

44: 10-2; 44: 10-3

LEGISLATIVE HISTORY CHECKLIST

NJSA 44:10-2; 44:10-3 (AFDC recipients--makes assignments of support rights automatic by statute)

LAWS 1980 CHAPTER 172

Bill No. A1654

Sponsor(s) Janiszewski

Date Introduced May 1, 1980

Committee: Assembly Institutions, Health and Welfare

Senate Institutions, Health and Welfare

Amended during passage Yes No

Date of Passage: Assembly June 23, 1980

Senate Nov. 10, 1980

Date of approval Dec. 22, 1980

Following statements are attached if available:

Sponsor statement Yes No (Below)

Committee Statement: Assembly Yes No

Senate Yes No

Fiscal Note Yes No

Veto Message Yes No

Message on signing Yes No

Following were printed:

Reports Yes No

Hearings Yes No

Sponsor's statement:

This bill makes the assignment of support rights by aid to families with dependent children applicants and recipients automatic by statute, and eliminates the requirement that a notice be sent to appropriate law enforcement officials upon the desertion of a child receiving aid to families with dependent children.

6/22/81

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ASSEMBLY, No. 1654

STATE OF NEW JERSEY

INTRODUCED MAY 1, 1980

By Assemblyman JANISZEWSKI

Referred to Committee on Institutions, Health and Welfare

AN ACT to amend "An act concerning assistance for dependent children, supplementing Title 44 of the Revised Statutes and repealing certain statutes relating thereto," approved June 11, 1959 (P. L. 1959, c. 86).

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

1 1. Section 2 of P. L. 1959, c. 86 (C. 44:10-2) is amended to read
2 as follows:

3 2. Eligible dependent children living in New Jersey and the
4 parent or parents or relative or relatives with whom they are
5 living shall be entitled to financial assistance and other services
6 from the county welfare agency of the county in which they reside,
7 which shall be administered in accordance with and governed by
8 requirements, conditions, limitations and procedures similar to
9 those established by chapter 7 of Title 44 of the Revised Statutes
10 excepting sections 44:7-3, 44:7-5, 44:7-14 to 44:7-16, inclusive and
11 R. S. 44:7-25. Notwithstanding any provision to the contrary, no
12 natural or adoptive parents with a dependent child as defined in
13 section 1 (c) (1) (iii) shall be eligible to receive assistance where
14 the insufficiency of income or resources is the direct result of (a) a
15 voluntary cessation of employment within 90 days prior to the
16 date of application which such voluntary cessation shall include
17 unemployment due to inappropriate work habits resulting in dis-
18 charge from employment or (b) a voluntary assignment or transfer
19 of property within 1 year prior to the time of application for the
20 purpose of qualifying for public assistance.

21 *Additionally, application for or receipt of aid to families with*
22 *dependent children shall operate as an assignment, pursuant to*
23 *Titles IV-A and IV-D of the Social Security Act, to the county wel-*
24 *fare agency of any rights to support from any other person that*

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

25 *the applicant or recipient may have on his own behalf or on behalf*
 26 *of any other family member for whom the applicant or recipient*
 27 *is applying for or receiving assistance. The assignment shall termi-*
 28 *nate with respect to current support rights upon a determination*
 29 *by the director of the county welfare agency that the person is no*
 30 *longer eligible for aid to families with dependent children except*
 31 *with respect to the amount of any unpaid support obligation that*
 32 *has accrued.*

1 2. Section 3 of P. L. 1959, c. 86 (C. 44:10-3) is amended to read
 2 as follows:

3 3. The Commissioner of Human Services is authorized, directed
 4 and empowered to issue, or to cause to be issued by the appropriate
 5 departmental officers or agencies, all necessary rules and regula-
 6 tions and administrative orders, and to do or cause to be done all
 7 other acts and things necessary to secure for the State of New
 8 Jersey the maximum Federal financial participation that is avail-
 9 able with respect to a program of aid to families with dependent
 10 children and otherwise to accomplish the purposes of this act, in-
 11 cluding specifically the following:

12 (a) To assure that the program shall be in effect in all counties
 13 of the State and be mandatory upon them;

14 (b) To assure that all individuals wishing to make application
 15 for aid to families with dependent children shall have opportunity
 16 to do so, and that assistance shall be furnished with reasonable
 17 promptness to or for all eligible individuals;

18 (c) To provide that, in determining eligibility for financial
 19 assistance and the amount of assistance to be granted, there
 20 shall be taken into consideration all other income and resources of
 21 the dependent child and of the parent, parents, or other relatives
 22 with whom such child is living, except that, in making such deter-
 23 mination, there shall be disregarded the amounts of income and
 24 resources required by Federal law as a condition of Federal
 25 financial participation;

26 (d) To provide safeguards which restrict the use or disclosure
 27 of information concerning applicants and recipients to purposes
 28 directly connected with the administration of the program;

