

44:10-44 to 44:10-54

LEGISLATIVE HISTORY CHECKLIST  
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(Welfare reform)

NJSA: 44:10-44 to 44:10-54

LAWS OF: 1997 CHAPTER: 14

BILL NO: A15

SPONSOR(S): Vandervalk and others

DATE INTRODUCED: November 7, 1996

COMMITTEE: ASSEMBLY: Policy & Regulatory Oversight; Appropriations

SENATE: ---

AMENDED DURING PASSAGE: Yes Amendments during passage denoted  
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*first*

DATE OF PASSAGE: ASSEMBLY: December 12, 1996

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FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

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COMMITTEE STATEMENT: ASSEMBLY: Yes 12-5-96 (2)

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[First Reprint]  
ASSEMBLY, No. 15

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 7, 1996

By Assemblywoman VANDERVALK, Assemblymen CHARLES  
and Blee

1 AN ACT concerning welfare reform, supplementing Title 44 of the  
2 Revised Statutes and amending P.L.1994, c.147.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. (New section) As used in this act:

8 "Applicant" means an applicant for benefits provided by the Work  
9 First New Jersey program.

10 "Assistance unit" means: a single person without dependent  
11 children; a couple without dependent children; dependent children  
12 only; or a person <sup>1</sup>or couple<sup>1</sup> with one or more dependent children  
13 who are legally or blood-related, or who is their legal guardian, and  
14 who live together as a household unit.

15 "Benefits" means any assistance provided to needy persons and  
16 their dependent children and <sup>1</sup>needy<sup>1</sup> single persons <sup>1</sup>and couples  
17 without dependent children<sup>1</sup> under the Work First New Jersey  
18 program.

19 "Commissioner" means the Commissioner of Human Services.

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

28 "Dependent child" means a child:

29 a. under the age of 18;

30 b. under the age of 19 and a full-time student in a secondary school

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

**<sup>1</sup> Assembly APR committee amendments adopted December 5, 1996.**

1 or an equivalent level of vocational or technical training, if, before the  
2 student attains age 19, the student may reasonably be expected to  
3 complete the student's program of secondary school or training; or

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

8 "Eligible alien" means one of the following:

9 a. a qualified alien <sup>1</sup>**[immigrant]**<sup>1</sup> admitted to the United States  
10 prior to August 22, 1996, who is eligible for means-tested, federally  
11 funded public benefits pursuant to federal law;

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

15 c. a qualified alien <sup>1</sup>**[immigrant]**<sup>1</sup> who is a veteran of, or on active  
16 duty in, the armed forces of the United States, or the spouse or  
17 dependent child of that person pursuant to federal law;

18 d. a recipient of refugee and entrant assistance activities or a  
19 Cuban or Haitian entrant pursuant to federal law; <sup>1</sup>**[or]**<sup>1</sup>

20 e. a legal permanent resident alien who has worked 40 qualifying  
21 quarters of coverage as defined under Title II of the federal Social  
22 Security Act; except that, for any period after December 31, 1996, a  
23 quarter during which an individual received means-tested, federally  
24 funded public benefits shall not count toward the total number of  
25 quarters<sup>1</sup>**[.]**;

26 f. a qualified alien admitted to the United States on or after August  
27 22, 1996, who has lived in the United States for at least five years and  
28 is eligible for means-tested, federally funded public benefits pursuant  
29 to federal law; or

30 g. a qualified alien who has been battered or subjected to extreme  
31 cruelty in the United States by a spouse, parent or a member of the  
32 spouse or parent's family residing in the same household as the alien,  
33 or a qualified alien whose child has been battered or subjected to  
34 extreme cruelty in the United States by a spouse or parent of the alien,  
35 without the active participation of the alien, or by a member of the  
36 spouse or parent's family residing in the same household as the alien.  
37 In either case, the spouse or parent shall have consented or acquiesced  
38 to the battery or cruelty and there shall be a substantial connection  
39 between the battery or cruelty and the need for benefits to be  
40 provided. The provisions of this subsection shall not apply to an alien  
41 during any period in which the individual responsible for the battery or  
42 cruelty resides in the same household or assistance unit as the  
43 individual subjected to the battery or cruelty. Benefits shall be  
44 provided to the extent and for the period of time that the alien or  
45 alien's child is eligible for the program.

