

SENATE, No. 303

STATE OF NEW JERSEY

INTRODUCED APRIL 24, 1941

By Mr. ZINK

Referred to Committee on Municipal Aid

AN ACT concerning the legal settlement of certain needy persons, providing for the administration of public assistance in certain cases and prescribing penalties for the violation thereof and repealing sections ten to fifteen, both inclusive, and sections twenty-one to twenty-four, both inclusive, of "An act to provide for the protection, welfare of and financial assistance to certain needy persons in the State of New Jersey, providing for the administration thereof, and prescribing penalties for the violation thereof," approved June eighteenth, one thousand nine hundred and forty (P. L. 1940, c. 130).

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Definitions. As used in this act:

2 "Director of municipal aid" means the Director of Municipal Aid of
3 the State Municipal Aid Administration;

4 "Director of welfare" means the officer whose duty it is to administer
5 public assistance in a municipality including the person designated by a local
6 assistance board to be its chief executive and administrative officer, and an
7 overseer of the poor;

8 "Municipality" shall include, in meaning, any city, borough, township,
9 town, village or municipality governed by a board of commissioners or an
10 improvement commission, whether participating in State aid for relief funds
11 or not;

12 "Public assistance" means assistance rendered to needy persons, not
13 otherwise provided for under the laws of this State, where such persons
14 are willing to work but are unable to secure employment due either to
15 physical disability or inability to find employment, and includes what is com-
16 monly called "emergency relief," and "temporary or outdoor poor relief"
17 given to needy persons who can be relieved temporarily in their homes or
18 without being maintained in an almshouse or welfare house;

19 "Person" may mean, according to the context, a person and his family;

1 2. Immediate public assistance shall be promptly rendered to any needy
2 person by the director of welfare of that municipality where the person is
3 found at the time of application, subject to determination and adjustment
4 of responsibility as hereinafter provided.

1 3. Subject to the provisions of this act, every person of full age who has
2 been or shall be a resident of and domiciled within the boundaries of this
3 State without interruption for two continuous years shall have legal settle-
4 ment in this State for the purposes of this act provided said person during
5 that period has resided for one continuous year in one municipality.

1 4. Subject to the provisions of this act, every person of full age who has
2 or shall have legal settlement in this State shall have municipal settlement
3 for the purposes of this act in that municipality in which he has last resided
4 for one continuous year.

1 5. The time spent by a person residing in this State shall be construed as
2 an interruption of the continuity of residence required for legal settlement in
3 this State under section three, while such person was or is

4 (a) Receiving public assistance, as defined in this act;

5 (b) Receiving public aid from any municipality, county, State or
6 Federal agency when that aid could not have been obtained according to
7 law unless the person is in need, whether received in the form of
8 orders, cash or wages;

9 (c) Receiving assistance under (a) or aid under (b) for such person
10 or for his wife or a minor child for whose support either such person
11 or his wife is responsible in this or in any other State;

12 (d) In a charitable, custodial or correctional institution in this State
13 or while his wife or minor child is in a charitable, custodial or cor-
14 rectional institution of another State or of the Federal government;

15 (e) On parole from an institution of this State, another State or of
16 the Federal government;

17 (f) A fugitive from justice;

18 (g) Illegally in the United States;

19 (h) In the armed forces of the United States;

20 (i) In a veteran's hospital or similar institution;

21 and the two continuous years of residence required for legal settlement in
22 this State under section three shall be computed from the date of the termina-
23 tion of any interruption hereinabove specified.

1 6. For the purpose of determining municipal settlement under section
2 four, the time spent by a person residing in this State under the circum-
3 stances enumerated in subsections (a) through (i) inclusive of section five
4 shall not be construed as an interruption of the continuity of residence and
5 such time shall not be computed in determining length of residence.

1 7. Public assistance shall not be deemed public assistance within the
2 meaning of section five subsection (a) if it is given by reason of quarantine
3 because of a communicable disease under the provisions of the public health
4 laws of this State or if the cost of such assistance has been repaid by the
5 recipient in full.

1 8. Every person who has or shall have a separate legal settlement, not
2 derived from that of another person, pursuant to the provisions of this act
3 shall continue to have such legal settlement until he shall remove from this
4 State and remain therefrom continuously for one year; except that absence
5 from the State for one year or more because of service in the armed forces
6 of the United States shall not result in loss of settlement providing the
7 person was inducted into the service while residing in this State.

1 9. Every person who has removed or shall remove from this State and
2 has remained or shall remain therefrom less than one year shall upon his

3 return have the same municipal settlement as he had at the time of leaving
4 this State.

1 10. The initiation of correspondence by another State or a public agency
2 thereof seeking to return a person to this State shall terminate the period
3 of absence from this State for the purpose of determining whether legal
4 settlement has been lost.

1 11. The settlement of a married woman shall be that of her husband
2 except as otherwise herein provided;

3 (a) If her husband at the time of her marriage does not have settle-
4 ment in any State, she shall retain her own settlement until her husband
5 acquires one or until hers is lost.

6 (b) A widow or woman who is divorced or separated by judicial
7 decree from her husband shall have the same settlement which she had
8 at the time of the death of her husband or of her divorce or judicial
9 separation, but may subsequently acquire a new settlement.

10 (c) After continuous separation from her husband and absence from
11 the State for one year, a married woman's settlement shall be lost until
12 such time as she and her husband voluntarily resume living together,
13 in which event her settlement will be that of her husband.

1 12. The settlement of a minor born in wedlock shall be that of his parents
2 or surviving parent or in case of divorce or separation, of the parent having
3 his custody. In the case of the death of the parent having custody, the
4 settlement shall be that of the surviving parent. In case of the death of
5 both parents or in case of permanent separation from his parents by court
6 order or by surrender of custody by an instrument in writing in accordance
7 with law, the settlement of such minor at the time of such death or separa-
8 tion shall continue until his majority unless he shall gain a separate settle-
9 ment as hereinafter provided.

1 13. The settlement of a minor born out of wedlock shall be that of his
2 mother; but such minor may acquire a separate settlement in the same
3 manner as minors born in wedlock, as hereinafter provided.

1 14. A minor shall gain a separate settlement as follows:

2 (a) If a male, by marrying and living apart from parents for one
3 year.

4 (b) If a female, by marrying and living with her husband.

5 (c) By being legally adopted, in which case he shall have the settle-
6 ment of his foster parents or parent.

7 (d) By residing separately and apart from his parents and being
8 lawfully employed for one year when wages are paid to such minor.
9 This provision shall not apply in the case of a minor serving an appren-
10 ticeship or securing an education in a regularly organized training
11 school or other educational institution, or where such minor is dependent
12 in whole or in part upon his parent or guardian for support; except that
13 if such minor resumes living with either of his parents, his settlement
14 shall be the same as it was before his departure.

1 15. When a widow, divorced woman or unmarried mother gains a new
2 settlement by marriage, if, at the time of such marriage, her child is not
3 in her custody and is receiving care at public expense, the settlement of
4 such child shall not follow that of its mother until such time as the child
5 has been returned to the custody of its mother and has remained in her care
6 without receipt of public assistance for the period of one year.

1 16. No minor who is brought into this State, or who is placed out in
2 any family therein by any person, society or corporation, public or private,
3 of this or any other State, shall gain a separate legal settlement for the
4 purposes of this act except as provided by section fourteen.

1 17. When a person alleged to have a settlement elsewhere in the State
2 than in the municipality in which he is found is in need of public assist-
3 ance, the director of welfare of the municipality where such person is found
4 shall provide the assistance necessary, but shall, as soon as possible, send
5 a written notice stating the facts relating to such person's settlement to
6 the director of welfare of the municipality in which such person is alleged
7 to have a settlement.

1 18. The director of welfare receiving such notice shall forthwith cause
2 an investigation to be made as to the settlement of such person. He may
3 accept the responsibility for assistance granted to such person in which
4 event said director of welfare, subject to the provisions of section twenty-
5 nine, may elect:

3 (a) To order such person moved and returned to the place of legal
7 settlement at the expense of the municipality in which assistance is
8 being granted, or

9 (b) To be charged by the director of welfare of the municipality in
10 which such person is found, for the cost of assistance which shall be
11 granted, after the giving of such notice, for a period not exceeding
12 four months and for such further period or periods, if any, as shall be
13 agreed to by the director of welfare of the municipality in which such
14 assistance is being granted.

