terminated.

39 f. A person who applies for citizenship, but who subsequently
40 is determined by the federal Bureau of Citizenship and Immigration
41 [and Naturalization Service] Services to be ineligible for
42 citizenship, except for a noncitizen as described in paragraph (1) of
43 subsection c. of this section, shall have his eligibility for the
44 program terminated at the end of the month in which the 60-day
45 period as provided in subsection c. of this section expires.

46 (cf: P.L.1998, c.32, s.4)

1 32. Section 2 of P.L.2001, c.93 (C.44:10-87) is amended to read
2 as follows:

3 2. a. The Legislature finds and declares that:

4 (1) Economic well-being does not come solely from income,
5 spending and consumption, but also requires savings, investment
6 and accumulation of assets, since assets can improve economic
7 stability, connect people with a viable and hopeful future, stimulate
8 development of human and other capital, yield personal and social
9 dividends and enhance the welfare of offspring.

10 (2) With the enactment of [the "Work First New Jersey Act,"]
11 P.L.1997, c.38 (C.44:10-55 et seq.) and companion legislation,
12 emphasizing moving people off of public assistance and into
13 employment, there is an urgent need to provide incentives for
14 savings accounts that will complement and stabilize the movement
15 of people from public assistance and into employment.

16 (3) Income-based social policy should be complemented with
17 asset-based social policy, because while income-based policies
18 ensure that consumption needs, including food, child care, rent,
19 clothing and health care are met, asset-based policies provide the
20 means to achieve some degree of economic self-sufficiency.

21 (4) The State of New Jersey should develop policies, such as
22 individual development accounts, that promote higher rates of
23 personal savings and net private domestic investment.

24 b. It is the intent of the Legislature, therefore, to provide for
25 the establishment of individual development accounts which
26 accounts are designed to:

27 (1) provide individuals and families, especially those with
28 limited means, an opportunity to accumulate assets;

29 (2) facilitate and mobilize savings;

30 (3) promote education, home ownership and micro enterprise
31 development; and

32 (4) stabilize families and build communities.

33 (cf: P.L.2001, c.93, s.2)

34

35 33. Section 4 of P.L.2001, c.93 (C.44:10-89) is amended to read
36 as follows:

37 4. a. The New Jersey Individual Development Account Program
38 is hereby established within the Department of Community Affairs.
39 The purpose of this program shall be to provide each eligible
40 individual in this State with an opportunity to establish an
41 individual development account in a financial institution, to the
42 extent funding will permit. The individual development account
43 may be used for any of the purposes specified under subsection c. of
44 section 5 of [this act] P.L.2001, c.93 (C.44:10-90).

45 b. There is established in the department, the Individual
46 Development Account Fund. This fund shall be used by the
47 commissioner to provide:

1 (1) grants to community-based organizations selected by the
2 commissioner to participate in the program; and

3 (2) a State match of one dollar for every one dollar of earned
4 income deposited into an individual development account by the
5 account holder, except that the maximum amount provided as a
6 match per individual development account per calendar year shall
7 be \$1,500. The earned income deposited into an individual
8 development account shall not be deposited on behalf of the account
9 holder by a third party.

10 Community-based organizations may raise additional, non-
11 federal or State funds to increase the State match rate and the State
12 maximum annual match amount.

13 c. The commissioner shall implement this program by entering
14 into agreements with community-based organizations which the
15 commissioner shall select through a request for proposal process,
16 pursuant to the provisions of P.L.1987, c.7 (C.52:14-34.4 et seq.).

17 d. In reviewing the proposals of community-based
18 organizations, the commissioner shall consider the following
19 factors:

20 (1) the not-for-profit status of the organization;

21 (2) the fiscal accountability of the organization;

22 (3) the ability of the organization to provide its moneys or raise
23 moneys from program contributors for matching contributions
24 which are in addition to State matching funds;

25 (4) the plan of the organization for the development,
26 implementation and management of an individual development
27 account program;

28 (5) the capacity of the organization to provide economic
29 literacy training, either directly or through another provider;

30 (6) the organization's history of working with low-income
31 populations;

32 (7) the target population and the extent to which the
33 organization plans to exceed the 33.3 percent minimum
34 participation under [this act] P.L.2001, c.93 (C.44:10-86 et seq.) by
35 current or former Work First New Jersey or Family Development
36 Program recipients pursuant to P.L.1997, c.38 (C.44:10-55 et seq.),
37 or Aid to Families with Dependent Children recipients or
38 Temporary Assistance for Needy Families recipients pursuant to 42
39 U.S.C. s.601 et seq.; and

40 (8) the length of time, in months and years, of the operation of
41 the program, taking into account the resources that are available to
42 the organization.

43 e. (1) The commissioner shall select community-based
44 organizations and enter into a contract for services with each
45 organization selected that requires the organization to establish and
46 maintain an individual development account reserve fund and work
47 with each eligible individual and any local financial institution to

1 establish an individual development account, among other services
2 to be provided for eligible individuals and their households, if any.

3 (2) The commissioner shall have the discretion to disburse
4 moneys from the fund in a manner and an amount the commissioner
5 deems appropriate and consistent with the community-based
6 organization's contract for services and proposal selected pursuant
7 to this subsection and subsections c., d. and f. of this section.

8 f. (1) No more than 10 percent of the federal Temporary
9 Assistance for Needy Families funds under [this act] P.L.2001, c.93
10 (C.44:10-86 et seq.) may be used for administrative purposes by a
11 community-based organization selected to participate in the
12 program.

13 (2) No more than 10 percent of the federal Temporary
14 Assistance for Needy Families funds under [this act] P.L.2001, c.93
15 (C.44:10-86 et seq.) may be used to provide economic literacy
16 training and one-on-one financial counseling to account holders by
17 an organization selected to participate in the program.

18 g. At all times, a minimum of 33.3 percent of the account
19 holders participating in the program shall be current or former
20 Work First New Jersey or Family Development Program recipients
21 pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) or Aid to Families
22 with Dependent Children recipients or Temporary Assistance for
23 Needy Families recipients pursuant to 42 U.S.C. s.601 et seq.,
24 unless otherwise authorized by the commissioner.

25 (cf: P.L.2001, c.93, s.4)

26

27 34. Section 2 of P.L.1998, c.1 (C.2A:17-56.7b) is amended to
28 read as follows:

29 2. The Legislature finds and declares that:

30 a. Title III of the federal "Personal Responsibility and Work
31 Opportunity Reconciliation Act of 1996," Pub.L.104-193, provides
32 New Jersey with the authority and guidance to structure and
33 administer an effective and efficient child support program that is
34 accessible to all the citizens of this State needing its services;

35 b. Work and the timely payment of child support promote the
36 best interests of all families with children;

37 c. The expeditious establishment of paternity and child support
38 obligations is integral to the development of a safety net for
39 participants in the [Work First New Jersey program established]
40 Family Development Program pursuant to P.L.1997, c.38 (C.44:10-
41 55 et seq.) and their children. [With the implementation of the
42 Work First New Jersey program and] Under the Family
43 Development Program, with its time-limited benefits, the
44 establishment of child support orders and the collection of child
45 support are essential to the ability of families to achieve and
46 maintain self-sufficiency;

- 1 d. The early establishment of paternity and child support orders
2 creates a basis for individual security and family stability, and
3 fosters an understanding of personal responsibility in children and
4 teenagers;
- 5 e. The efficient establishment of paternity and support
6 obligations, and the effective enforcement and collection of child
7 support obligations pursuant to the provisions of Pub.L.104-193,
8 will maximize the federal funding available to New Jersey for these
9 services; and
- 10 f. The provisions of this act incorporate and expand the
11 fundamental concepts of P.L.1981, c.417 (C.2A:17-56.8 et seq.) and
12 comply with the federal initiatives embodied in Pub.L.104-193.
13 (cf: P.L.1998, c.1, s.2)

14
15 35. Section 19 of P.L.1985, c.278 (C.2A:17-56.22) is amended
16 to read as follows:

17 2A:17-56.22. a. The State IV-D agency shall have the authority
18 to charge an application fee to individuals not receiving [Aid to
19 Families with Dependent Children] Family Development Program
20 benefits who apply for Title IV-D services.