46 For the purposes of this section, "qualified alien" is defined

1 pursuant to the provisions of section 431 of Title IV of Pub.L.104-  
2 193.<sup>1</sup>

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

16 "Income eligibility standard" means the income eligibility threshold  
17 based on assistance unit size established by regulation of the  
18 commissioner for benefits provided within the limit of funds  
19 appropriated by the Legislature.

20 <sup>1</sup>"Legal guardian" means a person who exercises continuing control  
21 over the person or property, or both, of a child, including any specific  
22 right of control over an aspect of the child's upbringing, pursuant to  
23 a court order.<sup>1</sup>

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

29 "Recipient" means a recipient of benefits under the Work First New  
30 Jersey program.

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

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

39 <sup>1</sup>"Title IV-D" means the provisions of Title IV-D of the federal  
40 Social Security Act governing paternity establishment and child  
41 support enforcement activities and requirements.<sup>1</sup>

42 "Work First New Jersey program" or "program" means the  
43 program established pursuant to P.L. , c. (C. )(pending before the  
44 Legislature as Assembly Bill No. 12 of 1996).

45

46 2. (New section) a. Benefits under the Work First New Jersey

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

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

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

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

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

43

44 3. (New section) A recipient who has resided in New Jersey for  
45 less than 12 consecutive months shall be eligible to receive cash  
46 assistance benefits in the amount that the recipient would have

1 received from the recipient's immediately prior state of residence if  
2 that amount is less than the cash assistance benefits provided by the  
3 program. This limitation on cash assistance benefits shall apply until  
4 the recipient has resided in New Jersey for 12 consecutive months.

5  
6 4. (New section) Information concerning applicants or recipients  
7 shall not be disclosed except for purposes directly connected with the  
8 administration of the program, in accordance with regulations to be  
9 adopted by the commissioner. Any person <sup>1</sup>or entity<sup>1</sup> under contract  
10 to provide services to the program shall comply with these  
11 regulations. The provisions of this section shall not be construed to  
12 prohibit the exchange of information among agencies, organizations,  
13 or other entities as prescribed by the commissioner or pursuant to  
14 federal requirements.

15  
16 5. (New section) a. Only those persons who are United States  
17 citizens or eligible aliens shall be eligible for benefits under the Work  
18 First New Jersey program. Single adults or couples without dependent  
19 children who are legal aliens who meet federal requirements and have  
20 applied for citizenship, shall not receive benefits for more than six  
21 months unless <sup>1</sup>(1)<sup>1</sup> they attain citizenship<sup>1</sup>, or (2) they have passed  
22 the English language and civics components for citizenship, and are  
23 awaiting final determination of citizenship by the federal Immigration  
24 and Naturalization Service<sup>1</sup>. <sup>1</sup>**【Legal aliens who arrived in the United**  
25 **States on or after August 22, 1996 who are eligible for citizenship and**  
26 **do not apply for citizenship, are not eligible for benefits.】**<sup>1</sup>

27 b. The following persons shall not be eligible <sup>1</sup>**【to receive benefits】**  
28 for assistance<sup>1</sup> and shall not be considered to be members of an  
29 assistance unit:

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

33 (2) Supplemental Security Income recipients<sup>1</sup>, except for the  
34 purposes of receiving emergency assistance benefits pursuant to  
35 section 8 of P.L. , c. (C. )(pending before the Legislature as this  
36 bill)<sup>1</sup>;

37 (3) illegal aliens;

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

39 (5) a person <sup>1</sup>absent from the home<sup>1</sup> who is incarcerated in a  
40 federal, State, county or local <sup>1</sup>**【prison】** corrective facility<sup>1</sup> or under  
41 the custody of correctional authorities, except as provided by  
42 regulation of the commissioner;

43 (6) a person who: is fleeing to avoid prosecution, custody or  
44 confinement after conviction, under the laws of the jurisdiction from  
45 which the person has fled, for a crime or an attempt to commit a crime  
46 which is a felony or a high misdemeanor under the laws of the