15 In any case provided for under subsection "b" of this section, upon
16 the expiration of said period of four months and of any extended period
17 or periods, if any, provided by this section, the director of welfare of the
18 municipality in which such person is found shall order and cause such person
19 to be moved and returned to his place of legal settlement at the expense
20 of the municipality in which assistance is being granted.

1 19. If the director of welfare receiving a notice under section seven-
2 teen decides to contest the allegation of the settlement of such person con-
3 tained in such notice, he shall not later than thirty days after its receipt
4 send a written protest stating the facts of the case relating to such per-
5 son's settlement to the director of welfare who issued the notice.

1 20. Failure by the director of welfare to send such protest within the
2 time specified or any extended time as herein provided shall constitute an
3 acceptance on behalf of the municipality of responsibility for the support of
4 such person and an admission that legal settlement is in the municipality
5 of which he is director of welfare.

1 21. If such protest is sent and the director of welfare of the munici-
2 pality where the person is found does not accept the facts therein presented
3 or if no protest is received by him, the determination of the settlement of
4 such person shall be referred to the State Municipal Aid Administration by
5 the director of welfare of the municipality where the person is found by send-
6 ing to the State Municipal Aid Administration a written reference not later
7 than forty days after the sending of the notice, a copy of which reference
8 shall be sent at the same time to the director of welfare of the municipality
9 wherein the person is alleged to have legal settlement.

1 22. Failure by a director of welfare to send such protest within the time
2 specified or any extended time as herein provided shall constitute a concur-
3 rence in the decision of the director of municipal aid hereinafter referred to.

1 23. The director of municipal aid, upon good cause shown, may extend
2 the time allowed for sending a protest or reference.

1 24. The notice, protest and reference required by this act shall be made
2 in the forms prescribed by the director of municipal aid and shall be sent
3 by registered mail.

1 25. The director of municipal aid shall render a decision determining
2 legal settlement after due consideration of all the facts and arguments of
3 the contesting directors of welfare. If insufficient facts are before him, he
4 may cause an investigation to be made and set a date for a hearing, to be
5 held after due notice to the welfare officials involved. He may in his deci-
6 sion order the person be removed to his place of legal settlement and
7 that the director of welfare of said municipality accept and receive such
8 person and provide such assistance as may be necessary.

1 26. Any decision of the director of municipal aid shall become final
2 upon the date of mailing of a copy thereof to the parties involved. The di-
3 rector of municipal aid shall be deemed to be a party to any judicial action
4 involving any such decision, and may be represented in any judicial action
5 by any qualified attorney who may be a regular salaried employee of the
6 State Municipal Aid Administration, or at the director of municipal aid's
7 request, by the Attorney-General.

1 27. The director of municipal aid may enforce his decision against the
2 responsible municipality by withholding from it from any State funds which
3 may be available for that purpose such sums as are sufficient to care for such
4 person which sums shall be paid directly by the State Municipal Aid Ad-
5 ministration to the municipality where the person is receiving assistance
6 in reimbursement therefor.

1 28. The director of municipal aid may apply to the court of common
2 pleas of the county wherein such person has legal settlement for an order
3 directing the responsible municipality and its director of welfare to furnish
4 assistance to the person in such manner as the court shall direct. Such order
5 may be obtained upon five days' notice to the municipality responsible for
6 such assistance and to its director of welfare. Violation of any such order
7 of the court of common pleas shall be a contempt of said court and the per-
8 son so violating shall be subjected to all penalties which by law may be im-
9 posed for other contempts of such court.

1 29. The municipality of legal settlement shall be required to reimburse
2 the municipality where the person is found for all assistance given to such
3 person subsequent to the date of the mailing of a notice pursuant to section
4 seventeen. The cost of such assistance from time to time may be recovered
5 by the municipality granting it from the responsible municipality in an
6 action at law in a court of competent jurisdiction.

1 30. A director of welfare shall not furnish assistance to a person having
2 legal settlement in his municipality while such person is residing in another
3 municipality, without having first obtained the approval in writing of the
4 director of welfare of the municipality where the person is residing.

1 31. If a person receiving public assistance in a municipality other than
2 the one responsible for his support, upon determination of responsibility and
3 order of removal made pursuant to the provisions of this act, refuses to be
4 removed to his place of legal settlement, the director of welfare of the mu-
5 nicipality in which such person is shall forthwith apply to the court of com-
6 mon pleas for the issuance of an order to the sheriff of the county where

7 such person is, or to some other person or persons, to remove such person to
8 the municipality in which he has his place of legal settlement and said
9 sheriff or other person or persons are authorized and empowered to remove
10 such person accordingly.

1 32. No person shall, without legal authority, send or bring, or cause to
2 be sent or brought, any poor person into a municipality with the purpose of
3 making him a charge on such municipality or for the purpose of avoiding
4 the responsibility of support in the municipality from which he is brought
5 or sent. Any person convicted of violating this section shall be guilty of a
6 misdemeanor.

1 33. Persons having no legal settlement in the State shall be furnished
2 public assistance by that municipality where found subject to reimbursement
3 by the State to the extent of eighty per centum (80%) of the total cost of
4 such assistance which shall be given in accordance with the standards, rules
5 and regulations of the director of municipal aid.

1 34. All such cases shall be immediately directed to the attention of the
2 director of municipal aid who shall forthwith take all lawful steps, under
3 interstate agreements or otherwise, affecting the removal of or permanent re-
4 settlement of such persons.

1 35. A director of welfare who grants assistance to a person not having
2 legal settlement in this State shall forthwith and not later than twenty days
3 after the first grant of assistance notify the Municipal Aid Administration in
4 writing thereof. If a director of welfare fails to send such notification within
5 the time prescribed and the person loses settlement in another State by reason
6 of such failure, the director of municipal aid shall refuse reimbursement for
7 such assistance as long as the person lacks legal settlement, in which event
8 the total cost of assistance given to such person shall be borne by the munic-
9 pality. If such person removes to another municipality, the cost of assist-
10 ance given by the other municipality to such person shall continue to be
11 chargeable against the first municipality as long as the person lacks legal

12 settlement and the municipality granting such assistance may recover its
13 cost from the first municipality from time to time in an action at law in a
14 court of competent jurisdiction.

1 36. Any person applying for public assistance who refuses to return to
2 another State wherein he has legal settlement after proper authorization
3 therefor has been obtained shall upon acceptance of public assistance be
4 guilty of a misdemeanor.

1 37. The director of municipal aid shall act as the agent of the State in
2 effectuating the purposes of any reciprocal interstate agreements respecting
3 the transportation of dependents and shall have complete control and super-
4 vision of cases which other States are seeking to return to this State. The
5 director of municipal aid shall have sole authority to either accept or reject
6 such cases in behalf of the State and its municipalities according to the pro-
7 visions of this act; except that the said director may refuse to accept a case
8 when it is in the public interest of this State to invoke a policy of reciprocity
9 as to those States whose legal settlement laws or the interpretation thereof
10 unduly prevent the return of persons who are in equity and good conscience
11 their responsibility, and the burden of proof shall be upon the State or public
12 agency thereof seeking to return a person to this State.

1 38. The decision of the director of municipal aid to accept a case under
2 section thirty-seven shall be final. It shall be the duty of the director of wel-
3 fare of the municipality where the person sought to be returned has legal
4 settlement to send an acknowledgment of responsibility for such case in
5 writing to the director of municipal aid not later than ten days after the mail-
6 ing of the decision.

1 39. If a director of welfare fails to send such acknowledgment of re-
2 sponsibility within the time specified, the director of municipal aid may apply
3 to the court of common pleas of the county wherein the person sought to
4 be returned has legal settlement for an order directing the responsible mu-
5 nicipality and its director of welfare to accept and receive said person and
6 furnish such assistance as may be necessary. Such order may be obtained

7 upon five days' notice to the municipality responsible for such assistance and
 8 to its director of welfare. Violation of any such order of the court of com-
 9 mon pleas shall be a contempt of said court and the person so violating shall
 10 be subject to all penalties which by law may be imposed for other contempts
 11 of such court.