21 b. The application fee shall be uniformly applied on a Statewide
22 basis and shall be a flat dollar amount not to exceed [\$25.00] \$25 or
23 other amount as may be appropriate for any fiscal year to reflect
24 administrative costs.

25 c. The fee shall be collected directly from the obligee who
26 applied for Title IV-D services.

27 d. The State IV-D agency shall determine by regulation the
28 distribution of the fees collected.

29 (cf: P.L.1985, c.278, s.19)

30

31 36. Section 3 of P.L.1998, c.1 (C.2A:17-56.52) is amended to
32 read as follows:

33 3. As used in P.L.1998, c.1 (C.2A:17-56.7a et al.), P.L.1981,
34 c.417 (C.2A:17-56.8 et al.), P.L.1988, c.111 (C.2A:17-56.23a),
35 sections 13, 17 through 20 and 22 of P.L.1985, c.278 (C.2A:17-
36 56.16, 2A:17-56.20 through 2A:17-56.23, and 2A:17-56.25),
37 P.L.1990, c.53 (C.2A:17-56.13a), sections 5 and 6 of P.L.1990, c.92
38 (C.2A:17-56.9a and 2A:17-56.9b), P.L.1995, c.287 (C.2A:17-
39 56.11a), P.L.1995, c.290 (C.2A:17-56.11b), P.L.1995, c.322
40 (C.2A:17-56.34 et seq.) and P.L.1996, c.7 (C.2A:17-56.41 et seq.):

41 "Account" means a demand deposit account, checking or
42 negotiable order of withdrawal account, savings account, time
43 deposit account, or money market mutual fund account. "Account"
44 also includes an equity securities account if permitted under federal
45 law.

46 "Administrative enforcement" means the use of high volume
47 automated data processing to search various State data bases,

1 including, but not limited to, license records, employment service
2 data and State new hire registries, to determine whether information
3 is available in response to a request made by another jurisdiction to
4 enforce a support order.

5 "Appropriate enforcement methods" means mechanisms such as
6 income withholding, withholding of civil lawsuits, and execution of
7 the assets of the obligor which can result in immediate payment of
8 the child support arrearage when available. In appropriate cases,
9 the license revocation process may be used as an alternative to Rule
10 5:7-5 of the court rules.

11 "Arrearage" means the amount of unpaid support as determined
12 by a court order or an administrative order from a state for support
13 of a child or of a child and the custodial parent.

14 "Child" means a person, whether over or under the age of
15 majority, who is or is alleged to be owed a duty of child support by
16 that person's parent or who is or is alleged to be the beneficiary of a
17 support order directed to the parent.

18 "Child support" means the amount required to be paid under a
19 judgment, decree, or order, whether temporary, final or subject to
20 modification, issued by the Superior Court, Chancery Division,
21 Family Part or a court or administrative agency of competent
22 jurisdiction of another state, for the support and maintenance of a
23 child, or the support and maintenance of a child and the parent with
24 whom the child is living, which provides monetary support, health
25 care coverage, any arrearage or reimbursement, and which may
26 include other related costs and fees, interest and penalties, income
27 withholding, attorney's fees and other relief.

28 "Child support related warrant" means an outstanding warrant for
29 the arrest of a child support obligor or putative father issued by the
30 court for failure to pay child support as ordered, failure to appear at
31 a hearing to establish paternity or child support, or failure to appear
32 at a hearing to enforce a child support order.

33 "Commissioner" means the Commissioner of Human Services.

34 "Court" means the Superior Court, Chancery Division, Family
35 Part.

36 "Court order" means an order of the court or an order from an
37 administrative or judicial tribunal in another state that is competent
38 to enter or modify orders for paternity or child support.

39 "Court rules" means the Rules Governing the Courts of the State
40 of New Jersey.

41 "Credit reporting agency" means a nationally recognized credit
42 reporting agency as approved by the commissioner and defined in
43 the federal Fair Credit Reporting Act (15 U.S.C. s. 1681a(f)) as any
44 entity which, for monetary fees, dues, or on a cooperative nonprofit
45 basis, regularly engages in whole or in part in the practice of
46 assembling or evaluating consumer credit information or other
47 information on consumers for the purpose of furnishing reports to
48 third parties and which uses any means or facility of interstate

1 commerce for the purpose of preparing or furnishing consumer
2 reports.

3 "Custodial parent" means the parent or other person who has
4 legal and physical custody of a child for the majority of the time.
5 The custodial parent is responsible for the day-to-day decisions
6 related to the child and for providing the basic needs of the child on
7 a daily basis. The custodial parent is the person to whom child
8 support is payable. In shared parenting situations, the custodial
9 parent is known as the Parent of Primary Residence.

10 "Default order" means a court order entered due to a party's
11 failure to answer a complaint or motion or to appear at a court
12 proceeding as required, after being properly served with notice.

13 "Department" means the Department of Human Services.

14 "Employee" means an individual who is an employee within the
15 meaning of chapter 24 of the Internal Revenue Code of 1986.
16 Employee does not include an employee of a federal or state agency
17 performing intelligence or counter-intelligence functions, if the
18 head of such agency has determined that reporting could endanger
19 the safety of the employee or compromise an ongoing investigation
20 or intelligence mission.

21 "Employer" has the meaning given the term in section 3401(d) of
22 the Internal Revenue Code of 1986 and includes any governmental
23 entity and labor organization.

24 "Financial institution" means: a depository institution as defined
25 in 12 U.S.C. s.1813(c); an institution affiliated party as defined in
26 12 U.S.C. s.1813(u); a federal or State credit union as defined in 12
27 U.S.C. s.1752, including an institution affiliated party of a credit
28 union as defined in 12 U.S.C. s.1786(r); a benefit association,
29 insurance company, safe deposit company, money market mutual
30 fund, or similar entity authorized to do business in this State.
31 "Financial institution" also includes an investment and loan
32 corporation if permitted under federal law.

33 "Health care coverage" means cash medical support, health
34 insurance, dental insurance, eye care, pharmaceutical assistance and
35 other types of medical support which are ordered by the court to
36 maintain the health coverage of a child.

37 "Income" for the purposes of enforcing a support order, means,
38 but is not limited to, commissions, salaries, earnings, wages, rent
39 monies, unemployment compensation, workers' compensation, any
40 legal or equitable interest or entitlement owed that was acquired by
41 a cause of action, suit, claim or counterclaim, insurance benefits,
42 claims, accounts, assets of estates, inheritances, trusts, federal or
43 State income tax refunds, homestead rebates, State lottery prizes,
44 casino and racetrack winnings, annuities, retirement benefits,
45 veteran's benefits, union benefits, or any other earnings or other
46 periodic entitlements to money from any source and any other
47 property subject to withholding for child support pursuant to State
48 law.

1 For the purposes of establishing a support order, income is
2 defined pursuant to the child support guidelines in Appendix IX of
3 the court rules.