1 jurisdiction from which the person has fled; or is violating a condition  
2 of probation or parole imposed under federal or State law;

3 (7) a person convicted on or after August 22, 1996 under federal  
4 or State law of any offense which is classified as a felony <sup>1</sup>or crime,  
5 as appropriate,<sup>1</sup> under the laws of the jurisdiction involved and which  
6 has as an element the possession, use, or distribution of a controlled  
7 substance as defined in section 102(6) of the federal "Controlled  
8 Substances Act" (21 U.S.C. §802 (6))<sup>1</sup>; except that a person convicted  
9 of any such offense which has as an element the possession or use only  
10 of such a controlled substance may be eligible for benefits if the person  
11 has successfully completed a drug treatment program approved by the  
12 commissioner. Eligibility for benefits shall commence upon  
13 completion of the drug treatment program, except that during the first  
14 60 days after completion of the drug treatment program, the  
15 commissioner shall provide for testing of the person to determine if the  
16 person is free of any controlled substance. If the person is determined  
17 to not be free of any controlled substance during the 60-day period,  
18 the person's eligibility for benefits pursuant to this paragraph shall be  
19 terminated. The commissioner, in consultation with the Commissioner  
20 of Health and Senior Services, shall adopt regulations to carry out the  
21 provisions of this paragraph, which shall include the criteria for  
22 determining completion of a drug treatment program<sup>1</sup>;

23 (8) a person found to have fraudulently misrepresented his  
24 residence in order to obtain means-tested, <sup>1</sup>**[federally funded]**<sup>1</sup> public  
25 benefits in two or more states <sup>1</sup>or jurisdictions<sup>1</sup>, who shall be ineligible  
26 for benefits for a period of 10 years from the date of conviction in a  
27 federal or State court; or

28 (9) a person who intentionally makes a false or misleading  
29 statement or misrepresents, conceals or withholds facts for the  
30 purpose of receiving benefits, who shall be ineligible for benefits for  
31 a period of six months for the first violation, 12 months for the second  
32 violation, and permanently for the third violation.

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

36  
37 6. (New section) a. The signing of an application for benefits  
38 under the Work First New Jersey program shall constitute an  
39 assignment of any child support rights pursuant to <sup>1</sup>**[45 CFR 232.11]**  
40 Title IV-D<sup>1</sup> on behalf of individual assistance unit members to the  
41 county agency. The assignment shall terminate with respect to current  
42 support rights when a determination is made by the county agency that  
43 the person in the assistance unit is no longer eligible for benefits. The  
44 determination of the amount of repayment to the county agency and  
45 distribution of any unpaid support obligations that have accrued during  
46 the period of receipt of benefits shall be determined by regulation of

1 the commissioner in accordance with federal law.

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

6 c. An assistance unit eligible for benefits and in receipt of child  
7 support shall receive, in addition to its regular grant of cash assistance  
8 benefits, an amount up to \$50 per month based on the amount of  
9 current child support received for that month. If the amount of child  
10 support received is less than \$50, the 'family assistance unit' shall  
11 receive that amount. If the amount of child support received is \$50 or  
12 more, the 'family assistance unit' shall receive \$50.

13

14 7. (New section) a. A dependent child who has been or is  
15 expected by a parent, legal guardian or caretaker relative to be absent  
16 from the home for a period of time as established by regulation of the  
17 commissioner, shall remain eligible for benefits during that period,  
18 except that, an absence for periods or for reasons other than those  
19 stipulated in regulations adopted by the commissioner shall be cause  
20 for denial or termination of benefits for that dependent child.