1 40. All cases referred from out of the State which shall come to the atten-
 2 tion of a director of welfare shall forthwith be referred to the State Muni-
 3 cipal Aid Administration.

1 41. At the request of the director of municipal aid it shall be the duty of
 2 a director of welfare to cause an investigation to be made of the residence
 3 within his municipality of a person alleged to have settlement within the
 4 State.

1 42. Any person who knowingly brings, or causes to be brought, a destitute
 2 person from out of the State into this State without legal authority and
 3 leaves him or attempts to leave him for the purpose of making him a public
 4 charge, shall be guilty of a misdemeanor.

1 43. This act shall not be construed to apply to transients.

1 44. Nothing in this act shall apply to or affect a person from outside the
 2 United States of America, or in any way change the rights or liabilities of
 3 such persons as conferred or imposed by any law of the United States, nor
 4 the right otherwise conferred by law to deport or remove such persons to
 5 any other State wherein the person still retains, or may have acquired, a
 6 sett. t according to the laws of any State or country, and in all such cases
 7 no settlement shall be deemed to have been acquired within this State.

1 45. Any particular grant of power contained in this act shall be held to
 2 be in specification, but not in limitation of general powers.

1 46. The director of municipal aid may promulgate, alter and amend from
 2 time to time such rules, regulations and directory orders as are necessary and
 3 proper for carrying out any of the provisions of this act, which rules, regu-
 4 lations and orders shall be binding upon the municipalities.

1 47. Every person residing in this State at the time of the passage of this
 2 act who had legal residence in this State under sections ten, twelve and thir-

3 teen of chapter one hundred thirty of the laws of one thousand nine hundred
4 and forty, hereinafter repealed, shall have legal settlement in this State until
5 such time as it is lost under the provisions of this act. However, the mu-
6 nicipal settlement of such persons shall be determined only in accordance
7 with the provisions of this act.

1 48. Sections ten to fifteen, inclusive, and sections twenty-one to twenty-
2 four, inclusive, of chapter one hundred thirty of the laws of one thousand nine
3 hundred and forty are hereby expressly repealed. Sections 44:1-102 to
4 44:1-127, inclusive, and sections 44:4-57 to 44:4-81, inclusive, of the Revised
5 Statutes are hereby superseded insofar as they are inconsistent with the pro-
6 visions of this act.

1 49. This act shall take effect immediately.

STATEMENT

This bill has a twofold purpose. First, it is designed to clarify, amplify and make uniform the laws dealing with the legal settlement of needy persons. This has long been considered necessary by almost all, if not all, of the local and State administrators of public assistance in New Jersey. Second, it establishes a modernized administrative procedure for determining legal settlement disputes and the handling of non-State resident cases.

The present laws are not merely inadequate—they totally fail to perform their intended function. The enactment of this measure will not only make possible efficient administration of public assistance in a specialized field, but it will also result in definite economies to the State and its municipalities totalling many thousands of dollars each year.

This bill has been drafted after conferences between the Municipal Aid Administration and the Committee on Revision of Welfare Laws composed of local welfare directors. It has the approval of the Director of Municipal Aid and of the committee referred to above.

[OFFICIAL COPY REPRINT]

SENATE, No. 303

STATE OF NEW JERSEY

INTRODUCED APRIL 24, 1941

By Mr. ZINK

Referred to Committee on Municipal Aid

AN Act concerning the legal settlement of certain needy persons, providing for the administration of public assistance in certain cases and prescribing penalties for the violation thereof and repealing sections ten to fifteen, both inclusive, and sections twenty-one to twenty-four, both inclusive, of "An act to provide for the protection, welfare of and financial assistance to certain needy persons in the State of New Jersey, providing for the administration thereof, and prescribing penalties for the violation thereof," approved June eighteenth, one thousand nine hundred and forty (P. L. 1940, c. 130).

1 BE IT ENACTED by the Senate and General Assembly of the State of New
2 Jersey:

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3 the State Municipal Aid Administration;

4 "Director of welfare" means the officer whose duty it is to administer
5 public assistance in a municipality including the person designated by a local
6 assistance board to be its chief executive and administrative officer, and an
7 overseer of the poor;

8 "Municipality" shall include, in meaning, any city, borough, township,
9 town, village or municipality governed by a board of commissioners or an
10 improvement commission, whether participating in State aid for relief funds
11 or not;

12 "Public assistance" means assistance rendered to needy persons, not
13 otherwise provided for under the laws of this State, where such persons
14 are willing to work but are unable to secure employment due either to
15 physical disability or inability to find employment, and includes what is com-
16 monly called "emergency relief," and "temporary or outdoor poor relief"
17 given to needy persons who can be relieved temporarily in their homes or
18 without being maintained in an almshouse or welfare house;

19 "Person" may mean, according to the context, a person and his family;

1 2. Immediate public assistance shall be promptly rendered to any needy
2 person by the director of welfare of that municipality where the person is
3 found at the time of application, subject to determination and adjustment
4 of responsibility as hereinafter provided.

1 3. Subject to the provisions of this act, every person of full age who has
2 been or shall be a resident of and domiciled within the boundaries of this
3 State without interruption for two continuous years shall have legal settle-
4 ment in this State for the purposes of this act provided said person during
5 that period has resided for one continuous year in one municipality.

1 4. Subject to the provisions of this act, every person of full age who has
2 or shall have legal settlement in this State shall have municipal settlement
3 for the purposes of this act in that municipality in which he has last resided
4 for one continuous year.

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2 an interruption of the continuity of residence required for legal settlement in
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4 (a) Receiving public assistance, as defined in this act;

5 (b) Receiving public aid from any municipality, county, State or
6 Federal agency when that aid could not have been obtained according to
7 law unless the person is in need, whether received in the form of
8 orders, cash or wages;

9 (c) Receiving assistance under (a) or aid under (b) for such person
10 or for his wife or a minor child for whose support either such person
11 or his wife is responsible in this or in any other State;

12 (d) In a charitable, custodial or correctional institution in this State
 13 or while his wife or minor child is in a charitable, custodial or cor-
 14 rectional institution of another State or of the Federal government;

15 (e) On parole from an institution of this State, another State or of
 16 the Federal government;

17 (f) A fugitive from justice;

18 (g) Illegally in the United States;

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20 (i) In a veteran's hospital or similar institution;

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 22 this State under section three shall be computed from the date of the termina-
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 2 four, the time spent by a person residing in this State under the circum-
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 4 shall not be construed as an interruption of the continuity of residence and
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 3 shall continue to have such legal settlement until he shall remove from this
 4 State and remain therefrom continuously for one year; except that absence
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 6 of the United States shall not result in loss of settlement providing the
 7 person was inducted into the service while residing in this State.

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3 return have the same municipal settlement as he had at the time of leaving
4 this State.

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2 thereof seeking to return a person to this State shall terminate the period
3 of absence from this State for the purpose of determining whether legal
4 settlement has been lost.

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2 except as otherwise herein provided;

3 (a) If her husband at the time of her marriage does not have settle-
4 ment in any State, she shall retain her own settlement until her husband
5 acquires one or until hers is lost.

6 (b) A widow or woman who is divorced or separated by judicial
7 decree from her husband shall have the same settlement which she had
8 at the time of the death of her husband or of her divorce or judicial
9 separation, but may subsequently acquire a new settlement.

10 (c) After continuous separation from her husband and absence from
11 the State for one year, a married woman's settlement shall be lost until
12 such time as she and her husband voluntarily resume living together,
13 in which event her settlement will be that of her husband.

1 12. The settlement of a minor born in wedlock shall be that of his parents
2 or surviving parent or in case of divorce or separation, of the parent having
3 his custody. In the case of the death of the parent having custody, the
4 settlement shall be that of the surviving parent. In case of the death of
5 both parents or in case of permanent separation from his parents by court
6 order or by surrender of custody by an instrument in writing in accordance
7 with law, the settlement of such minor at the time of such death or separa-
8 tion shall continue until his majority unless he shall gain a separate settle-
9 ment as hereinafter provided.

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3 year.

4 (b) If a female, by marrying and living with her husband.

5 (c) By being legally adopted, in which case he shall have the settle-
6 ment of his foster parents or parent.