4 "Labor organization" means a labor organization as defined in
5 paragraph (5) of section 2 of the federal "National Labor Relations
6 Act" (29 U.S.C. s.152) and includes any entity used by the
7 organization and an employer to carry out the requirements of
8 paragraph (3) of subsection (f) of section 8 of that act (29 U.S.C.
9 s.158(f)(3)) or an agreement between the organization and the
10 employer.

11 "License" means any license, registration or certificate issued by
12 the State or its agencies or boards that is directly necessary to
13 provide a product or service for compensation, to operate a motor
14 vehicle, or for recreational or sporting purposes.

15 "Licensing authority" means any department, division, board,
16 agency or other instrumentality of State government that issues a
17 license, registration, certificate or other authorization to provide
18 goods or services for compensation, to operate a motor vehicle, or
19 for recreational or sporting purposes.

20 "Non-custodial parent" means the parent who does not have
21 physical custody of the child on a day-to-day basis. In shared
22 parenting situations, the non-custodial parent is known as the Parent
23 of Alternate Residence.

24 "Obligee" means an individual to whom a duty of support is or is
25 alleged to be owed or in whose favor a support order has been
26 issued or a judgment determining parentage has been rendered; a
27 state or political subdivision to which the rights under a duty of
28 support or support order have been assigned or which has
29 independent claims based on financial assistance provided to an
30 individual obligee; or an individual seeking a judgment determining
31 parentage of the individual's child or providing for the support of a
32 child.

33 "Obligor" means an individual, or the estate of a decedent, who
34 owes or is alleged to owe a duty of support, who is alleged but has
35 not been adjudicated to be a parent of a child, or who is liable under
36 a support order.

37 "Payor" means an employer or individual or entity that disburses
38 or is in possession of income or assets payable to an obligor.

39 "Probation Division" means the Probation Division of the
40 Superior Court, Chancery Division, Family Part.

41 "RURESA" means the "Revised Uniform Reciprocal
42 Enforcement of Support Act (1968)," adopted in New Jersey as
43 P.L.1981, c.243 (C.2A:4-30.24 et seq.).

44 "Spousal support" means a legally enforceable obligation
45 assessed against a person for the support of a spouse or former
46 spouse.

47 "State case registry" means the automated system maintained by
48 the State IV-D agency that contains federally required information

1 on child support cases.

2 "State IV-D agency" means the Department of Human Services.

3 "Support guidelines" means the set of presumptive standards for
4 determining the amount of child support as established by the court
5 in Appendix IX of the court rules.

6 "Support order" means a judgment, decree, or order, whether
7 temporary, final or subject to modification, for the benefit of a
8 child, a spouse or a former spouse, which provides for monetary
9 support, health care coverage, arrearages or reimbursement, and
10 may include related costs and fees, interest, income withholding,
11 attorney's fees and other relief.

12 A support order shall be issued by the court or a court or
13 administrative agency of another state.

14 "TANF" means the "Temporary Assistance to Needy Families"
15 program established pursuant to Title IV-A of the federal Social
16 Security Act (42 U.S.C. s.601 et seq.). TANF includes the [Work
17 First New Jersey program] Family Development Program for
18 dependent children and their parents [established] operating
19 pursuant to P.L.1997, c.38 (C.44:10-55 et seq.).

20 "Title IV-D" means Title IV-D of the federal Social Security Act
21 (42 U.S.C. s.651 et seq.).

22 "Title IV-D case" means a case under Title IV-A or Title XIX of
23 the federal Social Security Act (42 U.S.C. s.601 et seq.) that
24 involves an assignment of support rights, an appropriate referral
25 under Title IV-E of the federal Social Security Act (42 U.S.C. s.670
26 et seq.), a non-public assistance case in which an application for
27 Title IV-D services has been filed and a fee paid, as appropriate,
28 with the department, or an interstate case referred to the department
29 by another jurisdiction.

30 "UIFSA" means the "Uniform Interstate Family Support Act" to
31 be adopted by each state to replace RURESA pursuant to
32 Pub.L.104-193.

33 (cf: P.L.1998, c.1, s.3)

34

35 37. Section 3 of P.L.1976, c.100 (C.2A:42-6.3) is amended to
36 read as follows:

37 3. The provisions of this act shall only be applicable to
38 premises rented or leased by senior citizens receiving Social
39 Security Old Age Pensions, Railroad Retirement Pensions or other
40 governmental pensions in lieu of Social Security Old Age Pensions,
41 and by recipients of Social Security Disability Benefits,
42 Supplemental Security Income or benefits under [Work First New
43 Jersey] the Family Development Program.

44 (cf: P.L.2001, c.142, s.2)

45

46 38. Section 1 of P.L.1999, c.193 (C.2A:102-19) is amended to

1 read as follows:

2 3. An aged, blind or disabled applicant for, or recipient of,
3 benefits under the Supplemental Security Income program
4 established pursuant to Title XVI of the federal Social Security Act,
5 Pub.L.92-603 (42 U.S.C. s.1381 et seq.), or an applicant for, or
6 recipient of, benefits under the Medicaid program established
7 pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.), the [Work First
8 New Jersey program established] Family Development Program
9 operating pursuant to P.L.1997, c.38 (C.44:10-55 et seq.) or the
10 "[Work First New Jersey] Family Development/General Public
11 Assistance Act," P.L.1947, c.156 (C.44:8-107 et seq.), or any
12 successor program thereof, shall have excluded from resource
13 consideration, in determining eligibility for benefits, any moneys of
14 the applicant, applicant's spouse and any other member of his
15 immediate family, as defined in N.J.A.C.10:71-4.4, in an
16 irrevocable funeral trust or irrevocably assigned newly issued
17 funeral insurance policy, as those terms are defined in section 19 of
18 P.L.1993, c.147 (C.2A:102-18), that are equivalent to the fair
19 market value of funeral and burial goods and services selected and
20 contracted for that are intended for the use of the applicant,
21 applicant's spouse and any other member of his immediate family.
22 All income paid to the irrevocable funeral trust or any increase in
23 the face value or death benefit attributable to the irrevocably
24 assigned newly issued funeral insurance policy, shall inure to the
25 value or benefit of the irrevocable funeral trust or irrevocably
26 assigned newly issued funeral insurance policy and shall not be
27 countable as income for continuing eligibility.
28 (cf: P.L.1999, c.193, s.1)

29

30 39. Section 6 of P.L.1999, c.193 (C.2A:102-24) is amended to
31 read as follows:

32 6. A prepaid funeral agreement as defined in section 19 of
33 P.L.1993, c.147 (C.2A:102-18) which is subject to the provisions of
34 this act shall include, in a conspicuous manner, the following
35 statement: "New Jersey law requires this agreement to be
36 irrevocable for applicants or recipients of public assistance
37 programs (such as [the] Medicaid, Supplemental Security Income
38 (SSI), [Work First New Jersey] the Family Development Program
39 and [Work First New Jersey General Public Assistance programs]
40 general public assistance, or any successor program thereof) and for
41 the State of New Jersey to be named as beneficiary of any
42 irrevocable funeral trust or irrevocably assigned newly issued
43 funeral insurance policy purchased or created for the provision and
44 payment of funeral and burial goods and services. Any moneys
45 remaining after the provision of funeral goods and services shall be
46 paid over to the State as required by law."