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

27

28 8. (New section) a. Emergency assistance shall be provided only  
29 to recipients of Work First New Jersey and persons receiving  
30 Supplemental Security Income pursuant to P.L.1973, c.256 (C.44:7-85  
31 et seq.) in emergent situations, as determined by the commissioner, for  
32 up to 12 cumulative months; except that<sup>1</sup>:

33 (1) <sup>1</sup>the commissioner may provide for an extension of emergency  
34 assistance <sup>1</sup>only for an additional six months to an assistance unit of  
35 a recipient with dependent children, to be provided in three-month  
36 increments, at the commissioner's discretion] for up to six additional  
37 months to an assistance unit with dependent children, if the  
38 commissioner determines that a case of extreme hardship exists. The  
39 commissioner shall review each such case on a monthly basis during  
40 the six-month period and shall continue the emergency assistance only  
41 if the commissioner determines, based upon the monthly review, that  
42 the extreme hardship continues to exist. If the extreme hardship  
43 continues to exist at the end of the six-month period, the commissioner  
44 may provide an additional six months of emergency assistance to no  
45 more than 10% of those assistance units with dependent children  
46 which are receiving temporary rental assistance under the emergency



1 assistance component of the program, based upon the most current  
2 data available; and

3 (2) the commissioner may provide for an extension of emergency  
4 assistance for up to six additional months to no more than 10% of  
5 single adults and couples without dependent children who are  
6 receiving temporary rental assistance under the emergency assistance  
7 component of the program, if the commissioner determines that a case  
8 of extreme hardship exists. The commissioner shall review each such  
9 case on a monthly basis during the six-month period and shall continue  
10 the emergency assistance only if the commissioner determines, based  
11 upon the monthly review, that the extreme hardship continues to  
12 exist<sup>1</sup>.

13 Any form of emergency assistance provided pursuant to this section  
14 shall count toward the maximum period of emergency assistance  
15 allowed.

16 b. A person receiving emergency assistance shall contribute from  
17 the person's income toward the payment of all emergency shelter  
18 arrangements, including temporary housing and temporary rental  
19 assistance, in accordance with regulations adopted by the  
20 commissioner. As a condition of receipt of emergency assistance, a  
21 person shall be required to take all reasonable steps to end the person's  
22 dependency on emergency assistance and take all other actions  
23 required by the commissioner.

24 c. <sup>1</sup>The commissioner shall adopt regulations to establish  
25 classifications for hotel or motel per diem rates in accordance with the  
26 level of enhanced services provided at a participating hotel or motel.

27 d.<sup>1</sup> The provisions of this section shall apply to a person who  
28 receives general public assistance pursuant to P.L.1947, c.156  
29 (C.44:8-107 et seq.) after the effective date of this act and is  
30 subsequently transferred directly into the Work First New Jersey  
31 program.

32  
33 9. (New section) The commissioner shall assure that an applicant  
34 or recipient shall be afforded the opportunity for a hearing if the  
35 applicant's or recipient's claim for benefits is denied, reduced,  
36 suspended, terminated or not acted upon within a reasonable time, in  
37 accordance with regulations adopted by the commissioner. A  
38 recipient shall continue to receive the recipient's current benefits  
39 pending the outcome of the hearing. The hearing shall be conducted  
40 by the Office of Administrative Law in accordance with the  
41 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
42 seq.).

43  
44 10. (New section) In the case of an experimental, pilot or  
45 demonstration project which in the judgment of the commissioner is  
46 likely to assist in promoting the objectives of the Work First New

1 Jersey program, or to promote the objectives of the Title IV-D child  
2 support enforcement program in the State, the commissioner may  
3 waive compliance with the requirements of the Work First New  
4 <sup>1</sup> ~~Jersey~~ Jersey program to the extent the commissioner deems  
5 necessary to carry out the project and for a period of time not to  
6 exceed three years, during which time the commissioner shall report  
7 to the Legislature on the progress of the project at least every six  
8 months <sup>1</sup>; except that the commissioner shall not waive compliance  
9 with the provisions of subsection h. of section 8 of P.L. , c. (C. )  
10 (pending before the Legislature as Assembly Bill No.12 of 1996) or  
11 implement a pilot or demonstration project that circumvents or  
12 obstructs a collective bargaining agreement.<sup>1</sup> The commissioner shall  
13 provide an opportunity for public comment prior to the  
14 implementation of the project. The commissioner shall establish any  
15 fiscal or evaluative terms and conditions for the project that he deems  
16 appropriate.