7 (d) By residing separately and apart from his parents and being
8 lawfully employed for one year when wages are paid to such minor.
9 This provision shall not apply in the case of a minor serving an appren-
10 ticeship or securing an education in a regularly organized training
11 school or other educational institution, or where such minor is dependent
12 in whole or in part upon his parent or guardian for support; except that
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5 has been returned to the custody of its mother and has remained in her care
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1 16. No minor who is brought into this State, or who is placed out in
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4 shall provide the assistance necessary, but shall, as soon as possible, send
5 a written notice stating the facts relating to such person's settlement to
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4 event said director of welfare, subject to the provisions of section twenty-
5 nine, may elect:

6 (a) To order such person moved and returned to the place of legal
7 settlement at the expense of the municipality in which assistance is
8 being granted, or

9 (b) To be charged by the director of welfare of the municipality in
10 which such person is found, for the cost of assistance which shall be
11 granted, after the giving of such notice, for a period not exceeding
12 four months and for such further period or periods, if any, as shall be
13 agreed to by the director of welfare of the municipality in which such
14 assistance is being granted.

15 In any case provided for under subsection "b" of this section, upon
16 the expiration of said period of four months and of any extended period
17 or periods, if any, provided by this section, the director of welfare of the
18 municipality in which such person is found shall order and cause such person
19 to be moved and returned to his place of legal settlement at the expense
20 of the municipality in which assistance is being granted.

1 19. If the director of welfare receiving a notice under section seven-
2 teen decides to contest the allegation of the settlement of such person con-
3 tained in such notice, he shall not later than thirty days after its receipt
4 send a written protest stating the facts of the case relating to such per-
5 son's settlement to the director of welfare who issued the notice.

1 20. Failure by the director of welfare to send such protest within the
2 time specified or any extended time as herein provided shall constitute an
3 acceptance on behalf of the municipality of responsibility for the support of
4 such person and an admission that legal settlement is in the municipality
5 of which he is director of welfare.

1 21. If such protest is sent and the director of welfare of the munic-
2 pality where the person is found does not accept the facts therein presented
3 or if no protest is received by him, the determination of the settlement of
4 such person shall be referred to the State Municipal Aid Administration by
5 the director of welfare of the municipality where the person is found by send-
6 ing to the State Municipal Aid Administration a written reference not later
7 than forty days after the sending of the notice, a copy of which reference
8 shall be sent at the same time to the director of welfare of the municipality
9 wherein the person is alleged to have legal settlement.

1 22. Failure by a director of welfare to send such protest within the time
2 specified or any extended time as herein provided shall constitute a concur-
3 rence in the decision of the director of municipal aid hereinafter referred to.

1 23. The director of municipal aid, upon good cause shown, may extend
2 the time allowed for sending a protest or reference.

1 24. The notice, protest and reference required by this act shall be made
2 in the forms prescribed by the director of municipal aid and shall be sent
3 by registered mail.

1 25. The director of municipal aid shall render a decision determining
2 legal settlement after due consideration of all the facts and arguments of
3 the contesting directors of welfare. If insufficient facts are before him, he
4 may cause an investigation to be made and set a date for a hearing, to be
5 held after due notice to the welfare officials involved. He may in his deci-
6 sion order that the person be removed to his place of legal settlement and
7 that the director of welfare of said municipality accept and receive such
8 person and provide such assistance as may be necessary.

1 26. Any decision of the director of municipal aid shall become final
2 upon the date of mailing of a copy thereof to the parties involved. The di-
3 rector of municipal aid shall be deemed to be a party to any judicial action
4 involving any such decision, and may be represented in any judicial action
5 by any qualified attorney who may be a regular salaried employee of the
6 State Municipal Aid Administration, or at the director of municipal aid's
7 request, by the Attorney-General.

1 27. The director of municipal aid may enforce his decision against the
2 responsible municipality by withholding from it from any State funds which
3 may be available for that purpose such sums as are sufficient to care for such
4 person which sums shall be paid directly by the State Municipal Aid Ad-
5 ministration to the municipality where the person is receiving assistance
6 in reimbursement therefor.

1 28. The director of municipal aid may apply to the court of common
2 pleas of the county wherein such person has legal settlement for an order
3 directing the responsible municipality and its director of welfare to furnish
4 assistance to the person in such manner as the court shall direct. Such order
5 may be obtained upon five days' notice to the municipality responsible for
6 such assistance and to its director of welfare. Violation of any such order
7 of the court of common pleas shall be a contempt of said court and the per-
8 son so violating shall be subjected to all penalties which by law may be im-
9 posed for other contempts of such court.

1 29. The municipality of legal settlement shall be required to reimburse
2 the municipality where the person is found for all assistance given to such
3 person subsequent to the date of the mailing of a notice pursuant to section
4 seventeen. The cost of such assistance from time to time may be recovered
5 by the municipality granting it from the responsible municipality in an
6 action at law in a court of competent jurisdiction.

1 30. A director of welfare shall not furnish assistance to a person having
2 legal settlement in his municipality while such person is residing in another
3 municipality, without having first obtained the approval in writing of the
4 director of welfare of the municipality where the person is residing.

1 31. If a person receiving public assistance in a municipality other than
2 the one responsible for his support, upon determination of responsibility and
3 order of removal made pursuant to the provisions of this act, refuses to be
4 removed to his place of legal settlement, the director of welfare of the mu-
5 nicipality in which such person is shall forthwith apply to the court of com-
6 mon pleas for the issuance of an order to the sheriff of the county where

7 such person is, or to some other person or persons, to remove such person to
8 the municipality in which he has his place of legal settlement and said
9 sheriff or other person or persons are authorized and empowered to remove
10 such person accordingly.

1 32. No person shall, without legal authority, send or bring, or cause to
2 be sent or brought, any poor person into a municipality with the purpose of
3 making him a charge on such municipality, or for the purpose of avoiding
4 the responsibility of support in the municipality from which he is brought
5 or sent. Any person convicted of violating this section shall be guilty of a
6 misdemeanor.

1 33. Persons having no legal settlement in the State shall be furnished
2 public assistance by that municipality where found subject to reimbursement
3 by the State to the extent of eighty per centum (80%) of the total cost of
4 such assistance which shall be given in accordance with the standards, rules
5 and regulations of the director of municipal aid.

1 34. All such cases shall be immediately directed to the attention of the
2 director of municipal aid who shall forthwith take all lawful steps, under
3 interstate agreements or otherwise, affecting the removal of or permanent re-
4 settlement of such persons.

1 35. A director of welfare who grants assistance to a person not having
2 legal settlement in this State shall forthwith and not later than twenty days
3 after the first grant of assistance notify the Municipal Aid Administration in
4 writing thereof. If a director of welfare fails to send such notification within
5 the time prescribed and the person loses settlement in another State by reason
6 of such failure, the director of municipal aid shall refuse reimbursement for
7 such assistance as long as the person lacks legal settlement, in which event
8 the total cost of assistance given to such person shall be borne by the munici-
9 pality. If such person removes to another municipality, the cost of assist-
10 ance given by the other municipality to such person shall continue to be
11 chargeable against the first municipality as long as the person lacks legal

12 settlement and the municipality granting such assistance may recover its
13 cost from the first municipality from time to time in an action at law in a
14 court of competent jurisdiction.

1 36. Any person applying for public assistance who refuses to return to
2 another State wherein he has legal settlement after proper authorization
3 therefor has been obtained shall upon acceptance of public assistance be
4 guilty of a misdemeanor.

1 37. The director of municipal aid shall act as the agent of the State in
2 effectuating the purposes of any reciprocal interstate agreements respecting
3 the transportation of dependents and shall have complete control and super-
4 vision of cases which other States are seeking to return to this State. The
5 director of municipal aid shall have sole authority to either accept or reject
6 such cases in behalf of the State and its municipalities according to the pro-
7 visions of this act; except that the said director may refuse to accept a case
8 when it is in the public interest of this State to invoke a policy of reciprocity
9 as to those States whose legal settlement laws or the interpretation thereof
10 unduly prevent the return of persons who are in equity and good conscience
11 their responsibility, and the burden of proof shall be upon the State or public
12 agency thereof seeking to return a person to this State.

1 38. The decision of the director of municipal aid to accept a case under
2 section thirty-seven shall be final. It shall be the duty of the director of wel-
3 fare of the municipality where the person sought to be returned has legal
4 settlement to send an acknowledgment of responsibility for such case in
5 writing to the director of municipal aid not later than ten days after the mail-
6 ing of the decision.