1 (cf: P.L.1999, c.193, s.6)

2

3 40. Section 1 of P.L.1993, c.13 (C.2C:20-35) is amended to read
4 as follows:

5 1. As used in this act:

6 "ATP card" means a document issued by a State or federal
7 agency, to a certified household, to show the food stamp allotment a
8 household is authorized to receive on presentation.

9 "Benefit card" means a card used or intended for use to access
10 [Work First New Jersey] Family Development Program, food stamp
11 or other benefits as determined by the Commissioner of Human
12 Services under the electronic benefit distribution system established
13 pursuant to the "Public Assistance Electronic Benefit Distribution
14 System Act," P.L.1985, c.501 (C.44:10-5.1 et seq.) and continued
15 pursuant to P.L.1997, c.37 (C.44:10-71 et al.).

16 "Department" means the Department of Human Services.

17 "Food stamp coupon" means any coupon or stamp used or
18 intended for use in the purchase of food pursuant to the federal food
19 stamp program authorized by Title XIII of the "Food and
20 Agriculture Act of 1977," Pub.L.95-113 (7 U.S.C.s.2011 et seq.), or
21 the New Jersey Supplementary Food Stamp Program established
22 pursuant to P.L.1998, c.32 (C.44:10-79 et al.).

23 (cf: P.L.1998, c.32, s.7)

24

25 41. Section 2 of P.L.1993, c.13 (C.2C:20-36) is amended to read
26 as follows:

27 2. If the face value of food stamp coupons or an ATP card or
28 benefit card is equal to or greater than \$150, an individual shall be
29 guilty of a crime of the fourth degree if he purposely or knowingly
30 and without authorization:

31 a. Receives or uses the proceeds of food stamp coupons or an
32 ATP card or benefit card for which he has not applied or has not
33 been approved by the department to use;

34 b. Engages in any transaction to convert food stamp coupons or
35 an ATP card or benefit card to other property contrary to federal
36 and State government rules and regulations governing the [Work
37 First New Jersey program] Family Development Program, the
38 federal food stamp program, the New Jersey Supplementary Food
39 Stamp Program, or any other program included in the electronic
40 benefit distribution system; or

41 c. Transfers food stamp coupons or an ATP card or benefit
42 card to another person who is not lawfully entitled or approved by
43 the department to use the coupons or ATP card or benefit card.

44 (cf: P.L.1998, c.32, s.8)

45

46 42. Section 3 of P.L.1983, c.172 (C.4:19A-2) is amended to read
47 as follows:

- 1 3. In order to be eligible to participate in the program, an owner
2 of a dog or cat shall be eligible for, and participate in, at least one
3 of the following:
- 4 a. The Food Stamp Program authorized by Title XIII of the Food
5 and Agriculture Act of 1977, Pub.L.95-113 (7 U.S.C. s.2011 et
6 seq.); b. The Supplemental Security Income Program established
7 pursuant to Title XVI of the Social Security Act, 42 U.S.C. s.1381
8 et seq.;
- 9 c. The [program for aid to families with dependent children,
10 pursuant to P.L.1959, c.86 (C.44:10-1 et seq.)] Family Development
11 Program pursuant to P.L.1997, c.38 (C.44:10-55 et seq.);
- 12 d. The program for general public assistance, pursuant to the
13 provisions of the "Family Development/General Public Assistance
14 [Law] Act," P.L.1947, c.156 (C.44:8-107 et seq.);
- 15 e. The program of medical assistance pursuant to P.L.1968,
16 c.413 (C.30:4D-1 et seq.);
- 17 f. The program of "Pharmaceutical Assistance to the Aged and
18 Disabled," established pursuant to P.L.1975, c.194 (C.30:4D-20 et
19 seq.);
- 20 g. The rental assistance program authorized pursuant to section
21 8 of the United States Housing Act of 1937 as added by the
22 Housing and Community Development Act of 1974, Pub.L.93-383
23 (42 U.S.C. s. 1437(f));
- 24 h. The "Lifeline Credit Program" established pursuant to
25 P.L.1979, c.197 (C.48:2-29.15 et seq.); or
- 26 i. The "Tenants' Lifeline Assistance Program" established
27 pursuant to P.L.1981, c.210 (C.48:2-29.30 et seq.).
- 28 A resident of New Jersey who owns a dog or cat shall also be
29 eligible to participate in the program if the owner: (1) submits to a
30 veterinarian participating in the program proof, in the form of a
31 certificate of adoption, that the dog or cat was adopted from a New
32 Jersey licensed animal shelter, a New Jersey municipal, county, or
33 regional pound, or a New Jersey holding and impoundment facility
34 that contracts with New Jersey municipalities, or proof that the dog
35 or cat was adopted through a non-profit corporation operating an
36 animal adoption referral service in New Jersey and whose holding
37 facility is licensed in accordance with State and municipal law; or
38 proof that the dog or cat was adopted through a non-profit
39 corporation operating an animal adoption referral service in New
40 Jersey that does not operate a holding facility; and, in the case of a
41 dog, proof that the dog is duly licensed pursuant to State and
42 municipal law; and (2) pays a \$20 fee, to be deposited in the fund.
43 The Department of Health and Senior Services may adopt, pursuant
44 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
45 1 et seq.), such rules and regulations as may be necessary to
46 implement this amendatory act.
47 (cf: P.L.1991, c.405, s.1)

1
2 43. Section 2 of P.L.1991, c.384 (C.5:9-13.2) is amended to read
3 as follows:

4 2. The Commissioner of Human Services shall periodically
5 supply the Office of Telecommunications and Information Systems
6 with a list of:

7 a. those individuals in arrears of a court ordered child support
8 obligation; and

9 b. those former recipients of Aid to Families with Dependent
10 Children[,] benefits pursuant to P.L.1959, c.86 (C.44:10-1 et seq.)
11 [or], Work First New Jersey[,] or Family Development Program
12 benefits pursuant to P.L.1997, c.38 (C.44:10-55 et seq.), food stamp
13 benefits issued pursuant to Pub.L. 95-113, Title XIII (7 U.S.C.
14 s.2011 et seq.), or low-income home energy assistance benefits
15 issued pursuant to Pub.L. 97-35, Title XXVI (42 U.S.C. s.8621 et
16 seq.) who incurred an overpayment which has not been repaid.
17 (cf: P.L.1998, c.1, s.33)

18
19 44. Section 5 of P.L.1991, c.384 (C.5:9-13.5) is amended to read
20 as follows:

21 5. If a lottery prize claimant is in arrears of a child support
22 order, or is a former recipient of Aid to Families with Dependent
23 Children [or], Work First New Jersey or Family Development
24 Program benefits, food stamp benefits or low-income home energy
25 assistance benefits who has incurred an overpayment which has not
26 been repaid, the Department of Human Services shall promptly
27 notify the Department of the Treasury and the Division of the State
28 Lottery of the claimant's name, address, social security number and
29 amount due on an arrears child support order or the amount due on
30 an overpayment. The Department of the Treasury shall withhold
31 this amount from the pending lottery payment and transmit same to
32 the Department of Human Services or the Probation Division, as the
33 case may be, in accordance with regulations promulgated by the
34 State Treasurer.

