



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 16610-15 M.O.

AGENCY DKT. NO. C269514 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of her application for Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency denied Petitioner's application because it contended that Petitioner did not verify proof of a blood relationship with her granddaughter. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On December 7, 2015, the Honorable Thomas R. Betancourt, Administrative Law Judge ("ALJ"), held a plenary hearing, took testimony, and admitted documents. On December 8, 2015, the ALJ issued his Initial Decision reversing the Agency determination.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have reviewed the record for this matter and the ALJ's Initial Decision and, having made an independent evaluation of the record, I hereby ADOPT the Initial Decision WITH CONTINGENCIES and REVERSE the Agency's determination.

A WFNJ/TANF assistance unit shall be comprised of individuals living together and functioning as one economic unit, and usually consists of a parent, or parents, with dependent children. See N.J.A.C. 10:90-2.7(a)(1). However, the WFNJ/TANF family may also include persons whose relationship is based on a blood and/or legal

relationship. Ibid. A legal relationship is one created through marriage, adoption, civil union, or legal guardianship proceedings. Ibid.

The record reflects that Petitioner has had sole legal custody of her minor grandchild since October 21, 2008, as a result of an Essex County Family Part Order entered by the Court on that date. See Initial Decision at 2; see also Exhibit P-2. At the hearing, the ALJ found that Petitioner's son is the father of Petitioner's granddaughter, N.P., and that at some point in the past, Petitioner received WFNJ/TANF benefits for herself, N.P., and for her son, who was a teenage parent at the time. See Initial Decision at 2. Although Petitioner did not produce a copy of her son's birth certificate, she did produce a copy of N.P.'s birth certificate, indicating that Petitioner's son is N.P.'s natural father. See Initial Decision at 2; see also Exhibit P-1.

In his Initial Decision, the ALJ concluded that "there is no question of the blood relationship between petitioner and her granddaughter." See Initial Decision at 2. Further, the court order confirms that Petitioner has sole custody of her granddaughter. See Initial Decision at 2; see also Exhibit P-2. Because Petitioner meets the definition of "parent" pursuant to the WFNJ regulations, she meets the eligibility requirements for WFNJ/TANF benefits. See N.J.A.C. 10:90-2.7(a)(3). Based on the foregoing, the ALJ concluded that the Agency's action in denying WFNJ/TANF benefits to Petitioner was improper and should be reversed.

I agree with, and hereby adopt, the Initial Decision, with the following contingencies. I find that the Agency's action shall be reversed, and that Petitioner shall be entitled to WFNJ/TANF benefits, contingent upon Petitioner providing the Agency with proof that she has applied, through the child support unit, for child support payments on behalf of her grandchild.

By way of comment, Petitioner may wish to explore Kinship Legal Guardianship, which is administered by the Department of Children and Families. Petitioner can contact 2-1-1 to obtain a referral to her local Kinship Agency and to learn more about Kinship Legal Guardianship, as well as other supportive services that may be available to her.

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

Signed Copy on File
at DFD, BARA

JAN 13 2016

Natasha Johnson
Director