1 39. If a director of welfare fails to send such acknowledgment of re-
2 sponsibility within the time specified, the director of municipal aid may apply
3 to the court of common pleas of the county wherein the person sought to
4 be returned has legal settlement for an order directing the responsible mu-
5 nicipality and its director of welfare to accept and receive said person and
6 furnish such assistance as may be necessary. Such order may be obtained

7 upon five days' notice to the municipality responsible for such assistance and
8 to its director of welfare. Violation of any such order of the court of com-
9 mon pleas shall be a contempt of said court and the person so violating shall
10 be subject to all penalties which by law may be imposed for other contempts
11 of such court.

1 40. All cases referred from out of the State which shall come to the atten-
2 tion of a director of welfare shall forthwith be referred to the State Muni-
3 pal Aid Administration.

1 41. At the request of the director of municipal aid it shall be the duty of
2 a director of welfare to cause an investigation to be made of the residence
3 within his municipality of a person alleged to have settlement within the
4 State.

1 42. Any person who knowingly brings, or causes to be brought, a destitute
2 person from out of the State into this State without legal authority and
3 leaves him or attempts to leave him for the purpose of making him a public
4 charge, shall be guilty of a misdemeanor.

1 43. This act shall not be construed to apply to transients.

1 44. Nothing in this act shall apply to or affect a person from outside the
2 United States of America, or in any way change the rights or liabilities of
3 such persons as conferred or imposed by any law of the United States, nor
4 the right otherwise conferred by law to deport or remove such persons to
5 any other State wherein the person still retains, or may have acquired, a
6 settlement according to the laws of any State or country, and in all such cases
7 no settlement shall be deemed to have been acquired within this State.

1 45. Any particular grant of power contained in this act shall be held to
2 be in specification, but not in limitation of general powers.

1 46. The director of municipal aid may promulgate, alter and amend from
2 time to time such rules, regulations and directory orders as are necessary and
3 proper for carrying out any of the provisions of this act, which rules, regu-
4 lations and orders shall be binding upon the municipalities.

1 47. Every person residing in this State at the time of the passage of this
2 act who had legal residence in this State under sections ten, twelve and thir-

3 teen of chapter one hundred thirty of the laws of one thousand nine hundred
4 and forty, hereinafter repealed, shall have legal settlement in this State until
5 such time as it is lost under the provisions of this act. However, the mu-
6 nicipal settlement of such persons shall be determined only in accordance
7 with the provisions of this act.

1 48. Sections ten to fifteen, inclusive, and sections twenty-one to twenty-
2 four, inclusive, of chapter one hundred thirty of the laws of one thousand nine
3 hundred and forty are hereby expressly repealed. Sections 44:1-102 to
4 44:1-127, inclusive, and sections 44:4-57 to 44:4-81, inclusive, of the Revised
5 Statutes are hereby superseded insofar as they are inconsistent with the pro-
6 visions of this act.

1 49. This act shall take effect immediately.

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 303

STATE OF NEW JERSEY

INTRODUCED APRIL 24, 1941

By Mr. ZINK

Referred to Committee on Municipal Aid

AN ACT concerning the legal settlement of certain needy persons, providing for the administration of public assistance in certain cases and prescribing penalties for the violation thereof and repealing sections ten to fifteen, both inclusive, and sections twenty-one to twenty-four, both inclusive, of "An act to provide for the protection, welfare of and financial assistance to certain needy persons in the State of New Jersey, providing for the administration thereof, and prescribing penalties for the violation thereof," approved June eighteenth, one thousand nine hundred and forty (P. L. 1940, c. 130).

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Definitions. As used in this act:

2 "Director of municipal aid" means the Director of Municipal Aid of
3 the State Municipal Aid Administration;

4 "Director of welfare" means the officer whose duty it is to administer
5 public assistance in a municipality including the person designated by a local
6 assistance board to be its chief executive and administrative officer, and an
7 overseer of the poor;

8 "Municipality" shall include, in meaning, any city, borough, township,
9 town, village or municipality governed by a board of commissioners or an
10 improvement commission, whether participating in State aid for relief funds
11 or not;

12 "Public assistance" means assistance rendered to needy persons, not
13 otherwise provided for under the laws of this State, where such persons
14 are willing to work but are unable to secure employment due either to
15 physical disability or inability to find employment, and includes what is com-
16 monly called "emergency relief," and "temporary or outdoor poor relief"
17 given to needy persons who can be relieved temporarily in their homes or
18 without being maintained in an almshouse or welfare house;

19 "Person" may mean, according to the context, a person and his family;

1 2. Immediate public assistance shall be promptly rendered to any needy
2 person by the director of welfare of that municipality where the person is
3 found at the time of application, subject to determination and adjustment
4 of responsibility as hereinafter provided.

1 3. Subject to the provisions of this act, every person of full age who has
2 been or shall be a resident of and domiciled within the boundaries of this
3 State without interruption for two continuous years shall have legal settle-
4 ment in this State for the purposes of this act provided said person during
5 that period has resided for one continuous year in one municipality.

1 4. Subject to the provisions of this act, every person of full age who has
2 or shall have legal settlement in this State shall have municipal settlement
3 for the purposes of this act in that municipality in which he has last resided
4 for one continuous year.

1 5. The time spent by a person residing in this State shall be construed as
2 an interruption of the continuity of residence required for legal settlement in
3 this State under section three, while such person was or is

4 (a) Receiving public assistance, as defined in this act;

5 (b) Receiving public aid from any municipality, county, State or
6 Federal agency when that aid could not have been obtained according to
7 law unless the person is in need, whether received in the form of
8 orders, cash or wages;

9 (c) Receiving assistance under (a) or aid under (b) for such person
10 or for his wife or a minor child for whose support either such person
11 or his wife is responsible in this or in any other State;

12 (d) In a charitable, custodial or correctional institution in this State
13 or while his wife or minor child is in a charitable, custodial or cor-
14 rectional institution of another State or of the Federal government;

15 (e) On parole from an institution of this State, another State or of
16 the Federal government;

17 (f) A fugitive from justice;

18 (g) Illegally in the United States;

19 (h) In the armed forces of the United States;

20 (i) In a veteran's hospital or similar institution;

21 and the two continuous years of residence required for legal settlement in
22 this State under section three shall be computed from the date of the termina-
23 tion of any interruption hereinabove specified.

1 6. For the purpose of determining municipal settlement under section
2 four, the time spent by a person residing in this State under the circum-
3 stances enumerated in subsections (a) through (i) inclusive of section five
4 shall not be construed as an interruption of the continuity of residence and
5 such time shall not be computed in determining length of residence.

1 7. Public assistance shall not be deemed public assistance within the
2 meaning of section five subsection (a) if it is given by reason of quarantine
3 because of a communicable disease under the provisions of the public health
4 laws of this State or if the cost of such assistance has been repaid by the
5 recipient in full.

1 8. Every person who has or shall have a separate legal settlement, not
2 derived from that of another person, pursuant to the provisions of this act
3 shall continue to have such legal settlement until he shall remove from this
4 State and remain therefrom continuously for one year; except that absence
5 from the State for one year or more because of service in the armed forces
6 of the United States shall not result in loss of settlement providing the
7 person was inducted into the service while residing in this State.

1 9. Every person who has removed or shall remove from this State and
2 has remained or shall remain therefrom less than one year shall upon his

3 return have the same municipal settlement as he had at the time of leaving
4 this State.

1 10. The initiation of correspondence by another State or a public agency
2 thereof seeking to return a person to this State shall terminate the period
3 of absence from this State for the purpose of determining whether legal
4 settlement has been lost.

1 11. The settlement of a married woman shall be that of her husband
2 except as otherwise herein provided;

3 (a) If her husband at the time of her marriage does not have settle-
4 ment in any State, she shall retain her own settlement until her husband
5 acquires one or until hers is lost.

6 (b) A widow or woman who is divorced or separated by judicial
7 decree from her husband shall have the same settlement which she had
8 at the time of the death of her husband or of her divorce or judicial
9 separation, but may subsequently acquire a new settlement.