17

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

20 1. The Commissioner of Human Services shall establish a  
21 centralized registry in the Division of Family Development of the  
22 Department of Human Services to contain the names and Social  
23 Security numbers, and such additional identifying information as the  
24 commissioner deems appropriate, of recipients of benefits under ~~the~~  
25 "General Public Assistance Law," P.L.1947, c.156 (C.44:8-107 et  
26 seq.)] P.L. , c. (C. ) (pending before the Legislature as  
27 Assembly Bill No. 12 of 1996). Each of the ~~municipal welfare~~  
28 ~~agencies]~~ <sup>1</sup> administrative] <sup>1</sup> entities <sup>1</sup> administering public assistance<sup>1</sup>  
29 designated by the commissioner shall provide such information and  
30 assistance as the commissioner may request to carry out the provisions  
31 of <sup>1</sup> ~~this act]~~ P.L.1994, c.147 (C.44:8-111.1 et seq.)<sup>1</sup>. The  
32 commissioner shall provide for the periodic updating of the  
33 information contained in the registry.

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

35

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

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

44 b. The commissioner shall also provide for the use of the registry  
45 to conduct comparison checks of ~~general]~~ general] public assistance recipient

1 records between **【municipalities】** **'【administrative】'** entities  
2 'administering public assistance' within the State**【**, as well as  
3 comparison checks of general public assistance recipient records with  
4 those of recipients of aid to families with dependent children benefits  
5 under P.L.1959, c.86 (C.44:10-1 et seq.)**】**.  
6 (cf: P.L.1994, c.147, s.2)

7

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

12

13 14. This act shall take effect immediately .

14

15

16

17

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

1 records between **[municipalities]** administrative entities within the  
2 State], as well as comparison checks of general public assistance  
3 recipient records with those of recipients of aid to families with  
4 dependent children benefits under P.L.1959, c.86 (C.44:10-1 et seq.)].  
5 (cf: P.L.1994, c.147, s.2)

6  
7 13. The commissioner, pursuant to the "Administrative Procedure  
8 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), shall adopt rules and  
9 regulations to effectuate the purposes of this act and to comply with  
10 the requirements of Pub.L.104-193.

11  
12 14. This act shall take effect immediately .

#### 13 14 15 STATEMENT

16  
17 This bill is part of a legislative package which establishes the "Work  
18 First New Jersey" program in the Departmentstandard of of Human  
19 Services as the State's consolidated public assistance program,  
20 replacing the current programs of aid to families with dependent  
21 children, (AFDC), AFDC emergency assistance, general assistance  
22 (GA), GA emergency assistance, the GA employability program, and  
23 the Family Development Initiative.

24 The bill establishes the basic eligibility requirements for the  
25 program and authorizes the Commissioner of Human Services to  
26 determine the income and resource eligibility levels for each type of  
27 assistance unit eligible for the program. The bill sets limits on the  
28 amount of monthly cash assistance benefits a recipient who has lived  
29 in the State for less than 12 months, may receive.

30 The bill provides for the confidentiality of information concerning  
31 applicants and recipients of Work First New Jersey benefits. Also, the  
32 bill specifies that only United States citizens and eligible aliens shall be  
33 eligible for benefits under the program. Eligible aliens include:

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

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

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

43 d. a recipient of refugee and entrant assistance activities or a  
44 Cuban or Haitian entrant pursuant to federal law; or

45 e. a legal permanent resident alien who has worked 40 qualifying  
46 quarters of coverage as defined under Title II of the federal Social

1 Security Act; except that, for any period after December 31, 1996, a  
2 quarter during which an individual received means-tested, federally  
3 funded public benefits shall not count toward the total number of  
4 quarters.

5 The bill also provides that legal aliens who arrived in the United  
6 States after August 22, 1996 who are eligible for citizenship and do  
7 not apply for citizenship, are not eligible for benefits. Single adults or  
8 couples without dependent children who are legal aliens who meet  
9 federal requirements and have applied for citizenship, shall be eligible  
10 for benefits for only six months unless they attain citizenship.  
11 Individuals who are not eligible to receive benefits under the program  
12 include:

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

16 (2) Supplemental Security Income recipients;

17 (3) illegal aliens;

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

19 (5) a person who is incarcerated in a federal, State, county or local  
20 prison or under the custody of correctional authorities, except as  
21 provided by regulation of the commissioner;

