

**STATE OF NEW JERSEY
DEPARTMENT OF CHILDREN AND FAMILIES**

DEPARTMENT POLICY: DCF.P5.45-2007

EFFECTIVE: August 31, 2007

SUBJECT: **Client Eligibility – Division of Youth and Family Services (DYFS)**

I. PURPOSE

The purpose of this policy is to outline specific client eligibility requirements for Division of Youth and Family Services (DYFS) funded social services. This policy supplements Department client eligibility requirements included in policy DCF. P5.01, Client Eligibility.

II. SCOPE

This policy applies to all contracted social services funded by the Division of Youth and Family Services.

III. POLICY AND PROCEDURES

A. Eligibility for social services may be determined according to one of three distinct sets of criteria and procedures outlined below:

1. Without Regard to Income

In determining eligibility, income is not considered for persons in any of the categories listed below.

a. Protective Services (PRS)

i. Eligibility Criteria

Persons classified as "in need of protective services" are eligible for services. This classification is determined by the following authorities:

- (1) A Local Office of DYFS (for children only)
- (2) A county welfare agency (CWA) (for adults only)
- (3) The Provider Agency (for adults – domestic violence only)

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ii. Application Procedures

In order for an applicant to be eligible without regard to income by reason of his/her classification as "in need of protective services," one of the above agencies is required to document, in writing, in the respective client case record, the circumstances which support the determination that the applicant is subject to or at risk of abuse, neglect, or exploitation.

In addition, the Provider Agency records must stipulate that the applicant is eligible for services without regard to income due to his/her being "in need of protective services."

If the determination of eligibility has been completed by a DYFS Local Office or CWA, DYFS Form 26-19 is completed to document eligibility. A copy of this form is forwarded to any other provider of service when the applicant requests a DYFS funded social service from that Provider Agency.

iii. Redetermination

If the client has been determined by DYFS or a CWA as eligible due to the "in need of protective services," it is their respective responsibility to complete the redetermination every 6 months. Anytime there is a change in eligibility, DYFS or the CWA will advise the Provider Agency by forwarding the determination form.

b. Juvenile-Family Court Services

i. Eligibility Criteria

Individuals determined by the Family Part-Superior Court (the Family Court) or its Crisis Intervention Unit as "in need of juvenile-family court services" are eligible to receive services. This determination is verified by the Provider Agency. Public Law 1982, Chapter 80, which establishes juvenile-family court services does not provide for income screening. These clients should be served without regard to income.

ii. Application Procedures

In order for an applicant to be eligible without regard to income by reason of their classification as "in need of juvenile-family court services," the Provider Agency is required to document, in writing, in

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the respective client case record, that the client is receiving juvenile-family court services.

iii. Redetermination

Once the juvenile-family is eligible to receive juvenile-family court services, the service continues until it is no longer needed.

2. Temporary Assistance to Needy Families (TANF) or Supplemental Security Income (SSI)

a. Eligibility Criteria

Persons receiving TANF (including those persons whose needs were taken into account in determining the needs of TANF recipients) or persons receiving SSI are eligible for services.

b. Application Procedures

If an applicant meets the TANF or SSI status condition, the Provider Agency's client record must include the applicant's TANF or SSI number and must indicate the applicable status as the condition for eligibility.

For day care or homemaker services, verification of the applicant's TANF or SSI status must be provided by the TANF or SSI program or by the applicant's submission of appropriate documentation.

Examples of items an applicant may use to document his/her status as an TANF or SSI recipient include:

- i. a current Medicaid card;
- ii. a recent SSI award letter;
- iii. a copy of a recent SSI check; or
- iv. a recent TANF check stub.

c. Redetermination

In general, the Provider Agency must redetermine eligibility of a client every 12 months. However, if the client's situation changes in any way

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which would affect his/her eligibility, redetermination must be completed within 30 Days of the change.

3. Gross Monthly/Annual Family Income

NOTE: Gross monthly/annual family income is used to establish eligibility for services only when the applicant does not meet the criteria of (1) Without Regard to Income PRS or "in need of juvenile-family court services" or (2) TANF or SSI.

a. Eligibility Criteria

Persons, whose gross monthly/annual family income does not exceed established limits, as indicated on the Income Schedule in Attachment 1, are eligible for services.

b. Application Procedures

The Provider Agency is responsible for determining eligibility for services based on gross monthly/annual family income.

i. Process for Determining Eligibility

Determine gross monthly/family income, according to the following steps:

- (1) Determine the family size, according to the guidelines included in Attachment 2, Family Size;
- (2) Determine gross income, according to guidelines regarding allowable resources and excludable resources in Attachment 3, Income Resources and Exclusions; and
- (3) Using the family size and gross income numbers already established, refer to Attachment 1, Income Schedule, to determine if the applicant is eligible for services.

ii. Verification of Eligibility

One of two methods will be used to verify an applicant's eligibility:

- (1) Declaration of Amount and Source of Income

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Declaration is the applicant's verbal statement that indicates income maintenance status (TANF or SSI) or amount of income for the applicant and/or family members. The amount and source of the income need not be documented. With the exception of day care and homemaker services, eligibility for services can be verified based on the applicant's declaration.