29 (e) **【To provide for prompt notice to appropriate law enforce-**
 30 **ment officials of the furnishing of assistance to or for a child who**
 31 **has been deserted or abandoned by a parent;】** (*Deleted by amend-*
 32 *ment.*)

33 (f) To assure that all persons eligible for financial assistance,
 34 including those persons not entitled to a grant of assistance because
 35 of the eligibility standards contained in section 2, or receiving

36 financial assistance under the provisions of this act shall not receive,
37 nor be eligible to receive during the same period, any other financial
38 assistance from this State or any political subdivision thereof,
39 with respect to any maintenance requirements or other items for
40 which allowance is or may be made pursuant to this act; provided
41 that persons eligible for but not receiving benefits under Title XVI
42 of the Social Security Act shall be afforded the opportunity to apply
43 for and receive assistance under this act;

44 (g) To prescribe appropriate services which shall be made avail-
45 able by or utilized by the county welfare agencies for the purpose
46 of maintaining and strengthening family life for children;

47 (h) To assure that payments of financial assistance, with respect
48 to a dependent child or children, to a parent or relative with whom
49 such child is living, will be terminated promptly, and other
50 arrangements for the care and maintenance of such child or children
51 instituted, in any case where it is determined that the payments
52 to such parent or relative under the provisions of this act are
53 failing to secure for the child or children a standard of maintenance,
54 care and family life consistent with the purposes stated in section
55 1(a) of this act;

56 (i) To provide for appropriate services and cooperative ar-
57 rangements with other agencies so that maximum opportunities for
58 employment and training for employment will be available to
59 recipients of financial assistance, and to prescribe the conditions
60 under which financial assistance will be denied to an individual
61 who refuses without good cause to accept employment or training
62 for employment;

63 (j) To provide opportunity for a family with a dependent child
64 as defined in section 1. (c) (1) (iii) to make application for assist-
65 ance when the child is deprived of parental support or care by
66 reason of insufficient income or other resources. Such application
67 shall be made in a form which shall be prescribed by the Division
68 of Public Welfare, and which may be secured from the county
69 welfare agency. Said form shall be completed and signed by both
70 parents, except that if a parent is unavailable to sign the applica-
71 tion for reasons beyond the family's control one signature will
72 suffice. In that event the nonsignatory parent shall be required to
73 annex his signature as promptly as he is available for such purpose;

74 (k) Prescribe the conditions under which financial assistance will
75 be denied to any family in which the father refuses, without good
76 cause, to accept employment, better employment, or training for
77 employment or better employment;

78 (1) To provide that assistance to be granted to an eligible family
79 with a dependent child as defined in section 1. (c) (1) (iii) which
80 qualifies for assistance because of insufficient income or other
81 resources shall be computed in the following manner:

82 (1) From an amount equal to 66 $\frac{2}{3}$ % of the applicable
83 standard otherwise established by the Division of Public Wel-
84 fare, the following shall be deducted:

85 (i) the monthly unearned income of the family; and

86 (ii) the monthly earned income of the employed parents
87 and of employed children not excluded by the provisions of
88 section 1. (e) of this act, less (i) the first \$60.00 earned by
89 each such employed person and (ii) one-third of the re-
90 mainder after deducting said \$60.00 for each such employed
91 person.

92 (2) The sum resulting from the computation described above
93 shall be the amount of assistance to the family, provided that
94 the amount of assistance shall be limited by those ceilings
95 established by the Division of Public Welfare. Available
96 resources shall be utilized to meet need before eligibility for
97 public assistance is established.

1 3. This act shall take effect immediately.

STATEMENT

This bill makes the assignment of support rights by aid to fam-
ilies with dependent children applicants and recipients automatic
by statute, and eliminates the requirement that a notice be sent
to appropriate law enforcement officials upon the desertion of a
child receiving aid to families with dependent children.

**ASSEMBLY INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE**

**STATEMENT TO
ASSEMBLY, No. 1654**

STATE OF NEW JERSEY

DATED: JUNE 16, 1980

This bill makes the assignment of support rights by AFDC (Aid to Families with Dependent Children) applicants automatic by statute. It is claimed that the present use of a separate form to assign support rights to the county welfare agency increases the error rates in AFDC cases. Automatic assignment of support rights would greatly reduce this error rate. This bill also eliminates the requirement that a notice of abandonment or desertion be sent to certain law enforcement officials.

The committee supports this legislation and released the bill without amendment.

SENATE INSTITUTIONS, HEALTH AND WELFARE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1654

STATE OF NEW JERSEY

DATED: OCTOBER 6, 1980

This bill makes the assignment of support rights by Aid to Families with Dependent Children (AFDC) applicants automatic with the signing of the application for assistance. The bill also eliminates the obsolete requirement that a notice of abandonment or desertion be sent to certain law enforcement officials.