35 (cf: P.L.1998, c.1, s.35)

36
37 45. Section 14 of P.L.1993, c.383 (C.17:15A-43) is amended to
38 read as follows:

39 14. No licensee shall charge a fee or receive any other
40 consideration, directly or indirectly, which is greater than the
41 amount permitted pursuant to this section, as follows:

42 a. For cashing a check drawn on a depository institution or other
43 financial entity located in this or any other State, two percent of the
44 face amount of the check, or \$.90, whichever is greater;

45 b. For cashing a check payable to a recipient of [aid to families
46 with dependent children (AFDC)] benefits under the Family

1 Development Program, one percent of the face amount of the check,
2 or \$.90, whichever is greater;

3 c. For cashing a check payable to a recipient of supplemental
4 security income pursuant to Subchapter XVI of the Social Security
5 Act, 42 U.S.C. s.1381 et seq., one and one half percent of the face
6 amount of the check, or \$.90, whichever is greater;

7 d. For cashing a check payable to a recipient of old-age and
8 survivors benefit payments pursuant to Subchapter II of the Social
9 Security Act, 42 U.S.C. s.401 et seq., one and one half percent of
10 the face amount of the check, or \$.90, whichever is greater;

11 e. On or after the 365th day from the effective date of this act,
12 subsequent increases to the fees which may be charged pursuant to
13 subsection a. of this section by a licensee for cashing a check, draft
14 or money order shall be set by the commissioner by regulation;

15 f. In setting the fees pursuant to subsection e. of this section,
16 the commissioner shall consider, but not be limited to, the
17 following:

- 18 (1) rates charged in the past;
- 19 (2) the income, cost and expense of the operation of licensees;
- 20 (3) rates charged by licensed check cashers or other similar
21 entities located in other states for the same or similar services and
22 the factors upon which those rates are based;
- 23 (4) changes in the population served; and
- 24 (5) a reasonable profit for check cashers.

25 (cf: P.L.1998, c.98, s.1)

26

27 46. Section 26 of P.L.1994, c.182 (C.19:31-6.11) is amended to
28 read as follows:

29 26. a. As used in this section, "voter registration agency"
30 means:

31 Any agency or office serving as a food stamp issuer, pursuant to
32 P.L.1988, c.79 (C.44:8-153 et seq.) and the "Food Stamp Act of
33 1977," Pub.L.95-113 (7 U.S.C. s.2011 et seq.);

34 Any agency or office providing or administering assistance under
35 the "New Jersey Medical Assistance and Health Services Program,"
36 pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.) and 42 U.S.C.
37 s.1395 et seq.;

38 Any agency or office distributing food pursuant to the special
39 supplemental food program for women, infants and children (WIC),
40 established pursuant to P.L.1987, c.261 (C.26:1A-36.1 et seq.) and
41 Pub.L. 95-267 (42 U.S.C. s.1786);

42 Any agency or office administering assistance under the [Work
43 First New Jersey program established] Family Development
44 Program pursuant to P.L.1997, c.38 (C.44:10-55 et seq.);

45 Any public office of the Division of Developmental Disabilities,
46 established pursuant to section 2 of P.L.1985, c.145 (C.30:6D-24),
47 in the Department of Human Services;

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1 Any public office of the Office of Disability Services,
2 established pursuant to section 3 of P.L.1999, c.91 (C.30:6E-3), in
3 the Department of Human Services;

4 Any recruitment office of the Armed Forces of the United States,
5 subject to any agreement between this State and the Secretary of
6 Defense of the United States for the joint development and
7 implementation, as provided under subsection (c) of section 7 of
8 Pub.L.103-31 (42 U.S.C. s. 1973gg-6), of procedures for applying
9 at those offices to register to vote;

10 Any office of the Division of Vocational Rehabilitation Services
11 of the New Jersey Department of Labor;

12 Any office of the Commission for the Blind and Visually
13 Impaired of the New Jersey Department of Human Services;

14 Any county welfare agency or county board of social services
15 established pursuant to the provisions of chapter 1 or chapter 4 of
16 Title 44 of the Revised Statutes;

17 The office of the commissioner of registration in the several
18 counties of this State; and

19 Any office of the municipal clerk in the several municipalities of
20 this State.

21 b. With each voter registration form and instructions provided to
22 the chief administrative officer at each voter registration agency
23 under subsections e. and f. of section 16 of P.L.1974, c.30 (C.19:31-
24 6.4), the Secretary of State shall provide at the same time a
25 declination form that includes:

26 (1) the question: "If you are not registered to vote where you
27 live now, would you like to apply to register to vote here today?";

28 (2) the statement: "Applying to register or declining to register
29 to vote will not affect the amount of assistance that you will be
30 provided by this agency.";

31 (3) boxes for the applicant to check to indicate whether the
32 applicant would or would not like to register to vote, together with
33 the statement "IF YOU DO NOT CHECK EITHER BOX, YOU
34 WILL BE CONSIDERED TO HAVE DECIDED NOT TO
35 REGISTER TO VOTE AT THIS TIME.";

36 (4) the statement: "If you would like help in filling out the voter
37 registration application form, we will help you. The decision to
38 seek or accept help is yours. You may fill out the application form
39 in private.";

40 (5) the statement: "If you believe that someone has interfered
41 with your right to register or to decline to register to vote, your right
42 to privacy in deciding whether to register or in applying to register
43 to vote, or your right to choose your own political party or other
44 political preference, you may file a complaint with the Secretary of
45 State." (insert address and current telephone number); and

46 (6) the statement: IF YOU DECLINE TO REGISTER TO
47 VOTE AT THIS TIME, YOUR DECISION WILL REMAIN
48 CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER

1 REGISTRATION PURPOSES. IF YOU DO REGISTER TO
2 VOTE, THE WAY IN WHICH YOU DO SO WILL REMAIN
3 CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER
4 REGISTRATION PURPOSES.

5 c. The Secretary of State shall cause to be prepared declination
6 forms in the form provided for by subsection b. of this section in
7 both the English and Spanish languages and shall provide such
8 forms to the chief administrative officer of each voter registration
9 agency which has an office in any county in which there is at least
10 one election district in which bilingual sample ballots must be
11 provided pursuant to R.S.19:14-21, R.S.19:49-4 or section 2 of
12 P.L.1965, c.29 (C.19:23-22.4).

13 d. The Secretary of State shall adopt, pursuant to consultation
14 with the chief administrative officers at voter registration agencies,
15 regulations for the prompt return of the completed voter registration
16 forms, but in no case shall the forms be returned later than the fifth
17 day following the date on which the completed forms are received
18 by the voter registration agencies.

19 e. All registration forms received by the Secretary of State in the
20 mail or forwarded to the Secretary of State by employees or agents
21 of the voter registration agencies shall be forwarded to the
22 commissioner of registration in the county of the registrant.

23 f. Each completed declination form received by a voter
24 registration agency shall be kept confidential for a period of at least
25 two years. The Secretary of State shall determine, pursuant to
26 consultation with the chief administrative officers at voter
27 registration agencies, which office or agency shall retain the
28 declination forms.

29 (cf: P.L.1999, c.91, s.10)

30

31 47. Section 2 of P.L.2003, c.185 (C.30:5B-32) is amended to
32 read as follows:

33 2. a. A unified child care agency contracted with the
34 Department of Human Services pursuant to N.J.A.C.10:15-2.1, shall
35 request that the Division of Youth and Family Services in the
36 Department of Human Services conduct a child abuse record
37 information check of the division's child abuse records, as promptly
38 as possible, to determine if an incident of child abuse or neglect has
39 been substantiated, pursuant to section 4 of P.L.1971, c.437 (C.9:6-
40 8.11), against:

41 (1) a prospective approved home provider as defined in
42 N.J.A.C.10:15-1.2 providing child care services under the "New
43 Jersey Cares for Kids Program" established pursuant to
44 N.J.A.C.10:15-5.1, or to a child whose parent is receiving
45 assistance under the [Work First New Jersey program established]
46 Family Development Program pursuant to P.L.1997, c.38 (C.44:10-
47 55 et seq.) or is employed but continues to receive supportive

1 services pursuant to the provisions of section 5 of P.L.1997, c.13
2 (C.44:10-38); or

3 (2) any adult member of the prospective provider's household.