22 (6) a person who: is fleeing to avoid prosecution, custody or  
23 confinement after conviction for felony or a high misdemeanor; or is  
24 violating a condition of probation or parole imposed under federal or  
25 State law;

26 (7) a person convicted on or after August 22, 1996 under federal  
27 or State law of any felony offense involving the possession, use, or  
28 distribution of a controlled substance;

29 (8) a person found to have fraudulently misrepresented his  
30 residence in order to obtain means-tested, federally funded public  
31 benefits in two or more states, who shall be ineligible for benefits for  
32 a period of 10 years from the date of conviction in a federal or State  
33 court; or

34 (9) a person who intentionally makes a false or misleading  
35 statement or misrepresents, conceals or withholds facts for the  
36 purpose of receiving benefits, who shall be ineligible for benefits for  
37 a period of six months for the first violation, 12 months for the second  
38 violation, and permanently for the third violation.

39 The bill specifies that a signing of an application for benefits under  
40 the Work First New Jersey program constitutes an assignment of child  
41 support rights on behalf of individual recipients, to the county agency  
42 administering the program.

43 The bill requires a parent, legal guardian or caretaker relative to  
44 report the absence of a dependent child to the county administering  
45 agency by the end of the five-day period that the adult becomes aware  
46 that the child will be absent.

1 The bill provides that emergency assistance will be provided to  
2 recipients of Work First New Jersey and to persons receiving  
3 Supplemental Security Income in emergent situations for up to 12  
4 cumulative months. The commissioner is authorized to provide for an  
5 extension of assistance for an additional six months (in three month  
6 increments) to a recipient with dependent children. A person receiving  
7 emergency assistance shall contribute from the person's income toward  
8 the payment of all emergency shelter arrangements.

9 The bill provides applicants and recipients with an opportunity for  
10 a hearing in the event the person's claim for benefits is denied,  
11 reduced, suspended, terminated or not acted upon within a reasonable  
12 time.

13 The bill authorizes the commissioner to waive compliance with the  
14 requirements of the Work First New Jersey program for up to three  
15 years in the case of an experimental, pilot or demonstration project  
16 which the commissioner determines is likely to assist in promoting the  
17 objectives of the program or the Title IV-D child support enforcement  
18 program in the State.

19 Finally, the bill amends P.L.1994, c.147 concerning the centralized  
20 registry of single persons and couples without dependent children  
21 (General Assistance recipients) to conform its provisions with the  
22 Work First New Jersey program.

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

# ASSEMBLY APPROPRIATIONS COMMITTEE

## STATEMENT TO

[First Reprint]

## ASSEMBLY, No. 15

# STATE OF NEW JERSEY

DATED: DECEMBER 5, 1996

The Assembly Appropriations Committee reports favorably Assembly Bill No. 15 (Aca).

Assembly Bill No. 15 (Aca) is part of a legislative package, along with Assembly Bills 12, 13, 14, that establishes the "Work First New Jersey" program in the Department of Human Services as the State's consolidated public assistance program, replacing the current programs of aid to families with dependent children, (AFDC), AFDC emergency assistance, general assistance (GA), GA emergency assistance, the GA employability program, and the Family Development Initiative.

This bill: establishes the basic eligibility requirements for the program and authorizes the Commissioner of Human Services to determine the income and resource eligibility levels for each type of assistance unit eligible for the program; sets limits on the amount of monthly cash assistance a recipient who has lived in the State for less than 12 months may receive; provides for the confidentiality of information concerning applicants and recipients of "Work First New Jersey" program benefits; specifies that only United States citizens and eligible aliens will be eligible for benefits under the program; provides for eligibility requirements for legal aliens; lists the persons who are not eligible to receive benefits under the program; specifies that a signing of an application for program benefits constitutes an assignment of child support rights on behalf of individual recipients; provides for emergency assistance to recipients of the "Work First New Jersey" program and to persons receiving Supplemental Security Income for a certain time period, with certain exceptions; provides applicants and recipients with an opportunity for a hearing in the event a claim for benefits is denied, reduced, suspended, terminated or not acted upon within a reasonable time; authorizes the commissioner to waive compliance with the requirements of the "Work First New Jersey" program for up to three years for certain experimental, pilot or demonstration projects; and amends current law concerning the centralized registry of single persons and couples without dependent children (General Assistance recipients) to conform its provisions with the "Work First New Jersey" program; and clarifies employment

provisions and technical definitions. For a more detailed description of this bill, the Assembly Policy and Regulatory Oversight Committee statement of this date, should be consulted.