10 (c) After continuous separation from her husband and absence from
11 the State for one year, a married woman's settlement shall be lost until
12 such time as she and her husband voluntarily resume living together,
13 in which event her settlement will be that of her husband.

1 12. The settlement of a minor born in wedlock shall be that of his parents
2 or surviving parent or in case of divorce or separation, of the parent having
3 his custody. In the case of the death of the parent having custody, the
4 settlement shall be that of the surviving parent. In case of the death of
5 both parents or in case of permanent separation from his parents by court
6 order or by surrender of custody by an instrument in writing in accordance
7 with law, the settlement of such minor at the time of such death or separa-
8 tion shall continue until his majority unless he shall gain a separate settle-
9 ment as hereinafter provided.

1 13. The settlement of a minor born out of wedlock shall be that of his
2 mother; but such minor may acquire a separate settlement in the same
3 manner as minors born in wedlock, as hereinafter provided.

1 14. A minor shall be deemed capable under the provisions of this act of
2 acquiring a separate settlement, in the same manner as persons of full age,
3 from the time he or she has complied with either of the following pro-
4 visions:

5 (a) If a male, by marrying and living apart from parents.

6 (b) By residing separately and apart from his parents and being
7 lawfully employed when wages are paid to such minor. This provision
8 shall not apply in the case of a minor serving an apprenticeship or
9 securing an education in a regularly organized training school or other
10 educational institution, or where such minor is dependent in whole or in
11 part upon his parent or guardian for support; except that if such minor
12 resumes living with either of his parents, his settlement shall be the
13 same as it was before his departure.

1 15. When a widow, divorced woman or unmarried mother gains a new
2 settlement by marriage, if, at the time of such marriage, her child is not
3 in her custody and is receiving care at public expense, the settlement of
4 such child shall not follow that of its mother until such time as the child
5 has been returned to the custody of its mother and has remained in her care
6 without receipt of public assistance for the period of one year.

1 16. No minor who is brought into this State, or who is placed out in
2 any family therein by any person, society or corporation, public or private,
3 of this or any other State, shall gain a separate legal settlement for the
4 purposes of this act except as provided by section fourteen.

1 17. When a person alleged to have a settlement elsewhere in the State
2 than in the municipality in which he is found is in need of public assist-
3 ance, the director of welfare of the municipality where such person is found
4 shall provide the assistance necessary, but shall, as soon as possible, send
5 a written notice stating the facts relating to such person's settlement to
6 the director of welfare of the municipality in which such person is alleged
7 to have a settlement.

1 18. The director of welfare receiving such notice shall forthwith cause
2 an investigation to be made as to the settlement of such person. He may
3 accept the responsibility for assistance granted to such person in which
4 event said director of welfare, subject to the provisions of section twenty-
5 nine, may elect:

6 (a) To order such person moved and returned to the place of legal
7 settlement at the expense of the municipality in which assistance is
8 being granted, or

9 (b) To be charged by the director of welfare of the municipality in
10 which such person is found, for the cost of assistance which shall be
11 granted, after the giving of such notice, for a period not exceeding
12 four months and for such further period or periods, if any, as shall be
13 agreed to by the director of welfare of the municipality in which such
14 assistance is being granted.

15 In any case provided for under subsection "b" of this section, upon
16 the expiration of said period of four months and of any extended period
17 or periods, if any, provided by this section, the director of welfare of the
18 municipality in which such person is found shall order and cause such person
19 to be moved and returned to his place of legal settlement at the expense
20 of the municipality in which assistance is being granted.

1 19. If the director of welfare receiving a notice under section seven-
2 teen decides to contest the allegation of the settlement of such person con-
3 tained in such notice, he shall not later than thirty days after its receipt
4 send a written protest stating the facts of the case relating to such per-
5 son's settlement to the director of welfare who issued the notice.

1 20. Failure by a director of welfare to send such protest within the
2 time specified or any extended time as herein provided shall constitute a
3 concurrence in the decision of the director of municipal aid hereinafter re-
4 ferred to.

1 21. If such protest is sent and the director of welfare of the muni-
2 pality where the person is found does not accept the facts therein presented

3 or if no protest is received by him, the determination of the settlement of
4 such person shall be referred to the State Municipal Aid Administration by
5 the director of welfare of the municipality where the person is found by send-
6 ing to the State Municipal Aid Administration a written reference not later
7 than forty days after the sending of the notice, a copy of which reference
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1 22. Failure by the director of welfare to send such reference within the
2 time specified or any extended time as herein provided shall constitute an
3 acceptance on behalf of the municipality of responsibility for the support
4 of such person and an admission that legal settlement is in the municipality
5 of which he is director of welfare.

1 23. The director of municipal aid, upon good cause shown, may extend
2 the time allowed for sending a protest or reference.

1 24. The notice, protest and reference required by this act shall be made
2 in the forms prescribed by the director of municipal aid and shall be sent
3 by registered mail.

1 25. The director of municipal aid shall render a decision determining
2 legal settlement after due consideration of all the facts and arguments of
3 the contesting directors of welfare. If insufficient facts are before him, he
4 may cause an investigation to be made and set a date for a hearing, to be
5 held after due notice to the welfare officials involved. He may in his deci-
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7 that the director of welfare of said municipality accept and receive such
8 person and provide such assistance as may be necessary.

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2 upon the date of mailing of a copy thereof to the parties involved. The di-
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4 involving any such decision, and may be represented in any judicial action
5 by any qualified attorney who may be a regular salaried employee of the
6 State Municipal Aid Administration, or at the director of municipal aid's
7 request, by the Attorney-General.

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2 responsible municipality by withholding from it from any State funds which
3 may be available for that purpose such sums as are sufficient to care for such
4 person which sums shall be paid directly by the State Municipal Aid Ad-
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2 pleas of the county wherein such person has legal settlement for an order
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4 assistance to the person in such manner as the court shall direct. Such order
5 may be obtained upon five days' notice to the municipality responsible for
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2 the one responsible for his support, upon determination of responsibility and
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9 sheriff or other person or persons are authorized and empowered to remove
10 such person accordingly.

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4 vision of cases which other States are seeking to return to this State. The
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2 person from out of the State into this State without legal authority and
3 leaves him or attempts to leave him for the purpose of making him a public
4 charge, shall be guilty of a misdemeanor.

1 43. This act shall not be construed to apply to transients.

1 44. Nothing in this act shall apply to or affect a person from outside the
2 United States of America, or in any way change the rights or liabilities of
3 such persons as conferred or imposed by any law of the United States, nor
4 the right otherwise conferred by law to deport or remove such persons to
5 any other State wherein the person still retains, or may have acquired, a
6 settlement according to the laws of any State or country, and in all such cases
7 no settlement shall be deemed to have been acquired within this State.

1 45. Any particular grant of power contained in this act shall be held to
2 be in specification, but not in limitation of general powers.

1 46. The director of municipal aid may promulgate, alter and amend from
2 time to time such rules, regulations and directory orders as are necessary and
3 proper for carrying out any of the provisions of this act, which rules, regu-
4 lations and orders shall be binding upon the municipalities.

1 47. Every person residing in this State at the time of the passage of this
2 act who had legal residence in this State under sections ten, twelve and thir-

3 teen of chapter one hundred thirty of the laws of one thousand nine hundred
4 and forty, hereinafter repealed, shall have legal settlement in this State until
5 such time as it is lost under the provisions of this act. However, the mu-
6 nicipal settlement of such persons shall be determined only in accordance
7 with the provisions of this act.

1 48. Sections ten to fifteen, inclusive, and sections twenty-one to twenty-
2 four, inclusive, of chapter one hundred thirty of the laws of one thousand nine
3 hundred and forty are hereby expressly repealed. Sections 44:1-102 to
4 44:1-127, inclusive, and sections 44:4-57 to 44:4-81, inclusive, of the Revised
5 Statutes are hereby superseded insofar as they are inconsistent with the pro-
6 visions of this act.

1 49. This act shall take effect immediately.

SENATE, No. 303

STATE OF NEW JERSEY

INTRODUCED APRIL 24, 1941

By Mr. ZINK

Referred to Committee on Municipal Aid

AN ACT concerning the legal settlement of certain needy persons, providing for the administration of public assistance in certain cases and proscribing penalties for the violation thereof and repealing sections ten to fifteen, both inclusive, and sections twenty-one to twenty-four, both inclusive, of "An act to provide for the protection, welfare of and financial assistance to certain needy persons in the State of New Jersey, providing for the administration thereof, and proscribing penalties for the violation thereof," approved June eighteenth, one thousand nine hundred and forty (P. L. 1940, c. 130).