4 b. The division shall conduct the child abuse record information
5 check only upon receipt of the prospective approved home
6 provider's or any adult household member's written consent to the
7 check. If the person refuses to provide his consent, the unified
8 child care agency shall deny the prospective approved home
9 provider's application to provide child care services.

10 c. If the division determines that an incident of child abuse or
11 neglect by the prospective approved home provider or any adult
12 member of the household has been substantiated, the division shall
13 release the results of the child abuse record information check to the
14 unified child care agency pursuant to subsection g. of section 1 of
15 P.L.1977, c.102 (C.9:6-8.10a) and the agency shall deny the
16 prospective approved home provider's application to provide child
17 care services.

18 d. Before denying the prospective approved home provider's
19 application to provide child care services, the unified child care
20 agency shall give notice personally or by certified or registered mail
21 to the last known address of the prospective approved home
22 provider with return receipt requested, of the reasons why the
23 application will be denied. The notice shall afford the prospective
24 approved home provider the opportunity to be heard and to contest
25 the agency's action. The hearing shall be conducted in accordance
26 with the "Administrative Procedure Act," P.L.1968, c.410
27 (C.52:14B-1 et seq.).

28 e. If a prospective approved home provider's application to
29 provide child care services is denied, the unified child care agency
30 shall notify the parent of the child who would be eligible to receive
31 such services, personally and in writing, of the reasons why the
32 application was denied and the parent's right to select another
33 provider. The parent shall keep such information confidential and
34 shall not disclose the information except as authorized by law.

35 (cf: P.L.2003, c.185, s.2)

36

37 48. Section 3 of P.L.1993, c.13 (C.2C:20-37) is amended to read
38 as follows:

39 3. If the face value of food stamp coupons or an ATP card or
40 benefit card is less than \$150, an individual shall be guilty of a
41 disorderly persons offense if he purposely or knowingly and
42 without authorization:

43 a. Receives or uses the proceeds of food stamp coupons or an
44 ATP card or benefit card for which he has not applied or has not
45 been approved, by the department, to use;

46 b. Engages in any transaction to convert food stamp coupons or
47 an ATP card or benefit card to other property contrary to federal

1 and State government rules and regulations governing the [Work
2 First New Jersey program] Family Development Program, the
3 federal food stamp program, the New Jersey Supplementary Food
4 Stamp Program, or any other program included in the electronic
5 benefit distribution system; or

6 c. Transfers food stamp coupons or an ATP card or benefit card
7 to another person who is not lawfully entitled or approved, by the
8 department, to use the coupons or ATP card or benefit card.
9 (cf: P.L.1998, c.32, s.9)

10
11 49. Section 1 of P.L.1999, c.440 (C.40A:11-4.1) is amended to
12 read as follows:

13 1. Notwithstanding the provisions of any law, rule or regulation
14 to the contrary, competitive contracting may be used by local
15 contracting units in lieu of public bidding for procurement of
16 specialized goods and services the price of which exceeds the bid
17 threshold, for the following purposes:

18 a. The purchase or licensing of proprietary computer software
19 designed for contracting unit purposes, which may include
20 hardware intended for use with the proprietary software. This
21 subsection shall not be utilized for the purpose of acquiring general
22 purpose computer hardware or software;

23 b. The hiring of a for-profit entity or a not-for-profit entity
24 incorporated under Title 15A of the New Jersey Statutes for the
25 purpose of:

26 (1) the operation and management of a wastewater treatment
27 system or a water supply or distribution facility of the type
28 described in subsection (37) of section 15 of P.L.1971, c.198
29 (C.40A:11-15), provided that competitive contracting shall not be
30 used as a means of awarding contracts pursuant to P.L.1985, c.37
31 (C.58:26-1 et seq.) and P.L.1985, c.72 (C.58:27-1 et seq.);

32 (2) the operation, management or administration of recreation or
33 social service facilities or programs, which shall not include the
34 administration of benefits under the [Work First New Jersey
35 program established] Family Development Program pursuant to
36 P.L.1997, c.38 (C.44:10-55 et seq.), or under [General Assistance]
37 the "Family Development/General Public Assistance Act,"
38 P.L.1947, c.156 (C.44:8-107 et seq.); or

39 (3) the operation, management or administration of data
40 processing services;

41 c. Services performed by an energy services company, including
42 the design, measurement, financing and maintenance of energy
43 savings equipment or renovations, which result in payment derived,
44 in whole or in part, from the sale of verified energy savings over the
45 term of an agreement with a public utility or subsidiary, but not the
46 provision or performance of the physical improvements that result

1 in energy savings, provided that such savings are calculated
2 pursuant to guidelines promulgated by the Board of Public Utilities
3 and further provided that the Local Finance Board shall find that the
4 terms and conditions of any financing agreement are reasonable;

- 5 d. Homemaker--home health services;
- 6 e. Laboratory testing services;
- 7 f. Emergency medical services;
- 8 g. Contracted food services;
- 9 h. Performance of patient care services by contracted medical
10 staff at county hospitals, correctional facilities and long-term care
11 facilities;
- 12 i. At the option of the governing body of the contracting unit,
13 any good or service that is exempt from bidding pursuant to section
14 5 of P.L.1971, c.198 (C.40A:11-5);
- 15 j. Concessions;
- 16 k. The operation, management or administration of other
17 services, with the approval of the Director of the Division of Local
18 Government Services.

19 Any purpose included herein shall not be considered by a
20 contracting unit as an extraordinary unspecifiable service pursuant
21 to paragraph (a)(ii) of subsection (1) of section 5 of P.L.1971, c.198
22 (C.40A:11-5).

23 (cf: P.L.1999, c.440, s.1)

24

25 50. Section 3 of P.L.1985, c.282 (C.44:1-157.1) is amended to
26 read as follows:

27 3. Whenever the Division of [Public Welfare] Family
28 Development in the Department of Human Services provides
29 payment for the funeral and burial or cremation of a recipient of
30 [aid to families with dependent children pursuant to P.L. 1959, c. 86
31 (C. 44:10-1 et seq.)] benefits under the Family Development
32 Program pursuant to P.L.1997, c.38 (C.44:10-55 et seq.), general
33 public assistance pursuant to P.L. 1947, c. 156 (C. 44:8-107 et seq.)
34 or supplemental security income pursuant to P.L. 1973, c. 256 (C.
35 44:7-85 et seq.), the total allowable payment for funeral and burial
36 or cremation including contributions by others, shall be at least 75%
37 of the average cost for a proper funeral and burial charged by
38 funeral directors in the locality in which the public assistance
39 recipient is buried or cremated.

40 (cf: P.L.1985, c.282, s.3)

41

42 51. Section 10 of P.L.1997, c.172 (C.56:11-37) is amended to
43 read as follows:

44 10. a. Except as provided in subsections b., c., d. and e. of this
45 section, a consumer reporting agency may impose a reasonable
46 charge on a consumer for:

47 (1) making a disclosure to the consumer pursuant to section 7

1 of this act if the request is the second or subsequent request in a 12-
2 month period of time and is not made pursuant to subsection b. of
3 this section; the charge for this disclosure shall not exceed \$8 and
4 shall be indicated to the consumer before making the disclosure;

5 (2) furnishing to a person designated by the consumer pursuant
6 to subsection k. of section 9 of this act a statement, codification, or
7 summary filed or developed under subsection i. or j. of section 9 of
8 this act, after notification of the consumer under subsection f. of
9 section 9 of this act with respect to the reinvestigation; this charge
10 shall not exceed the charge that the agency would impose on each
11 designated recipient for a consumer report and shall be indicated to
12 the consumer before furnishing this information.