FISCAL IMPACT:

The overall costs of the legislative package cannot be determined at this time because the impact of many of the provisions will not be known until the program is implemented.

During a hearing on the Senate version of these bills, the Commissioner of Human Services stated that the overall gross cost of the programs under "Work First New Jersey Program" is now approximately \$1.3 billion and it is the intention of the department to maintain at that level for several fixed years. Submission of a State plan to the federal government (which has been done) followed by enactment of the "Work First New Jersey" program to comply with the new federal mandates qualifies the State for the federal Temporary Assistance to Needy Families Block Grant in the amount of \$404 million annually, approximately \$50 to \$60 million more than the State recently received under existing programs.

The commissioner stated that he would present a revised summary budget for Fiscal Year 1997 for the programs being consolidated, reflecting the changes in revenues, costs and requirements necessitated by the new federal law and the proposed bills.



ASSEMBLY POLICY AND REGULATORY OVERSIGHT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 15**

with committee amendments

**STATE OF NEW JERSEY**

DATED: DECEMBER 5, 1996

The Assembly Policy and Regulatory Oversight Committee reports favorably and with committee amendments Assembly Bill No. 15.

As amended by the committee, this bill is part of a legislative package which establishes the "Work First New Jersey" program in the Department of Human Services as the State's consolidated public assistance program, replacing the current programs of aid to families with dependent children, (AFDC), AFDC emergency assistance, general assistance (GA), GA emergency assistance, the GA employability program, and the Family Development Initiative.

The bill establishes the basic eligibility requirements for the program and authorizes the Commissioner of Human Services to determine the income and resource eligibility levels for each type of assistance unit eligible for the program. The bill sets limits on the amount of monthly cash assistance benefits a recipient who has lived in the State for less than 12 months may receive.

The bill provides for the confidentiality of information concerning applicants and recipients of Work First New Jersey benefits. Also, the bill specifies those aliens who are eligible for benefits under the program. Eligible aliens include:

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

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

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

d. a recipient of refugee and entrant assistance activities or a Cuban or Haitian entrant pursuant to federal law; or

e. a legal permanent resident alien who has worked 40 qualifying quarters of coverage as defined under Title II of the federal Social Security Act; except that, for any period after December 31, 1996, a

quarter during which an individual received means-tested, federally funded public benefits would not count toward the total number of quarters;

f. a qualified alien admitted to the United States on or after August 22, 1996, who has lived in the United States for at least five years and is eligible for means-tested, federally funded public benefits pursuant to federal law; and

g. a qualified alien or alien's child who has been battered or subjected to extreme cruelty by a spouse or family member, under certain circumstances.

Individuals who are not eligible to receive benefits under the program include:

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

(2) Supplemental Security Income recipients, except for purposes of receiving emergency assistance;

(3) illegal aliens;

(4) other aliens who are not eligible aliens;

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

(6) a person who is fleeing to avoid prosecution, custody or confinement after conviction for felony or a high misdemeanor; or is violating a condition of probation or parole imposed under federal or State law;

(7) a person convicted on or after August 22, 1996 under federal or State law of any crime or felony or crime, as appropriate, involving the possession, use, or distribution of a controlled substance, except that a person convicted of possession or use of a controlled substance may be eligible for benefits if the person has successfully completed a drug treatment program approved by the commissioner;

(8) a person found to have fraudulently misrepresented his residence in order to obtain means-tested, public benefits in two or more states or jurisdictions, who would be ineligible for benefits for a period of 10 years from the date of conviction in a federal or State court; or

(9) a person who intentionally makes a false or misleading statement or misrepresents, conceals or withholds facts for the purpose of receiving benefits, who would be ineligible for benefits for a period of six months for the first violation, 12 months for the second violation, and permanently for the third violation.