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. Definitions. As used in this act:

2 "Director of municipal aid" means the Director of Municipal Aid of
3 the State Municipal Aid Administration;

4 "Director of welfare" means the officer whose duty it is to administer
5 public assistance in a municipality including the person designated by a local
6 assistance board to be its chief executive and administrative officer, and an
7 overseer of the poor;

8 "Municipality" shall include, in meaning, any city, borough, township,
9 town, village or municipality governed by a board of commissioners or an
10 improvement commission, whether participating in State aid for relief funds
11 or not;

12 "Public assistance" means assistance rendered to needy persons, not
13 otherwise provided for under the laws of this State, where such persons
14 are willing to work but are unable to secure employment due either to
15 physical disability or inability to find employment, and includes what is com-
16 monly called "emergency relief," and "temporary or outdoor poor relief"
17 given to needy persons who can be relieved temporarily in their homes or
18 without being maintained in an almshouse or welfare house;

19 "Person" may mean, according to the context, a person and his family;

1 2. Immediate public assistance shall be promptly rendered to any needy
2 person by the director of welfare of that municipality where the person is
3 found at the time of application, subject to determination and adjustment
4 of responsibility as hereinafter provided.

1 3. Subject to the provisions of this act, every person of full age who has
2 been or shall be a resident of and domiciled within the boundaries of this
3 State without interruption for two continuous years shall have legal settle-
4 ment in this State for the purposes of this act provided said person during
5 that period has resided for one continuous year in one municipality.

1 4. Subject to the provisions of this act, every person of full age who has
2 or shall have legal settlement in this State shall have municipal settlement
3 for the purposes of this act in that municipality in which he has last resided
4 for one continuous year.

1 5. The time spent by a person residing in this State shall be construed as
2 an interruption of the continuity of residence required for legal settlement in
3 this State under section three, while such person was or is

4 (a) Receiving public assistance, as defined in this act;

5 (b) Receiving public aid from any municipality, county, State or
6 Federal agency when that aid could not have been obtained according to
7 law unless the person is in need, whether received in the form of
8 orders, cash or wages;

9 (c) Receiving assistance under (a) or aid under (b) for such person
10 or for his wife or a minor child for whose support either such person
11 or his wife is responsible in this or in any other State;

12 (d) In a charitable, custodial or correctional institution in this State
13 or while his wife or minor child is in a charitable, custodial or cor-
14 rectional institution of another State or of the Federal government;

15 (e) On parole from an institution of this State, another State or of
16 the Federal government;

17 (f) A fugitive from justice;

18 (g) Illegally in the United States;

19 (h) In the armed forces of the United States;

20 (i) In a veteran's hospital or similar institution;

21 and the two continuous years of residence required for legal settlement in
22 this State under section three shall be computed from the date of the termina-
23 tion of any interruption hereinabove specified.

1 6. For the purpose of determining municipal settlement under section
2 four, the time spent by a person residing in this State under the circum-
3 stances enumerated in subsections (a) through (i) inclusive of section five
4 shall not be construed as an interruption of the continuity of residence and
5 such time shall not be computed in determining length of residence.

1 7. Public assistance shall not be deemed public assistance within the
2 meaning of section five subsection (a) if it is given by reason of quarantine
3 because of a communicable disease under the provisions of the public health
4 laws of this State or if the cost of such assistance has been repaid by the
5 recipient in full.

1 8. Every person who has or shall have a separate legal settlement, not
2 derived from that of another person, pursuant to the provisions of this act
3 shall continue to have such legal settlement until he shall remove from this
4 State and remain therefrom continuously for one year; except that absence
5 from the State for one year or more because of service in the armed forces
6 of the United States shall not result in loss of settlement providing the
7 person was inducted into the service while residing in this State.

1 9. Every person who has removed or shall remove from this State and
2 has remained or shall remain therefrom less than one year shall upon his

3 return have the same municipal settlement as he had at the time of leaving
4 this State.

1 10. The initiation of correspondence by another State or a public agency
2 thereof seeking to return a person to this State shall terminate the period
3 of absence from this State for the purpose of determining whether legal
4 settlement has been lost.

1 11. The settlement of a married woman shall be that of her husband
2 except as otherwise herein provided;

3 (a) If her husband at the time of her marriage does not have settle-
4 ment in any State, she shall retain her own settlement until her husband
5 acquires one or until hers is lost.

6 (b) A widow or woman who is divorced or separated by judicial
7 decree from her husband shall have the same settlement which she had
8 at the time of the death of her husband or of her divorce or judicial
9 separation, but may subsequently acquire a new settlement.

10 (c) After continuous separation from her husband and absence from
11 the State for one year, a married woman's settlement shall be lost until
12 such time as she and her husband voluntarily resume living together,
13 in which event her settlement will be that of her husband.

1 12. The settlement of a minor born in wedlock shall be that of his parents
2 or surviving parent or in case of divorce or separation, of the parent having
3 his custody. In the case of the death of the parent having custody, the
4 settlement shall be that of the surviving parent. In case of the death of
5 both parents or in case of permanent separation from his parents by court
6 order or by surrender of custody by an instrument in writing in accordance
7 with law, the settlement of such minor at the time of such death or separa-
8 tion shall continue until his majority unless he shall gain a separate settle-
9 ment as hereinafter provided.

1 13. The settlement of a minor born out of wedlock shall be that of his
2 mother; but such minor may acquire a separate settlement in the same
3 manner as minors born in wedlock, as hereinafter provided.

1 14. A minor shall be deemed capable under the provisions of this act of
2 acquiring a separate settlement, in the same manner as persons of full age,
3 from the time he or she has complied with either of the following provisions:

4 (a) If a male, by marrying and living apart from parents.

5 (b) By residing separately and apart from his parents and being
6 lawfully employed when wages are paid to such minor. This provision
7 shall not apply in the case of a minor serving an apprenticeship or secur-
8 ing an education in a regularly organized training school or other educa-
9 tional institution, or where such minor is dependent in whole or in part
10 upon his parent or guardian for support; except that if such minor
11 resumes living with either of his parents, his settlement shall be the
12 same as it was before his departure.

1 15. When a widow, divorced woman or unmarried mother gains a new
2 settlement by marriage, if, at the time of such marriage, her child is not
3 in her custody and is receiving care at public expense, the settlement of
4 such child shall not follow that of its mother until such time as the child
5 has been returned to the custody of its mother and has remained in her care
6 without receipt of public assistance for the period of one year.

1 16. No minor who is brought into this State, or who is placed out in
2 any family therein by any person, society or corporation, public or private,
3 of this or any other State, shall gain a separate legal settlement for the
4 purposes of this act except as provided by section fourteen.

1 17. When a person alleged to have a settlement elsewhere in the State
2 in the municipality in which he is found is in need of public assist-
3 ance, the director of welfare of the municipality where such person is found
4 shall provide the assistance necessary, but shall, as soon as possible, send
5 a written notice stating the facts relating to such person's settlement to
6 the director of welfare of the municipality in which such person is alleged
7 to have a settlement.

1 18. The director of welfare receiving such notice shall forthwith cause
2 an investigation to be made as to the settlement of such person. He may

3 accept the responsibility for assistance granted to such person in which
4 event said director of welfare, subject to the provisions of section twenty-
5 nine, may elect:

6 (a) To order such person moved and returned to the place of legal
7 settlement at the expense of the municipality in which assistance is
8 being granted, or

9 (b) To be charged by the director of welfare of the municipality in
10 which such person is found, for the cost of assistance which shall be
11 granted, after the giving of such notice, for a period not exceeding
12 four months and for such further period or periods, if any, as shall be
13 agreed to by the director of welfare of the municipality in which such
14 assistance is being granted.

15 In any case provided for under subsection "b" of this section, upon
16 the expiration of said period of four months and of any extended period
17 or periods, if any, provided by this section, the director of welfare of the
18 municipality in which such person is found shall order and cause such person
19 to be moved and returned to his place of legal settlement at the expense
20 of the municipality in which assistance is being granted.

