



*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 6682-14 R.N.

AGENCY DKT. NO. C312307 (ESSEX COUNTY DIVISION OF WELFARE)

Petitioner appeals from the Respondent Agency's denial of Work First New Jersey/Temporary Assistance for Needy Families ("WFNJ/TANF") benefits. The Agency denied Petitioner's application for benefits because she is not a blood relative to the child of whom she has legal custody. Because the Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 18, 2014, the Honorable Laura Sanders, Acting Director and Chief Administrative Law Judge ("CALJ"), held a plenary hearing, took testimony and admitted documents into evidence.

On June 18, 2014, the CALJ issued her Initial Decision, reversing the Agency's denial of TANF benefits. Specifically, the CALJ concluded that through a court order, granting Petitioner legal and sole custody of the child, Petitioner had established the requisite legal relationship to qualify for benefits. See Initial Decision at 3.

No Exceptions to the Initial Decision were filed.

As the Director of the Division of Family Development, Department of Human Services, I have considered the CALJ's Initial Decision, and having made an independent evaluation of the record, I disagree with the CALJ's determination and hereby REJECT the Initial Decision, and AFFIRM the Agency's decision in this matter.

N.J.A.C. 10:90-2.7(a)(3), clearly denotes the legal relationships which are permissible to qualify for benefits as a parent or "parent-person." Moreover, N.J.A.C. 10:90-2.7(a)(3)(iv) specifically cites to, and quotes, Title 9 of the New Jersey Statutes Annotated, the definition of "guardianship." Within that same cited statute is a definition for "custody." See N.J.S.A. 9:3-38. Clearly, the plain language of our regulations do not reference "custody" of a child as an acceptable legal relationship to qualify for WFNJ/TANF benefits. Rather, a legal guardianship, or adoption is necessary for an individual who is not a blood relation of a child to qualify for benefits. The court order entered into evidence in this matter does not evidence a legal guardianship or an adoption, but solely legal and residential custody of the child. See Exhibit P-1. As such, I disagree with the CALJ's Conclusion of Law, as the requisite legal relationship is not present in this matter.

By way of comment, the 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 in this matter is REJECTED and the Agency's action is hereby AFFIRMED.

AUG 22 2014

*Signed Copy on File*  
at DFD, BARA

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Jeanette Page-Hawkins  
Director