13 b. Each consumer reporting agency that maintains a file on a
14 consumer shall make all disclosures required pursuant to section 7
15 of this act without charge to the consumer if, not later than 60 days
16 after receipt by the consumer of a notification of an adverse action
17 or notification from a debt collection agency affiliated with the
18 consumer reporting agency stating that the consumer's credit rating
19 may be or has been adversely affected, the consumer makes a
20 request under section 7 of this act.

21 c. Upon the request of the consumer, a consumer reporting
22 agency shall make all disclosures required pursuant to section 7 of
23 this act once during any 12-month period without charge to the
24 consumer.

25 d. A consumer reporting agency shall not impose any charge
26 on a consumer for providing any notification required by this act,
27 including but not limited to, the notification required pursuant to
28 subsection k. of section 9 of this act following deletion of
29 information from a consumer's file pursuant to section 9 of this act,
30 or making any disclosure required by this act, except as authorized
31 by subsection a. of this section.

32 e. Upon request of the consumer, a consumer reporting agency
33 shall make all disclosures required pursuant to section 7 of this act
34 once during any 12-month period without charge to that consumer if
35 the consumer certifies in writing that the consumer:

36 (1) is unemployed and intends to apply for employment in the
37 60-day period beginning on the date on which certification is made;

38 (2) is a recipient of assistance under the [Work First New
39 Jersey Program] Family Development Program;

40 (3) has reason to believe that the file on the consumer at the
41 agency contains inaccurate information due to fraud; or

42 (4) has been a victim of a violation of N.J.S.2C:21-1, section 1
43 of P.L.1983, c.565 (2C:21-2.1) or N.J.S.2C:21-17 and the court has
44 ordered the deletion of those items of information that were the
45 result of the unlawful use of the victim's personal identifying
46 information.

47 (cf: P.L.2003, c.184, s.9)

1
2 52. (New section) a. The Commissioner of Human Services,
3 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
4 (C.52:14B-1 et seq.) and in consultation with the Commissioner of
5 Education, shall adopt regulations to prescribe requirements for
6 participation by an adult recipient of benefits under the Family
7 Development Program, as part of that recipient's individual
8 responsibility plan pursuant to section 8 of P.L.1997, c.38
9 (C.44:10-62), in one or more of the following school-related
10 activities at a school where the recipient's child is enrolled, if the
11 recipient resides in an Abbott district:

12 (1) parent-teacher conferences or other forms of communication
13 with the child's teacher regarding the child's academic performance;

14 (2) meetings and other activities of the parent-teacher association
15 at the school;

16 (3) documented efforts to review and comment on each school
17 report card issued for the child and to ensure the child's timely
18 completion of homework assignments; and

19 (4) other school-related activities designed to further the child's
20 education as determined by the commissioner.

21 b. The regulations adopted by the commissioner pursuant to
22 subsection a. of this section shall include, but not be limited to: (1)
23 guidelines governing parental participation and documentation of
24 that participation;

25 (2) exemptions from the required participation for good cause as
26 determined by the commissioner; and

27 (3) procedures for ensuring coordination with Abbott districts to
28 effectuate the purposes of this section, including, but not limited to,
29 procedures for notifying those districts about recipients who are
30 subject to the provisions of this section, and a schedule and
31 procedures for receiving reports from each district about recipient
32 compliance pursuant to section 53 of P.L. , c. (C.)(pending
33 before the Legislature as this bill).

34 c. As used in this section, "Abbott district" means an Abbott
35 district as defined in section 3 of P.L.1996, c.138 (C.18A:7F-3).

36
37 53. a. (New section) The board of education of an Abbott
38 district as defined in section 3 of P.L.1996, c.138 (C.18A:7F-3)
39 shall appoint at least one Family Development Program Parent
40 Activity Coordinator for the district, as prescribed by regulation of
41 the Commissioner of Education. The coordinator shall possess such
42 qualifications and perform such duties as the Commissioner of
43 Education deems necessary to effectuate the purposes of this
44 section.

45 b. The coordinator shall assist, in a culturally competent
46 manner, each adult recipient of benefits under the Family
47 Development Program operating pursuant to P.L.1997, c.38
48 (C.44:10-55 et seq.), whose child is enrolled in the coordinator's

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1 school, to comply with the requirements of section 52 of P.L. , c.
2 (C.)(pending before the Legislature as this bill), for which
3 purpose the coordinator shall:

4 (1) take appropriate and feasible actions to support the
5 recipient's active involvement with the school, school personnel and
6 school-related organizations; and

7 (2) act as a liaison with the recipient's family, teachers and
8 administrators to resolve behavioral, nutritional, attendance and
9 other issues that may arise in regard to the recipient's child.

10 c. The coordinator shall monitor the efforts made by each adult
11 recipient to comply with the requirements of section 52 of P.L. , c.
12 (C.)(pending before the Legislature as this bill) and provide
13 reports about recipient compliance to the Commissioner of Human
14 Services in accordance with a schedule and procedures established
15 pursuant to section 52 of P.L. , c. (C.)(pending before the
16 Legislature as this bill).

17 d. The Commissioner of Education, pursuant to the
18 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
19 seq.) and in consultation with the Commissioner of Human
20 Services, shall adopt rules and regulations to effectuate the purposes
21 of this section.

22

23 54. Section 3 of P.L.1997, c.14 (C.44:10-46) is repealed.

24

25 55. This act shall take effect immediately.

26

27

28

STATEMENT

29

30 This bill renames the Work First New Jersey program as the
31 Family Development Program (FDP) and makes other revisions to
32 the statutes governing the program.

33 Specifically, the bill provides as follows:

34 -- The "Work First New Jersey Act" (N.J.S.A.44:10-55 et seq.)
35 is renamed the "Family Development Program Act." This change
36 reflects the fact (as stated in subsection h. of N.J.S.A.44:10-56) that
37 the Work First New Jersey program incorporates and builds upon
38 the fundamental concepts of the FDP that was established pursuant
39 to the "Family Development Act" of 1991. The 1991 law was
40 repealed by the "Work First New Jersey Act" in 1997, and this bill
41 seeks to restore the original name of the welfare reform program
42 and change the title of the 1997 law accordingly (using the name
43 "Family Development Program Act" to avoid confusing this law in
44 legislative or judicial contexts with the 1991 "Family Development
45 Act").

46 -- The findings and declarations language of the "Family
47 Development Program Act" (subsection f. of N.J.S.A.44:10-56) is
48 expanded to stipulate that "promoting the well-being of children is

1 an essential component" of FDP.

2 -- N.J.S.A.44:10-38 is amended to direct the Commissioner of
3 Human Services to prescribe requirements for an adult head of an
4 assistance unit with dependent children receiving FDP benefits to
5 meet in order to ensure that each dependent child receives
6 appropriate health care services, including, but not limited to, Early
7 and Periodic Screening, Diagnosis and Treatment (EPSDT)
8 services.