(2) Documentation of Amount and Source of Income for Day Care and Homemaker Services Only

Documentation is actual evidence verifying the applicant's eligibility. Such documentation may be

- (a) a copy of the source document,
- (b) written statement of the Provider Agency concerning the contents of the source document, or
- (c) the Provider Agency's written statement on the basis of verbal communication with agencies or employers verifying the applicant's and/or family members' income.

Examples of source documents of gross income include:

- (a) pay stubs, W-2, or 1040 forms;
- (b) business records;
- (c) pension statements;
- (d) correspondence from employers or
- (e) agencies (e.g., Social Security Administration, Veterans Administration, State employment agencies) that indicate the specific amount of the applicant's and/or family members' income..

If an applicant alleges that income is received as cash without a receipt, documentation requires contacting the employer for confirmation of the amount.

Documentation must be retained or written in the individual applicant's case file.

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c. Redetermination

The Provider Agency must redetermine eligibility of a client every 12 months. However, if the client's situation changes in any way which would affect his/her eligibility, redetermination must be completed within 30 calendar days of the change.

B. Fees

Client fees are only charged for Day Care services.

Client fee schedules for Day Care services are on file with the Provider Agency and the Division.

Commissioner

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INCOME SCHEDULE
(Represents 80% of 1983 N.J. Median Income)

<u>Family Size</u>	<u>Maximum Allowable Gross Income</u>	
	<u>Per Month</u>	<u>Per Year</u>
1	\$1,264	\$15,162
2	1,652	19,827
3	2,041	24,493
4	2,430	29,158
5	2,819	33,823
6	3,207	38,489
7	3,280	39,362
8	3,353	40,238
9	3,426	41,112
10	3,499	41,987
11	3,572	42,862
12	3,645	43,737

For each family member over 12, add \$73 to the maximum allowable gross income per month.

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FAMILY SIZE

Computation of family size, which depends on the definition of "family" below, is important because the income eligibility schedule varies according to family size.

A. Definition of Family

For eligibility purposes, a family is either a multi-person or a one-person family.

1. Multi-Person Families are:

- A married couple residing together.
- One or more children (other than emancipated minors) residing with one or both of their parents or another person related by blood or law.
- A child who resides with a person unrelated by blood or law and whose legal relationship with his/her biological parents has not been terminated by court order.

Such a child (e.g., foster child), for the purposes of eligibility, continues to be considered a member of the natural family (except for Indochinese, Cuban, or Haitian Unaccompanied Minors, who are considered one-person families). The Provider Agency should consult with the foster care placement agency for eligibility status.

2. One-Person Families are:

- An adult residing alone or with another adult(s) (other than a spouse).
- An adult residing with children unrelated by blood or law.
- A child who resides alone or with a person unrelated by blood or law and whose legal relationship with his/her biological parents has been terminated by court order.
- An Indochinese, Cuban, or Haitian Unaccompanied Minor.
- An emancipated minor, defined as a person under 18 years of age who is self-supporting or living independently or whose behavior and whose request for social services is not effectively under parental control.

Note on Emancipated Minors: An emancipated minor is never counted with his/her parents. If a child in the household is emancipated in the sense of being self-supporting, the child shall be considered an adult for eligibility purposes.

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This means that the child is considered a one-person family. While there may be other circumstances besides economic self-support that would properly characterize a person under 18 years of age living as emancipated (for example, a girl under 18 years of age living with the family and caring for her child), these additional circumstances are difficult to set forth in advance, and each circumstance, other than economic self-support, suggesting emancipation shall be dealt with on an ad hoc basis.

B. Rules for Computing Family Size

Note: Family size must be determined for the same period over which gross income is computed.

As a general rule, to compute family size for eligibility purposes, count each married parent and natural and/or adoptive child residing as a family in the same household.

- A child is a person (1) under 18 years of age, (2) between the ages of 18 and 21 who continues in a paid foster or residential care placement, who is regularly attending a school or training program below the college level, and/or has an emotional, cognitive, or physical disability or (3) any person age 18 who resides with his/her parent(s) and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.
- An emancipated minor, as previously defined, shall be considered as an adult.
- Married adults residing in the same household shall be counted as members of the same family (multi-person family).
- Unmarried adults residing in the same household shall each be considered as a one-person family, unless an adult resides also with his/her own child(ren) related by blood or law; then that adult is part of a multi-person family which includes his/her child(ren) and/or child(ren) related by blood or law.
- For a child (ren) residing with unmarried parents who live to-gether, the father is counted in family size with only that child (ren) for whom paternity has been legally established. If both unmarried parents are included in family size, only the income of the parent earning the greater gross income is used to determine financial eligibility.
- A stepparent living with a spouse and the spouse's child is considered part of a multi-person family when the stepparents is not legally responsible for the child.