The bill specifies that a signing of an application for benefits under the Work First New Jersey program constitutes an assignment of child support rights on behalf of individual recipients, to the county agency administering the program.

The bill requires a parent, legal guardian or caretaker relative to

report the absence of a dependent child to the county administering agency by the end of the five-day period that the adult becomes aware that the child will be absent.

The bill further specifies that emergency assistance will be provided to recipients of Work First New Jersey and to persons receiving Supplemental Security Income in emergent situations for up to 12 cumulative months. The commissioner is authorized to provide for an extension of assistance in cases of extreme hardship, as determined by the commissioner. A person receiving emergency assistance would contribute from the person's income toward the payment of all emergency shelter arrangements. The bill provides applicants and recipients with an opportunity for a hearing in the event the person's claim for benefits is denied, reduced, suspended, terminated or not acted upon within a reasonable time.

The bill authorizes the commissioner to waive compliance with the requirements of the Work First New Jersey program for up to three years in the case of an experimental, pilot or demonstration project which the commissioner determines is likely to assist in promoting the objectives of the program or the Title IV-D child support enforcement program in the State.

Finally, the bill amends P.L.1994, c.147 concerning the centralized registry of single persons and couples without dependent children (General Assistance recipients) to conform its provisions with the Work First New Jersey program.

The committee amendments allow the commissioner to grant an extension of emergency assistance, as follows:

-- for up to six additional months to an assistance unit with dependent children, if the commissioner determines that a case of extreme hardship exists. The commissioner is required to review each such case on a monthly basis during the six-month period and would continue the emergency assistance only if the commissioner determines, based upon the monthly review, that the extreme hardship continues to exist. If the extreme hardship continues to exist at the end of the six-month period, the commissioner may provide an additional six months of emergency assistance to no more than 10% of those assistance units with dependent children which are receiving temporary rental assistance under the emergency assistance component of the program, based upon the most current data available; and

-- for up to six additional months to no more than 10% of single adults and couples without dependent children who are receiving temporary rental assistance under the emergency assistance component of the program, if the commissioner determines that a case of extreme hardship exists. The commissioner is required to review each such case on a monthly basis during the six-month period and would continue the emergency assistance only if the commissioner determines, based upon the monthly review, that the extreme hardship continues to exist.

The amendments also require the commissioner to establish

classifications for hotel or motel per diem rates based on the level of enhanced services provided.

In addition, the amendments provide an exception to the denial of benefits to a person convicted of a drug offense if the person has successfully completed a drug treatment program approved by the commissioner. Eligibility for benefits would commence upon completion of the drug treatment program, except that during the first 60 days after completion of the drug treatment program, the commissioner would provide for testing of the person to determine if the person is free of any controlled substance. If the person is determined to not be free of any controlled substance during the 60-day period, the person's eligibility for benefits would be terminated. The commissioner, in consultation with the Commissioner of Health and Senior Services, is required to adopt regulations which would include the criteria for determining completion of a drug treatment program.

The amendments also provide that single adults or couples without dependent children who are legal aliens who meet citizenship requirements and have applied for citizenship could not receive benefits for more than six months unless (1) they attain citizenship; or (2) they have passed the English language and civics components for citizenship, and are awaiting final determination of citizenship by the Immigration and Naturalization Service.

In addition, the amendments clarify that the commissioner could not waive compliance with the employment provisions of subsection h. of section 8 of Assembly Bill No. 12 of 1996, as amended by the committee, and that the commissioner could not implement a pilot or demonstration project that circumvents or obstructs a collective bargaining agreement.

Amendments also add to the definition of "eligible alien," a qualified alien or the alien's child who has been battered or subjected to extreme cruelty, subject to conditions specified in federal law (section 431 of Pub.L.104-193 as that law was amended by the "Illegal Immigration Reform and Immigrant Responsibility Act of 1996"). This amendment conforms the definition to Assembly Bill No. 12 of 1996 as amended by the committee.

Other committee amendments which are technical in nature, are intended to clarify certain provisions of the bill and to conform the provisions of the bill to the committee amendments to Assembly Bill No. 13 concerning municipal welfare agencies.