9 -- N.J.S.A.44:10-41 is amended to modify certain public
10 reporting requirements imposed on the Commissioner of Human
11 Services by P.L.1997, c.13, with respect to information about
12 employment obtained by FDP recipients (the number of recipients
13 who have obtained employment, types of employment, average
14 length-of-stay in a job, average hourly wages and employer-
15 provided benefits), in order to require the Commissioner of Labor to
16 supply this information as part of a joint quarterly report to be
17 issued by the Commissioners of Human Services and Labor. This
18 modification reflects the recent transfer of responsibility for FDP
19 recipient employment and work activities to the Department of
20 Labor.

21 -- N.J.S.A.44:10-45 is amended to require that an FDP recipient,
22 as a condition of eligibility for benefits, consent to any effort made
23 by FDP to obtain attendance and school performance records for a
24 dependent child in the assistance unit as determined necessary by
25 FDP (which could occur, for example, if a program representative
26 believed that a child was frequently missing school and wanted to
27 ascertain the child's attendance record to determine if additional
28 services might be needed).

29 -- N.J.S.A.44:10-45 is also amended to provide that an FDP
30 recipient, as a condition of eligibility for benefits, must comply
31 with requirements adopted by the commissioner for participation in
32 one or more of the following school-related activities at a school
33 where the recipient's child is enrolled, if the recipient resides in an
34 Abbott school district:

35 * parent-teacher conferences or other forms of communication
36 with the child's teacher regarding the child's academic performance;

37 * meetings and other activities of the parent-teacher association
38 at the school;

39 * documented efforts to review and comment on each school
40 report card issued for the child and to ensure the child's timely
41 completion of homework assignments; and

42 * other school-related activities designed to further the child's
43 education as determined by the commissioner.

44 The bill directs the commissioner, in consultation with the
45 Commissioner of Education, to adopt regulations prescribing these
46 requirements. The regulations are to include, but not be limited to:

47 * guidelines governing parental participation and documentation
48 of that participation;

1 * exemptions from the required participation for good cause as
2 determined by the commissioner; and

3 * procedures for ensuring coordination with Abbott districts to
4 effectuate the purposes of the bill, including, but not limited to,
5 procedures for notifying those districts about FDP recipients who
6 are subject to the participation requirements, and a schedule and
7 procedures for receiving reports from each district about recipient
8 compliance pursuant to this bill.

9 The bill requires the board of education in each Abbott district to
10 appoint at least one Family Development Program Parent Activity
11 Coordinator for the district, as prescribed by regulation of the
12 Commissioner of Education. The coordinator will possess such
13 qualifications and perform such duties as the Commissioner of
14 Education deems necessary to effectuate the purposes of the bill.

15 The coordinator is to assist, in a culturally competent manner,
16 each FDP recipient to comply with the requirements adopted by the
17 Commissioner of Human Services for participation in school-
18 related activities, for which purpose the coordinator is to:

19 * take appropriate and feasible actions to support the recipient's
20 active involvement with the school, school personnel and school-
21 related organizations; and

22 * act as a liaison with the recipient's family, teachers and
23 administrators to resolve behavioral, nutritional, attendance and
24 other issues that may arise in regard to the recipient's child.

25 The coordinator is to also monitor the efforts made by each
26 recipient to comply with the school-related activity participation
27 requirements and provide reports about recipient compliance to the
28 Commissioner of Human Services in accordance with a schedule
29 and procedures established by the commissioner, in consultation
30 with the Commissioner of Education.

31 -- N.J.S.A.44:10-46, which sought to impose Work First New
32 Jersey benefit limits on new State residents, is repealed. The
33 provisions of this section were invalidated by a 1998 State
34 Appellate Court decision (*Sanchez v. Dept. of Human Services*), and
35 the U.S. Supreme Court ruled in 1999 that this type of benefit
36 limitation is unconstitutional (*Saenz v. Roe*).

37 -- N.J.S.A.44:10-48 is amended to provide that general public
38 assistance (GA) recipients who are legal aliens who meet federal
39 requirements and have applied for citizenship, may not receive GA
40 benefits for more than 18 months unless: (1) they attain citizenship;
41 or (2) they have passed the English language and civics components
42 for citizenship, or have been determined by the federal Bureau of
43 Citizenship and Immigration Services to have a physical or mental
44 incapacity that renders them unable to take or pass these
45 components, and are awaiting final determination of citizenship by
46 the bureau. The current law limits these GA benefits for legal
47 aliens to six months; however, the waiting period for these tests is
48 approximately 14 months, and the Department of Human Services

1 has not been enforcing the six-month limit because these
2 individuals cannot attain citizenship in the six-month time frame
3 currently stipulated. These amendments to N.J.S.A.44:10-48
4 address this issue by raising the time limit for receipt of GA
5 benefits by legal aliens to 18 months, as well as providing access to
6 GA benefits beyond the 18-month time frame for those legal aliens
7 who have a physical or mental incapacity that renders them unable
8 to take or pass the required tests and are awaiting final
9 determination of citizenship.

10 -- N.J.S.A.44:10-48 is also amended to permit a person who is
11 convicted of no more than one offense that involves the distribution
12 of a controlled substance to qualify for FDP benefits if the person
13 enrolls in or has completed a licensed residential drug treatment
14 program. The current law prohibits a person convicted of a single
15 drug-distribution offense from receiving cash assistance benefits;
16 however, county governments have reported to the Department of
17 Human Services that this prohibition on cash assistance leaves these
18 individuals at risk for homelessness and recidivism. (Under current
19 law, these individuals may receive food stamp benefits during their
20 enrollment in and upon completion of a licensed residential drug
21 treatment program, as well as medical services during their
22 enrollment in the treatment program.)

23 -- N.J.S.A.44:10-48 and 44:10-48.1 are amended to permit,
24 rather than require, the commissioner, in the case of a person who
25 participates in a licensed residential drug treatment program as a
26 condition of eligibility to receive cash assistance, food stamp
27 benefits or medical services, to provide for testing of the person
28 during participation in the treatment program and the first 60 days
29 after completion of the treatment program to determine if the person
30 is free of any controlled substance. The amendment permits this
31 testing but reflects the fact that no such testing has occurred to date
32 because funding for this activity has not been provided.

33 -- N.J.S.A.44:10-62 is amended to provide a deferral from FDP
34 work activity requirements for the parent or relative of a child under
35 the age of 12 months who is providing care for that child and
36 actively participating in parenting and other appropriate activities as
37 prescribed by regulation of the commissioner; except that a parent
38 or relative is limited to a cumulative total of 12 months of such
39 deferral during that person's lifetime. The deferral from work
40 activity requirements permitted under current law for the parent or
41 relative of a newborn child is 12 weeks; the extension in this
42 deferral provided under the bill is consistent with that allowed
43 under federal law.

44 -- N.J.S.A.44:10-63 is amended to provide that in a two-parent
45 assistance unit with dependent children, if one or both parents are in
46 noncompliance with FDP requirements for a first or second offense,
47 the needs of the parent in noncompliance will be deleted from the
48 cash assistance benefits provided to the assistance unit for a period

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1 of one month. Under the current law, if one parent in a two-parent
2 assistance unit with dependent children is in noncompliance for a
3 first or second offense, the needs of the parent in noncompliance
4 cannot be deleted from the cash assistance benefits provided to the
5 assistance unit if the other parent is participating in a work activity
6 or is exempt from participation as determined by the commissioner.
7 This revision in the law, which will subject an assistance unit to a
8 loss of cash assistance benefits by the per capita share of the parent
9 who is in noncompliance, is intended to comply with applicable
10 federal regulations governing the Temporary Assistance for Needy
11 Families (TANF) program pursuant to Pub.L.104-193.