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INCOME RESOURCES AND EXCLUSIONS

NOTE: In computing income, only the earned income of family members 14 years of age or older is considered. However, unearned income of family members of all ages is considered.

Allowable/Mandated Resources

Gross income means the sum of income received by an individual from the following sources that are identified by the U.S. Census Bureau in computing the median income.

A. Earned Income

- Wages or salary means total earnings received for work performed as an employee, including wages, salary, Armed Forces pay, commissions, tips, piece-rate payments, and cash bonuses earned before deductions are made for taxes, bonds, pensions, union dues, and similar purposes.
- Net income from non-farm self-employment means gross receipts minus expenses from one's own non-farm business, professional enterprise, or partnership. Gross receipts include the value of all goods sold and services rendered. Expenses include cost of goods purchased, rent, heat, light, power, depreciation charges, wages and salaries paid, business taxes (not personal income taxes), and similar costs. The value of salable merchandise consumed by the proprietors of retail stores is not included as part of net income.
- Net income from farm self-employment means gross receipts minus operating expenses from the operation of a farm by a person on his/her own account, as an owner, renter, or sharecropper. Gross receipts include the value of all products sold, government crop loans, money received from the rental of farm equipment to others, and incidental receipts from the sale of wood, sand, gravel, and similar items. Operating expenses include cost of feed, fertilizer, seed, and other farming supplies, cash wages paid to farmhands, depreciation charges, cash rent, interest on farm mortgages, farm building repairs, farm taxes (not State and federal income taxes), and similar expenses. The value of fuel, food, or other farm products used for family living is not included as part of net income.

B. Unearned Income

- Social Security includes Social Security pensions and survivor's benefits, and permanent disability insurance payments made by the Social Security Administration prior to deductions for medical insurance and railroad retirement insurance checks from the U.S. Government.

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- Dividends, interest (on savings or bonds), income from estates or trusts, net rental income or royalties include dividends from stockholdings or membership in associations, interest on savings or bonds, periodic receipts from estates or trust funds, net income from rental of a house, store, or other property to others, receipts from boarders or lodgers, and net royalties.
- Public assistance or welfare payments include public assistance payments such as AFDC, SSI, State supplemental payments to SSI recipients, and general assistance (i.e., municipal welfare).
- Pensions and annuities include pensions or retirement benefits paid to a retired person or his/her survivors by a former employer or by a union, either directly or through an insurance company, and periodic receipts from annuities or insurance.
- Unemployment Compensation means compensation received from government unemployment insurance agencies or private companies during periods of unemployment and any strike benefits received from union funds.
- Worker's compensation means compensation received periodically from private or public insurance companies for injuries incurred at work. The cost of this insurance must have been paid by the employer and not the worker.
- Alimony.
- Child Support
- Veteran's pensions means money paid periodically by the Veterans Administration to disabled members of the Armed Forces or to survivors of deceased veterans, subsistence allowance paid to veterans for education and on-the-job training, as well as so-called "refunds" paid to ex-service personnel as GI insurance premiums.

Exclusions

Excluded from computation of gross income are the following:

- Per capita payments of or funds held in trust for any individual in satisfaction of a judgment of the Indian Claims Commission of the Court of Claims.
- Payments made pursuant to the Alaska Native Claims Settlement Act to the extent such payments are exempt from taxation under Section 21(a) of the Act.

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- Money received from sale of property, such as stocks, bonds, a house, or a car (unless the person was engaged in the business of selling such property, in which case the net proceeds would be counted as income from non-farm self-employment).
- Withdrawals of bank deposits.
- Money borrowed.
- Tax refunds or rebates.
- Gifts.
- Lump sum payments, (e.g., inheritances, insurance payments, energy assistance, HUD settlements).
- Capital gains.
- The value of the coupon allotment under the Food Stamp Act of 1977, as amended.
- The value of supplemental food assistance under the Child Nutrition Act of 1966 and the special food service program for children under the National School Lunch Act, as amended.
- Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
- Earned income of a child less than 14 years of age (no inquiry shall be made).
- Loans and grants, such as scholarships, obtained and used under conditions that preclude their use for current living costs.
- Any grant or loan to any undergraduate student for educational purposes made or insured under any program administered by the Commissioner of Education under the Higher Education Act.
- Home produce utilized for household consumption.
- Payments to VISTA volunteers pursuant to Section 404(g) of the Domestic Assistance Act of 1973.