1 19. If the director of welfare receiving a notice under section seven-
2 teen decides to contest the allegation of the settlement of such person con-
3 tained in such notice, he shall not later than thirty days after its receipt
4 send a written protest stating the facts of the case relating to such per-
5 son's settlement to the director of welfare who issued the notice.

1 20. Failure by a director of welfare to send such protest within the time
2 specified or any extended time as herein provided shall constitute a concur-
3 rence in the decision of the director of municipal aid hereinafter referred
4 to.

1 21. If such protest is sent and the director of welfare of the munici-
2 pality where the person is found does not accept the facts therein presented
3 or if no protest is received by him, the determination of the settlement of
4 such person shall be referred to the State Municipal Aid Administration by

5 the director of welfare of the municipality where the person is found by send-
6 ing to the State Municipal Aid Administration a written reference not later
7 than forty days after the sending of the notice, a copy of which reference
8 shall be sent at the same time to the director of welfare of the municipality
9 wherein the person is alleged to have legal settlement.

1 22. Failure by the director of welfare to send such reference within the
2 time specified or any extended time as herein provided shall constitute an
3 acceptance on behalf of the municipality of responsibility for the support of
4 such person and an admission that legal settlement is in the municipality of
5 which he is director of welfare.

1 23. The director of municipal aid, upon good cause shown, may extend
2 the time allowed for sending a protest or reference.

1 24. The notice, protest and reference required by this act shall be made
2 in the forms prescribed by the director of municipal aid and shall be sent
3 by registered mail.

1 25. The director of municipal aid shall render a decision determining
2 legal settlement after due consideration of all the facts and arguments of
3 the contesting directors of welfare. If insufficient facts are before him, he
4 may cause an investigation to be made and set a date for a hearing, to be
5 held after due notice to the welfare officials involved. He may in his deci-
6 sion order that the person be removed to his place of legal settlement and
7 that the director of welfare of said municipality accept and receive such
8 person and provide such assistance as may be necessary.

1 26. Any decision of the Director of municipal aid shall become final
2 upon the date of mailing of a copy thereof to the parties involved. The di-
3 rector of municipal aid shall be deemed to be a party to any judicial action
4 involving any such decision, and may be represented in any judicial action
5 by any qualified attorney who may be a regular salaried employee of the
6 State Municipal Aid Administration, or at the director of municipal aid's
7 request, by the Attorney-General.

1 27. The director of municipal aid may enforce his decision against the
2 responsible municipality by withholding from it from any State funds which
3 may be available for that purpose such sums as are sufficient to care for such
4 person which sums shall be paid directly by the State Municipal Aid Ad-
5 ministration to the municipality where the person is receiving assistance
6 in reimbursement therefor.

1 28. The director of municipal aid may apply to the court of common
2 pleas of the county wherein such person has legal settlement for an order
3 directing the responsible municipality and its director of welfare to furnish
4 assistance to the person in such manner as the court shall direct. Such order
5 may be obtained upon five days' notice to the municipality responsible for
6 such assistance and to its director of welfare. Violation of any such order
7 of the court of common pleas shall be a contempt of said court and the per-
8 son so violating shall be subjected to all penalties which by law may be im-
9 posed for other contempts of such court.

1 29. The municipality of legal settlement shall be required to reimburse
2 the municipality where the person is found for all assistance given to such
3 person subsequent to the date of the mailing of a notice pursuant to section
4 seventeen. The cost of such assistance from time to time may be recovered
5 by the municipality granting it from the responsible municipality in an
6 action at law in a court of competent jurisdiction.

1 30. A director of welfare shall not furnish assistance to a person having
2 legal settlement in his municipality while such person is residing in another
3 municipality, without having first obtained the approval in writing of the
4 director of welfare of the municipality where the person is residing.

1 31. If a person receiving public assistance in a municipality other than
2 the one responsible for his support, upon determination of responsibility and
3 order of removal made pursuant to the provisions of this act, refuses to be
4 removed to his place of legal settlement, the director of welfare of the mu-
5 nicipality in which such person is shall forthwith apply to the court of com-
6 mon pleas for the issuance of an order to the sheriff of the county where

7 such person is, or to some other person or persons, to remove such person to
8 the municipality in which he has his place of legal settlement and said
9 sheriff or other person or persons are authorized and empowered to remove
10 such person accordingly.

1 32. No person shall, without legal authority, send or bring, or cause to
2 be sent or brought, any poor person into a municipality with the purpose of
3 making him a charge on such municipality, or for the purpose of avoiding
4 the responsibility of support in the municipality from which he is brought
5 or sent. Any person convicted of violating this section shall be guilty of a
6 misdemeanor.

1 33. Persons having no legal settlement in the State shall be furnished
2 public assistance by that municipality where found subject to reimbursement
3 by the State to the extent of eighty per centum (80%) of the total cost of
4 such assistance which shall be given in accordance with the standards, rules
5 and regulations of the director of municipal aid.

1 34. All such cases shall be immediately directed to the attention of the
2 director of municipal aid who shall forthwith take all lawful steps, under
3 interstate agreements or otherwise, affecting the removal of or permanent re-
4 settlement of such persons.

1 35. A director of welfare who grants assistance to a person not having
2 legal settlement in this State shall forthwith and not later than twenty days
3 after the first grant of assistance notify the Municipal Aid Administration in
4 writing thereof. If a director of welfare fails to send such notification within
5 the time prescribed and the person loses settlement in another State by reason
6 of such failure, the director of municipal aid shall refuse reimbursement for
7 such assistance as long as the person lacks legal settlement, in which event
8 the total cost of assistance given to such person shall be borne by the muni-
9 cipality. If such person removes to another municipality, the cost of assist-
10 ance given by the other municipality to such person shall continue to be
11 chargeable against the first municipality as long as the person lacks legal

12 settlement and the municipality granting such assistance may recover its
13 cost from the first municipality from time to time in an action at law in a
14 court of competent jurisdiction.

1 36. Any person applying for public assistance who refuses to return to
2 another State wherein he has legal settlement after proper authorization
3 therefor has been obtained shall upon acceptance of public assistance be
4 guilty of a misdemeanor.

1 37. The director of municipal aid shall act as the agent of the State in
2 effectuating the purposes of any reciprocal interstate agreements respecting
3 the transportation of dependents and shall have complete control and super-
4 vision of cases which other States are seeking to return to this State. The
5 director of municipal aid shall have sole authority to either accept or reject
6 such cases in behalf of the State and its municipalities according to the pro-
7 visions of this act; except that the said director may refuse to accept a case
8 when it is in the public interest of this State to invoke a policy of reciprocity
9 as to those States whose legal settlement laws or the interpretation thereof
10 unduly prevent the return of persons who are in equity and good conscience
11 their responsibility, and the burden of proof shall be upon the State or public
12 agency thereof seeking to return a person to this State.

1 38. The decision of the director of municipal aid to accept a case under
2 section thirty-seven shall be final. It shall be the duty of the director of wel-
3 fare of the municipality where the person sought to be returned has legal
4 settlement to send an acknowledgment of responsibility for such case in
5 writing to the director of municipal aid not later than ten days after the mail-
6 ing of the decision.

1 39. If a director of welfare fails to send such acknowledgment of re-
2 sponsibility within the time specified, the director of municipal aid may apply
3 to the court of common pleas of the county wherein the person sought to
4 be returned has legal settlement for an order directing the responsible mu-
5 nicipality and its director of welfare to accept and receive said person and
6 furnish such assistance as may be necessary. Such order may be obtained

7 upon five days' notice to the municipality responsible for such assistance and
8 to its director of welfare. Violation of any such order of the court of com-
9 mon pleas shall be a contempt of said court and the person so violating shall
10 be subject to all penalties which by law may be imposed for other contempts
11 of such court.

1 40. All cases referred from out of the State which shall come to the atten-
2 tion of a director of welfare shall forthwith be referred to the State Muni-
3 cipal Aid Administration.

1 41. At the request of the director of municipal aid it shall be the duty of
2 a director of welfare to cause an investigation to be made of the residence
3 within his municipality of a person alleged to have settlement within the
4 State.

1 42. Any person who knowingly brings, or causes to be brought, a destitute
2 person from out of the State into this State without legal authority and
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