



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Family Development
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The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 13329-15 I.R.

AGENCY DKT. NO. GA483781 (CUMBERLAND COUNTY BD OF SOC SVCS.)

Petitioner appeals from Respondent Agency's denial of Work First New Jersey/General Assistance ("WFNJ/GA") benefits. The Agency denied Petitioner WFNJ/GA benefits contending that she has joint custody of her dependent child, thereby making her ineligible for WFNJ/GA benefits. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On October 7, 2015, the Honorable Bruce M. Gorman, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On October 20, 2015, the ALJ issued an Initial Decision, which reversed the Agency's action.

No Exceptions to the Initial Decision were received.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the ALJ's Initial Decision and the record, and I ADOPT the ALJ's Initial Decision and REVERSE the Agency's determination.

The purpose of the WFNJ Program is to assist needy individuals by providing them with transitional support that enables them to become self-sufficient and avoid the need for public assistance in the future. N.J.S.A. 44:10-56. GA is a component of WFNJ that provides assistance to adults without dependent children. N.J.A.C. 10:90-1.1(b).

In pertinent part, N.J.S.A. 44:10-44, defines a dependent child, as a child "who is living in New Jersey with the child's natural or adoptive parent or legal guardian, or with a relative designated by the commissioner in a place of residence maintained by the relative as the relative's home."

Here the record shows that Petitioner holds joint custody of her son with her ex-husband, with the concept of joint custody aptly defined by the ALJ. See Initial Decision at 2, 4-5. Pursuant to a mediated custody order, Petitioner's ex-husband is the parent of primary residence, with Petitioner having custody of the child every Saturday from 9 am to 1 pm, and every Thursday after school until 7 pm, as well as alternating holidays and special occasions. See R-1 at 13-15. I find that this custody order clearly establishes that Petitioner's child resides primarily with her ex-husband, and, therefore, the Agency improperly denied her WFNJ/GA benefits on the basis that she holds joint custody of her child.

Accordingly, the Initial Decision is ADOPTED and the Agency's action is REVERSED.

Signed Copy on File

at DFD, BARA

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Natasha Johnson
Director